

Planning Committee

- Date and Time - **Thursday 21 July 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, G.C. Curtis, B.J. Drayson, S.J. Errington, A.E. Ganly, N. Gordon, 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.

Substitute Members: J. Barnes, T.J.C. Byrne and Mrs V. Cook.

AGENDA

1. **MINUTES**

To authorise the Chair to sign the minutes of the meeting of the Planning Committee held on the 23 June 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 Chair 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 **WITHDRAWN APPLICATIONS**

The Director – Place and Climate Change to advise Members of those planning applications on the agenda which have been withdrawn.

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.

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

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 - 4)

7. **RR/2021/1574/L - NEW HOUSE FARM, SHEEPSTREET LANE, ETCHINGHAM** (Pages 5 - 12)

8. **RR/2022/1246/P - MOUNT VIEW STREET, BEXHILL** (Pages 13 - 48)

9. **RR/2022/840/P - LAND AT BEECH FARM, HAWKHURST ROAD, SEDLESCOMBE** (Pages 49 - 68)

10. **RR/2022/219/P - GLEBELANDS, POTMANS LANE, CATSFIELD** (Pages 69 - 80)

11. **RR/2022/1219/P - PEPPERPOT BARN, CARRICKS HILL, DALLINGTON** (Pages 81 - 94)

12. **RR/2021/2804/P - VILLA FLAIR, UNION STREET, FLIMWELL, TICEHURST** (Pages 95 - 112)

13. **RR/2022/1113/P - 1 STABLEFIELDS – LAND AT COTTAGE LANE, WESTFIELD** (Pages 113 - 122)

14. **RR/2020/1613/P - KINGWOOD HILL - LAND ON EAST SIDE OF, BREDE** (Pages 123 - 142)

15. **RR/2022/830/P - CAR PARK, ST. MARYS LANE, BEXHILL** (Pages 143 - 150)

16. **RR/2022/1072/P - WEST BROW, TELHAM LANE, BATTLE** (Pages 151 - 156)

17. **RR/2022/1232/P - 3 VIRGINS CROFT, BATTLE** (Pages 157 - 166)

18. **APPEALS** (Pages 167 - 178)

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

Tuesday 30 August 2022 at 9:00am departing from the Town Hall, Bexhill.

Malcolm Johnston
Chief Executive

Agenda Despatch Date: 13 July 2022

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

Rother District Council

Report to	-	Planning Committee
Date	-	21 July 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	RR/2021/1574/L	ETCHINGHAM	New House Farm Sheepstreet Lane Etchingam TN19 7AY	5
8	RR/2022/1246/P	BEXHILL	Mount View Street Bexhill	13
9	RR/2022/840/P	SEDLSCOMBE	Land at Beech Farm Hawkhurst Road Sedlescombe TN33 0QS	49
10	RR/2022/219/P	CATSFIELD	Glebelands Potmans Lane Catsfield TN33 9BJ	69
11	RR/2022/1219/P	DALLINGTON	Pepperpot Barn Carricks Hill Dallington TN21 9JL	81
12	RR/2021/2804/P	TICEHURST	Villa Flair Union Street Flimwell Ticehurst TN5 7NT	95
13	RR/2022/1113/P	WESTFIELD	1 Stablefields – Land at Cottage Lane Westfield TN35 4QW	113
14	RR/2020/1613/P	BREDE	Kingwood Hill – Land on East side of, Brede	123
15	RR/2022/830/P	BEXHILL	Car Park St Marys Lane Bexhill TN39 5JE	143

Agenda Item	Reference	Parish	Site Address	Page No.
16	RR/2022/1072/P	BATTLE	West Brow Telham Lane Battle TN33 0SW	151
17	RR/2022/1232/P	BATTLE	3 Virgins Croft Battle TN33 0JJ	157

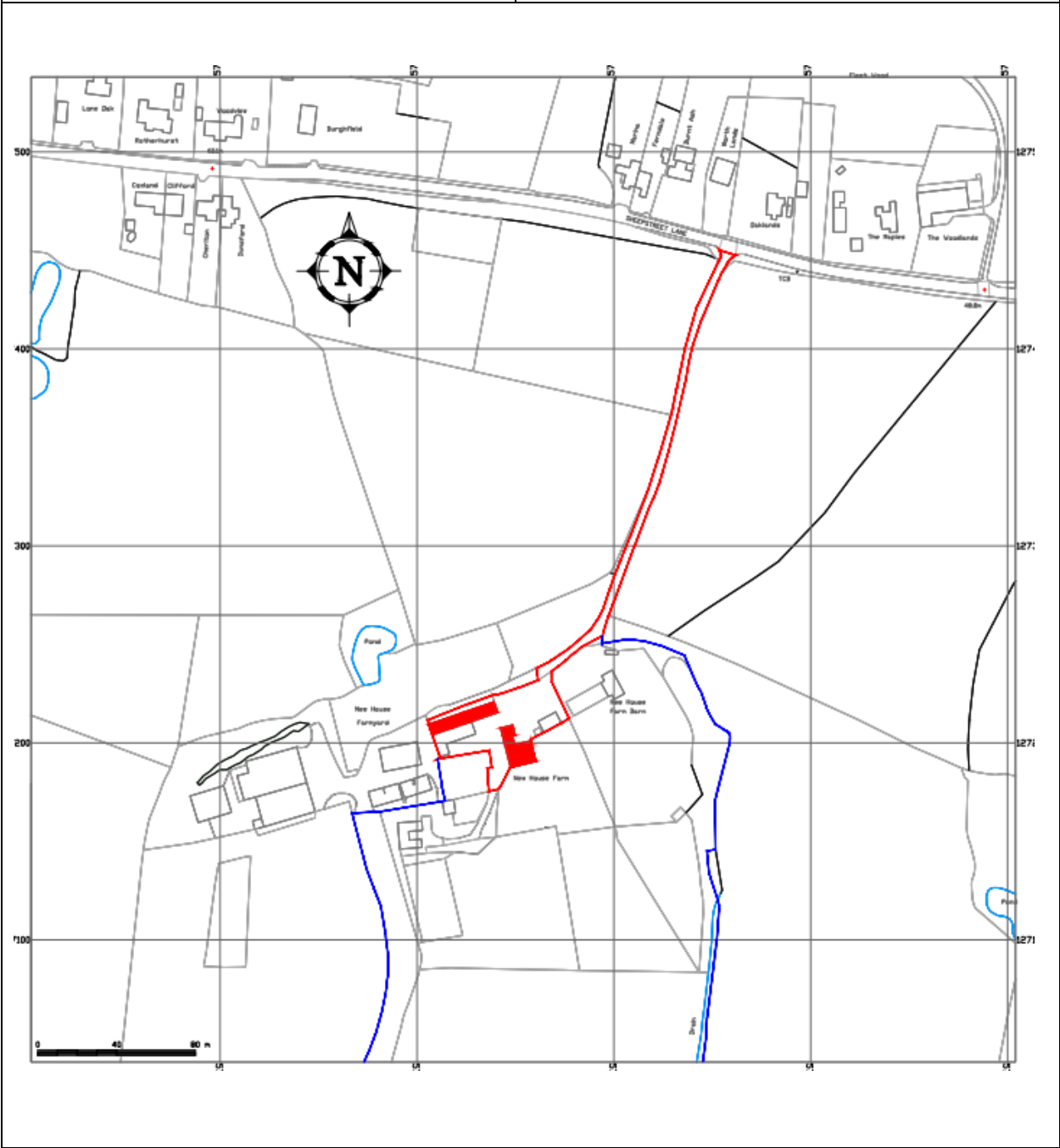
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SITE PLAN

ETCHINGHAM

RR/2021/1574/L

New House Farm
Sheepstreet Lane



Rother District Council

Report to - Planning Committee
Date - 21 July 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](#)

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

Director: Ben Hook

Applicant: Mr J. Carter
Agent: Speer Dade Planning Consultant
Case Officer: Mrs S. Shepherd
(Email: 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

Members visited the application site prior to the Planning Committee meeting on 23 June 2022.

1.0 UPDATE

1.1 This application was deferred from the June Planning Committee following lengthy considerations of the previous applications and time constraints on the Applicant, who had registered to speak. There are no changes to the report.

2.0 SUMMARY

- 2.1 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.
- 2.2 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.
- 2.3 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.
-

3.0 SITE

- 3.1 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).
- 3.2 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.
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4.0 PROPOSAL

- 4.1 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.

5.0 HISTORY

- 5.1 Recent history comprises the following:
- 5.2 RR/96/1548/L & 1547/P Demolition of existing outshot and erection of single storey extension. Approved conditional.
- 5.3 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.
- 5.4 RR/2000/1222/L Demolition of existing outbuilding. Consent granted.
- 5.5 RR/2015/1757/P Change of use and rebuild of disused agricultural barn to form a single dwelling house. Approved conditional. (now separate ownership).
- 5.6 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.
- 5.7 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).
- 5.8 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.
- 5.9 RR/2018/698/P Garden/tractor store. Approved conditional.
- 5.10 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.
-

6.0 POLICIES

- 6.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- EN2: Stewardship of the historic built environment.

- 6.2 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.
- 6.3 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.
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7.0 CONSULTATIONS

7.1 Planning Notice

- 7.1.1 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
- 7.1.2 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

7.2 Etchingham Parish Council – **OBJECTION**

- 7.2.1 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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8.0 APPRAISAL

- 8.1 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.
- 8.2 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.
- 8.3 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.

- 8.4 The manager's flat is located within the 1996 extension and as such the minor changes to some partitions here has no impact on the listed building.
- 8.5 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.
- 8.6 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.
- 8.7 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.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 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)

CONDITIONS:

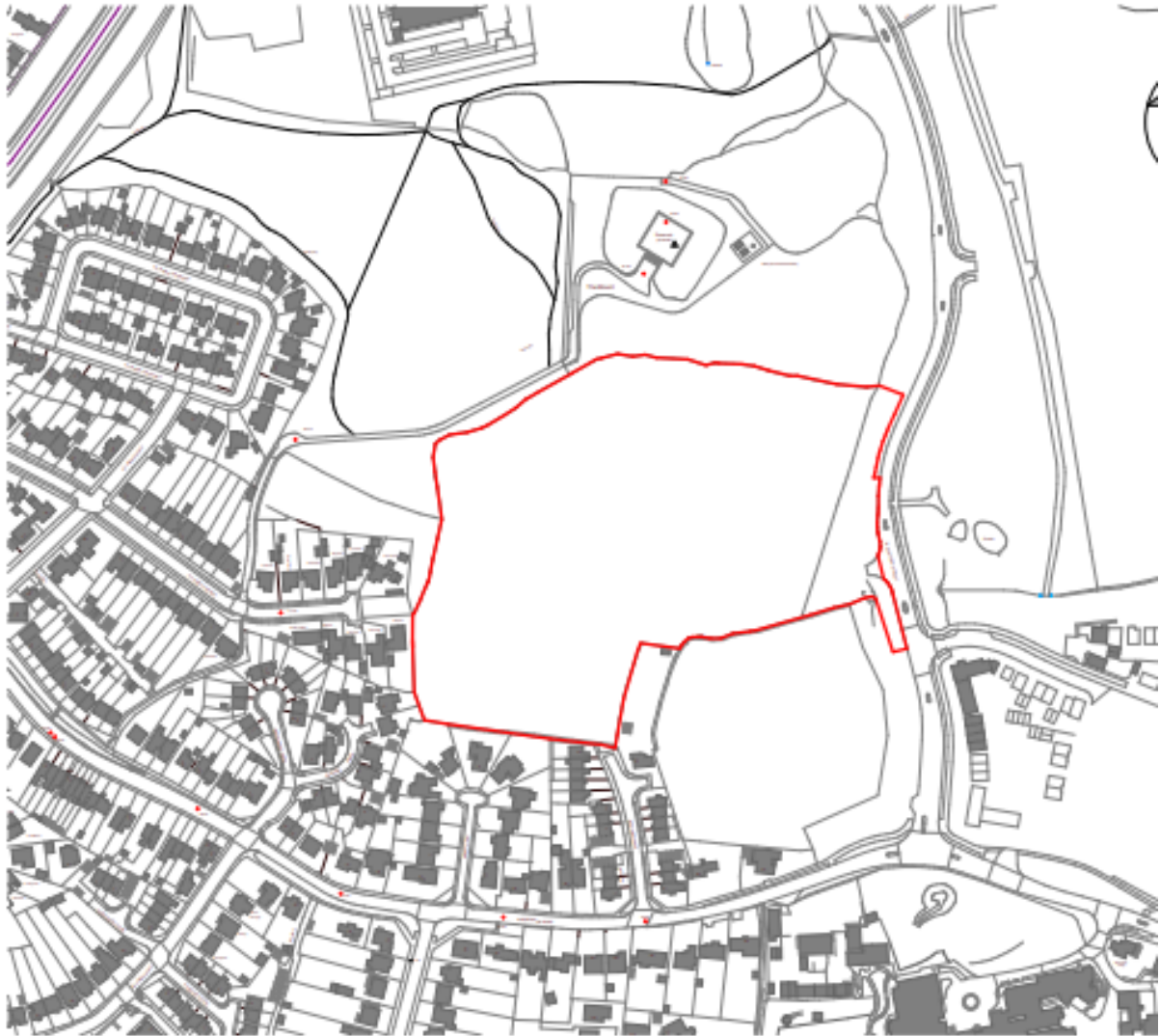
1. The works hereby permitted shall have been completed and retained in accordance with the following approved plans and details:
DGC-22062-02 Rev.A, dated 21.12.2021
DGC-22062-03 Rev.A, dated 21.12.2021
DGC-22062-05 Rev.B, dated 21.12.2021
DGC-22062-06, dated 27/05/2021
DGC-22062/CU/100 Rev.A, dated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

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SITE PLAN RR/2022/1246/P	BEXHILL MOUNT VIEW STREET
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Rother District Council

Report to: Planning Committee
Date: 21 July 2022
Report of the: Director - Place and Climate Change
Subject: Application RR/2022/1246/P
Address: Mount View Street,
BEXHILL
Proposal: Hybrid planning application seeking full permission for erection of an inpatient mental health facility, landscaping, car parking and associated works (Phase 1); and, outline planning permission for an additional inpatient mental health facility and support facilities with all matters reserved (Phase 2).

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (FULL PLANNING FOR PHASE ONE AND OUTLINE PLANNING FOR PHASE 2) DELEGATED SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT TO SECURE:**

- (i) To allow for the creation of a registered servitude from Mount View Street site bellmouth and service connection points to provide access road, underground services route, and stormwater management and discharge route to the culvert head, within the site to serve the development sites identified as Phase 2 and Phase 3 including unfettered use and access during construction and operation. Details of servitude and agreement to be submitted as a condition.
- (ii) To provide for the extant scheme obligations relating to the extant application (RR/2015/1760/P) and secured in the legal agreement dated 24 March 2016 ('**extant scheme**'). Wherever possible the extant conditions, as applicable in part or full to this application, have been absorbed within this application's Conditions. The onus however remains with the Applicant to ensure that the extant conditions are discharged as applicable in terms of their land purchase agreement (which is not part of this planning matter).
- (iii) By granting consent for this application, Condition 45 to the extant scheme relating to safeguarding employment ('*the employment land on the western land parcel ... shall not be used for any purposes other than those in use class B1*'), namely Phase 1 & 2, is revoked.
- (iv) To enable Highway Works: access, footway/cycleway and bus infrastructure; travel plan and audit fee. Sum of financial contribution to be agreed between parties.

Director: Ben Hook

Applicant: Sussex Partnership NHS Foundation Trust
Agent: WSP
Case Officers: Peter Dijkhuis and Clare Gibbons
Email: Peter.dijkhuis@rother.gov.uk
and Clare.gibbons@rother.gov.uk

Parish: BEXHILL - OLD TOWN/WORSHAM
Ward Members: Councillors P.J. Gray and C.A. Madeley

Reason for Committee consideration: Director - Place and Climate Change
referral: A major scheme where Rother District Council is the landowner.

Statutory 10-week date: 22 July 2022
Extension of time agreed to: n/a

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 Full planning permission is sought for part single, part two-storey mental health inpatients facility (Phase 1) and outline permission is sought for an extension to the mental health facility to consolidate other facilities across East Sussex (Phase 2).
- 1.2 One of the key issues raised by the proposal is the loss of employment floorspace and residential units. These uses are anticipated on the application site by adopted local planning policies and the extant scheme's permission that sets the framework for development in this location. Whilst the proposed development does not accord with these expectations set for this location, there would be significant social benefit in providing high-quality accommodation to provide specialistic mental health care set in extensive landscaped grounds.
- 1.3 Therefore, on balance, the proposal is considered acceptable subject to the recommended planning conditions and Section 106 obligations to safeguard the amenities of the area and that the requisite associated infrastructure is delivered.
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2.0 SITE

- 2.1 The site is situated on the urban fringe of Bexhill to the north of Pebsham within the development boundary and comprises 4.09ha of undulating agricultural land. The site falls within Flood Zone 1 (very low flood risk), does not fall within a designated landscape, or contain any known designated heritage assets.
- 2.2 The proposed site forms part of a wider strategic development site that has started with the recently constructed Mount View Street (A2691) and new housing beyond it to the east. To the south/south-west is Wrestwood Road with cul-de-sacs radiating from it of predominantly 1960/1970s bungalows and two storey residential dwellings. To the north is woodland and parkland

(the start of Combe Valley Countryside Park which is a designated Site of Important Nature Conservation) and 'Enterprise park' containing recently constructed commercial buildings.

- 2.3 The site comprises two parcels of land referred to as 'Phase 1' and 'Phase 2' which are the subject of a land purchase agreement between the Applicant, the Sussex Partnership NHS Foundation Trust, and the current landowners, Rother Estates. 'Phase 3' (site to the south) is owned by Rother Estates, which is part of Rother District Council.

3.0 PROPOSAL

- 3.1 This is a hybrid application that seeks full planning permission for Phase 1 (new mental health facility) and outline permission for Phase 2 (an inpatient mental health facility and support services). The main elements of each phase comprise the following:

3.2 Phase 1 (Full Planning Permission) – 'a part single-storey and part two storey mental health inpatients facility to the west of the site'

- 3.2.1 This proposal involves the provision of a new inpatient mental health facility. It would involve the provision of a part single, part two-storey building to include three 18-bed wards (totalling 54 beds). For the purposes of this determination, the height of the buildings are proposed as a) the single storey element would have mono-pitch roofs with a maximum 7.2m height to the ridge; and b) the two-storey element would be a maximum 10m height to the ridge.

- 3.2.2 The layout of the building would be formed by a series of 'x' shapes wards radiating from a central hub. The wards would comprise two Working Age Adult Wards, one Older Adult Ward and a neuromodulation suite (which is a form of nerve-targeting therapy). The wards would be supported by therapy facilities, visitor facilities, a café and shop, staff welfare, office and administration, and facilities management spaces.

- 3.2.3 Both pedestrian and vehicular access to the site would be via the existing bell mouth on Mount View Street. 149 car parking spaces are proposed for Phases 1 and 2 with 18 spaces for visitors and 5% of the total allocated for disabled space. 25 cycle parking space would be provided (18 for long-stay and seven for short-stay).

- 3.2.4 Government funding has been secured for Phase 1 on the basis of a build-out by March 2024.

3.3 Phase 2 (Outline Permission) – 'an extension to the mental health facility to consolidate other facilities across East Sussex to the north of the site'

- 3.3.1 This proposal involves further inpatient facilities within a two-storey building to include two 18-bed Working Age Adult Wards, two 18-bed Older Adult Ward, general support spaces, additional facilities management areas, urgent care and a 'S136' suite to provide a 'place for safety' for the most vulnerable inpatients. All matters are reserved.

- 3.4 The application is accompanied by the following documents: Design and Access Statement, Phasing Strategy Plan, Landscaping Design Report, Ecological Statement, Ecological Mitigation and Management Plan, Geo-Environmental Preliminary Risk Assessment, Energy Statement, Archaeological Report, Land Contamination Assessment, Noise Impact Assessment, Sustainable Drainage Strategy and Sustainable Urban Drainage Systems, Transport Assessment, Travel Plan, Arboricultural Impact Assessment, Ventilation and Extraction Report, Statement of Community Involvement and Pre-Application Engagement Statement, Refuse Disposal Strategy and Economic Assessment.
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4.0 HISTORY

- 4.1 The site forms part of a larger development site known as 'Worsham Farm – Land North of Wrestwood Road' that was granted outline permission (RR/2015/1760/P) ('**extant scheme**') for a residential-led mixed use urban extension including 1,050 dwellings (30% affordable), up to 7,000sqm business floorspace (Class B1), a two-form entry primary school and children's nursery, up to 2,100sqm of retail and commercial uses and associated infrastructure. All matters were reserved.
- 4.2 In November 2017 a 'Reserved Matters' application (RR/2016/3245/P) for Phase 1 was granted for 200 dwellings, internal roads and open spaces along with drainage infrastructure and the construction of 'Mount View Street'. This development and related infrastructure have commenced with Mount View Street (which is now adopted public highway) and some of the houses having been constructed with first occupation.
- 4.3 The current site forms part of Phase 2 of this 'live' permission comprising a mix of employment and residential uses (Former classes B1a, b, c/C3) with mixed residential/retail in the south east corner fronting Mount View Street. In total up to 7,000sqm of employment floorspace, approximately 35 residential units were indicated on the western parcel, and 27 residential units with a retail/convenience store (540sqm) in the eastern part of the site.
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5.0 POLICIES

- 5.1 The following policies of the [Rother District Local Plan](#) 2006 are relevant to the proposal:
- BX2: Land north of Pebsham
- 5.2 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1: Presumption in favour of sustainable development
 - OSS1: Overall Spatial Development Strategy
 - OSS2: Use of Development Boundaries
 - OSS3: Location of development
 - OSS4: General Development Considerations
 - BX1: Overall Strategy for Bexhill
 - BX3: Development Strategy
 - SRM1: Towards a low carbon future

- SRM2: Water Supply and Wastewater Management
- CO2: Provision and Improvement of Healthcare Facilities
- EC1: Fostering Economic Activity and Growth
- EC2: Business Land and Premises
- EC3: Existing Employment Sites
- EC5: Support for Key Sectors
- EN1: Landscape Stewardship
- EN3: Design Quality
- EN5: Biodiversity and Green Space
- TR3: Access and New Development
- TR4: Car Parking

5.3 The following policies of the [Development and Site Allocations Local Plan \(2019\)](#) are relevant to the proposal:

- DRM1: Water Efficiency
- DRM3: Energy requirements
- DOC1: Retention of Sites of Social or Economic Value
- DEC3: Existing Employment Sites and Premises
- DEN1: Maintaining Landscape Character
- Den4: Biodiversity and Green Space
- DEN5: Sustainable Drainage
- DEN7: Environmental Pollution
- DIM1: Comprehensive Development
- DIM2: Development Boundaries

5.4 The National Planning Policy Framework, Planning Practice Guidance, 'North East Bexhill Masterplan' (SPD, 2009) are also material considerations.

6.0 CONSULTATION

6.1 National Highways: **NO OBJECTION** subject to conditions that will ensure the proposal would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site.

6.2 Environment Agency: Have commented that this application does not fall within their remit.

6.3 Natural England: No comments received.

6.4 Bexhill-on-Sea Parish Council: No comments received.

6.5 ESCC Highways: **NO OBJECTION** subject to conditions that will ensure a) the Applicant undertakes a Road Safety Audit 1 (including signage) for the access and pedestrian/cycle facilities; b) confirmation that the application can deliver a northbound bus stop, including footpath, on Mount View Street south of the site; c) revision of access detail where the footpath link is provided to the crossing point and new bus stop to the south of the site; d) cycle store details; and e) Travel Plan (live for 5-years).

6.6 ESCC Footpath Officer: No comments received.

- 6.7 County Landscape Architect: **NO OBJECTION** subject to conditions.
- 6.8 County Ecologist: No comments received.
- 6.9 ESCC Archaeologist: **NO OBJECTION** subject to conditions.
- 6.10 Tree Officer: No comments received.
- 6.11 Sussex Wildlife Trust: No comments received.
- 6.12 Sussex Newt Officer: **NO OBJECTION** subject to a compliance condition.
- 6.13 Pevensey and Cuckmere Water Level Management Board and the Local Lead Flood Authority: **NO OBJECTION** subject to conditions and comment that they would be expected to be reconsulted on the reserved matters and highlight the need to comply with the Board's Byelaws.
- 6.14 Romney Marshes Area Internal Drainage Board: No comments received.
- 6.15 Southern Water: **NO OBJECTION** subject to a condition requiring details of foul sewerage and surface water disposal to be submitted and commented that additional sewerage infrastructure will be required.
- 6.16 South East Water Ltd: No comments received.
- 6.17 SGN (Gas Pipelines): No comments received.
- 6.18 RDC Environmental Health: **NO OBJECTION** subject to conditions.
- 6.19 RDC Waste & Recycling: No comments received.
- 6.20 RDC Head of Housing Services: No comments received.
- 6.21 RDC Estates Officer: No comments received.
- 6.22 Sussex Police: **NO OBJECTION** and have made comments on the detailed design and landscaping, including the provision of CCTV and lighting.
- 6.23 East Sussex Fire & Rescue Service: Have provided comments about the detailed design and recommended that an internal fire sprinkler system is provided.
- 6.24 Planning Notice
- 6.24.1 Five representations of objection have been received. The concerns raised are summarised as follows:
- i. Increase pressure on the roads.
 - ii. There is no need for the proposed use, whilst additional housing in the area has created a need for schooling and GP surgery.
 - iii. Existing vacant buildings should be used.
 - iv. The proposed use is not compatible with the existing residential use of the area.
 - v. Development of 'greenbelt' land in an area that has had development.
 - vi. 'Destruction' of wildlife habitat.

- vii. No details on the proposed occupants and concerns about security.
 - viii. Loss of property value.
 - ix. The potential service/emergency access through the end of Bodiam Avenue, which is quite narrow and a heavily parking residential road.
- 6.24.2 Three representations of general comment have been received. The comments are summarised as follows:
- i. Would like a replacement close boarded fence and that the woodland planting buffer has trees as tall as possible.
 - ii. Did not receive formal notification of the application.
- 6.24.3 Two representations of support have been received. The comments are summarised as follows:
- i. Pleased with the steps to maintain existing wildlife/trees and landscape in the areas surrounding and bordering the site.
 - ii. Appreciate the dialogue with the team keeping them up to date and addressing concerns at the Pelham open events.
 - iii. Concerned about extra access from St. James Avenue which is very narrow.
- 6.25 Bexhill Town Council – **NO COMMENT**
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7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The application is for a type of development that is not Community Infrastructure Levy liable.
- 7.2 The application is not one that would provide New Homes Bonus (subject to review by the Government)
- 7.3 Other Local Finance Considerations: Land purchase agreement between the Applicant, the Sussex Partnership NHS Foundation Trust, and the current landowners, Rother Estates (which is part of Rother District Council). Phase 3, the remainder of the NE Bexhill Masterplan Phase 2 site, is owned by Rother Estates.
- 7.4 The application would be subject to a financial contribution towards the extant scheme's Travel Plan and Employment and Skills Plan.
- 7.5 The application would be subject to a S278 financial contribution towards the extant scheme's 'Proposed shared pedestrian/ cycleway' to the western edge of Mount View Street as illustrated in the NE Bexhill Masterplan Parameter Plan 3 – Movement; and, proposed bus stop adjacent to the site.
- 7.6 The application would carry the full financial cost of constructing the access road off the existing Mount View Street bellmouth to create an internal access road to serve the development (Phase 1 and 2), and make provision for a junction point off the access road to address Phase 3, including unfettered use of the access road by the occupiers/users of the all three phases.
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8.0 APPRAISAL

8.1 The key issues for consideration are as follows:

- i. Principle of Development - proposed use and consistency with previous planning permissions RR/2015/1760/P (including the Parameters Plans, Design and Access Statement, and Masterplan) and the NE Bexhill SPD;
- ii. Design and layout;
- iii. Impact on residential amenity;
- iv. Environmental matters; and,
- v. Access, Transportation and Highways Safety.

8.2 Principle of Development

Compliance with the strategic allocation

- 8.2.1 Although submitted as a stand-alone planning application, the site forms part of the extant scheme and a strategic site allocation for a mix of housing, business and related uses. Policy BX2 of the Rother District Local Plan (2006) identifies that the proposed employment uses in this location should be *'high specification, prestige buildings in prominent and 'landmark' locations, contained within a generous landscape framework'*. The extant scheme (RR/2015/1760/P) anticipated that the application site (Phase 1 & 2) and the parcel of land to the south (Phase 3) would provide employment floorspace amounting to 7,000sqm, along with residential units (35 identified in the western part of the site and 27 in the eastern part of the site) and retail/convenience shopping at ground floor level along the recently constructed Mount View Street. The provision of employment floorspace reflected and continues to reflect planning policies that seek to achieve uses in 'north-east Bexhill' that provide employment opportunities.
- 8.2.2 In 2009, the Council adopted a Supplementary Planning Document (SPD) known as the 'North East Bexhill Masterplan' that provides further guidance on the form and layout of development, including the proposed application site. It earmarks the application site as an area for commercial development (paragraph 5.40 of the SPD sets out the key principles for the employment floorspace); development should accord with the sustainability objectives for the area; and, the form and appearance of new development should be of a high quality, with only the highest standards allowed at the northern 'gateway' to the town.
- 8.2.3 The focus on providing employment uses in this location is continued in the Rother Local Plan Core Strategy (2014) with Policy BX3 (Development Strategy) expecting overall at least 60,000sqm of new business floorspace to be focused on new strategic employment areas in Bexhill. Policy BX3 (viii) defines the employment uses as *'either offices, research and development or light manufacturing, falling within Class B1 of the Use Classes Order'*. The proposed use would not be classed as an employment use as it falls within Class C2 (Residential Institution) of the Town and Country Planning Use Classes Order 2015 (as amended) rather than Class E (Commercial, Business and Service). Therefore, there would be a loss of 7,000sqm of employment floorspace. Policy DEC3 (Existing Employment Sites and Premises) of the DaSA seeks to ensure the effective use of employment sites and only if this is not viable then priority would be given to community uses.

8.2.4 The Planning Statement accompanying the application sets out that the loss of employment floorspace in this location would be mitigated by a potential oversupply of office floorspace elsewhere in the District if all the current permissions were to be built out. The most recent Employment Land Supply Position Statement (ELSPS) (April 2021) published by the District Council (November 2021) is cited and the table below has been produced to evidence this position. It has been highlighted that there would be economic benefits from the proposal, which are considered in the sections below.

Table 7-1 - Performance against Core Strategy employment floorspace targets (01/04/2021) - Employment Land Supply Position Statement (November 2021) (sqm)

	Bexhill	Battle	Rye and Rye Harbour	Rural areas	Hastings Fringe	Total
Target	60,000	10,000	10,000	10,000	3,000	100,000
Completed	-755	-154	13,876	10,356	0	23,323
In progress	7,141	1,082	2,189	1,418	0	11,830
Permitted	43,308	-120	16,554	7,586	781	68,109
Identified	14,932	0	0	0	0	14,932
Allocated	0	5,700	0	0	1,800	7,500
Total	64,626	6,508	32,619	19,360	2,581	125,694
Difference	+4,626	-3,492	+22,619	+9,360	-419	+25,694

Loss of consented residential units

8.2.5 The proposal would result in the loss of 13 residential units that were anticipated by the delivery of the extant scheme. Whilst there are no specific policies safeguarding the loss of these residential units, their loss is a material consideration, particularly bearing in mind the Council's housing land supply position. The Planning Statement that accompanies the application considers that this loss is offset by the provision of 20 extra houses under the reserved Matters Applications (RR/2016/3245/P) than were anticipated by the extant scheme (RR/2015/1760/P), which is acknowledged. It is also considered that extra residential units could be accommodated elsewhere in the NE Bexhill masterplan area.

Need for and benefits of proposed development

8.2.6 The Planning Statement accompanying the application justifies the loss of employment floorspace on the basis that the proposed development would meet an identified healthcare need and result in significant economic and social benefits, including a net increase in jobs and related economic benefits when compared with the extant scheme.

8.2.7 The proposal is for a new mental health facility, which would incorporate the re-location of the existing facility at the Department of Psychiatry in Eastbourne General Hospital. The Planning Statement that accompanies the application states that:

'Across the country as a whole, there is a pressing need to ensure that people received high-quality care, close to home, in the most appropriate place for their mental health needs. The provision of high-quality care has

been recognised in national standards which states that facilities, in which people need to be admitted for hospital care, need to be modern, high-quality facilities, in which people need to be admitted for hospital care, need to be modern, high-quality facilities that provide single sex accommodation. In addition, there is a national deadline for eradicating dormitory accommodation in mental health inpatient services which all NHS services need to meet.

Over the last few years, the NHS in Sussex have taken a co-ordinated approach to investing in mental health services to transform the way people receive treatment, both in hospitals and in the community. The COVID-19 pandemic has made this work even more important because it is likely to generate increasing demand for mental health services over the coming years.

In East Sussex, there is a need to urgently address the quality of inpatient beds in East Sussex, there are currently 71 inpatient beds located in out-dated dormitory accommodation. Therefore, improvements are required in how care is provided for people in East Sussex needing to stay in hospital to support their mental health care needs. Such improvements will ensure that the highest standards of patient care can be met now and, in the future’.

...The Eastbourne facility is modelled around dormitory accommodation, which is no longer in line with the national requirements for patient care. Relocation would provide the opportunity to create a new facility with new 18-bed wards for adults and older people, providing a modern and improved therapeutic environment for patients’.

- 8.2.8 The Applicant undertook a site selection process that involved the identification of 17 potential sites across East Sussex, further analysis reduced this to four shortlisted options and then the application site was identified as the preferred site.
- 8.2.9 The social objective in the National Planning Policy Framework is to achieve ‘*strong, vibrant and healthy communities*’ with paragraph 93 setting out that to provide social facilities and services the community needs ‘*planning policies and decisions should...b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community*’. The provision of healthcare uses is supported by adopted local planning policies. Policy BX1 (Overall Strategy for Bexhill) of the Rother Local Plan Core Strategy seeks to develop local amenities, including support for community facilities. Policy CO1 (Community Facilities and Services) of the Rother Local Plan Core Strategy set outs the new community facilities should be permitted in appropriate location where they meet identified community needs. The provision of high-quality facilities to improve mental well-being would bring significant social benefit for patients.

Economic Assessment

- 8.2.10 An Economic Assessment accompanies the application and sets out the economic benefits that could be expected to be generated by the proposed development. This would include 157 net additional temporary construction jobs at the local level with an additional 49 jobs at the regional level, 559 direct FTE workers on site (42 net additional FTE jobs for residents and

overall 83 within the wider South East region) and benefits in terms of the supply chain. Initially, many of the jobs would be transferred from the existing facility at Eastbourne but over time the Applicant considers that the employment profile is likely to change with more people employed locally. The proposal would provide a range of job types from administration, management and facilities to non-qualified clinical jobs, qualified clinical jobs and highly-skilled medical jobs.

- 8.2.11 Phase 1 of the development would comprise medical training and education facilities in the form of a simulation room and a de-briefing room to help train existing and new staff, some of which could be drawn from the local and District community.
- 8.2.12 The proposed development will generate a significant employment impact, generating up to £4m per annum in additional GVA; £466,877 in additional expenditure for local business; and, up to £0.6m per annum in income tax and National Insurance contributions.

Nature of the proposed use

- 8.2.13 Representations received in response to the application have expressed concern that: the proposed use is not compatible with the existing residential area; no details have been provided on the proposed occupants and there are concerns about security. The proposed use is considered to fall within Class C2 (Residential Institution) of the Town and Country Planning Use Classes Order that is described as '*Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwelling houses). Use as a hospital or nursing home. Use as a residential school, college or training centre*'. As such by its nature, the proposed use would be compatible with a residential area. The Planning Statement accompanying the application confirms that there would be no Accident & Emergency Department, which could potentially cause significant noise and disturbance. In response to the concerns about security, the Applicant has commented that '*The site will be secure, in the sense that it will be controlled and managed at all times and patients will be accompanied when in the wider grounds of the hospital. Whilst initial concerns are acknowledged, the reality of this level of mental health hospital is that it will be a very safe and tranquil environment for in-patients and local residents*'.
- 8.2.14 Sussex Police have been consulted on the application and commented that '*safeguarding of the patients will be paramount and security will be an important part of the design and layout*' and have listed specific documents that the department of health has produced to ensure a safe and secure environment for the patients, staff and visitors to the facility. The Applicants have confirmed that the scheme has been designed in accordance with the following documents: Department of Health documents mental Health Implementation Guide – Adult Acute Patients Care Provision, Mental Health Policy Implementation Guide – National Minimum Standards for General Adult Services in Psychiatric Intensive Care Units (PICU), and Low Secure Environments and Best Practice Guidance Specification for adult medium-secure Health Offender Partnerships 2007. Sussex Police have made suggestions in terms of the lighting, CCTV and landscaping. The Applicant has confirmed that CCTV will be installed before internally and externally focusing on the hospital site only and not the wider environment. The

drawings indicate five-metre high fencing which the Applicant has indicated would maintain patient safety. Conditions are recommended to require the submission of full details of the fencing, CCTV and lighting.

Relationship with the resultant remaining land in 'Phase 2'

- 8.2.15 The application site for the Phase 1 and Phase 2 of the hospital development occupies two thirds of the site identified as 'Phase 2' of the extant scheme. This would leave an area of land in the southern part of the site undeveloped (Phase 3), which would need to be subject to another stand-alone application. This situation is not in line with Policy DIM1 (Comprehensive Development) of the DaSA that requires comprehensive proposals for the development of sites. However, the policy does recognise that in exceptional circumstances, proposals for part of the site may be permitted but only where it demonstrably has regard to and facilities an integrated scheme for development of the entire site.
- 8.2.16 The Planning Statement seeks to justify the approach by setting out that the application site (Phase 1 & 2) uses the access point approved under the extant scheme and that the remaining site sits independent of the wider western site and therefore can be developed in isolation while attaining access off the same junction. It is key consideration that the development of the remaining site (Phase 3) is not prejudiced by the current application.
- 8.2.17 Any development of the remaining land would be to the south of the proposed internal access road serving the hospital development. The submitted drawings only indicate the access into the remaining development site by means of an arrow. Whilst a clear indication of a proposed access would have been useful, at this stage, it is considered that full details of a possible access are not necessary. However, it is recommended that planning obligations are sought to ensure that the consent is not unreasonably held for the creation of an access from the internal access road into the remaining development site and to allow future occupiers/users of that access during construction and operation having unfettered access along the proposed internal access road serving the hospital development.
- 8.2.18 The application is inconsistent with the framework set by the extant scheme, adopted planning policies, and SDP for the site. However, other material considerations, including the significant social-economic benefits weigh in favour in terms of planning balance.

8.3 Design and Layout

- 8.3.1 Policy EN1 (v) (Landscape Stewardship) of the Rother Local Plan Core Strategy expects protection and wherever possible enhancement of the open landscape between clearly defined settlements, including settlement edges and their rural fringes. We would encourage the landscape strategy to introduce a hierarchy of planting including native bulbs, groundcovers and shrubs to create a quicker reinstated landscape with greater biodiversity and structural interest. Policy DEN1 (Maintaining Landscape Character) of the DaSA requires the siting layout and design development to maintain and reinforce the natural and built landscape.

- 8.3.2 Policy EN3 (Design Quality) of the Rother Local Plan Core Strategy requires new development to be of high design quality. This is echoed in Chapter 12 of the National Planning Policy Framework and in particular paragraph 126 expects *'high quality, beautiful and sustainable buildings and places'*. Paragraph 130 sets out the criteria that developments should meet including that they are *'visually attractive as a result of good architecture, layout and appropriate and effective landscaping'* and paragraph 131 suggests that existing trees are retained wherever possible and decisions should ensure that new streets are tree lined.
- 8.3.3 The 'NE Bexhill Masterplan' provides further guidance on the form and layout of development, including the application site. One of the key principles identified for development in this location is that it should be *'an exemplar of sustainable design, construction and energy generation'* (paragraph 5.20). Paragraph 5.40 of the SPD sets out the key principles, including that the *'form and appearance of new development should be of a high quality'*. Paragraph 5.96 expands upon the key design principles for the development, in particular to create an identifiable sense of place, integrate with its wider environment and develop a contemporary sustainable and safe place.
- 8.3.4 The design of the new mental health hospital buildings has been steered by the Trust's requirements to provide modern, fit-for-purpose health facilities, designed to promote the well-being of patients whilst having good levels of security and meeting clinical needs. Phase 1 will comprise the central entrance and arrival court; three single storey wards with courtyard gardens; building services, service yard, and M&E enclosure; second storey over arrival building for office and administration; and, set within a landscape frame and buffer planting to surrounding residential properties. Phase two (indicative reserved matters) is shown as being predominantly two-storey partially cut in to the sloping site with the building design and façade approach the same as Phase 1. The visualisation below demonstrates the design approach. The submitted plans indicate that the drawings will comprise buff/light coloured brick, render, rainscreen cladding system (timber), aluminium standing seam roof, louvres and aluminium windows and curtain walling. This contemporary materiality is considered to be appropriate for this location and a condition is recommended requiring full details to be submitted for approval.

Fig: Taken from page 53 of the Design and Access Statement



- 8.3.5 The Design and Access Statement that accompanies this application sets out how the design has evolved into 'x' wing shape of the wards (creating internal surveillance from central reception areas) and that it offers advantages, including that all bedroom corridors are single-sided and so are light and that two garden space can be created (a general ward garden and a dedicated therapy garden for the ward).
- 8.3.6 ESCC Landscape Officer has commented that *'The proposal for a high quality well landscaped development on this site is welcomed and as a landmark building would be preferable to a housing or business development. The proposed layout makes good use of the site topography and existing tree cover around the site. The Phase 2 building would be cut into the slope this reducing the height and allowing direct access to the grounds from the upper floor, which would be important for future residents'*. It is considered that the proposal to retain trees around the boundaries of the site and a 15m-wide landscape buffer zone to parts of the site are noted as important elements of the proposal.
- 8.3.7 The courtyards between the ward wings act as a safe/ sanctuary space to the residents and have the opportunity to contribute to resident's well-being. These should be read as tranquil, calming spaces with an underlying design order, structure and hierarchy. We would suggest that the design requires clarity as currently they are highly fragmented and complex. These will be highly used spaces and need to have a design resilience.
- i. We would further encourage the Applicant to explore greenwalls, pergolas and shading elements to soften and enclose the space (safe space).
 - ii. Applicant to evidence sunlight penetration into the courtyards to ensure that the building does not restrict sunlight entering the courtyards.
- 8.3.8 East Sussex Fire and Rescue have suggested that a sprinkler system is provided. This is not a planning requirement but a note to that effect is recommended.

8.4 **Impact on residential amenity**

- 8.4.1 Policy OSS4 (ii) (General Development Considerations) of the Rother Local Plan Core Strategy requires development not to unreasonably harm the amenities of adjoining properties. Policy DEN7 (Environmental Pollution) of the DaSA states that development will only be permitted where it is demonstrated that there will be no significant adverse impacts on health, local amenities, biodiversity or environmental character as a result of lighting, noise, odour, land contamination, hazardous and non-hazardous substances and/or airborne particulates.
- 8.4.2 The closest existing residential properties to that part of the site where the new mental health hospital buildings would be located are those to the south west. These comprise a mix of bungalows and two-storey buildings. There are newly constructed residential flats and houses on the opposite side of Mount View Street that form Phase 1 of the extant scheme.
- 8.4.3 The provision of new hospital buildings would result in a large number of people visiting and working at the site along with plant and servicing area close to the properties in Bodiam Avenue. There would be a vehicular 'track'

running around close to the southern and western parameter of the site, but the intended use is for fire vehicles only. The proposal would result in more noise and activity on the site than the existing agricultural use, however, it should be borne in mind that the intention was for the site to contain employment/residential uses. A Noise Impact Assessment accompanies this application that considers the impact of existing road traffic noise on occupiers of the proposed development and future noise impacts on existing residential properties near the proposed development. Environmental Health is satisfied with the noise survey but has sought clarification on the plant noise limits on updated data. Until this information is received and assessed, a safeguarding condition is recommended. As the site is currently unlit and there is the potential for lighting to cause disturbance to residents, a condition is recommended to require full details to be submitted for approval. Other conditions are recommended to restrict the hours that servicing/deliveries can take place and restricting the use of the 'fire track' to that purpose to safeguard the amenity of neighbouring residential occupiers.

8.4.4 By its nature the construction works could cause short term noise and disturbance to surrounding residents. To minimise noise and disturbance, a Construction Management Plan and restriction on the hours of construction would be secured by requisite planning conditions.

8.4.5 Given the scale of the proposed building and its set back from the boundary along with the topography of the site, it is considered that the Phase 1 of the hospital development would not result in a significant loss of light or overbearing impact on the occupiers of nearest residential properties to the south-west of the site. Phase 2 is considered to be a sufficient distance away from existing residential properties to raise no significant amenity issues.

8.5 **Environmental Matters**

Land contamination

8.5.1 Policy OSS3 (viii) of the Rother Local Plan Core Strategy sets out that in assessing the suitability of a particular location for development consideration will be given to any constraints including contamination. Policy DEN7 of the DaSA states that development will only be permitted where it is demonstrated that there will be no significant adverse impacts as a result of land contamination and hazardous and non-hazardous substances.

8.5.2 There are no potentially contaminated sites within 250m of the proposed development; the nearest being a 'historic landfill site' at Glovers Farm some 500m to the north west. The application is accompanied by a Ground Investigation Report and Environmental Health have recommended a condition in line with the conclusions of this report requiring further site investigations and additional gas monitoring.

Air Quality

8.5.3 Environmental Health considers that an air quality assessment should be undertaken and has recommended a condition to that effect.

Biodiversity and Ecology

- 8.5.4 Policy EN5 (Biodiversity and Green Space) of the Rother Local Plan Core Strategy requires developers to integrate biodiversity in development schemes. Policy DEN4 of the DaSA requires all development to retain and enhance biodiversity. Paragraph 5.96 of the NE Bexhill SPD sets out one of the key design principles being to 'develop a contemporary sustainable and safe place' by providing for protected species and '*seize opportunities to enhance existing habitats, notably ecologically rich woods, hedgerows and ponds*'.
- 8.5.5 The application site does not fall within a designated site for Nature Conservation but does fall within the Combe Haven SSSI impact zone. The application is accompanied by a Preliminary Ecological Assessment and Ecological Mitigation and Management Plan. The potential need for the Applicant to undertake a Habitats Screening to address Natural England's requirements can be addressed as a condition.
- 8.5.6 The Preliminary Ecological Assessment (PEA) seeks to repair, restore and enhance retained hedgerows, establish new waterbodies, encourage the panting of native shrubs and installation of bird boxers and bat boxes. These measures will be expected as part of the landscaping scheme that is secured by a recommended condition. The PEA also recommends that a sensitive lighting regime should be implemented, and a condition is recommended to secure further details of the lighting.
- 8.5.7 The submitted Phase 1 habitat Survey and protected species assessment highlighted the potential presence of protected species. The PEA recommends that further survey work is undertaken in respect of bats, amphibians, badgers, hazel dormouse and reptiles. Should these further surveys reveal the presence of protected species on site, a licence is likely to be required from Natural England and a condition is recommended to require evidence of it before works commence on site. In any event, the Ecological Mitigation and Management Plan identifies that a licence will be required in respect of a badger sett affected by the alignment road and enabling works for utilities.
- 8.5.8 The application site falls within the green impact risk zone for great crested newts, where there is a moderate habitat and a low likelihood of great crested newt. There are two ponds within 250m and three ponds within 500m of the application site and indirect connectivity between the development and surrounding features in the landscape. An Ecological Report accompanies this application and sets out that '*A great crested newt (GCN) Triturus cristatus Habitat Suitability Index (HSI) and environmental DNA (eDNA) assessment was undertaken for waterbodies within the Site and within 500m, during 2021. The HSI score for assessed waterbodies ranged from Average-Good. No positive eDNA results were returned*'. NatureSpace are satisfied with the ecological report and a compliance condition is recommended in line with their suggestion.

Trees

- 8.5.9 An Arboricultural Impact Assessment accompanies the application, which identifies 18 individual trees, four hedges, one linear group of trees and one

group of trees. The proposed access would require the removal of a group of trees and a hedgerow. The loss of these features would be compensated for with landscaping and tree planting as part of the landscape strategy for the site. Full details of this strategy and the protection of existing trees during construction would be secured by recommended planning conditions.

Sustainability

- 8.5.10 Policy DRM3 of the DaSA requires proposed developments of more than 1,000sqm of non-residential floorspace should demonstrate that due regard has been had to energy efficient, including through the use of renewable and local carbon technologies. The application is accompanied by an Energy Statement that states that the heating and preheat for hot water will be provided by 'Multifunction Air-Source-Heat-Pumps' and a photovoltaic system will cover approximately 20% of the roof space. Further consideration will be given to water saving measures, fittings and devices and materials will be considered throughout the building that are sustainable, have low embodied energy, re-cycled and considered for re-use and adaptability.

Archaeology

- 8.5.11 Policy EN3 (vi) of the Rother Local Plan Core Strategy requires appropriate archaeological research and investigation of both above and below-ground archaeology, and retention where required.
- 8.5.12 The County Archaeologist has been consulted on this application and comments that the site lies within a landscape rich in known archaeological remains dating from the prehistoric period to post-medieval times. The County Archaeologist has identified that archaeological discoveries have been made within 500m of the site and include (but are not limited to) Mesolithic/Neolithic flint scatters; linear ditches, pits, postholes, possible burial mounds and a burnt mound dating to the Bronze Age; later Iron Age ditches and a possible cremation; Romano-British ditches and a human cremation; medieval pits, ditches and enclosures; a brick or tile kiln of post-medieval date. It is remarked that a geophysical survey of the site was undertaken in 2015 and recorded anomalies, interpreted as possible linear ditches, banks and a possible enclosure. A number of circular anomalies also recorded during the (wider) geophysical survey may represent in-situ evidence of iron-working. Conditions are recommended in line with the request of the County Archaeologist.

Flood Risk and Drainage

- 8.5.13 The hospital site is located in Flood Zone 1 and therefore has low annual probability of flooding. A Flood Risk Assessment and Drainage Strategy has been submitted to accompany the application, this concludes that there is a negligible/low residual risk from the majority of sources of flooding. The Surface Water Drainage Strategy demonstrates that the drainage network at the site is designed to accommodate runoff during all events up to and including 100 year plus 40% climate change allowance storm event. Therefore, it has been concluded that any residual risk from surface water flooding due to the climate change at the site is deemed to be appropriately mitigated.

- 8.5.14 The proposed development would require improvements to facilitate connection to the sewerage network. Southern Water has raised no objection to the proposed development subject to a condition requiring details of surface and foul water drainage being submitted for approval. The Pevensey and Cuckmere Water Level Management Board and the Lead Local Flood Authority has comments that the intention to attenuate surface water runoff from the proposed development before discharging to the nearby watercourse is acceptable but will require further consent under the Byelaws from the board. They have asked for groundwater monitoring to be carried out and further consultation to be carried out on the reserved matters applications. Conditions are suggested in line with their recommendations.

Badger Sett

- 8.5.15 The proposed access road and infrastructure servitude along the southern boundary (adjacent to Phase 3) may require the possible removal of an identified badger sett. Currently, we note that we are not supportive of the relocation/ removal of the Badger Sett No.2, due to: a) part of this sett may be located within Phase 3 which is outside this planning application leading to part disruption of the sett; b) Phase 3 has not been surveyed; and, c) the Applicant has not evidenced that the sett could be retained as a viable sett within the landscape boundary, as illustrated, adjacent to the access road. The Applicant is to evidence a mitigation strategy with minimal disturbance to the sett. We further note that this will require surveys and licence from Natural England. This is set out within the conditions.

8.6 Access, Transportation and Highways Safety

- 8.6.1 The proposed development will take access off the existing Mount View Street bellmouth (constructed as part of the NE Bexhill masterplan's enabling works) to create an internal access road to serve the development (Phase 1 and 2), and make provision for a junction point off the internal access road to serve Phase 3, including unfettered use of the access road by the occupiers and users of the all three phases. This road and infrastructure servitude will remain in the ownership of the current landowners, Rother Estates, which is part of Rother District Council.
- 8.6.2 Policy TR3 (Access and New Development) of the Rother Local Plan Core Strategy requires new development to minimise the need to travel and support good access to employment, services and community facilities as well as ensure adequate, safe access arrangements.
- 8.6.3 National Highways has raised no objection to the proposed development and has recommended a condition requiring the submission of a Construction Management Plan.
- 8.6.4 Policy TR4 (Car parking) requires amongst other things that development meets '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'.

8.7 Section 106/other planning obligation

- 8.7.1 If consent is granted on the application, a planning obligation which would either be a deed of variation to the existing agreement or a stand-alone agreement would be sought:
- i. To allow for the creation of a registered servitude from Mount View Street site junction and service connection points to provide access road, underground services route, and stormwater management and discharge route to the culvert head, within the site to serve the development sites identified as Phase 2 and Phase 3 including unfettered use and access during construction and operation. Details of servitude and agreement to be submitted as a condition.
 - ii. To provide for the extant scheme obligations relating to the extant application (RR/2015/1760/P) and secured in the legal agreement dated 24 March 2016 (extant scheme). Wherever possible the extant conditions, as applicable in part or full to this application, have been absorbed within this application's Conditions. The onus however remains with the Applicant to ensure that the extant conditions are discharged as applicable in terms of their land purchase agreement (which is not part of this planning matter).
 - iii. By granting consent for this application, Condition 45 to the extant scheme relating to safeguarding employment (*'the employment land on the western land parcel ... shall not be used for any purposes other than those in use class B1'*), namely Phase 1 & 2, is revoked.
 - iv. Highway Works: access, footway/cycleway and bus infrastructure; travel plan and audit fee. Sum of financial contribution to be agreed between parties.
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9.0 **PLANNING BALANCE AND CONCLUSION**

- 9.1 In determining this application, the central issues are a) the application is counter to adopted local planning policies and the extant scheme that set the framework for development on the site; b) inter-related, the loss of employment floorspace and residential units; c) inter-related, change of Land Use; and, d) the resultant impact changes to the built form, traffic movement, socio-economic dis/benefits, and habitat and landscape creation.
- 9.2 Whilst the application does not accord with the policy intent set for this site (Phase 1 & 2), there would be **significant** socio-economic and employment skills benefit in providing high quality accommodation to provide specialistic mental health care, and potential future mental health needs as identified in Phase 2, on the site. We would suggest that the built form is complementary to the surrounding residential fabric, and that the landscape strategy makes a positive contribution to the site and surrounding habitat creation.
- 9.3 Therefore, on balance, the proposal is considered acceptable subject to the recommended planning conditions and Section 106 obligations to safeguard the amenities of the area and that the requisite associated infrastructure is delivered.
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RECOMMENDATION: PHASE ONE- GRANT (FULL PLANNING PERMISSION)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Approved plans and details:** The development hereby permitted shall be carried out in accordance with the following approved:
 - i. Location Plan, Drawing No. MVRDOP-GDA-V5_ZZ-DR-A-0016, dated 8 April 2022.
 - ii. Planning – existing Site Plan, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9001P, dated 11 April 2022.
 - iii. Proposed Site Plan – Phase 1, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9002P, dated 10 May 2022.
 - iv. Project Phasing, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9004P, dated 12 April 2022.
 - v. Planning – Proposed Site Sections, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9008P/P02, dated 12 May 2022.
 - vi. Planning – GA Plans, Drawing No. MVRDOP-GDA-ZZ-ZZ-DR-A-9001, dated 12 May 2022.
 - vii. Planning – Typical Pump Room & Substation Details, Drawing No. MVRDOP-GDA-ZZ-DR-A-9011P/PO1, dated 4 April 2022.
 - viii. Planning – GA Elevations, Drawing No. MVRDOP-GDA-ZZ-ZZ-DR-A-9102/PO1, dated 12 May 2022.
 - ix. Planning – Roof Plan, Drawing No. MVRDOP-GDA-ZZ-ZZ-DR-A-9201/PO1, dated 12 May 2022.Reason: For the avoidance of doubt and in the interests of proper planning.

3. **Preliminary Ecological Appraisal (PEA):** The development hereby approved shall be implemented strictly in accordance with recommendations stated in section 5.1 (Avoidance, Mitigation and Compensation Measures) of the Preliminary Ecological Appraisal (Ref 70080876/001/Rev1), WSP updated April 2022 which seeks to repair, restore and enhance retained hedgerows, establish new waterbodies, encourage the panting of native shrubs and sets measures that will be expected as part of the landscaping scheme.
The PEA recommends that further survey work be undertaken in respect of bats, amphibians, badgers, hazel dormouse and reptiles. The Applicant will need to consult with Natural England in this regard and notify in writing the Local Planning Authority accordingly. Should these surveys reveal the presence of protected species on site, a licence may be required from Natural England and the Applicant will need to demonstrate to the Local Planning Authority of such prior to works commencing on site.
Further, the Applicant will need to evidence a licence with respect to works in proximity to the identified badger sett affected by the alignment road and enabling works for utilities.
Reason: To minimise the impacts of development on biodiversity, in accordance with Policy Local Plan Core Strategy 2014 and paragraphs 174 and 180 of the National Planning Policy Framework, Circular 06/2005, and the Natural Environment and Rural Communities Act 2006.

4. **Use Class limitation:** The building shall be used for mental health services and ancillary training and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: To maintain strict control over the use of the site in accordance with Policy OSS4 of the Rother Local Plan Core Strategy.

PRE-COMMENCEMENT CONDITIONS

Prior to the commencement of development

5. **Servitude agreement:** No development shall take place until the Applicant and current landowner have engrossed an Agreement that allows for the creation of a servitude from Mount View Street site junction and service connection points of sufficient width to provide access road, underground services route, and stormwater management and discharge route to the culvert head, within the site to serve the development sites identified as Phase 2 and Phase 3 including unfettered use and access during construction and operation.
Reason: To ensure access and servicing of plots identified as Phase 2 and Phase 3.
6. **Road Safety Audit Stage 1:** No development shall take place until the Applicant has undertaken and submitted a Road Safety Audit shall be submitted to and approved in writing by the Local Planning Authority in consultation with County Highways.
Reason: To ensure safe access for pedestrians and cyclists to the site comply with the National Planning Policy Framework and Policies TR2 and TR3 of the Rother Local Plan Core Strategy.
7. **Archaeological works:** No development shall take place until the Applicant has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation which has been submitted by the Applicant and approved by the Local Planning Authority.
Works shall be carried out in accordance with the programme set out in the approved Written Scheme of Investigation. A written record of any archaeological works undertaken shall be submitted to and approved in writing by the Local Planning Authority within three months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site below ground is safeguarded and recorded to comply with the National Planning Policy Framework and Policy EN2 (vi) of the Rother Local Plan Core Strategy.
8. **Habitats Regulations Assessment Screening:** To address that the application fall within the Combe Haven Site of Special Scientific Interest impact zone, prior to the commencement of development the Applicant will confirm in writing with Natural England their requirement to undertake a Screening. The Screening, if required, will be submitted to and approved in writing by the Local Planning Authority (in consultation with Natural England).

Reason: To minimise the impacts of development on and enhance local biodiversity, in accordance with Policy Local Plan Core Strategy 2014, the Conservation of Habitats and Species Regulations (2017) as amended, and paragraphs 180 and 181 of the National Planning Policy Framework.

9. **Ground Investigation Report:** The development hereby permitted shall not begin until the Recommendations as set out in section 9 of the WSP Ground Investigation Report (Ref: 70087953-GIR-R02) have been completed and a report of further conclusions/recommendations has been submitted to and approved in writing by the Local Planning Authority. Should this further work reveal significant contamination a remediation scheme shall be submitted to the Local Planning Authority for approval detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation shall be stated, and how this will be validated. Any ongoing monitoring shall also be determined.

If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed in an appropriate remediation scheme which shall be submitted to and approved in writing by the Local Planning Authority.

A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted prior to first occupation of the development. Details of any post-remedial sampling and analysis to demonstrate that the site has achieved the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy OSS3 (viii) of the Rother Local Plan Core Strategy 2004 and Policy DEN7 of the Development and Site Allocations Local Plan 2019.

10. **Air Quality Assessment:** Prior to the commencement of development, an air quality assessment shall be carried out by a suitably qualified person for the proposed development. The assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment should consider the impact of the proposed development on the air quality objectives described in the National Air Quality Strategy with respect to nitrogen dioxide, PM₁₀ and PM_{2.5} particulates.

For the construction phase, an assessment should be undertaken of the potential for dust nuisance, using the Institute of Air Quality Management (IAQM) 'Guidance on the assessment of dust from demolition and construction'.

For a quantitative assessment of the operational phase detailed modelling using ADMS – Roads or other appropriate dispersion modelling platform to determine the impact of the development on existing air quality is required. This should include assessment of the cumulative impacts from the development itself and other committed developments in the vicinity, on existing air quality.

Where possible, verification of the model output should be made through a comparison of the results of any publicly available monitoring data in the study area.

To inform the background concentrations used within the model, the results of local monitoring and the available DEFRA maps should be used. Reductions

in background concentrations and emissions in future years should not be used, to reflect the findings of recent research.

The significance of impact should be described with reference to the EPUK/IAQM (January 2017) 'Land-Use Planning & Development Control: Planning for Air Quality' documents and the 'Air quality and emissions mitigation guidance for Sussex authorities' (2021).

A scheme for protecting future and existing residential occupiers in the vicinity from the effects of nitrogen dioxide (NO_x) and airbourne particulate matter (PM_{2.5}) arising from the development and mitigation measures to alleviate the impact of the development equivalent to the calculated damage costs shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the occupation of the buildings hereby approved and thereafter maintained for the lifetime of the development.

Reason: In order to safeguard the amenities of the occupiers of the proposed development and other residents in the neighbourhood in respect of atmospheric pollution and the air quality in the area having regard to 'Air quality and emissions mitigation guidance for Sussex (2021)' and in compliance with Policy OSS3 of the Rother Local Plan Core Strategy and paragraph 186 of the National Planning Policy Framework.

11. **Construction Management Plan:** No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
- i. The anticipated number, frequency and types of vehicles used during construction.
 - ii. The method of access and egress and routing of vehicles during construction (including unfettered use and access to Phase 2 & 3).
 - iii. The parking of vehicles by site operatives and visitors.
 - iv. The loading and unloading of plant, materials and waste.
 - v. The storage of plant and materials used in construction of the development.
 - vi. The erection and maintenance of security hoarding.
 - vii. The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).
 - viii. Details of public engagement both prior to and during construction works.
 - ix. Construction Environmental Management Plan:
 - x. Risk assessment of potentially damaging construction activities.
 - xi. The timing of the works including timings to avoid harm to environmentally sensitive area or features and the times when specialist ecologists need to be present on site to oversee works.
 - xii. Practical measures (both physical measures and sensitive working practices) to be used during the development in order to minimise environmental impact of the works (inter-alia, considering both potential disturbance and pollution including air quality (dust and PM10) and including traffic routing to also help reduce vehicles emissions, compounds for storage of plant/machinery/materials, protective fencing, exclusion barriers and warning signs for the protection of existing hedgerows, trees and other landscape features to be retained, detailed

method statements considering construction noise, vibration and lighting effects and plant operation, storage and spillage of oil/chemicals and soil protection measures).

- xiii. Any necessary mitigation for protected species.
- xiv. A map or plan identifying biodiversity protection zones and measures to protect 15m buffer zones to surrounding treed hedgerows and The Mount woodlands and an 8m wide buffer zone alongside the main watercourse feeding into The Stream (NE Bexhill Masterplan), during works.
- xv. A Soil Management Plan including proposals for stripping and storing soil for later reuse on site in accordance with DEFRA's Construction Code of Practice for the Sustainable Use of Soil on Construction Sites September 2009.
- xvi. Measures to avoid detrimental impacts on the interest features of the Combe Haven Site of Special Scientific Interest from ground and/or surface water pollution.
- xvii. A detailed method statement for the long-term management and control of Japanese Knotweed on the site including measures to prevent its spread during any operations and measures to ensure that any soils brought onto the site are free of the seeds/root/stem on any invasive plant listed under the Wildlife and Countryside Act 1981 (as amended).
- xviii. Any necessary pollution protection methods.
- xix. Information on the persons/bodies responsible for identified activities associated with the CEMP that demonstrate they are qualified for the activity they are undertaking including an ecological clerk of works.
- xx. Measures to manage flood risk, both on and off the site, during the construction phase. This may be incorporated into the Construction Management Plan or form a standalone document.

Reason: To ensure highway and environmental safety and to protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

12. **Earthworks:** No development above ground level shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Where retaining walls of in excess of 1m in height are required the submitted construction details shall be certified by a 'Competent Person' and all development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development takes proper account of and does not prejudice the appearance of the locality in accordance with Policies OSS3 (viii) and OSS4 (iii) of the Rother Local Plan Core Strategy.

13. **Vegetation clearance:** No works shall take place on site, including vegetation clearance, unless the Local Planning Authority has been provided with either:
- i. A licence issued by Natural England pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations 2010 authorising the specified activity to go ahead or,
 - ii. A statement in writing from Natural England to the effect that it does not consider that the specified activity/development will require a licence.

Reason: These details are required prior to any works commencing on site to ensure the protection of European protected species in accordance with

Policy EN5 (ix) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

14. **Protection to existing trees and hedgerows:** No development shall commence until proposals for the protection of all existing trees and hedgerows to be retained on the site as approved, including measures to protect the root protection zone for the duration of construction works, have been submitted to and approved by the Local Planning Authority.
Reason: These details are required prior to commencement of works to ensure the protection of trees and hedgerows during construction and the creation of a high-quality public realm and landscape setting in accordance with Policy EN3 of the Rother Local Plan Core Strategy.
15. **Boundary treatment:** No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan/details indicating the positions, design, height, materials and type of boundary treatment/means of enclosure to be erected around and within the application site. Development shall be carried out in accordance with the approved details.
Reason: To enhance the appearance of the development in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
16. **Materials:** No development above ground level shall take place until full details of the materials to be used in the construction of the external facades and surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the development reflects the character and/or appearance of the surrounding buildings and to preserve the visual amenities of the area in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy and Policy HG9(ii) of the Rother Development and Site Allocations Plan.
17. **Hard landscaping:** No development above ground level shall take place until the hard-landscaping details have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
The details should include but not limited to the following:
- i. Proposed finished levels or contours.
 - ii. Design, layout and appearance of external amenity spaces.
 - iii. Car parking layouts.
 - iv. Design of other vehicle and pedestrian access and circulation areas (including street widths, pavements and cycleways where relevant and other strategic public realm).
 - v. Hard surfacing materials (including road surfaces, cycleways, footpaths, parking space and other areas of hardstanding, kerbs and tactile paving, etc).
 - vi. Details of a co-ordinated street furniture strategy (including benches, bollards, bins, planters, sign and signals, lighting, cycle stands, M&E enclosures, tree guards, etc).
- Reason: To enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

18. **Soft landscaping:** No development above ground level shall take place until the soft-landscaping details have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

The details should include but not limited to the following:

- i. Indications of all existing trees and hedgerows and their Root Protection Zone.
- ii. Design, layout and appearance of green/amenity space including verges.
- iii. Schedules of plants, noting species, plant sizes and proposed numbers/densities as required appropriate; with reference to:
 - a. The Environment Statement (Vol. 1 Main Report, dated 10 July 2015 and Addendum, dated 8 October 2015) of the extant scheme;
 - b. Section 5.1 (Avoidance, Mitigation and Compensation Measures) of the Preliminary Ecological Appraisal (Ref 70080876/001/Rev1), WSP updated April 2022 which seeks to ...encourage the planting of native shrubs; and,
 - c. We draw specific attention to Policy EN5 (ix) that encourages *integrated biodiversity* and *developers will be expected to consider and promote opportunities for the creation and/or restoration of habitats appropriate to local context*.
 - d. We note that invasive and non-indigenous species that may affect the habitat value of the neighbouring Area of Outstanding Natural Beauty or contaminate surrounding water-courses will not be supported.
- iv. Written specifications (including cultivation and other operations) associated with grass and meadow plant establishment.
- v. The soft-landscaping plans and specifications will need to address Condition 46 in the extant scheme (*planting proposals for the border of the western land parcel. The proposal shall provide a 15m buffer zone of native trees and plants to provide visual separation between the existing residential properties adjoining the site on Bodiam Avenue, Abbey View, Renown Close and St James Avenue*) in order to discharge the extant Condition.
- vi. Where to service yard encroaches within the 15m-wide landscape buffer zone, Extra Heavy Standard trees are to be specified; alternatively, if trees cannot be planted along this boundary, additional width to other landscape buffer boundary planting should be provided.

Reason: To enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 and EN5 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

19. **Tree planting:** No works or development shall take place until a full specification, protection and maintenance of all proposed tree planting has been approved in writing by the Local Planning Authority. The specification shall include the quantity, size, species, and positions or density of all trees to be planted, how they will be protected and the proposed time of planting in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations.

A schedule of maintenance of the trees until successfully established is to be agreed in writing with the Local Planning Authority and implemented. The schedule shall include provision for replacement planting should establishment fail, such measures having regard to BS 8545:2014 Trees: from nursery to independence in the landscape – Recommendations.

Reason: To enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

20. **Foul water drainage:** No development shall commence until a scheme for the provision of foul drainage works, including address within the requirements of the North East Bexhill allocations and extant scheme, has been submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water) and none of the development shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

Reason: The details required are integral to the whole (extant scheme) development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy; and, to deliver the mitigation as identified in Chapter 12 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

21. **Surface water drainage:** Prior to the commencement of development, a detailed surface water drainage management proposals, including address within the requirements of the NE Bexhill allocations and extant scheme, shall be submitted to and approved in writing by the Local Planning Authority [in consultation with The Pevensey and Cuckmere Water Level Management Board and the (Lead Local Flood Authority)], and the development shall thereafter be completed and maintained in accordance with the approved details. The surface water drainage system shall incorporate inter-alia the following and details as required by the LLFA; and, shall be prepared in consultation with the Board and take due reference of their byelaw requirements:

- i. Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to rates agreed with the board for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.
- ii. The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
- iii. The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- iv. Groundwater monitoring study: the detailed design of the surface water drainage features (underground tank and pond, etc.) shall be informed by findings of groundwater monitoring study undertaken between October and March to determine the highest winter groundwater table. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measure which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core

Strategy; to control the quality and rate of run-off in relation to surface water drainage thereby protecting water quality and reducing local flood risks in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and paragraphs 163 and 165 of the National Planning Policy Framework; and, to deliver the mitigation as identified in Chapter 12 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

22. **Drainage Plan:** Prior to the commencement of development, a maintenance and management plan for the entire drainage system shall be submitted to the Local Planning Authority in consultation with the Lead Local Flood Authority to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
- i. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - ii. Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

The approved plan shall remain in place for the lifetime of the development.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.

23. **Energy Statement:** Prior to the commencement of development, a comprehensive written Statement expanding in detail on WSP Energy Statement (Ref: 70087953-WSP-ME-ES-01, dated March 2022) shall be submitted to and agreed in writing by the Local Planning Authority. The approved Statement shall be implemented and maintained for the lifetime of the development and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To provide a sustainable development including high levels of energy performance and carbon reduction in accordance with Policy SRM1 and 2 of the Rother Local Plan Core Strategy; and, to deliver the mitigation as identified in Chapter 10 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

24. **Light pollution:** Prior to the commencement of development, a written scheme shall be submitted to and agreed in writing by the Local Planning Authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The approved scheme shall be implemented and maintained for the lifetime of the development and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of the locality, in terms of light pollution especially for people living and/or working nearby, in accordance with Policies OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy.

25. **Noise:** Prior to the commencement of development, a reassessment of appropriate plant noise limits at the nearest existing residential properties shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the amenities of existing occupiers are protected and in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.

26. **Working hours:** During the construction phase, no works shall take place other than within the hours Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 and not at all on Sundays, Public or Bank Holidays. Deliveries shall take place between 08:00 to 18:00 Monday to Friday only and not at all on Saturdays, Sundays, Public or Bank Holidays.
Reason: To protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

FIRST OCCUPATION CONDITIONS

27. **Archaeological investigation/ assessment:** No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post-investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that Phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post-investigation assessment will be undertaken in accordance with the programme set out in the Written Scheme of Investigation approved under condition 'Archaeological works'.
Reason: To ensure that the archaeological and historic interest of the site is safeguarded and recorded in accordance with Policy EN2(vi) of the Rother Local Plan Core Strategy and the National Planning Policy Framework; and, to deliver the mitigation as identified in Chapter 9 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.
28. **Landscape and Ecological Management Plan (LEMP):** The building shall not be occupied until a LEMP has been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP should include but not limited to the following:
- i. Aims and objectives of management.
 - ii. Appropriate management options for achieving aims and objectives.
 - iii. Prescriptions for management actions.
 - iv. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period).
 - v. Ongoing monitoring and remedial measures.
- The LEMP shall 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
The approved plan will be implemented in accordance with the approved details.
Reason: To ensure the enhancement of wildlife and supporting habitats in accordance with Policy EN5 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the National Planning Policy Framework; and, to deliver the mitigation as identified in Chapter 1 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.
29. **Service/ Access road:** The building shall not be occupied until the part of the service road which provides access to it and the allocated parking spaces related it to have been constructed. This should provide provision for road

bellmouths/ junctions to serve Phase 2 and 3 including any underground ducting, or similar, to allow for future infrastructure services.

Reason: 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 TR3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

30. **Northbound bus stop:** The building shall not be occupied until a northbound bus stop, including footpath, on Mount View Street south of the site and access detail where the footpath link is provided to the crossing point and new bus stop to the south of the site have been constructed. Details to be submitted to and approved in writing by the Local Planning Authority (in collaboration with the County Highways).

Reason: To ensure the safety of persons and cyclists entering and leaving the access in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy and in the interests of the visual amenities of the locality.

31. **Travel Plan:** The building shall not be occupied until a Travel Plan (live for 5-years), as set out in sections 7 to 9 of the WSP Travel Plan (Ref.70080876-001a dated May 2022), detailing the provision of alternative transport arrangements to enable access to and from the site other than by car has been submitted to and approved in writing by the Local Planning Authority (in collaboration with the County Highways) including a timetable for the implementation and monitoring of the Plan and arrangements for its monitoring by the Local Planning Authority to ensure compliance and measures to be undertaken to ensure ongoing compliance.

Reason: To provide a sustainable development and to reduce the harmful effects of traffic upon the character, amenities and highway safety for the surrounding area, in accordance with Policies TR2 and TR3 of the Rother Local Plan Core Strategy.

32. **Pedestrians and cyclists:** No building shall be occupied until a means of access for pedestrians and cyclists has been constructed in accordance drawings submitted and approved in writing by the Local Planning Authority (in consultation with County Highways) and the access shall thereafter be retained.

Reason: To ensure the safety of persons and cyclists entering and leaving the access in accordance with Policy TR3 of the Rother Local Plan Core Strategy and in the interests of the visual amenities of the locality.

33. **Lighting and CCTV:** The building shall not be occupied until a 'Lighting Design and CCTV Strategy' for the development has been submitted and approved on writing by the Local Planning Authority. The strategy shall include the following:

- i. Identify those areas/features on site that are particularly sensitive for bats, barn owls, dormice and badgers and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and,
- ii. The type and design of lighting and CCTV equipment, how and the exact location it will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent any species mentioned above or the occupiers of neighbouring residential occupiers.

All external lighting and CCTV shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances shall any other external lighting or CCTV be installed without the express planning permission of the Local Planning Authority.

Reason: To ensure the protection and enhancement of wildlife and the amenity of neighbouring residential occupiers in accordance with Policies OSS4 and EN5 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the National Planning Policy Framework; and, to deliver the mitigation as identified in Chapter 11 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

34. **Refuse and recycling bin:** The building shall not be occupied until the refuse and recycling bin storage areas have been provided and thereafter all areas will be maintained.

Reason: To safeguard the visual amenities of the locality and in the interests of providing a sustainable development in accordance with Policy OSS4 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

35. **Drainage (as constructed):** The building shall not be occupied until evidence (including photographs) has been submitted showing that the drainage system has been constructed as per the final agreed detailed drainage design. To be approved in writing by the Local Planning Authority.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.

ONGOING CONDITIONS

36. **Five-year replanting:** If within a period of five years from the date of soft landscape planting, or any planting in replacement, is removed, uprooted, destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective) planting of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

37. **Landscape seeding:** If within a period of one year from the date of first seeding of landscape areas, in the opinion of the Local Planning Authority, planting has not attained 80% cover, then the planting will be reseeded on an annual basis to attain 100% cover, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.

38. **New wetland habitats/Sustainable Drainage System (SUDS):** No development shall commence until details of the new wetland habitats (surface water ponds) proposed as part of the SUDS has been submitted to and approved in writing by the Local Planning Authority including a timetable for the implementation and monitoring of the habitat and arrangements for its monitoring by the Local Planning Authority to ensure compliance and

measures to be undertaken to ensure ongoing compliance. The habitat strategy will address:

- i. New ponds, attenuation basins, swales and wetland planting.
- ii. Provide for connectivity to adjacent ponds and water courses (by example Phase 2 and 3) to enhance the potential for breeding and dispersal of reptiles and amphibians on and around the site and to adjacent habitats.
- iii. To operate as a water filtration system to maintain the quality and quantity of the surface water run-off entering the adjacent NE Bexhill masterplan stream and Pebsham Stream.
- iv. Long-term maintenance and management strategy.

Reason: To ensure that the habitat is developed in a way that contributes to the nature conservation value of the site in accordance with Policies EN7 and SRM2 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the National Planning Policy Framework; and, to deliver the mitigation as identified in Chapter 12 of the Environmental Statement (July 2015) and the Environmental Statement Addendum (October 2015) pursuant to the extant scheme.

39. **Fire vehicle track:** The 'Fire Track' indicated on the submitted Proposed Site Plan – Phase 1, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9002P/P02 dated 10 May 2022 shall be used to emergency access purposes only.

Reason: To safeguard the amenity of neighbouring residential occupiers in line with Policy OSS4 of the Rother Local Plan Core Strategy.

40. **Permeable paving:** If within a period of one year from the date of first seeding/planting of the permeable paving areas, in the opinion of the Local Planning Authority, planting has not attained 80% cover, then the planting will be reseeded/planted on an annual basis to attain 100% cover, unless the Local Planning Authority gives its written consent to any variation. Works will address, where through vegetation maintenance or soil slip, the surface has created any depressions, rutting and cracked or broken blocks considered detrimental to the structural performance or a hazard to users, reinstatement to raise the planted surface within 25mm of the level of the paving; and, rehabilitation of surface and upper sub-structure, as required.

Reason: to ensure that the permeable paving functions as required to address surface water catchment and management. To enhance the appearance of the development in accordance with Policy EN3 of the Rother Local Plan Core Strategy.

41. **Working hours:** (Delivery and Servicing Plan) no deliveries, loading or unloading or other servicing activities shall take place at the site other than between the hours of 0800 and or after 1800 on weekdays; before 0800 or after 1300 on Saturdays, or at any time on Sundays, Bank or Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring residential occupiers in line with Policy OSS4 of the Rother Local Plan Core Strategy.

RECOMMENDATION: PHASE TWO - GRANT (OUTLINE PLANNING PERMISSION)

CONDITIONS:

1. **Reserved Matters:** Approval of the details of the access, appearance, landscaping, layout and scale of the Phase 2, (hereinafter called "the reserved matters"), shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only as approved.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
 2. **Expiration:** Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
 3. **Expiration:** The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
 4. **Drawings:** Subject to the details required by Condition 1, the development hereby permitted shall not materially depart from the following approved drawings:
 - i. Proposed Site Plan – Phase 2, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9003P, dated 10 May 2022.
 - ii. Planning – Phase 2 Site Sections, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9009P/PO2, dated 12 May 2022.
 - iii. Phase 2 – Proposed Upper and Lower Ground Floor Site Plans, Drawing No. MVRDOP-GDA-V5-ZZ-DR-A-9010P/PO2, dated 12 May 2022.Reason: For the avoidance of doubt and in the interests of proper planning as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21 a-022-20140306.
 5. **Construction Management Plan:** As set-out for Phase 1 above.
Reason: These details are required prior to commencement of any works to ensure highway and environmental safety and to protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
 6. **Phased parking provision:** No development shall commence until details of a phased parking/re-provision strategy for Phase 1 and Phase 2 is submitted to and approved in writing by the Local Planning Authority. Development shall be carried out only as approved.
Reason: These details are required prior to commencement of any works to ensure highway safety and to protect the amenities of adjoining residents during construction in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
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NOTES:

1. This permission is the subject of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
2. National Highways have advised that the Construction Management Plan shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation, numbers, frequency, routing and type of vehicles visiting the site (including measure to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc); measure to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).
3. National Highways would wish to see the roads within the site that are not to be offered for adoption be laid out and constructed to standards at, or at least close to, adopted standards.
4. East Sussex Fire & Rescue Service have recommended the installation of a sprinkler system and further guidance is available in the British Standard, Codes of Practice BS EN 116925, BS 9251 & BS EN 12845.
5. The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found, and these should be sought before development commences.
6. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation.
7. The Applicant should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development.

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.

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SITE PLAN RR/2022/840/P	SEDLSCOMBE LAND AT BEECH FARM HAWKHURST ROAD
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LOCATION PLAN

Rother District Council

Report to - Planning Committee
Date - 21 July 2022
Report of the - Director - Place and Climate Change
Subject - Application RR/2022/840/P
Address - Land at Beech Farm, Hawkhurst Road, Sedlescombe
Proposal - Demolition of storage building and roadway. Construction of carbon negative live work unit, parking and restricted curtilage. Addition of landscape and biodiversity enhancements to the wider site and new access to the B2244. Stopping up of access to the northern boundary of the site.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr & Mrs J. Vine-Hall on behalf of Mr M. Hodges
Agent: Greenhayes Planning
Case Officer: Mr M. Worsley
(Email: matthew.worsley@rother.gov.uk)

Parish: SEDLESCOMBE
Ward Members: Councillors C.R. Maynard and J Vine-Hall

Reason for Committee consideration: Applicant is an elected Member.

Statutory 8-week date: 16 June 2022
Extension of time agreed to: 29 July 2022

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 The site is located within the countryside and the High Weald Area of Outstanding Natural Beauty (AONB). The proposal has been specifically promoted as being of exceptional design quality to meet the requirements of paragraph 80 e) of the National Planning Policy Framework. Whilst the carbon negative design could be considered outstanding in isolation, compliance with paragraph 80 e) of the National Planning Policy Framework is rightly a very high bar to reach as it should not be able to be achieved often. The modular build comprising of a standard kit-of-parts could be replicated on many other sites across the AONB countryside. The design is not considered to be bespoke

architecture, very specific to place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 80 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (DaSA) and paragraph 176 of the National Planning Policy Framework.

- 1.2 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.
- 1.3 On top of the harm to the AONB, the development has been found to represent the creation of a new unjustified dwelling in the countryside contrary to the spatial strategy for Sedlescombe and the district as a whole, the location of the site is unsustainable and no affordable housing contribution has been provided.
- 1.4 The proposed development does not comply with Rother Local Plan Core Strategy, Rother DaSA or Sedlescombe Neighbourhood Plan (SNP) policies or the various provisions contained within the National Planning Policy Framework, including, specifically, paragraphs 80 e) and 176. For the reasons explained the application cannot be supported.

1.5 PROPOSAL DETAILS

PROVISION	
No of houses	1
No of affordable houses	0
CIL (approx.)	£35,010
New Homes Bonus (approx.)	£6,684

2.0 SITE

- 2.1 The application site is a field to the west side of Hawkhurst Road (B2244) which measures 0.74 hectares in area. It is located within the countryside, is within the High Weald AONB and is adjacent to an historic farmstead which includes a grade II listed farmhouse, a converted barn, a converted oasthouse and a farm cottage.
- 2.2 The field is surrounded by trees and slopes away to the south. Vehicular access is currently provided via a shared track with Beech Farm Bungalow to the north. Within the site is a track which leads to a small stable and store building, close to the eastern boundary. A public footpath runs diagonally across the field to the east of the site, on the opposite side of the road.
- 2.3 The site is partly within an archaeological notification area and is within an amber zone for great crested newts, which means that the site contains suitable habitat and great crested newts are likely to be present.

3.0 PROPOSAL

- 3.1 Permission is sought to erect a new detached dwelling close to the northern boundary of the site. A live work unit with ground floor design studio is proposed which would be carbon negative, with the scheme including landscape work (tree and hedge removal and replanting) and aims for biodiversity enhancements. The development is specifically promoted as a design of exceptional quality to meet the requirements of paragraph 80 e) of the National Planning Policy Framework. It is explained to be a modern interpretation of a High Weald vernacular building. The existing storage building and access track would be removed.
- 3.2 A new access is proposed onto Hawkhurst Road, with the existing access to the north proposed to be stopped up. Earthworks are detailed in the northeast part of the field to accommodate both the new access and dwelling. Section plans have been submitted to show excavation and building up work would be required, with 1 in 2 and 1 in 4 'fills' detailed. The 'cut' (excavation) is not specified. An attenuation pond is proposed in the southwest corner of the field. This would also require excavation works and building up of the land, with plans indicating a 1 in 3 'cut' and 1 in 2 'fill' would be required.
- 3.3 The application is accompanied by a planning statement, a design and access statement, a biodiversity survey and report (including a response to the County Ecologist's original comments), a tree survey, a heritage statement, a landscape and visual survey, a waste statement and transport report. In addition, information has been provided on the carbon negative credentials of the proposed dwelling, SAP ratings for new properties in Rother, U values of the proposed dwelling compared to Passive House standards, together with examples of paragraph 80 e) dwellings that have been granted in neighbouring authorities.
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4.0 HISTORY

- | | | |
|-----|------------|--|
| 4.1 | RR/86/0691 | Erection of dwelling with double garage. Refused. Appeal Dismissed. |
| 4.2 | RR/86/0233 | Erection of pig breeding unit for 96 sows and 10 boars with ancillary services. Refused. |
| 4.3 | RR/85/2375 | Dwelling house and double garage. Withdrawn. |
| 4.4 | RR/82/1351 | Roadway to stable with turning area. Approved Conditional. |
| 4.5 | RR/82/0234 | Stable and store – Approved Conditional. |
| 4.6 | RR/80/1908 | Outline: Application for erection of two detached dwellings. Refused. Appeal Dismissed. |
| 4.7 | RR/79/2189 | Outline: Three dwellings with double garages and service road. Refused. |
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5.0 POLICIES AND LEGISLATION

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)
- OSS1 (overall spatial development strategy)
- OSS2 (use of development boundaries)
- OSS3 (location of development)
- OSS4 (general development considerations)
- RA2 (general strategy for the countryside)
- RA3 (development in the countryside)
- SRM1 (towards a low carbon future) (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](#) are relevant to the proposal:

- DRM1 (water efficiency)
- DRM3 (energy requirements)
- DHG1 (affordable housing)
- 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 Whilst the SNP has been 'made', the policy document focuses on site allocations for housing. Policy 1 (development boundary) is relevant.

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.

6.0 CONSULTATIONS

6.1 Highway Authority – **NO OBJECTION**

6.1.1 Conditions recommended relating to the construction of the access, the provision of visibility splays and vehicle and cycle parking and the position of the access gate (needs to be set back from the road).

6.2 County Archaeologist – **NO OBJECTION**

6.2.1 Standard archaeology conditions recommended to secure a written scheme of investigation.

6.3 County Ecologist – **NO OBJECTION**

6.3.1 Comments that the application documentation has not met best practice standards and/or the requirements of the NERC Act and National Planning Policy Framework, but that it is possible that the risks are capable of being mitigated to acceptable levels by the application of planning conditions.

6.4 Sussex Newt Officer – **NO OBJECTION**

6.4.1 Recommends a condition is imposed requiring the details outlined in the document 'Reasonable Avoidance Measures, Wildlife Matters Consultancy, May 2022' to be carried out in full. An advisory note is also attached.

6.5 Planning Notice

6.5.1 10 objections have been received. The comments are summarised as follows:

- In the countryside.
- Outside a development boundary.
- Site was not allocated within the neighbourhood plan.
- On agricultural land.
- Adverse impact on countryside.
- Contrary to Neighbourhood Plan which opposes ribbon development.
- Sedlescombe Parish council has objected to other proposals for development on this stretch of road.
- Adverse impact on AONB.
- Harmful to the dark sky in the AONB.
- Permission has been refused for houses on the field previously.
- Not clear whether the proposal is compliant with the High Weald Design Guide.
- Adverse impact on wildlife.
- Many trees would be lost which would have a visual impact and adversely impact on wildlife.
- New access would adversely impact on highway safety.
- A long way from the village and associated amenities.
- The field was once part of Beech Farm – restrictive covenants dated 22 May 1935 apply which prohibits the erection of a dwelling within the curtilage of the estate.
- Out of character with the grade II listed Beech Farmhouse.

- Modular build concept is a far cry from “exceptional” and “outstanding” design.
- Many companies supply kit houses as proposed – nothing special or exemplar about this.
- Unclear how a standard product, however “green”, could be described as of exceptional architectural merit.
- Industrial style design.
- An alarming precedent would be set if this were permitted.
- Business use will bring additional traffic and noise.
- No other businesses nearby.
- The Applicant (Mr Hodges) runs a business as a personal trainer. Noise and traffic would be created – adverse impact on neighbours.
- Inadequate infrastructure.
- New dwelling and tree felling will adversely affect the living conditions of the neighbouring property by overlooking and loss of privacy.
- New planting would take a long time to establish and mature, leaving Beech Farm Bungalow very exposed.
- The site is not previously developed/brownfield.

6.5.2 Petition of objection received with nine signatures raising the following concerns (summarised):

- Agricultural land.
- Within the AONB which provides a natural habitat to many threatened species.
- Conflict with Sedlescombe Neighbourhood Plan.
- Inadequate infrastructure.
- Precedent would be set if this were permitted.

6.6 Sedlescombe Parish Council – **GENERAL COMMENT**

6.6.1 *‘The cllrs resolved not to comment on this application having declared an interest. They did say that they do support carbon negative development that follow the AONB design guide.’*

6.7 Westfield Parish Council – **OBJECTION**

6.7.1 Comments summarised:

- Unclear who owns the land and who will occupy the house.
- Unsuitable development within the AONB.
- Urban style development.
- Contrary to RDC Policies (DEN1, DEN2, DHG2, RA1, RA2 and RA3).
- Contrary to SNP.
- Outside and not attached to the development boundary.
- 96% of Sedlescombe residents support the protection of the countryside; 94% support preservation of hedgerows and green areas; 93% want new housing to be low visibility and avoid spoiling views.
- Accommodation does not meet the needs of Sedlescombe residents.
- Despite RDC’s lack of a sufficient housing land supply arm to AONB is a standout reason to refuse permission as demonstrated in recent court case *Monkhill Ltd v Secretary of State for Housing, Communities and Local Government & Anor (Rev 1) [2021 EWCA Civ 74]*.

7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £35,010.
- 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.
-

8.0 APPRAISAL

- 8.1 The main issues to consider in the determination of the application include:
- Principle/policy position, which in this case includes the impact of the proposal on the landscape and scenic beauty of the AONB.
 - Setting of nearby listed building.
 - Location.

8.2 Principle/policy position

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

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

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

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

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

- 8.2.2 The site is agricultural land. It is outside of and around 1.5km from the development boundary of Sedlescombe, as defined in the SNP.
- 8.2.3 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 Policy 1 (development boundary) of the SNP which indicates new housing development is not acceptable in this location. It is also the case that the site is some distance (1.5km) from the edge of the settlement of Sedlescombe and therefore is not in line with the spatial strategy of the Rother Local Plan Core Strategy.
- 8.2.4 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.

- 8.2.5 Although the proposed development does not meet any of the Development Plan exceptions provided for relating to new dwellings in the countryside, the National Planning Policy Framework is a material consideration in the determination of this application. Paragraph 80 of the National Planning Policy Framework provides:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential building; or*
- e) the design is of exceptional quality, in that it:*
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.*

- 8.2.6 Whilst the application site is adjacent to a small number of dwellings at Beech Farm, together with a small ribbon of around 20 dwellings, these properties do not constitute a settlement and therefore the location is considered 'isolated' in terms of paragraph 80 of the National Planning Policy Framework.

Applicant's case

- 8.2.7 The application has been promoted as meeting the paragraph 80 e) exception. This is a matter of subjective judgement.

- 8.2.8 The Applicant's design and access statement explains that the challenge of this design was to deliver a property that was consistent with a modern building that you would expect to find in an agricultural setting in the High Weald whilst not creating a pastiche. The overall outward appearance is said to be directly reflective of the shape and size as shown on page 10 of the High Weald Design Guide colour references. The architectural form and its appearance will provide the immediate impression of a typical modern High Weald building and this is key to enable the design to assimilate into its landscape. Thus, despite being an innovative structure in terms of its performance and function, a key design principle is that the appearance of the building is compatible with the site context and wider landscape character.

- 8.2.9 It is explained that the dwelling is based on the visual form of a traditional barn, adopting the massing and proportions of buildings commonly found within the agricultural landscape of the High Weald. Materials would consist of agricultural grade recycled plastic and wood and metal clad roof. No nails or screws would be visible in the cladding. The gutters would be integrated. The roof would include a revolutionary photovoltaic film which would be all but invisible on the roof. This is explained to be unavailable on any other building apart from this design in the UK. The photovoltaic roof would generate 12Kw power working in conjunction with a 10kW energy storage system. There would be no openings along either of the long side elevations, with glazing proposed in either end elevation.
- 8.2.10 In terms of the wider site, non-native tree species are proposed to be removed and replaced with native mixed hedgerows and woodland planting. New habitats would also be created including a new pond and wetland habitat, wildflower meadow, log piles, permanent compost bays and other enhancement works.
- 8.2.11 The design and access statement explains that the core concept would deliver an architecturally outstanding design through a previously unachieved SAP rating of 117A which is 17% higher than the technical maximum and with only 3% of new dwellings in the UK achieving an 'A' rating. This delivers a previously unachieved 3 tonne carbon saving per annum. This can be contrasted with the average new build in Rother District in 2021 using 1.5 tonne per annum. This can be seen at Appendix 2 where the SAP design results are attached. The closest a property has come to this in Rother is the prototype Wunderhaus granted as a replacement dwelling at Campfield, Powdermill Lane, Battle (RR/2019/1613/P). The dwelling generates more electricity than it needs feeding back the excess into the grid and managing fluctuations and night-time usage through a battery back-up with the option of swapping battery power from the battery of an electric car where needed. Smart technology also ensures that more energy is stored when cloudy weather is expected. The house is triple glazed and has no radiators or underfloor heating. Heat is generated through both an ASHP (Air Source Heat Pump) and all other heat sources in the building from lights to washing machines. All heat created is constantly circulated, filtered to be pollen free and anti-allergic and recirculated through an MVHR (Mechanical Ventilated Heat Recovery) system which gently circulates air at a desired temperature. In hot periods the system changes to convert warm air to cool air.
- 8.2.12 It is claimed the dwelling would save three tonnes of CO₂ each year making it significantly carbon negative. This compares with the average new build in Rother in 2021 generating 1.5 tonne of CO₂. In addition, unlike like the traditional 'paragraph 80-grand designs house', this dwelling is easy and quick to construct and costs 20% less than the average build cost of a house with a SAP rating of less than 90A2.
- 8.2.13 The design has also avoided the water tank and pump in roof system for creating water pressure which has always been vulnerable to freezing or leaking by using a pressurized water tank at ground level delivering water without the need for pumps or gravity feed.
- 8.2.14 The dwelling is also explained to be affordable to construct. It has been designed to be manufactured off site and delivered in panel form so

construction is efficient both in the factory and on site. The main structure can be constructed on site in just four weeks ready for internal finishing at a cost 20% less than the typical average cost (£2000/sqm v £2400/sqm and £3000/sqm plus for a typical paragraph 80 house).

8.2.15 In addition to the performance of the building, modern technology would be incorporated to compliment the adaptable and accessible standards of the dwelling to meet independent living to include:

- Podpoint electric car charging socket.
- Smart phone compatible door entry.
- Flexible lighting layouts and products.
- Wireless lighting control.
- Smart phone lighting control.
- Smart phone doorbell with motion sensor activated surveillance.
- Smart phone alarm.

8.2.16 The design and access statement concludes by stating that the design, the structure, its layout, its previously unachieved significant carbon saving together with enhancements to the AONB setting and biodiversity improvements results in a development that can be considered of an outstanding design.

Assessment against paragraph 80 e) of the National Planning Policy Framework

8.2.17 It is important to note that in 2021 the National Planning Policy Framework was updated. Previously (National Planning Policy Framework 2019) a proposal could be '*truly outstanding or innovative*', but the 2021 version of the National Planning Policy Framework removes the '*or innovative*' part, so innovation is no longer enough to meet that first test. The clear intent is to prevent an applicant relying on innovative design (i.e. a single piece of technology – such as power generation) to meet the test of being truly outstanding, and instead encourage truly outstanding design overall. Innovation can still contribute to a scheme being considered truly outstanding, but it is a broader assessment than looking at innovation in isolation.

8.2.18 Paragraph 133 of the National Planning Policy Framework in the section on achieving well-designed places states that in assessing applications, regard should be had to any recommendations made by Design Review Panels. No Design Review Panel has been used in the evolution of this scheme. However, during the application, evidence has been provided that the designer has recently received a 'Red Dot' award. The red Dot label is the most internationally recognised label for quality and successful design. The awards stated that the design of the product was '*an outstanding feat of accomplishment*'.

8.2.19 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 south and the historic farmstead to the north. The application site is open agricultural land laid to grass, surrounded by mature trees and hedgerows. There are no footways or street lighting in the rural lane.

- 8.2.20 Compliance with paragraph 80 e) is rightly a very high bar to reach as it should not be able to be achieved often. The intent to explore modern design within the context of the High Weald AONB Housing Design Guide (2019) (pg. 27) is welcomed, namely: that *'the prevailing High Weald built character is very much variations on a theme'; '2-storey in height'; 'the roofscape is distinctive'; and, 'Contemporary architecture, well executed, can create innovative interpretations of vernacular buildings, tying them into the High Weald sense of place by referencing local patterns of development and building forms.'*
- 8.2.21 The Design Guide notes that new development should have respect to the High Weald's village and landscape setting, built form, use of materials, colour, and building detailing. That the built form *'is informed by the cumulative composition'*.
- 8.2.22 In this regard the proposed dwelling has architectural merit and addresses some of the intent of the Design Guide. However, the Guide goes further in Policy G7 (Building appearance, local details and sustainable design) in promoting buildings that are *'genuinely "of the place"'* (pg32) in terms of contemporary design, detailed key elements, local crafts and skills, and materials. This should be read as bespoke architecture, very specific to place, thus making it exceptional.
- 8.2.23 The proposed development is for a modular build comprising of a standard kit-of-parts, and while this type of modern architecture is very limited in the AONB, the building remains generic and could be constructed anywhere in the UK, including many of the historic farmsteads found across Rother.
- 8.2.24 Taking a broader review of the related built elements, the new access, excavation works and building up of the land, parking area and a possible retaining structure would further distract from the purity of form with the potential to make the building appear as an isolated and incongruous element in the AONB landscape.
- 8.2.25 The proposed development would set a precedent for other developments within the AONB. The dwelling is of a modern modular design rather than bespoke to the AONB and consequently does not contribute positively to setting or development of contemporary design in this protected landscape.
- 8.2.26 The proposal would make significant landscape changes to the site including the removal of boundary hedgerows and mature trees; creating a cut-and-fill platform for the dwelling; parking hardstanding and terracing to the building; construction of an attenuation pond with cut-and-fill; and, domestication of the site for residential use. Individually and collectively these changes affect the very character of the site and how the site conserves or enhances the setting of the AONB.
- 8.2.27 It is noted that the County Ecologist and High Weald AONB Unit (pre-application advice) are broadly supportive of the landscape improvements proposed, subject to conditions to secure an ecological design strategy and a landscape and ecological management plan (LEMP). It is also the case that the Applicant has provided evidence that the appropriate felling licences have been obtained from the Forestry Commission for the tree removal.

- 8.2.28 In respect of the landscape design, there is concern that a domestic fringe would be provided to the building rather than creating an AONB 'landscape led' response to site and building. The design does not explore the residential use of outdoor space, the relationship with the retained oak tree, and functional requirements of bin and cycle storage. There are concerns, that over time, the resident may expand into the landscape areas with additional built elements to address leisure and functional requirements currently not detailed. The Planning Statement (paragraph 62) explains that the north-east corner of the site will be made a domestic garden which materially effects the overall site cohesion and setting. It is therefore suggested that the landscape response is unresolved.
- 8.2.29 In addition, there are concerns over the new, dedicated site access. This would reinforce the linear development along Hawkhurst Road, creating views into the site of a parking forecourt (rather than reading a building over the top of boundary hedgerows) making it highly visible from the public road vantage point. It would also introduce gates and piers into the landscape setting which would emphasise the domestic nature of the site. The section plans provided indicate that a large flat platform would be provided to host the dwelling, access and parking area. Significant excavation and building up of the land would be required resulting in manmade features in a naturally undulating landscape. The sections provided downplay the impact and have not been taken through the areas where there would be the greatest changes in levels.
- 8.2.30 Whilst the carbon negative design could be considered outstanding in isolation, compliance with paragraph 80 e) is rightly a very high bar to reach as it should not be able to be achieved often. The modular build comprising of a standard kit-of-parts could be replicated on many other sites across the AONB countryside. The design is not considered to be bespoke architecture, very specific to place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 80 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA and paragraph 176 of the National Planning Policy Framework.

8.3 Setting of nearby listed building

- 8.3.1 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.
- 8.3.2 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.*

- 8.3.3 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.
- 8.3.4 The proposed dwelling would be sited around 70m south of the grade II listed Beech Farm House. Surrounding the farmhouse to the south and east is a collection of buildings which form the historic farmstead. This includes Beech Bungalow, The Old Barn, Beech Cottage and Beech Oast.
- 8.3.5 The 1872 ordnance Survey map shows the historic farmstead to be in place. At this time Beech Bungalow is shown to be a simple single linear range set at an offset angle. The Old Barn had additional linear ranges to both side elevations. The bungalow has been significantly altered and extended in the past 20 years. In addition, the cottage has also been significantly increased in size. However, the oast and barn do retain their identity as former agricultural buildings.
- 8.3.6 The farmstead buildings are arranged in a loose cluster which has some historic significance and can be considered a non-designated heritage asset.
- 8.3.7 The proposed dwelling would be positioned around 70m from the listed farmhouse, 30m southeast of the bungalow, 50m southeast of the barn, 88m from the cottage and more than 100m from the oast. Native screening would be provided on the boundaries of the site. Given the separation and natural screening proposed, it is considered that the development would not adversely impact on the setting of the listed farmhouse or the legibility or setting of the historic farmstead.

8.4 Location

- 8.4.1 The site is located adjacent to an historic farmstead and at the end of a small ribbon of development. However, it is still within the countryside, remote from any town or village or other built up area. It is around 1.5km from the village of Sedlescombe and its associated shops, school and other services. There are no pavements or streetlights along this section of the road.
- 8.4.2 There are no bus stops near to the site and no other public transport options. Occupiers of a dwelling on the site would therefore be heavily reliant on private vehicles, the least sustainable form of transport. It is noted that an electric vehicle charging point has been incorporated into the design which would encourage the occupiers to use electric vehicles. However, this is not something that could be enforced and there is also the issue of visitors and deliveries driving to and from the site.
- 8.4.3 The development would not be well located in terms of access to public transport and services and would undermine the aims of local and national planning policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to services and facilities. The development is contrary to Policies OSS3 (v), SRM1 (vii) and TR3

of the Rother Local Plan Core Strategy 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.

8.5 Other issues

Affordable housing

8.5.1 In Sedlescombe, DaSA Policy DHG1 (iv) (a) requires 40% on-site affordable housing to be provided on schemes of six or more dwellings or 0.2 hectares or more. In this case the site is more than 0.2 hectares in area and no affordable housing provision is proposed which conflicts with Policy DHG1. Nevertheless, if permission were granted, a financial contribution towards affordable housing could be secured via Section 106 Planning Obligation, which would overcome this issue.

Archaeology

8.5.2 Whilst the eastern part of the site is within an archaeological notification area, associated with the route of the Hastings to Ashford Roman Road, the County Archaeologist is happy for any permission to be subject to conditions securing a programme of archaeological works.

Biodiversity

8.5.3 A Phase 1 Habitat Survey and Biodiversity Report and Tree Report accompany the application. Within the County Ecologist's initial comments further information was requested to assess the potential impact of the development on bats. This information was provided.

8.5.4 Given the nature, scale and location of the proposed development, the County Ecologist has advised that there unlikely to be any significant impacts on the nature conservation interests of the AONB or any other sites of nature conservation importance. They also confirmed that the project is likely to deliver biodiversity net gains.

8.5.5 In respect of protected species, from the information provided, the building proposed for demolition offers negligible bat roost potential. This is also the case for trees proposed for removal. Sufficient safeguards would also be put in place for badgers, breeding birds, hazel dormice and hedgehogs. The Reasonable Avoidance Measures (RAMS) detailed for amphibians and reptiles is also broadly acceptable, as confirmed by the County Ecologist and Sussex Newt Officer.

8.5.6 If permission were granted conditions would need to be imposed to secure a non-licensed method statement for the protection of hazel dormice, an ecological design strategy and a landscape and ecological management plan (LEMP) to ensure the long term management of habitats, species and other biodiversity features.

Highway safety

8.5.7 A new vehicle access is proposed onto Hawkhurst Road together with a grasscrete parking and turning area which would include a gate to be set back

from the road. Visibility splays measuring 2.4m x 160m would be achievable. The Highway Authority has raised no objection to the access, parking or on-site turning facilities. It is noted that they have commented that the development is not well located from an accessibility perspective but say that a recommendation for refusal on accessibility grounds would not be justified as some local facilities are available within walking distance. This view is not shared by the Local Planning Authority. There are no pavements along this stretch of the road and no streetlights meaning that walking into the village would not be particularly inviting to future occupiers who are likely to rely mainly on private vehicles.

- 8.5.8 If permission were granted conditions could be imposed relating to the construction of the access, the provision and retention of visibility splays, the provision and retention of parking and turning spaces, the provision of cycle storage and that the proposed gates are set back at least 5.5m from the edge of the highway.

Living conditions of neighbouring properties

- 8.5.9 The nearest neighbouring property is Beech Bungalow which is around 30m to the north of the proposed dwelling. Due to the separation, orientation and lower ground level of the proposed dwelling, it would not adversely impact on the occupiers living conditions by way of overlooking, appearing overbearing or causing loss of light.

Living conditions of occupiers

- 8.5.10 The proposed live work unit would exceed the nationally described space standards in compliance with DaSA Policy DHG3 and would also incorporate a garden measuring in excess of 10m in length to comply with DaSA Policy DHG7.

9.0 PLANNING BALANCE AND CONCLUSION

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

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

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

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

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

- 9.2 The Council has currently only 2.87 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.

- 9.3 The site is located within the countryside and the High Weald AONB. The proposal has been specifically promoted as being of exceptional design quality to meet the requirements of paragraph 80 e) of the National Planning Policy Framework. Whilst the carbon negative design could be considered outstanding in isolation, compliance with paragraph 80 e) of the National Planning Policy Framework is rightly a very high bar to reach as it should not be able to be achieved often. The modular build comprising of a standard kit-of-parts could be replicated on many other sites across the AONB countryside. The design is not considered to be bespoke architecture, very specific to place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 80 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA and paragraph 176 of the National Planning Policy Framework.
- 9.4 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.
- 9.5 On top of the harm to the AONB, the development has been found to represent the creation of a new unjustified dwelling in the countryside contrary to the spatial strategy for Sedlescombe and the district as a whole, the location of the site is unsustainable and no affordable housing contribution has been provided.
- 9.6 The proposed development does not comply with Rother Local Plan Core Strategy, Rother DaSA or SNP policies or the various provisions contained within the National Planning Policy Framework, including, specifically, paragraphs 80 e) and 176. For the reasons explained the application cannot be supported.

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The site lies outside of the defined development boundary for Sedlescombe as set out in the Sedlescombe Neighbourhood Plan. The proposal would conflict with the overall spatial strategy set out in Policies OSS2, OSS3, RA2 and RA3 of the Rother Local Plan Core Strategy and Policy 1 of the Sedlescombe Neighbourhood Plan, which seek opportunities within the development boundary of the village. The site is 1.5km from the edge of Sedlescombe 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 modular build comprising of a standard kit-of-parts could be replicated on many other sites across the AONB countryside. The design is not considered to be bespoke architecture, very specific to place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 80 e) of the National Planning Policy Framework.
3. The application site is a largely undeveloped undulating field which contributes positively to the rural character of its surroundings. The proposed development would involve earthworks which would introduce unnatural and man-made features into the landscape. On top of this is the urbanising impact that the proposed dwelling would have, with associated driveway and parking area, together with inevitable external domestic paraphernalia. The development would result in the rural character of the field changing to residential use which would be visible from the road. 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 Area of Outstanding Natural Beauty, contrary to Policies OSS4 (iii), 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) and paragraph 176 of the National Planning Policy Framework.
4. 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) 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.
5. The application site measures more than 0.2 hectares in area. Policy DHG1 (affordable housing) of the Rother Development and Site Allocations Local Plan states that in the High Weald Area of Outstanding Natural Beauty 40% on-site affordable housing is required on schemes of six or more dwellings or 0.2 hectares or more. No affordable housing is proposed, either on-site or as a financial contribution, contrary to Policy DHG1 (iv) (a) of the Rother Development and Site Allocations Local Plan.

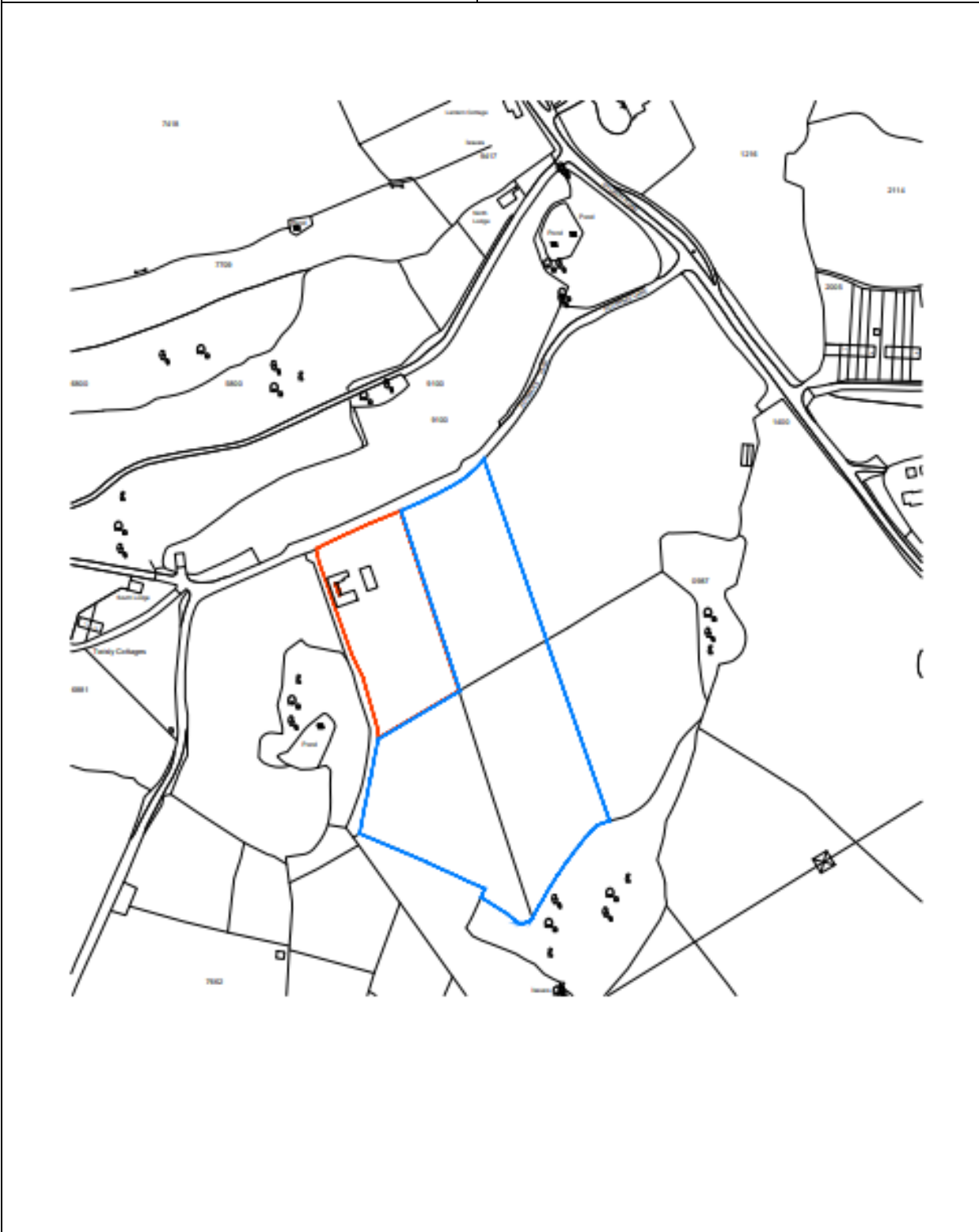
NOTE:

1. This decision notice relates to the following set of plans:
Drawing No. 7095/LBP dated March 2022
Drawing No. 7095/100 dated May 2022
Drawing No. WA2P dated 24.3.22
Drawing No. WA2E dated 3.3.22
Drawing No. GHA-BEC-LS-001 revision C dated 10/02/22

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

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SITE PLAN RR/2022/219/P	CATSFIELD GLEBELANDS POTMANS LANE
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Rother District Council

Report to	-	Planning Committee
Date	-	21 July 2022
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/219/P
Address	-	Glebelands, Potmans Lane, CATSFIELD
Proposal	-	Change of use (part retrospective) and extension of existing agricultural building to a live/work residential unit.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant:	Mr & Mrs Morris
Agent:	Mr S. Finnis
Case Officer:	Mr M. Worsley (Email: matthew.worsley@rother.gov.uk)

Parish:	CATSFIELD
Ward Members:	Councillor G.C. Curtis

Reason for Committee consideration: Councillor Curtis call in site has been assessed for council tax as a dwelling.

Statutory 8-week date:	16 May 2022
Extension of time agreed to:	29 July 2022

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 This application proposes the creation (retrospective) of a live/work unit within a stable/barn, with a small extension. The 'U' shaped buildings lie within the countryside outside any defined development boundary.
- 1.2 The holding is very small with part used as a 'certificated' caravan site. The site does not have formal planning permission and only operates under the auspices of the Camping and Caravan Club. The remaining agricultural activity is limited and does not require an agricultural worker to live on site. Neither is the agricultural business operating at a profit or proposed to operate at a profit.

- 1.3 As such the proposal for a dwelling for an agricultural worker has not been demonstrated to satisfy the policy requirements and there is no functional or financial justification for any dwelling on site.
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2.0 SITE

- 2.1 The site is a field which lies to the southern side of Potmans Lane, around 0.3km southwest of the junction with Church Road. The site is outside the Development Boundary for Bexhill as defined in the Development and Site Allocations Local Plan (DaSA). The site lies outside the High Weald Area of Outstanding Natural Beauty (AONB) but is in the countryside.
- 2.2 The site comprises a barn, together with a polytunnel and other smaller structures which support the existing small holding. The field gently slopes towards the south.
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3.0 PROPOSAL

- 3.1 The application seeks planning permission for the change of use (part retrospective) and extension of the existing agricultural building permitted under RR/2015/2309/P to a live/work residential unit.
- 3.2 The extension would provide an internal passageway, facing the internal courtyard, which would be used to access each room within the building. The residential accommodation would be separated into individual rooms comprising:
- A kitchen/dining room
 - A cupboard
 - A shower room
 - A living room
 - A bedroom
- The agricultural rooms, again, separated individually comprise:
- A store
 - A processing and Dyeing room
 - A machinery workshop
 - A spinning workshop
- 3.3 The planning statement advises: *It is the applicant's intention to begin selling the products made in site. With the creation of a live/work unit and being able to live on site, the applicants will have the confidence to invest further into the business...*
- 3.4 It is proposed to grow more exotic and niche plants and start a breeding programme for the alpacas and Angora goats. It is stated that there are been a number of security issues with attempted break-ins. It is stated that the on-site presence will deter this and also provide assistance for users of the adjoining campsite.
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4.0 HISTORY

- 4.1 RR/2004/2830/P Siting of temporary agricultural workers mobile home (retrospective application). Refused, appeal dismissed.
- 4.2 ENF/CAT/2004/304 (enforcement appeal) – Change of use of land to mixed use comprising storage of caravan and use of land as caravan site. Appeal dismissed.
- 4.3 RR/2006/301/FN Erection of barn for storage of equipment/feed/hay. additional safe rearing area. Planning required.
- 4.4 RR/2007/2456/P Retention of hardstanding and two sheds used for storage of animal feed/equipment. Refused.
- 4.5 RR/2013/1310/FN Storage shed. Planning required.
- 4.6 RR/2015/2309/P Erection of stable building/barn, together with permeable turning area for vehicle. Setting back of existing access gate – Approved Conditional.
- 4.7 RR/2016/649/P Provision of store for animal welfare linked to existing approved housing for livestock – Approved Conditional.
- 4.8 RR/2016/2420/P Erection of single polytunnel within existing agricultural unit – Approved Conditional.
- 4.9 RR/2020/2483/FN Proposed horticultural polytunnel – Planning Required.
- 4.10 RR/2021/869/O Certificate of Lawfulness for the existing use of section of agricultural units group as residential dwelling (Use Class C3) – Refused.
-

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)
 - OSS1 (overall spatial development strategy)
 - OSS2 (use of development boundaries)
 - OSS3 (location of development)
 - OSS4 (general development considerations)
 - RA2 (general strategy for the countryside)
 - RA3 (development in the countryside)
 - SRM1 (towards a low carbon future) (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)
 - EN3 (design quality)
 - TR3 (access and new development)

- TR4 (car parking)
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) 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)
 - DEN1 (maintaining landscape character)
 - DEN5 (sustainable drainage)
 - DEN7 (environmental pollution)
 - DIM2 (development boundaries)
- 5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
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6.0 CONSULTATIONS

6.1 None.

6.2 Planning Notice

6.2.1 12 letters of support. The comments are summarised as follows:

- With the caravan park, they have brought in much welcomed tourism into the local area.
- Boost to local economy.
- Important to encourage small rural businesses and campsites to encourage tourism and retain the countryside.
- With caravan park and small holding, would be beneficial for them to be onsite full time.
- No detrimental impact on Potmans Lane.
- They have made vast improvements – planted new trees, hedging, vegetable patch, shrubs, flowers, put up fencing etc.
- The work is supporting wildlife conservation, keeping rural crafts alive and producing home grown produce.
- Goats, alpacas and chicken are an added attraction for people stopping at the campsite.
- Current upsurge of interest in crafts and organic produce.
- Residential use will enable them to be more productive and create a viable rural crafts business to the benefit of the local community.
- Adds to my security and that of my livestock. Cameras also installed.
- Security for the animals, machinery and visiting caravans is essential, there is often evidence of fly tipping in the lane and due to their experience of attempted break-ins, 24 hour on-site presence will be of paramount importance.

6.2.2 Three objections received (summarised):

- Building Regulations for homes are different to workshops.
- No archaeological investigations.
- Applicant's intention has always been to live on the site.
- Blatant disregard for planning rules.

- Applicant only owns three goats and four alpaca.
- This is a hobby farm.
- Residential use not justified.
- Highway safety concerns.
- Increase in traffic.
- Polytunnels are empty year round.
- Most of the people in support of the application live nowhere near the site.

6.3 Catsfield Parish Council – **NO OBJECTION**

6.3.1 No comments.

7.0 **LOCAL FINANCE CONSIDERATIONS**

7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £4,829.00.

8.0 **APPRAISAL**

8.1 The main issues for consideration:

- Justification of a farm worker's dwelling
- Sustainability
- The impact of the dwelling on the locality within the countryside
- The impact on neighbouring properties
- Drainage and pollution
- Highway safety and parking

8.2 *Justification for a farm workers' dwelling*

8.2.1 Policy OSS2 of the Rother Local Plan Core Strategy and Policy DIM2 of the DaSA explain 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.

8.2.2 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires development to respect and not detract from the character and appearance of the locality.

8.2.3 Policy EN1 of the Rother Local Plan Core Strategy seeks the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features. Policy DEN1 of the DaSA seeks to reinforce the natural and built landscape character of the area in which development is to be located.

8.2.4 Policy EN3 of the Rother Local Plan Core Strategy requires all new development to be of a quality design taking into account a variety of factors including context.

- 8.2.5 Policy RA2 of the Rother Local Plan Core Strategy states that the overarching strategy for the Countryside is to:
- (i) *Maintain the farming capacity of the district, and support the agricultural industry, including diversification within farming.*
 - (ii) *Encourage agricultural practices, land-based economic activities and woodland management, and related agri-environmental schemes, that reinforce local distinctiveness, landscape character and ecology.*
 - (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.*
 - (viii) *Generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.*
- 8.2.6 Policy RA3(iii)(a) of the Rother Local Plan Core Strategy sets out the extremely limited circumstances under which new dwellings will be allowed in the countryside and includes the following:
- (a) *Dwellings to support farming and other land-based industries. Normally, accommodation will initially be provided on a temporary basis for a period of three years. Both temporary and permanent dwellings will be subject to appropriate occupancy conditions, and all applications should comply with the following criteria:*
 - i. *Demonstrate a clearly established functional need, relating to a full-time worker primarily employed in the farming and other land-based businesses.*
 - ii. *Demonstrate the functional need cannot be fulfilled by other existing accommodation in the area.*
 - iii. *Demonstrate the unit and the agricultural activity concerned are financially sound and have a clear prospect of remaining so.*
 - iv. *Dwellings are of appropriate size, siting and design.*
- 8.2.7 Paragraph 80 National Planning Policy Framework states: *Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.*
- 8.2.8 The Applicant puts forward the case that there is an essential need for a rural worker to live at the site. The application is made on permanent basis.
- 8.2.9 The onus is on the applicant to satisfy the functional and financial tests identified in the policy criteria and businesses should be demonstrably financially sound. The supporting text in the Rother Local Plan Core Strategy (paragraph 12.64) states that this normally means that permissions will initially be on a temporary basis, if a case is proven. The supporting text goes on to state that **permanent** dwellings will normally require the agricultural unit and activity to have been established for at least three years, have been profitable for at least one of them, be currently financially sound and have a clear prospect of remaining so.

- 8.2.10 In terms of the financial test, the applicant has provided a calculation forecast for the first year only. From the information provided, it is not possible to conclude that the holding would operate on a financially sound and viable basis. Of the £25,000 predicted income, £11,000 would come from the caravan site. Whilst the Applicants run the adjacent caravan site, this is not regarded as a land-based industry or one involving a “rural” worker where there would be a functional need for a dwelling. Additionally there is no requirement for the operator of a caravan site to live on site.
- 8.2.11 The purely agricultural production elements of the proposed business (alpaca and mohair fibre; fruit and vegetables; and plants) do not appear to be financially viable and there is no prospect of it being so. In conclusion, it is not considered that the overall enterprise has been shown to be planned upon a sound financial basis, and the policy requirements of RA3(iii)(a)(iii) have not been met in this case.
- 8.2.12 With specific regard to whether a ‘functional need’ has been demonstrated which necessitates the presence of a worker to live on site and therefore a dwelling, this is not the case. It is not considered that the small number of animals justifies a functional need and the business has not been shown to be viable. Furthermore, the presence of the caravan site, resulting in profits that have been factored into the business plan, is not an agricultural activity that requires a worker to live on site and therefore does not necessitate a rural workers’ dwelling. The proposal fails to demonstrate that the functional need and financial soundness test have been met in accordance with Policy RA3 (iii) (a) i and iii of the Rother Local Plan Core Strategy.
- 8.2.13 No assessment has been made of the other existing accommodation in the area. Therefore, it has not been demonstrated that there is no other existing accommodation in the area that would be appropriate. In any event, a functional need has not been demonstrated.
- 8.2.14 Part iv of Policy RA3 also references appropriate size, siting and design. The supporting text for Rother Local Plan Core Strategy Policy RA3 (paragraph 12.64) states that careful consideration should be given to the siting, size and design, as well as access. The siting of new dwellings should be well-related to existing farm buildings or other dwellings, wherever practicable.
- 8.2.15 In this instance the residential accommodation would be provided in separate rooms connected by an internal corridor/passageway and would comprise a kitchen/dining room, cupboard, shower room, living room and one bedroom. The alterations involve enclosing an external passage way to create the internal corridor/passageway. While the creation of the enclosed passageway on its own may be considered acceptable and would not cause harm to the character or appearance of the locality, the quality of the resulting accommodation is considered sub-standard. The majority of habitable rooms, bedroom, living room and kitchen have a window within its walls providing an outlook, only rooflights within the roof slope above. The dining area is the only room with small windows within the walls and these are primarily located facing (2 of 3) into the internal courtyard, which itself is also fenced, so enclosed on all sides.

8.2.16 In terms of the DaSA policies setting internal (DHG3) and external (DHG7) space standards, the residential element comprises approx. 62sqm of floorspace and thus meets the standard of 51.5sqm. However, the very narrow bathroom, which is only just over 1m wide and 3m long, would not appear sufficient size to accommodate toilet and washing facilities with the internally opening door. There is no private external space identified although there is the enclosed yard.

8.3 *Sustainability*

8.3.1 The site is located within the countryside, remote from any town or village or other built up area. It is around 1km from the village of Catsfield and its associated shops, school and other services. There are no pavements or streetlights along the narrow lane.

8.3.2 There are no bus stops near to the site and no other public transport options. Occupiers of the dwelling on the site would therefore be heavily reliant on private vehicles, the least sustainable form of transport.

8.3.3 The development would not be well located in terms of access to public transport and services and would undermine the aims of local and national planning policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to services and facilities. The development is contrary to Policies OSS3 (v), SRM1 (vii) and TR3 of the Rother Local Plan Core Strategy 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.

8.4 *The impact of the dwelling on the locality within the countryside*

8.4.1 While alteration of the existing stables/barn as put forward may not in itself have direct impacts on the landscape of the surrounding countryside, the additional domestic activity and paraphernalia that comes with domestic use would introduce an urbanising effect and be out of keeping with the intrinsic landscape character and visual appearance.

8.5 *The impact on neighbouring properties*

8.5.1 The dwelling would be sited away from neighbouring buildings and as such, would not appear overbearing or result in harmful overlooking.

8.6 *Drainage and pollution*

8.6.1 The accompanying statement with the application states that a septic tank is used for drainage with permeable paving to the parking area and pathway.

8.7 *Highway safety and parking*

8.7.1 Policy TR4 states proposed development shall: (i) meet the residual needs of the development for off-street parking 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 offsite whether on-street or off-street.

- 8.7.2 Policy CO6 states that a safe physical environmental will be facilitated by:
(ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 8.7.3 The existing access is shared by Glebelands, Seven Acre Horse Sanctuary and Brackendale Farm. The application does not include the anticipated number of vehicle movements from customers.
- 8.7.4 The planning statement advises that it is the applicant's intention to begin selling the products made on site and to start a breeding programme for the alpacas and Angora goats. It is also envisaged to provide a 'home delivery service', however, no further details are given in this respect.
- 8.7.5 In view of the lack of information, the impact on highway safety cannot be fully assessed but given the narrowness of the access and implications for increased vehicular use, concern exists that there could be impacts to highway safety.
-

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 The holding is not currently operating on a financially sound and viable basis. Furthermore, the new business has not been shown to be planned upon a sound financial basis for the succeeding two years for which forecasted accounts have been supplied. The forecasted income also includes earning from activities that would not necessitate a rural worker to live on site.
- 9.2 In addition, the site is in an unsustainable location which would undermine the aims of local and national planning policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to services and facilities.
- 9.3 For the reasons explained, the proposed development does not comply with Rother Local Plan Core Strategy or Rother DaSA policies or the various provisions contained within the National Planning Policy Framework. For the reasons explained the application cannot be supported.
-

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. It has not been demonstrated that the existing agricultural enterprise has a functional requirement for an agricultural worker to live on site. In addition it has not been demonstrated that the agricultural business is financially sound nor that it is forecast to become financially sound and as such it would not have regard to the need for it to fund a full-time agricultural worker's wage and creation/maintenance of the proposed dwelling. As such, the proposal would result in an unjustified new dwelling in the countryside, in conflict with Policy RA3 (iii) of the Rother Local Plan Core Strategy, adopted in 2014, and paragraph 80 of the National Planning Policy Framework.

2. 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) 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.
3. In the absence of justification for the erection of an agricultural dwelling, the proposed residential use of the site with associated domestic activity and paraphernalia, would have a harmful urbanising effect in the countryside. The proposal as such would be an alien and obtrusive development within the otherwise rural character and appearance of the countryside that would cause harm to the intrinsic landscape and visual appearance of the rural locality, in conflict with Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v) & EN1 of the Rother Local Plan Core Strategy, adopted in 2014, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan, adopted in 2019, and paragraph 174 of the National Planning Policy Framework.

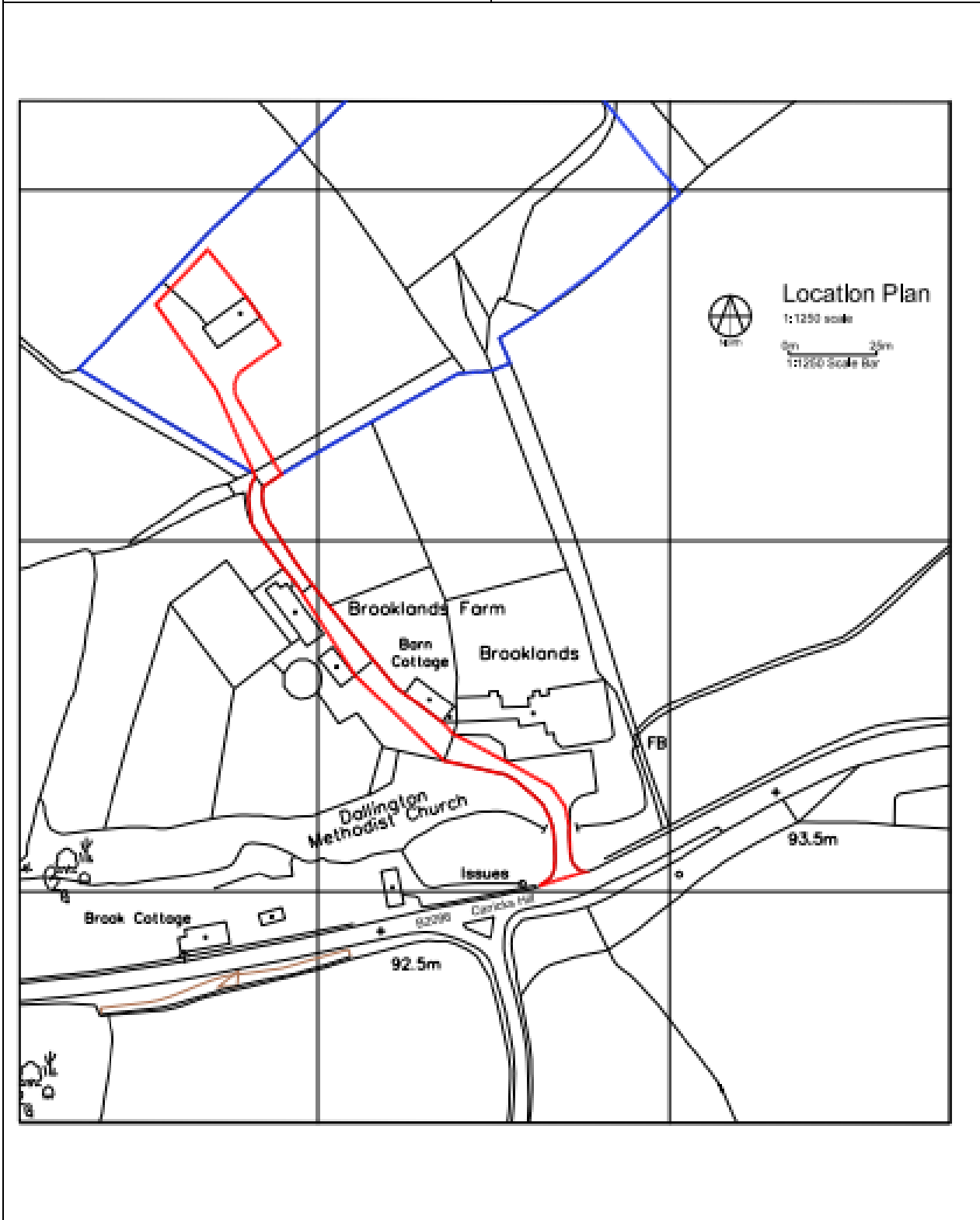
NOTE:

1. This refusal of planning permission relates to the following drawings:
 - Drawing no. 113-21-201, dated March 2021
 - Drawing no. 113-21-100, dated Jan 2021
 - Planning Statement
 - Supporting information – photographs
 - Report on business use

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) 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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SITE PLAN RR/2022/1219/P	DALLINGTON PEPPERPOT BARN CARRICKS HILL
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Rother District Council

Report to - Planning Committee
Date - 21 July 2022
Report of the - Director - Place and Climate Change
Subject - Application RR/2022/1219/P
Address - Pepperpot Barn, Carrick's Hill, Dallington, TN21 9JL
Proposal - Resubmission application for the change of use of a B1 commercial unit to a mixed use live/work unit (sui generis) along with a single storey rear extension.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr N. Harding
Agent: Mr Samuel Finnis
Case Officer: Mr Michael Vladeanu
(Email: Michael.vladeanu@rother.gov.uk)

Parish: DALLINGTON
Ward Members: Councillor G.C. Curtis

Reason for Committee consideration: Director - Place and Climate Change referral: Previous application history, RDC aware

Statutory 8-week date: 5 July 2022
Extension of time agreed to: 28 July 2022

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 The proposed development is not considered to be acceptable as it would result in an unjustified introduction of residential development within the countryside, contrary to Policy RA3 of the Rother Local Plan Core Strategy. The site is considered to be an unsustainable location and future occupiers would be reliant on the private motor vehicle to access essential services and community facilities. This would result in adverse environmental effects failing to move towards a low carbon future.
- 1.2 The proposed development does not comply with Rother Local Plan Core Strategy, Development and Site Allocations (DaSA) Local Plan 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.)	£21,730
New Homes Bonus (approx.)	£6,684

2.0 SITE

- 2.1 The site is located around 0.7km from the village of Dallington and is served by an existing access off the B2096 and internal access track and yard area. The site forms part of a relatively small field that contains a commercial building which is clad and roofed in sheet metal. Currently parking is provided by an area of hardstanding at the front of the existing commercial building.
- 2.2 The field is surrounded by mature trees and hedgerow which are identified as historic field boundaries. It forms part of the patchwork of irregular shaped fields and pockets of woodland that are characteristic of this part of the Area of Outstanding Natural Beauty (AONB) countryside. The site is visible from the adjacent public footpaths. To the south of the site are stables with associated equestrian related uses of the fields. Closer to the road is a residential property and care home.
- 2.3 The site is located within the High Weald AONB and outside of any defined development boundary and is therefore within the countryside for planning purposes.

3.0 PROPOSAL

- 3.1 This application is a resubmission of a previous refusal at the site for the same scheme and seeks planning permission for the extension of the existing building on the site and the change of use of the building from a Class B1 commercial unit to a mixed use live/work unit (sui generis).
- 3.2 The proposed rear extension would measure 7.78m in width by 6.849m in depth. The rear extension would feature a mono-pitched roof sloping from the ridge height of the current building which is 3.5m down to 2.8m. The proposed commercial element comprises 34% of the resultant overall floorspace and the residential element would comprise 66% of the overall floorspace.
- 3.3 The materials proposed for the extension and the current building on the site are vertical timber cladding and zinc elevations and roof. Hardstanding is proposed in front of the building, a patio is proposed to the rear and side and a post and rail fence is also proposed. The existing site access would be retained as part of the development.

4.0 HISTORY

- 4.1 RR/2020/333/P Erection of replacement commercial building for continued B1 Business use. Approved.
- 4.2 RR/2018/1307/P Conversion of redundant agricultural building to a single residential dwelling and installation of ground mounted solar PV panels. Refused and subsequent appeal dismissed.
- 4.3 RR/2021/2691/P Change of use of a B1 commercial unit to a mixed use live/work unit (sui generis) along with a single storey rear extension. Refused.
-

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)
- OSS1 (Overall Spatial Development Strategy)
- OSS2 (Use of Development Boundaries)
- OSS3 (Location of Development)
- OSS4 (General Development Considerations)
- RA2 (General Development for the Countryside)
- RA3 (Development in the Countryside)
- SRM1 (Towards a Low Carbon Future)
- 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)
- EN7 (Flood Risk and Development)
- TR3 (Access and New Development)
- TR4 (Car Parking)

5.2 The following policies of the [Development and Site Allocations Local Plan](#) 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)
- DEN2 (The High Weald AONB)
- DEN4 (Biodiversity and Green Space)
- DEN5 (Sustainable Drainage)
- DEN7 (Environmental Pollution)
- DIM2 (Development Boundaries)

- 5.3 The National Planning Policy Framework, Planning Practice Guidance and High Weald AONB Management Plan 2019-2024 are also material considerations.
-

6.0 CONSULTATIONS

6.1 RDC Waste & Recycling – NO OBJECTION

6.2 Planning Notice

- 6.2.1 One letter of objection has been received (from eight representatives). The concerns raised are summarised as follows:
- No difference between previous applications.
 - Will open the way for others to purchase a plot of land in an AONB put up a steel framed building and convert it into a house.
 - Sui genesis normally applies to theatres, nightclubs and hostels/HMOs.
- 6.2.2 Seven letters of support have been received (from eight representatives). The reasons are summarised as follows:
- The scheme would improve the appearance of the building.
 - Improve security with a 24 hour presence.
 - It makes sense for someone to live and work in the same place reducing traffic and carbon emissions.
 - By incorporating a high number of energy efficiency measures, and renewable energy generation, the project will contribute to the self-sufficiency of the premises and support low carbon technology development.

6.3 Dallington Parish Council – NO OBJECTION

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 Application RR/2020/333/P confirms that the business use is acceptable on the site. As such, the primary consideration with this application is the acceptability or otherwise of a residential dwelling being situated on the site.
- 8.2 The main issues for consideration are:
- Principle of development

- Sustainability
- Impact upon the character and appearance of the area and High Weald AONB
- Impact upon the amenity of neighbouring properties
- Amenity of future occupiers
- Impact upon Ecology
- Highway safety and parking provision

8.3 Principle of development

8.3.1 The site is outside of any Development Boundary as defined within the DaSA and is therefore in the countryside where local planning policy only allows new dwellings in very limited circumstances.

8.3.2 Policy OSS2 of the Rother Local Plan Core Strategy 2014 and Policy DIM2 of the DaSA explain that development boundaries around settlements will differentiate between areas where most forms of new development would be acceptable and where they would not.

8.3.3 Policy RA3 (iii) of the Rother Local Plan Core Strategy is specific to the formation of new dwellings in the countryside. The policy states that there are four extremely limited circumstances in which new dwellings are allowed:

- a) Dwellings to support farming and other land-based industries (i.e. forestry and equine-related activities).
- b) The conversion of traditional historic farm buildings in accordance with Policy RA4.
- c) The one-to-one replacement of an existing dwelling of a similar landscape impact.
- d) As a 'rural exception site' to meet and identified local affordable housing need.

8.3.4 The proposed development does not meet the limited criteria for new residential development within the countryside in accordance with Policy RA3. The development would not be for agricultural purposes, a one-to-one replacement of an existing building nor is it a conversion of a traditional historic farm building. The proposal is not an exception site for affordable housing. In accordance with Policies RA3 and OSS2 development would normally be refused as the principle of the development is unacceptable.

8.3.5 However notwithstanding the above, based on the current housing position it is acknowledged that the Council cannot currently demonstrate a five-year supply of housing land with the appropriate buffer. This means that policy restrictions relating to development boundaries must be viewed at the present time as being 'out-of-date'. As a consequence, planning applications fall to be considered in the context of paragraph 11 d) of the National Planning Policy Framework, which states, in accordance with the presumption in favour of sustainable development, where policies are out of date planning permission should be granted unless:

- i) the application of policies in the 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 this Framework taken as a whole.
- 8.3.6 This situation does not mean that housing schemes which are unacceptable on sound planning grounds must now be allowed; however, it does add weight to the benefits that a potential additional source of housing supply would bring when determining the “planning balance”.
- 8.3.7 With regard to point i), footnote 6 excludes AONBs (and other protected sites where development should be restricted) from what has been described as the “tilted balance” where in paragraph 11 it requires approval unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”. In the AONB “great weight” is to be given to protecting its landscape and scenic beauty and it can be considered as a clear reason for refusing development.
- 8.3.8 The merits of the proposal in relation to paragraph 11 are considered below.
- 8.4 Sustainability
- 8.4.1 Paragraph 8 of the National Planning Policy Framework refers to the presumption in favour of sustainable development with its three-overarching economic, social and environmental objectives which should be taken into account when making decisions.
- 8.4.2 Policy OSS3 of the Rother Local Plan Core Strategy states that in assessing the suitability of a particular location for development, proposals should be considered in the context of the need for access to employment opportunities.
- 8.4.3 Policy TR3 requires new development to minimise the need to travel and support good access to employment, services and community facilities.
- 8.4.4 The site is situated outside of any defined development boundary and is neither in proximity to a recognised settlement, or within a cluster of built development. The proposal is in proximity to equestrian development but separated from other dwellings. The village of Dallington, which has a school but few (if any) facilities relevant to day-to-day life is 0.7km away and only accessible along rural roads which are unlit and largely without footpaths. Public transport provision in the area is meagre. As such, shops and facilities could not be easily accessed on foot and occupants of the proposed dwelling would be unlikely to travel other than by use of the private car, the least sustainable mode of transport.
- 8.4.5 Given the above, the development would not provide good access to employment, services and other community facilities. The future occupants of the dwellings would rely largely on the private motor vehicle resulting in adverse environmental effects and failing to move towards a low carbon future. As such, there would be conflict with both local policy and the environmental aims of the National Planning Policy Framework.
- 8.5 Impact upon the character and appearance of the area within the AONB

- 8.5.1 Policy OSS4 of the Rother Local Plan Core Strategy requires all development to (iii) respect and not detract from the character and appearance of the locality.
- 8.5.2 Policy EN1 of the Rother Local Plan Core Strategy seeks to ensure the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (i) the distinctive identified landscape character ecological features and settlement pattern of the High Weald AONB. Policy DEN2 of the DaSA also seeks to conserve and enhance the AONB. Similarly, paragraph 176 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty of AONBs which have the highest status of protection.
- 8.5.3 Policy EN3 requires all new development to be of a quality design taking into account a variety of factors.
- 8.5.4 The site forms part of a relatively small field which currently contains the building permitted by application RR/2020/333/P. This building measures 15m by 7m and has a ridge height of 3.6m. It has green metal cladding to its elevations with a metal clad roof with hinged doors and roller shutters for access to the building.
- 8.5.5 The field in which the building is located is surrounded by mature trees and hedgerow which are identified as historic field boundaries. It forms part of the patchwork of irregular shaped fields and pockets of woodland that are characteristic of this part of the AONB countryside. The site is visible from the adjacent public footpaths.
- 8.5.6 To the south of the site are stables with associated equestrian related uses of the fields. Closer to the road is a residential property and a care home. There is also another dwelling further up the track to the north-east. The site and its surroundings are very rural in character.
- 8.5.7 The proposal includes a rear extension which would increase the footprint of the building by a third, the extension is required in order to provide the two-bedroom dwelling which is proposed. A gravel yard area is proposed to the front of the building which would be used as car parking and a patio area is proposed to the side and rear of the building. A post and rail fence are proposed around the building which would enclose what would be the residential curtilage of the building.
- 8.5.8 The current building is of a utilitarian appearance with a fairly common form of cladding used within rural areas of the AONB. The proposal is to change the materials used in the external appearance of the building from green metal cladding to vertical timber cladding to the side and rear elevations and a zinc front elevation and roof. This would result in the building having a domestic appearance and not a utilitarian appearance.
- 8.5.9 In the previous refusal at the site for the same development (RR/2021/2691/P) the case officer determined that "the proposed increasing of the building footprint by a third, hardstanding to the front, patio to the rear, post and rail fence and change in exterior materials of the building to timber cladding and zinc would result in a large building on the plot with a domestic

appearance which would be in contrast to the current utilitarian appearance of the building, this would result in a negative impact upon the character and scenic beauty of the High Weald AONB.” As this application is identical to that refused under the previous application there is no reason to come to a different conclusion and it is considered that the changes would be contrary to and harm the natural landscape character and scenic appearance of the AONB to which the Framework affords the highest status of protection in relation to its landscape and scenic beauty. Notwithstanding the above the site would be occupied and lit more frequently and more intensively than would be the case when solely as a commercial property. In addition, residential use would naturally include use of the surroundings for outdoor seating, washing line and other domestic paraphernalia that would further urbanise the character and appearance of the site.

8.5.10 It is therefore considered that the proposal would detract from the character and scenic beauty of the High Weald AONB and is therefore contrary to Policy EN1 of the Rother Core Strategy, Policy DEN2 of the DaSA and paragraph 176 of the National Planning Policy Framework.

8.6 Amenity of future occupiers

8.6.1 Policy OSS4 (i) of the Rother Local Plan Core Strategy requires all development to meet the needs of future occupiers, including providing appropriate amenities.

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

8.6.3 The proposal would result in the creation of a two-bedroom dwelling. The dwelling would meet the requirements of NDSS.

8.6.4 Turning to external space, Policy DHG7 (i) of the DaSA normally requires private rear garden spaces of at least 10m in length. The proposed property would achieve this minimum garden size.

8.6.5 The DaSA Policy DRM1 requires all new dwellings to be designed to achieve enhanced water consumption levels of no more than 110 litres per person per day through the optional Water Efficiency Standards through Building Regulations. If the proposal was to be recommended for approval this would be secured via a planning condition to ensure that higher water efficiency standards above the baseline are achieved in compliance with the DaSA.

8.6.6 The DaSA has also introduced Policy DHG4 which states that the Council has adopted the Optional Technical Building Regulations for accessible and adaptable homes. All dwellings are required to meet enhanced M4 standards above the M4(1) baseline and that all new homes should meet M4(2) standards. If the application was recommended for approval this would be secured by a planning condition. Securing this by planning condition would ensure enhanced access standards are achieved and will allow the Building Control body to check compliance of a development against the Optional Technical Building Regulations M4(2) standards. The

optional technical standards cannot be secured under building regulations unless triggered by a condition on the planning decision.

8.7 Amenity of Neighbouring properties

8.7.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy requires development to not unreasonably harm the amenities of adjoining properties.

8.7.2 The proposed dwelling and business use would be located a sufficient distance away from neighbouring properties and as such would not impact the residential amenity of the neighbouring properties.

8.8 Ecology

8.8.1 Paragraphs 174 & 180 of the National Planning Policy Framework seek to protect and enhance habitats and biodiversity and this is reflected in Policy EN5 of the Rother Local Plan Core Strategy and Policies DEC2 (ii) and DEN4 of the DaSA.

8.8.2 A Preliminary Ecological Appraisal (PEA) undertaken by The Mayhew Consultancy and dated October 2021 and submitted as part of this application identifies no concern in terms of impacts on statutory and non-statutory designated sites. However, a number of recommendations have been made within the report as to how to manage the development both during construction and during occupation so that to minimise the impact of the development as much as possible and to enhance biodiversity on site. Should the application be recommended for approval these recommendations can be ensured via conditions.

8.9 Highway safety and parking provision

8.9.1 Policy CO6 of the Rother Local Plan Core Strategy facilitates a safe physical environment by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.

8.9.2 Policy TR4 (i) of the Rother Local Plan Core Strategy requires development to meet the residual needs of the development for off-street parking 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.

8.9.3 Policy DHG7 (ii) of the DaSA requires car parking and cycle storage to be provided in accordance with Policy TR4 and East Sussex County Council's 'Guidance for parking at new residential development'.

8.9.4 The existing site access would be retained as part of the development and hardstanding would be installed in front of the building to provided parking space and turning space for vehicles. As such, the proposal is considered acceptable in terms of the highway's safety and parking provision.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 The principle of the business use on the site has been established by previous applications and granted planning permissions. As such, the primary issue with this application is the acceptability of the creation of a dwelling on the site and its impact upon the character and appearance of the High Weald AONB.
- 9.1.1 Paragraph 11 of the National Planning Policy Framework says planning decisions should apply a presumption in favour of sustainable development. At this time the Council accepts that it is unable to demonstrate a 5-year supply of deliverable housing sites. This is contrary to the requirement set out in paragraph 74 of the National Planning Policy Framework. Relevant policies for the supply of housing in the Development Plan are therefore out of date and, accordingly, point 'd' in paragraph 11 is engaged. This states that where there is no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protects areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this regard, as identified in the planning report assessment, it is the case that harm would be caused to the High Weald AONB, which is one of the policy areas referred to in footnote 7 to paragraph 11; that harm alone provides a clear reason for refusing the proposal, and the so-called tilted balance in favour of development is not engaged.
- 9.1.2 The proposal would provide the social and economic benefits arising from the construction of additional homes.
- 9.1.3 However, the proposed development is not considered to be acceptable as it would result in an unjustified introduction of residential development within the countryside, contrary to Policy RA3 of the Rother Local Plan Core Strategy. The site is considered to be an unsustainable location and future occupiers would be reliant on the private motor vehicle to access essential services and community facilities. This would result in adverse environmental effects failing to move towards a low carbon future.
- 9.1.4 Furthermore, the development would be located well outside of any defined development boundary and would be within the countryside and the High Weald AONB which has the highest status of protection in relation to landscape and scenic beauty. The result of the proposal would be to extend the existing building on the site by a third, change the external appearance of the building from utilitarian to domestic by way of installing timber cladding to the side and rear elevations and zinc to the front elevation, install hardstanding to the front of the building, a patio to the side and rear and a post and rail fence. The extension combined with the alterations would result in a development which would detract from the character and scenic beauty of the High Weald AONB by creating a large building of domestic appearance and changing the character of the plot to domestic as well. This would result in unjustified intrusion and harmful encroachment into the countryside and would have an urbanising impact that would detract from the defining rural characteristics of the surrounding area.

- 9.1.5 The proposed development therefore would not accord with Policies OSS2, OSS4, RA2, RA3, and EN1 of the Rother Local Plan Core Strategy, Policies DEN2 and DIM2 of the DaSA or paragraph 176 of the National Planning Policy Framework.
-

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The site is located outside of the any development boundary and is within the High Weald Area of Outstanding Natural Beauty (AONB) where all new development is carefully controlled to protect the quality of the AONB landscape, which has the highest status of protection in relation to landscape and scenic beauty. The proposed extension of the building on the site, change in exterior materials, associated works and use of the extended building as a part business and part residential use would result in an unjustified intrusion and harmful encroachment into the countryside and would have an urbanising impact, which would detract from the defining rural characteristics of the surrounding area. The development would fail to conserve or enhance the landscape and scenic beauty of the High Weald AONB and would not accord with Policies OSS2, OSS4, RA2, RA3, and EN1 of the Rother Local Plan Core Strategy, Policies DEN2 and DIM2 of the Development and Site Allocations Local Plan or paragraph 176 of the National Planning Policy Framework.
2. The site lies within an unsustainable countryside location where occupiers of the proposed new dwelling would be highly reliant on private motor vehicles to access essential services and community facilities. The development would therefore be contrary to Policy TR3 of the Rother Local Plan Core Strategy and paragraph 104 of the National Planning Policy Framework which seeks to minimise the need to travel and to support the transition to a low carbon future.

NOTE:

1. For the avoidance of doubt the application is refused based on the following plans and documents:
Site Location Plan, Drawing No. 01 Rev P1, dated November 2021
Proposed Floor Plans, Drawing No. 06 Rev P1, dated November 2021
Proposed Elevations, Drawing No. 07 Rev P1, dated November 2021
Proposed Site Plan, Drawing No. 08 Rev P1, dated November 2021
Proposed Perspective View, Drawing No. 09 Rev P1, dated November 2021
Personal Statement, undated
Preliminary Ecological Appraisal, Ref: EA/108721, dated October 2021
Planning Statement, undated.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and

due to the harm, which has been clearly identified within the reasons for the refusal, approval has not been possible.

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Rother District Council

Report to	-	Planning Committee
Date	-	21 July 2022
Report of the	-	Director - Place and Climate Change
Subject	-	Application ref: RR/2021/2804/P
Address	-	Land adjacent to Villa Flair, Union Street, Flimwell, TN5 7NT
Proposal	-	Erection of a detached bungalow with three bedrooms and a detached store and double garage together with associated hardstanding, turning area and use of existing access on to the B2087.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (FULL PLANNING) PERMISSION SUBJECT TO CONDITIONS**

Director: Ben Hook

Applicant: L. Sutton
Agent: Graham Simpkin Planning Ltd
Case Officer: Asma Choudhury
(Email: asma.choudhury@rother.gov.uk)

Parish: TICEHURST
Ward Members: Councillors Mrs M.L. Barnes and G.S. Browne

Reason for Committee consideration: Director - Place and Climate Change referral: This application is 'called-in' by Cllr Mary Barnes for the following reasons:

- *From the owners of The Brackens bungalows point of view it will invade their privacy as the access track is so narrow that vehicles would pass just a metre from the bedroom window.*
- *that vehicles would pass just a metre from the bedroom window.*
- *The application hints at the further development of other bungalows using the same one way track which will bring more vehicles alongside.*
- *The track is not wide enough for large delivery vehicles as it is, so that includes bin lorries and emergency vehicles as well as delivery lorries.*
- *The junction is a narrow opening onto a road where there is excess speeding.*
- *There have been other applications for back land development along this side of the road which have been refused as potential incursions into the AONB.*
- *The site is not in the Ticehurst NP.*

Extension of time agreed to: 22 July 2022

This application is included in the Committee Site Inspection List

1.0 SUMMARY

- 1.1 This application proposed a new-build dwelling with associated garaging, utilising an existing access arrangement.
- 1.2 Whilst located outside the development boundary where proposals for new dwellings are generally resisted (save for policy exceptions permitting affordable housing, rural workers dwelling and barn conversions), Rother District Council's (RDC) significant shortfall in the 3-year and 5-year housing land supply weighs significantly in the planning balance.
- 1.3 National Planning Policy Framework Para 11 requires a presumption in favour of sustainable development and that where local development plan policies (including the neighbourhood plan) are out-of-date, permission must be granted unless the adverse impacts of doing so would outweigh the benefits when assessed against the National Planning Policy Framework as a whole.
- 1.4 For the purposes of the National Planning Policy Framework, 'out-of-date' policies includes those policies where the local authority does not have a 3-year and 5-year housing land supply.
- 1.5 Having regard to the National Planning Policy Framework's objective for securing sustainable development, the development proposal would be suitably integrated adjacent to the existing settlement pattern; it would not result in an intrusion of the AONB landscape; the site is located close to public transport providing accessibility to services/facilities in neighbouring villages and towns; and it would contribute to the Councils housing land supply.
- 1.6 The recommendation is therefore approval.

1.7 PROPOSAL DETAILS

PROVISION	
No of houses	1
No of affordable houses	0
Other developer contributions 1	0
Other developer contributions 2	0
Other developer contributions 3	0
CIL (approx.)	£23,622
New Homes Bonus (approx.)	£6,684

2.0 SITE

- 2.1 This application relates to a parcel of land on the south side of Union Street, enclosed by road-fronted dwellings to north, dwellings to its east and an established treeline along its southern boundary – backing onto the Dale Hill Golf Course.
- 2.2 Access to the site would utilise an existing access point between two dwellings: Chestnut Cottage to the west and Nos. 1&2 The Brackens to the east.

- 2.3 The site is within the High Weald Area of Outstanding Natural Beauty (AONB).
- 2.4 The site lies outside of the development boundary as defined in Ticehurst Neighbourhood Plan (TNP) but is adjacent to it.
-

3.0 PROPOSAL

- 3.1 Permission is sought for a detached bungalow and a detached outbuilding comprising a store and double garage, together with associated hardstanding and turning area.
- 3.2 The existing access on the B2087 is proposed to be used.
- 3.3 The proposal was the subject of pre-application discussions.
-

4.0 HISTORY

- 4.1 The site has a history of refused planning applications for new dwellings in the 1960s and 70s. There are no other relevant planning applications that are relevant to inform this assessment.
-

5.0 POLICIES

5.1 Rother Local Plan Core Strategy 2014, Policies (CS):

- PC1 Presumption in Favour of Sustainable Development
- OSS1 Overall Spatial Development Strategy
- OSS2 Use of Development Boundaries
- OSS3 Location of Development
- OSS4 General Development Considerations
- RA2 General Strategy for the Countryside
- RA3 Development in the Countryside
- CO6 Community Safety
- EN1 Landscape
- EN3 Design
- EN4 Management of the Public Realm
- EN5 Biodiversity and Green Space
- TR2 Integrated Transport
- TR3 Access and New Development
- TR4 Car Parking
- SRM2 Towards a Low Carbon Future

5.2 Development and Site Allocations Local Plan (DaSA):

- DHG4: Accessible and Adaptable Homes
- DHG7: External Residential Areas
- DHG11: Boundary Treatments 57
- DHG12: Accesses and Drives
- DEN1: Maintaining Landscape Character
- DEN2: The High Weald Area of Outstanding Natural Beauty (AONB)
- DEN4: Biodiversity and Green Space

- DEN5: Sustainable Drainage
- DIM1: Comprehensive Development
- DIM2: Development Boundaries

5.3 Ticehurst Neighbourhood Plan Policies:

- R1 Conserve the Area of Outstanding Natural Beauty
- R2 Maintain Green Gaps Between Settlements
- R5 Support Biodiversity
- H1 The Spatial Plan
- H3 Mix of Housing Sizes and Tenures
- H5 The Design of New Buildings

6.0 CONSULTATIONS

6.1 NatureSpace – following re-consultation, **NO OBJECTIONS** subject to a condition to implement avoidance measures.

6.2 County Ecology – **OBJECTION** due to insufficient information.

The County Ecologist was reconsulted following receipt of an ‘ecological mitigation and enhancement strategy’, however, no response received.

6.3 ESCC Highways – **NO OBJECTION** subject to conditions.

6.4 Planning Notice

Six letters with general comments have been received (from five households). The comments are summarised as follows:

- Contradictions in the plan concerning the proposed access arrangement, unclear if on-way system is proposed.
- Increased use of the access serving Villa Flair, together with the proposed (separate) access would result in increased traffic and noise which would harm the residential amenities of adjacent properties, particularly with neighbouring properties laying adjacent to the accesses.
- Loss of privacy, noise, disruption.
- Negative impacts on rights of access. Conflict with covenant.
- Lane is too narrow for larger commercial vehicles.
- Submission indicates further development for residential units.
- Precedent
- Increased highway risk on adjacent B2087.
- Impact to AONB.
- Impact to trees.
- Contrary to Ticehurst Neighbourhood Plan.
- Nature conservation issues with the development of the paddock.

6.5 Ticehurst Parish Council – **OBJECTION**

This land was put forward during the Ticehurst Neighbourhood Plan call-for sites and rejected on the following grounds:

- *Access road too narrow for fire engines or deliveries.*
- *Valuable line of mature oaks on the southern boundary of the site.*
- *Covenants relating to the land as not being used for residential were not provided.*
- *Outside development zone.*

- *Potential damage to hedge and trees belonging to the Chestnuts. Furthermore, the drawings are in conflict with planning policy - a stable does not make a paddock area domestic - dangerous precedent. The justification for the three- bed bungalow with inference of intention for further dwellings is disproportionate for elderly parent - PC would suggest that extension to current dwelling would be more appropriate to achieve the level of care. Recommendation for refusal.*
-

7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £23,622.
- 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.
-

8.0 APPRAISAL

8.1 Principle

- 8.1.1 The site is located outside any development where DaSA Policy DIM2 seeks to limit development in the countryside unless it accords with specific local plan policies. As such, DaSA Policy DHG2 permits small-scale residential development where it meets an identified local need for affordable housing.
- 8.1.2 Of the Rother Local Plan Core Strategy, Policy LHN3 is essentially a repeat of DaSA Policy DHG2. In addition, Policy RA3, also permits dwelling in the countryside in exceptional circumstances:
- Where there is a demonstrated need for a farmers or rural based dwelling.
 - Conversion of historic farm buildings.
 - The one-to-one replacement of an existing dwelling of similar landscape impact.
- 8.1.3 As such, residential development in this location would be contrary to the local plan and should be refused unless material considerations indicate otherwise.
- 8.1.4 However, The National Planning Policy Framework at paragraph 11 requires a *presumption in favour of sustainable development*, making it clear that when policies for housing provision are out of date, permission, should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole.
- 8.1.5 As RDC does not have a 5YHLS, within the context of the National Planning Policy Framework (Footnote 8 to Para 11), Policies DIM2 and RA3 must be

considered out of date for decision making purposes and planning permission must be granted unless:

11.di : *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*

11.dii : *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

8.1.6 In terms of 11.di, footnote 7 specifies AONBs and irreplaceable habitats such as ancient woodland, as areas/assets protected by National Planning Policy Framework policies. In this case, the site is in the AONB where restrictive countryside policies apply i.e. in order to preserve the scenic beauty of the landscape. This must be considered in the planning balance alongside 11.dii.

8.1.7 In terms of 11.dii, the application must demonstrate that the benefits outweigh the harm, having regard to the National Planning Policy Framework as a whole. In this case, National Planning Policy Framework Paras 78, 79, 80, 105, 110-112. Collectively, these policies require that development is appropriate having regard to its location, its accessibility to a range of services (shops, schools, etc) and accessibility to public transport services i.e. demonstrating the sustainability credentials of the site and the proposal.

It is also noted that the application site falls within the TNP area. This is a material consideration in weighing the planning balance i.e. National Planning Policy Framework Para 14 requires that neighbourhood plans (NP) are factored in to the 'presumption', setting out that the adverse impact of applications for housing, that conflicts with the NP would outweigh the benefits provided it meets the following requirements:

- a) *the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) *the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c) *the Local Planning Authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*
- d) *the Local Planning Authority's housing delivery was at least 45% of that required¹⁰ over the previous three years.*

8.1.8 In this case, TNP was adopted in July 2019 - more than two years at the time of writing this report. Furthermore, this local authority has neither a 3-year or 5-year supply of deliverable housing sites, the present housing supply figure being 2.89 years – a significant shortfall. For this reason, in accordance with the National Planning Policy Framework which takes precedence in such circumstances, the TNP is also out-of-date priority. Consequently, this strengthens the *presumption in favour of sustainable development*.

8.1.9 As such, although the site lies outside the development boundary, it lays adjacent to it. There is an existing pavement on the other side of Union

Street and the site is within walking distance of bus stops. It is therefore considered that the proposal would represent a sustainable form of development in terms of its accessibility to services, public transport and its relationship adjacent to a settlement.

8.2 **Sustainability**

8.2.1 In considering applications for dwellings in the countryside, an assessment is made of the site's sustainability credentials, primarily in terms of the site's accessibility to a range of services via sustainable transport modes (walking, cycling, public transport etc.). *This is with regard to National Planning Policy Framework Para 105: the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.*

8.2.2 This way, in assessing the sites location in relation to existing settlements with the greatest amount/range of employment, community facilities and services which are best served by public transport, development can be focussed on the most accessible and well-served locations, thereby contributing to the development of sustainable communities and reduction in our carbon footprint.

8.2.3 This is considered in the context of Rother Local Plan Core Strategy Policy OSS2 which makes allowances for proposals breaching development boundaries (in this case, in the context of National Planning Policy Framework Para 11) having regard to the following:

- i. Existing pattern, form and function of settlements, including of closely 'linked' settlements and important 'gaps' of countryside between them.*
- ii. Character and settings of individual towns and villages.*
- iii. Sensitivity to further development both within the main built up confines and in more rural fringes.*
- iv. Availability of local infrastructure and services.*
- v. Accessibility to facilities and services, and avoiding scattered and ribbon development.*
- vi. Environmental considerations, including the need to conserve designated areas of national and local landscape, archaeological, geological, ecological or historical importance*
- vii. Following physical features, unless this may suggest a potential for development that is inappropriate.*

8.2.4 In addition, National Planning Policy Framework Para 78 requires that decisions should be responsive to local circumstances and Para 79 requires that to promote sustainable development in rural areas, housing should be located where *it will enhance or maintain the vitality of rural communities... identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support service in a nearby village.*

8.2.5 Collectively with Para 105, the development site is considered a sustainable location owing to its accessibility via sustainable transport modes to a range of villages with a greater range of services. The proposal would therefore contribute to the local economy of neighbouring villages.

- 8.2.6 In this case, Flimwell is not well served by services and facilities etc. However, the nearest settlement of Ticehurst which is within 1.5 miles of the site has a range of shops, cafes, restaurants, schools and medical services. In terms of accessibility:
- a) the site has access onto a public footpath providing a safe route to Ticehurst within reasonable walking distance.
 - b) There is a bus stop within 2 minutes' walk of the site providing services to Ticehurst, Wadhurst, Tunbridge Wells and Hawkhurst – all of which provide further onward services including train stations.
- 8.2.7 Finally, the application site comprises a small paddock, bound by residential properties to the north and east, so it is contiguous with the adjacent settlement. In addition, the site is contained by screening treeline and a golf course immediately to the south. As such, the development proposal would be readily absorbed into the backdrop of the adjacent settlement. Combined with the vegetative screening and the adjacent golf course, the development of the site would not appear as an intrusion into the countryside.
- 8.2.8 As such, having regard to Section 2 of the National Planning Policy Framework (Achieving Sustainable Development), together with Rother Local Plan Core Strategy Policies PC1, OSS2, OSS3, OSS4, RA1, RA5 and DaSA policies DEN1 and DEN2, the proposal would meet the three overarching objectives (economic, social and environmental) of sustainable development.
- 8.2.9 The principle of residential development on this site is therefore supported.

8.3 **Character, Appearance, Landscape Character**

- 8.3.1 The site lies within the AONB where both local and national planning policy give great weight to conserving and enhancing the landscape character and scenic beauty of this nationally designated landscape.
- 8.3.2 As set out under Paragraph 8.2.6. the site lies contiguous with the existing settlement. Furthermore, there are two other dwellings (Villa Flair and The Glen) which have a back-land setting adjacent to the site. The proposal would therefore appear in keeping with the existing pattern of development. In addition, the treeline along the southern boundary screens the development of the site from any immediate or long-range views.
- 8.3.3 The scale and design of the proposed dwelling is relatively modest. A condition is attached to secure a material scheme appropriate to the AONB landscape character (notwithstanding the material details in the application submissions). In addition, Union Street comprises a mixed character of dwellings, of various size and with a mixed material pallet. There is also a scattering of backland properties across the settlement. As such, the proposal would not appear uncharacteristic with the existing pattern of development. Also, being recessive behind existing road-fronted dwellings, the proposed dwelling would not appear prominent in the street scene.
- 8.3.4 It is considered appropriate to remove Class E PD rights, particularly as any Class E structure/building could adversely affect the trees located to the south of the application site. any loss of trees as a result would harm the verdant boundary which informs the rural setting of the Flimwell village.

- 8.3.5 The Parish Council's comments are noted and a larger part of this site was submitted as part of the neighbourhood plan 'call for sites' in December 2016. However, 15 dwellings were suggested, with six dwellings noted as being more likely. Comparatively, this application relates to a smaller part of the field and is for one dwelling only.
- 8.3.6 Overall, the proposal complies with Rother Local Plan Core Strategy Policies OSS4, RA1, RA3, EN1 and EN3, combined with DHG11, DEN1 and DEN2, which collectively requires development to be of an acceptable scale and design having regard to the character of the surrounding landscape – in this case, the site being on the edge of the village of Flimwell but also contained by the golf course.
- 8.4 **Highway/Access**
- 8.4.1 Neighbouring properties have raised concerns regarding the access arrangement and the impact to residential amenity.
- 8.4.2 Presently Villa Fair can be accessed using two separate access points: the main access is between Woodland Glen and Woodcote; and the secondary access (serving the application proposal) is between the Brackens and Chestnut Cottage.
- 8.4.3 The submissions suggest that both accesses could be utilised to provide a 1-way arrangement but insufficient details have been provided demonstrating how this could be achieved. Notwithstanding, there are inherent issues with such an arrangement.
- 8.4.4 The main access also serves The Glen (adjacent dwelling east of Villa Flair). Ingress for the occupants/visitors to Villa Flair and the proposed dwelling using this access as a one-way system would not prevent the occupants of The Glen egressing via the same access. This would be the same for the secondary access i.e. the occupants of Villa Flair and the proposed dwelling egressing the site could still be obstructed for the occupants of The Bracken's ingress.
- 8.4.5 A condition to secure a one-way system is therefore considered futile as it does not affect neighbours' rights of access.
- 8.4.6 Nevertheless, the red-line site area only includes the secondary access, so this application is considered on that basis.
- 8.4.7 The existing access could potentially be used with indefinite frequency, everyday – this is an existing access point and there is no recourse in Planning to control its use. Comparatively, the vehicle activity associated with the provision of 1 dwelling is limited comprising peak activity in the morning/evening with random activity across the day i.e. deliveries etc.
- 8.4.8 Whilst this would not prevent vehicle activity associated with the remaining paddock (which remain associated with Villa Flair), this paddock is a small area, further reduced, and would not require significant maintenance on a daily basis.

- 8.4.9 Amended plans have been provided, indicating a 4.5m wide track (10m long) at the access point which would provide space for vehicles to pass each other away from the main road junction.
- 8.4.10 Given the constraints of the lane, presently shared by a total of three existing properties: Nos.1 and 2 The Brackens and Villa Flair, and its junction with a relatively busy classified road, it is considered necessary to attach a pre-commencement condition requiring a construction management plan – without which, raises significant issues concerning highway safety.
- 8.4.11 Furthermore, given that this is a shared access, this would be necessary to provide the widened access prior to implementing the works to prevent any potential obstruction to neighbour's access during the course of the construction.
- 8.4.12 A condition is attached restricting the conversion of the garage/store. The space within the frontage of the dwelling is somewhat constrained but manageable for turning purposes but the loss of the garage would potentially constrain on-site turning and egress. As there is no other available space for access/turning relief along the shared (single-lane-width) access nor any on-road parking along Union Street which is a classified road, it is considered appropriate to restrict the use of the garage in order to ensure adequate parking remains for the dwelling.
- 8.4.13 Overall, the proposal seeks to improve an access point. Together with the provision of on-site turning and parking, the proposal complies with Rother Local Plan Core Strategy Policy DHG12 and DaSA Policies TR3 and TR4.

8.5 **Neighbouring Amenity**

- 8.5.1 The proposed dwelling, owing to its single-storey form, distance from neighbouring properties, combined with the boundary hedges and trees providing a good degree of privacy, is not considered to be significant as to warrant a recommendation for refusal.
- 8.5.2 The proposal therefore *does not unreasonably harm the amenities of adjoining properties*, complying with the Rother Local Plan Core Strategy Policy OSS4.

8.6 **NatureSpace – Great Crested Newts (GCN)**

- 8.6.1 Following initial objections from NatureSpace (based on a lack of detailed assessment) an ecological mitigation and enhancement strategy (EMES) has been provided which includes a reasonable avoidance measures. NatureSpace have withdrawn their objections subject to the imposition of condition which secures the implementation of the avoidance measures, together with an informative note concerning the Applicant's responsibilities under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981.
- 8.6.2 The proposal therefore complies with the Rother Local Plan Core Strategy Policy DEN4 and DaSA Policy EN5 which collectively seek to protect protected species.

8.7 **Ecology**

- 8.7.1 Following initial objections from the County Ecologist (also, based on a lack of detail), the EMES includes a more detailed mitigation and enhancement provision. Conditions are attached to ensure the recommendations set out in the EMES are implemented.
- 8.7.2 A landscaping plan would also be required by condition to include a detailed landscaping and management scheme to ensure biodiversity net gain provisions are implemented and maintained.
- 8.7.3 The proposal therefore complies with the Rother Local Plan Core Strategy Policy DEN4 and DaSA Policy EN5 which collectively seek to protect and enhance biodiversity.

8.8 **Trees**

- 8.8.1 The submitted arboricultural report includes a tree protection plan. This includes details of protective fencing and areas for manual excavation.
- 8.8.2 The position of the protective fencing is considered to be acceptable. However, the proposed areas for manual excavation would appear counter-intuitive given that foundations are still required which would presumably require more depth/width than the depth of the tree/hedge root – both the proposed garage and dwelling would be within the RPAs of the boundary hedges. It is more likely that parts of the hedge will have to be cut back. As per Para 8.7.2 of this report, a landscaping plan for a comprehensive hedgerow scheme would be required to compensate for the potential harm/loss of hedgerow.
- 8.8.3 The submitted arboricultural report is not comprehensive and does not include details of the trees to be retained/removed. A tree plan is required by condition which should indicate the retention of most trees, particularly of those along the southern boundary of the site as these maintain the rural character of the settlement edge and contribute to the wider AONB character.
- 8.8.4 There is a silver birch located at the southern end of the access – on the west side of the track and within the boundaries of the adjacent dwelling, Chestnut Cottage. Given its proximity to the access, there is potential to impact on the silver birch. A landscaping plan (required by condition) would be required to include details of all trees to be retained and details of new tree planting to mitigate for the potential impact to existing trees.
- 8.8.5 Overall, alongside the ecological value of retaining those trees, these trees also serve to mitigate the impact of new development and preserve the landscape character of the AONB. The proposal therefore complies with the Rother Local Plan Core Strategy Policies OSS4 and RA1 and DaSA Policies DHG11, DE1, DEN5 and EN5 which collectively seek to mitigate impact to biodiversity and protect the landscape character.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 9.2 For the purposes of the National Planning Policy Framework, Rother District Council is unable to demonstrate either a 3-year or 5-year supply of housing so the relevant development plan policies are not up-to-date. The National Planning Policy Framework states that plans and decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the National Planning Policy Framework provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 9.3 In this instance, it is concluded that on balance, taking account of the above assessment, the adverse impacts of the proposal, including upon areas or assets of particular importance as detailed in the main body of the report, would be significantly and demonstrably outweighed by the benefits when assessed against the policies in the Framework taken as a whole and engaging Paragraph 11(d) of the National Planning Policy Framework. Conditional planning permission should be granted.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Reference:	Date:
BDS-VF-P02	18/11/2021
BDS-VF-P04	18/11/2021
BDS-VF-P03, Revision D	12/04/2022
BDS-VF-P01, Revision B	12/04/2022
GRS Arboricultural Consultant: Arboricultural Report- ref: GRS/TPP/AMS/74/21	18/11/2021
Native Ecology: ecological mitigation and enhancement strategy	29/05/2022

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No part of the development hereby approved, including the demolition of the existing outbuilding, shall begin until a Construction Management Plan has been provided, which shall include the following:
 - a) A plan indicating the parking of all vehicles associated with the widening of the access, the clearance of the site and the construction of the new dwelling.
 - b) A plan indicating the storage area for the construction rubble, construction materials and machinery, equipment etc.
 - c) A time management plan for (a) and (b).Reason: This pre-commencement condition is necessary in the interests of and for the safety of persons and vehicles on the site and on the adjoining road, and to minimise obstruction and loss of amenity to adjoining properties, having regard to Policies CO6, TR2 and OSS4 of the Rother Local Plan Core Strategy and DIM1 of the Development and Site Allocations Local Plan 2019.
4. Prior to implementing any part of the development hereby approved, details of the layout of the reconstructed (widened) access shall be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.
Reason: This pre-commencement condition is necessary in the interests of and for the safety of persons and vehicles on the site and on the adjoining road, and to minimise obstruction and loss of amenity to adjoining properties, having regard to Policies CO6, TR2 and OSS4 of the Rother Local Plan Core Strategy and DIM1 of the Development and Site Allocations Local Plan 2019.
5. No part of the development hereby approved, shall begin, until the approved access (as per Condition 4 of this decision notice) has been constructed and completed in accordance with the agreed details (which shall comply with the specification as set out on Form HT407 which is attached to and forms part of this permission).
Reason: This pre-commencement condition is necessary in the interests of and for the safety of persons and vehicles on the site and on the adjoining road, and to minimise obstruction and loss of amenity to adjoining properties, having regard to Policies CO6, TR2 and OSS4 of the Rother Local Plan Core Strategy and DIM1 of the Development and Site Allocations Local Plan 2019.
6. No works or development shall take place until a detailed plan indicating all trees to be retained (or removed) has been submitted to, for the approval in writing by the Local Planning Authority and implemented accordingly. Within five years from the date of the occupation of the dwelling hereby permitted, the following shall apply
 - a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
 - b) If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.Reason: This pre-commencement condition is necessary to ensure that the trees are not damaged or otherwise adversely affected by building operations and soil compaction. The retention of these trees ensure a high quality public realm taking account of the characteristics of the area and the sites' rural

setting within the AONB having regard to Policies EN1 and EN3 Rother Local Plan Core Strategy and DEN1 and DEN2 of the Development and Site Allocations Local Plan 2019.

7. No development shall commence on site, including storage of equipment, machinery, materials etc. until the protective fencing, as indicated on the approved plan (ref: BDS-VE-P03, submitted with the Arboricultural Report authored by GRS Arboricultural Consultants, received 18/11/2021) is installed and retained in situ for the duration of the construction works.
Reason: This pre-commencement condition is necessary to ensure the protection of trees and hedgerows during construction and the creation of a high-quality public realm and landscape setting in accordance Policies EN1 and EN3 Rother Local Plan Core Strategy and DEN1 and DEN2 of the Development and Site Allocations Local Plan 2019.
8. No development above ground level shall take place until details or samples of the materials to be used in the construction of the external surfaces of the dwelling and garage hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the development reflects the character and/or appearance of the existing building and to preserve the visual amenities of the area in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Rother Development and Site Allocations Plan.
9. The development shall not be occupied until a parking area (which shall measure a minimum of 5m x 5m with an extra 50cm where the parking spaces abuts a wall) and turning space for vehicles has been provided and constructed in accordance with the approved plans which shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be obstructed.
Reason: To provide adequate space for the parking of vehicles and on-site turning, and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policies TR4 and OSS4 of the Rother Local Plan Core Strategy and DIM1 of the Development and Site Allocations Local Plan 2019.
10. The development shall not be occupied until a cycle parking area has been provided in accordance with the approved plans which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development having regard to Policies TR3 and OSS4 of the Rother Local Plan Core Strategy and DIM1 of the Development and Site Allocations Local Plan 2019.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), the garage hereby approved shall be retained for such use and shall not be altered internally or externally for use as habitable accommodation.

Reason: To ensure a satisfactory level of off-road parking facilities so as not to prejudice the free flow of traffic and conditions of general safety along the highway, having regard to Policy TR3 of the Rother Local Plan Core Strategy and DIM1 of the Development and Site Allocations Local Plan 2019.

12. No above ground-level development pertaining to construction of the dwelling and garage/store hereby approved shall take place until the hard and soft landscaping details have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out and completed prior to the first occupation of the dwelling hereby approved and retained thereafter.

Reason: To ensure a high quality public realm taking account of the characteristics of the area having regard to Policies EN1 and EN3 of the Rother Local Plan Core Strategy and DEN1 and DEN2 of the Development and Site Allocations Local Plan 2019.

13. All ecological mitigation and enhancement measures/works shall be carried out in accordance with the details contained in the 'Ecological mitigation and enhancement strategy' authored by 'Native Ecology' and received 29/05/2022.

Reason: To ensure that the measures considered necessary are carried out as specified for the protection of bats and measures for the mitigation of any harm to them likely to be caused by the development, as per Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) requirements.

14. The development hereby approved shall be implemented strictly in accordance with the recommendations stated in section [2.39] of the supporting document [Ecological Mitigation and Enhancement Strategy, Native Ecology, May 2022].

Reason: To minimise the impacts of development on biodiversity, in accordance with Policy EN5 Rother Core Strategy 2014, paragraphs 174 and 180 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006."

NOTES:

1. General Nature Conservation Note: The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. You are advised that it may be necessary, as per submitted reports, to continue to engage a suitably qualified and experienced professional to remain compliant with existing detailed biodiversity method statements, strategies, plans and schemes and remain compliant with protected species legislation. If protected Species are present, work should cease and a suitably qualified and experienced professional and/or Natural England be consulted.
2. NatureSpace Note: The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not

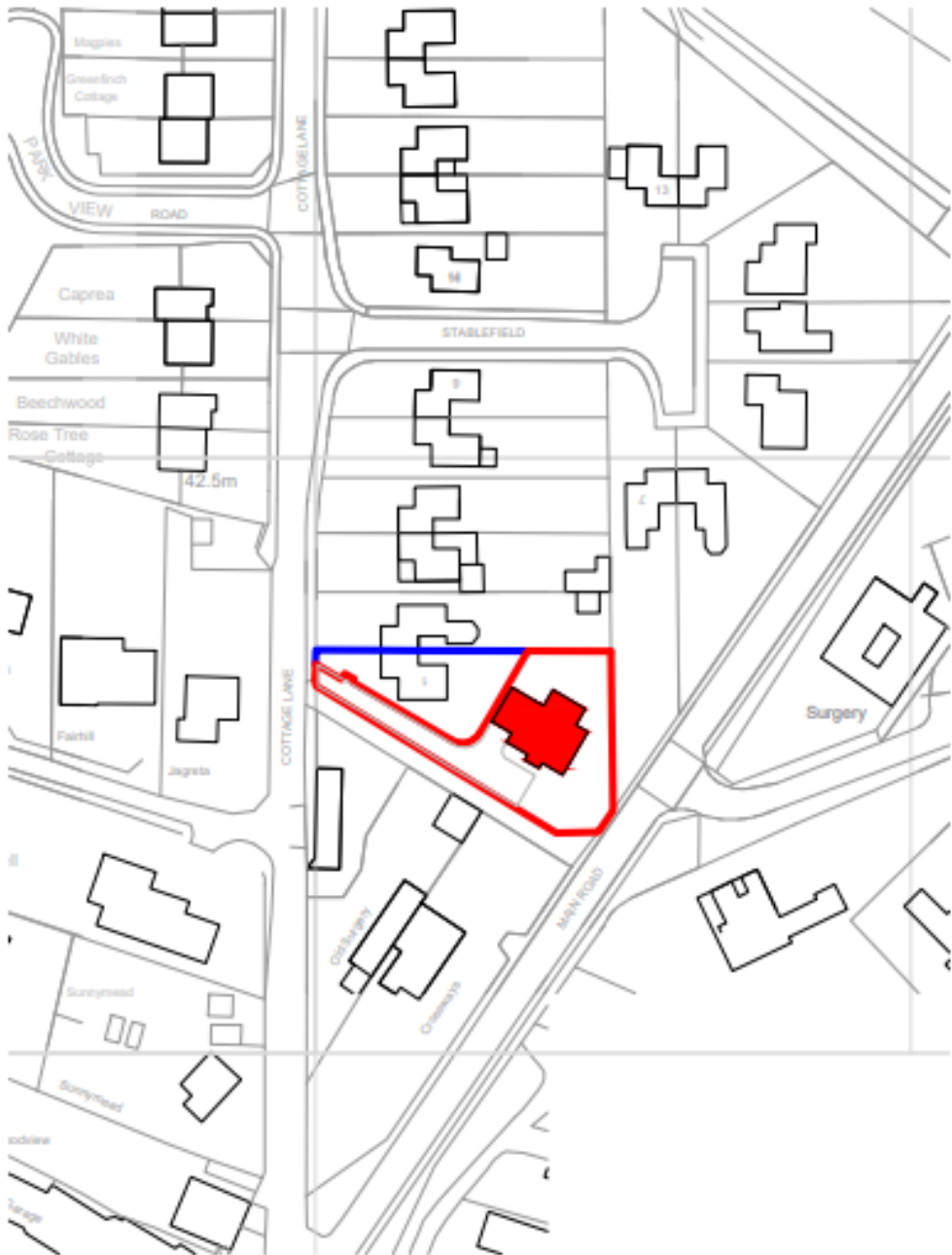
provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

3. No-Implied Right Note: The granting of planning permission does not grant or imply the right to construct on adjoining property or to enter onto adjoining property without the consent of the owners of that property in order to carry out construction work or subsequent maintenance work.

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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SITE PLAN RR/2022/1113/P	WESTFIELD 1 Stablefields – Land at Cottage Lane
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Rother District Council

Report to	-	Planning Committee
Date	-	21 July 2022
Report of the	-	Director - Place and Climate Change
Subject	-	Application RR/2022/1113/P
Address	-	Land at 1 Stablefields Cottage Lane, Westfield, TN35 4QW
Proposal	-	Variation of Condition 2 imposed on RR/2021/1197/P to reposition garage and create a first-floor dressing room and en-suite.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Davison Oxley Homes Ltd
Agent: Mr Andrew Gerken
Case Officer: Mr Michael Vladeanu
(Email: Michael.vladeanu@rother.gov.uk)

Parish: WESTFIELD
Ward Members: Councillors C.R. Maynard and J Vine-Hall

Reason for Committee consideration: Director - Place and Climate Change referral: Overdevelopment of the site, over urbanisation of the area and the roof line seems incredibly steep not in keeping with the area.

Statutory 8-week date: 28 June 2022
Extension of time agreed to: 28 July 2022

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 The proposed variation of Condition 2 imposed on RR/2021/1197/P to allow for the relocation of the proposed garage would not result in the development having an unacceptable impact on; the landscape within the High Weald Area of Outstanding Natural Beauty (AONB) or on neighbouring residential amenity and as such the proposals are considered acceptable.
-

2.0 SITE

- 2.1 The application site is located in an irregular shaped plot between two roads, the A26 and Cottage Lane. Planning permission was granted on the site for the erection of a three-bedroom chalet style dwelling, associated driveway and garage.
- 2.2 The site is located within the High Weald AONB and within the Westfield Development boundary as outlined in the Development and Site Allocations (DaSA) Local Plan.
-

3.0 PROPOSAL

- 3.1 This application seeks the variation of Condition 2 imposed on RR/2021/1197/P, which relates to the approved drawings to allow for the relocation of the approved garage to be attached to the side of the approved house.
- 3.2 The garage approved under RR/2021/1197/P measured 4.5m width x 6.5m depth with a ridge height of 4.5m. The proposed garage would measure 3.9m width x 6.8m depth with a pitched roof ridge height of 6.2m. The garage would provide additional living space at first floor level which would be used for a dressing room and en-suite for bedroom one. The materials would remain unchanged from those previously approved. The application also proposes to replace two rooflights on the front elevation with two dormers that would measure 2.6m width x 1.9m depth with a ridge height of 2.7m.
-

4.0 HISTORY

- 4.1 RR/2021/1197/P Construction of 1 No. detached dwellinghouse with garage. Approved conditional.
-

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
 - EN1: Landscape Stewardship
 - EN3: Design Quality
 - TR3: Access and New Development
 - TR4: Car Parking
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DHG3: Residential Internal Space Standards
 - DHG7: External Residential Areas
 - DHG9: Extensions, Alterations and Outbuildings
 - DHG11: Boundary Treatments
 - DHG12: Accesses and Drives
 - DEN1: Maintaining Landscape Character

- 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 3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.
- 5.4 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
-

6.0 CONSULTATIONS

6.1 Planning Notice

- 6.1.1 One letter of objection have been received (from one representatives). The concerns raised are summarised as follows:
- Description is not accurate
 - Will bring the building closer to the boundary with neighbours
 - Out of keeping with other properties in the area due to scale
 - Overbearing
 - Would affect the amenity of neighbouring properties
 - Loss of hedgerow

6.2 Town/Parish Council – **OBJECTION**

- 6.2.1 The proposal is an overdevelopment and inappropriate for this area. The development would also have a negative impact on the surrounding properties by overlooking these properties and impacting on their light and privacy. The proposal to increase any more traffic on this road the Parish Council strongly objects to. The recent proposed variation would move the garage but also add in yet another upstairs space to a house which is already an overdevelopment of the site, and this proposed variation would exasperate this. Moving the garage would remove this and make this site look even more urban in no way reflecting the characteristic of the local parish nor enhance the AONB.
-

7.0 APPRAISAL

- 7.1 The main issues for consideration are:
- Principle of development
 - The impact upon the character and appearance of the locality within the AONB
 - Amenity of neighbouring occupiers
- 7.2 Planning permission has already been granted under RR/2021/1197/P for the erection of a dwelling, new access, landscaping and a detached garage. Therefore, the principle of the new dwelling, the effect of the development on the landscape within the High Weald AONB and the effect on residential amenity has already been found acceptable.

7.2.1 This application however seeks permission to vary the approved plans to allow for the repositioning of the detached garage to the side of the house, alongside the erection of two dormers.

7.3 Impact on the character and appearance of the area

7.3.1 Policy OSS4 of the Rother Local Plan Core Strategy states that all development should respect and not detract from the character and appearance of the locality.

7.3.2 Policy EN3 of the Rother Local Plan Core Strategy states that new development will be required to be of high design quality by contributing positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities.

7.3.3 Policy DHG9 of the DaSA states that alterations and extensions to dwellings will be permitted where they respect and respond positively to the scale, form, proportions, materials, details and the overall design, character and appearance of the dwelling; they do not detract from the character and appearance of the wider street-scene, settlement or countryside location, as appropriate, in terms of built density, form and scale; in the case of extensions and alterations, they are physically and visually subservient to the building, including its roof form, taking into account its original form and function and the cumulative impact of extensions.

7.3.4 Cottage Lane contains a mixture of properties with mainly two-storey houses and chalet bungalows. Most properties on the eastern side of Cottage Lane have integral garages including the existing garages at 1 & 2 Stablefields.

7.3.5 The proposed garage would be modest in scale and would be set down and back from the principal elevations of the dwelling appearing as a subservient addition to the main house. It would be visible from the street scene but would be partly screened by neighbouring dwellings and boundary treatment. Concern has been raised by the parish council that the pitch of the roof would be steep however, the roof pitch and form would match that of the main roof and would be set down. Its modest scale and subservient nature would not result in any harm to the character of the building or street scene.

7.3.6 Concern has also been raised by the Parish Council regarding over urbanisation of the site however, although the garage would be larger than previously approved it would be better situated on the plot attached to the dwelling and the removal of the detached garage would reduce the spread of built form on the site reducing the overall urbanising effect on the site. The extent of built form on the site would be like for like, and while the garage would be slightly larger, it would be contained within the footprint of the dwelling and therefore seen as a seamless addition.

7.3.7 The proposed materials would match the dwellinghouse and would therefore result in the proposed garage being a cohesive design and would not detract from the character of the dwelling. The proposed variations would not cause any harm to the locality within the AONB location.

7.4 The effect on the living conditions of neighbouring properties

- 7.4.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that new development should not unreasonably harm the amenities of adjoining properties.
- 7.4.2 Policy DHG9 (i) of the DaSA states that extensions will be permitted where they do not unreasonably harm the amenities of adjoining properties in terms of loss of light, massing or overlooking.
- 7.4.3 Concern has been raised by neighbours and the Parish Council that the relocation of the garage would have an unacceptable impact on the amenities of neighbouring properties. Whilst it is noted that the built form would be brought closer to properties 1 & 2 Stablefields it is considered that there is enough separation distance between the garage and these properties and hence the garage would not appear dominating or overbearing.
- 7.4.4 Due to the separation distance between properties and the height and scale of the garage it is not considered that the relocation of the detached garage would cause significant loss of light received to the neighbouring properties.
- 7.4.5 The application also proposes to replace two rooflights on the front elevation with two dormers which would face towards the dwellings to the south of the site. The dormer windows would serve habitable rooms and would face onto the two properties to the rear of the site (Crossways & Old Surgery). However, there would be a separation distance of over 25m between the dormers and habitable rooms of these two properties and over a 10m distance from the dormers to the rear garden of these properties. As such, it is considered that there is adequate separation distance and overlooking and loss of privacy would not be so materially harmful over and above the approved situation as to warrant refusal of the application.

7.5 Other matters

- 7.5.1 The Parish Council have raised concerns regarding access to the site and highway safety. It is noted that in the previous application the Highway Authority were consulted on the application and raised no concern over the access to the site and parking. As the access and parking facilities are remaining the same no concern is raised over highway safety.

8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 The proposed variation of Condition 2 imposed on RR/2021/1197/P to allow for the relocation of the proposed garage would not result in the development having an unacceptable impact on; the landscape within the High Weald AONB or on neighbouring residential amenity and as such the proposals are considered acceptable.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of the original permission **RR/2021/1197/P dated 10 February 2022**, i.e. before 10 February 2025.

Reason: This permission is granted pursuant to planning permission RR/2021/1197/P dated 10 February 2022 Under Section 73 of the Town and Country Planning Act 1990 the Council has considered the conditions subject to which the previous planning permission was granted and confirms that the conditions and associated reasons remain pertinent and are re-imposed, apart from as varied by this permission.

Condition 2 is varied as follows:

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Detailed on RR/2021/1197/P:-

Existing Layout Plan, Drawing No. 676/EX, dated January 2021

Detailed on RR/2022/1113/P:-

Proposed Location Block Plan, Drawing No. 6760/200/LBP, dated April 2022

Amended Proposed Block Plan, Drawing No. 6760/200/2/A, dated June 2022

Proposed Elevations and Block Plan, Drawing No. 6760/200/1/A, dated April 2022

Reason: For the avoidance of doubt and in the interest of proper planning.

The following conditions remain extant:

3. No development above ground level of the site shall take place until samples of the materials to be used in construction of the dwelling have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development is in character with its surroundings and to maintain the visual amenities of the locality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

4. The development shall not be occupied until the boundary walls and fences shown on the permitted plans have been constructed. They shall thereafter be retained in accordance with the approved details.

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), the garage hereby approved shall be retained for such use and shall not be altered internally or externally for use as habitable accommodation.

Reason: To ensure a satisfactory level of off-road parking facilities so as not to prejudice the free flow of traffic and conditions of general safety along the highway and to preclude the creation of a separate dwelling and to accord with Policy TR4 and RA3 of the Rother Local Plan Core Strategy.

6. Prior to occupation of the development hereby permitted, the reconstructed access shall be in the position shown on the submitted plan and laid out and constructed in accordance with the attached HT407 form and all works

undertaken shall be executed and completed by the Applicant to the satisfaction of the Local Planning Authority.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.

7. The access shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
8. No part of the development shall be first occupied until pedestrian visibility splays of 2m x 2m have been provided either side of the proposed site vehicular access onto Cottage Lane. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
9. The gate shall be positioned at least 5.5m back from the edge of the highway (and open inwards) in order that a vehicle may wait clear of the highway whilst the gate is being operated.
Reason: To ensure that the use of the highway by persons and vehicles is not obstructed by waiting vehicles in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
10. The development shall not be occupied until parking area have been provided in accordance with the approved plans which has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
11. The development shall not be occupied until cycle parking areas have been provided in accordance with the details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.
12. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plan which has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.

13. The dwelling hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwelling has been constructed to achieve water consumption of no more than 110 litres per person per day.
Reason: To ensure that the dwelling is built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Rother Development and Site Allocations Local Plan.
14. The dwelling hereby permitted shall not be occupied until it has been 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 that an acceptable standard of access is provided to the dwelling in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Rother Development and Site Allocations Plan.

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 landowner and/or developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period.
3. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency and Accessibility are attached to this planning permission and that development should be built accordingly. Enforcement action may be taken without further notice if the relevant standards are not achieved.

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.

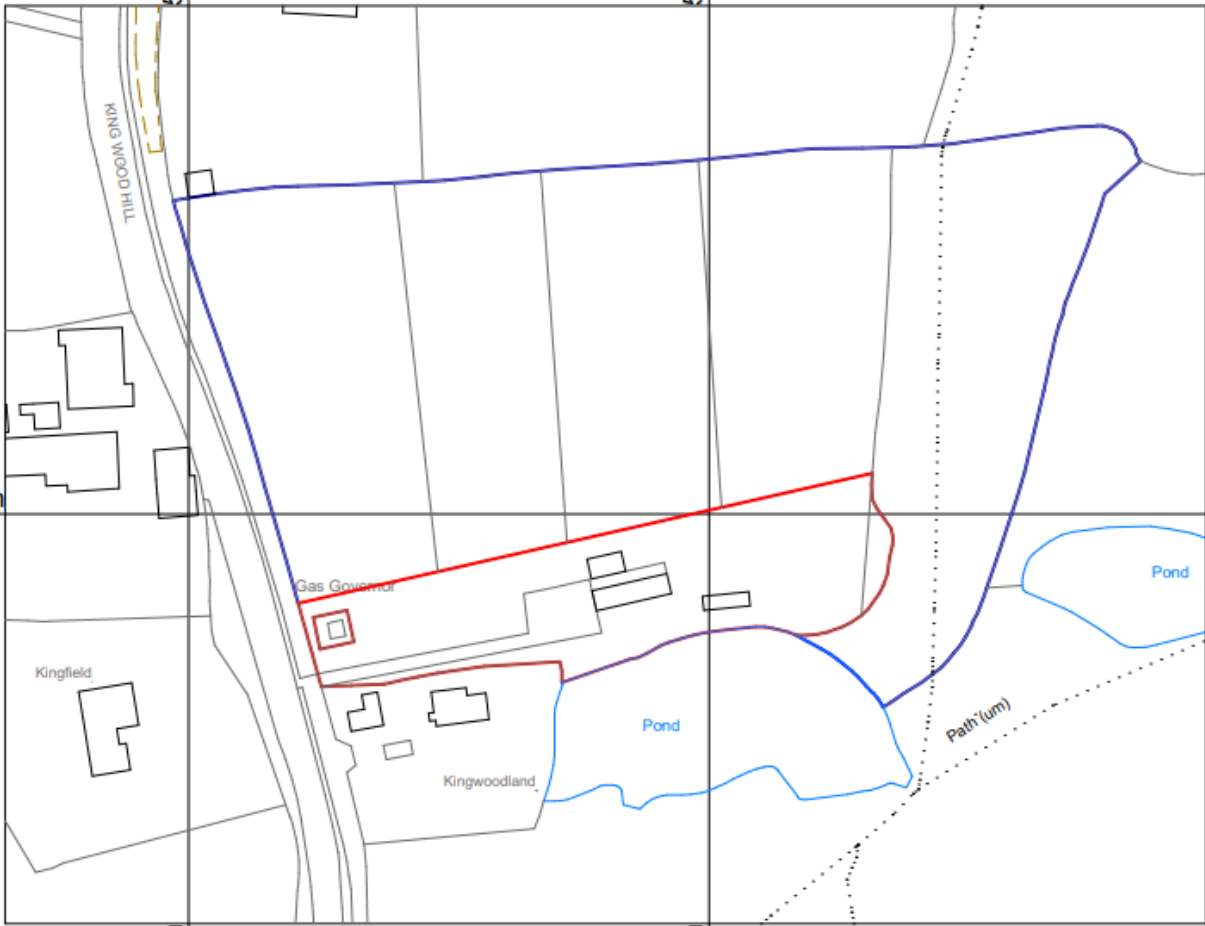
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SITE PLAN

BREDE

RR/2020/1613/P

Kingwood Hill -
Land on East side of



Rother District Council

Report to - Planning Committee
Date - 21 July 2022
Report of the - Director – Place and Climate Change
Subject - RR/2020/1613/P
Address - Land on the East side of; Kingwood Hill,
Broad Oak, Brede
Proposal - Change of use of the land for the stationing of one mobile home and one touring caravan for Gypsy / Traveller occupation. Removal of existing mobile home. Associated hard and soft landscaping and proposed erection of a 'Day Room'. (Part retrospective)

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr D. Penfold
Agent: Mr S. McKay
Case Officer: Mr O. Hurst (Email: oliver.hurst@rother.gov.uk)
Parish: BREDE
Ward Member: Councillor N. Gordon

Reason for Committee consideration: Member referral: Councillor J. Vine-Hall

Statutory 8-week date: 19 May 2021
Extension of time agreed to: 31 July 2022

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 Based on the information submitted the occupants of the site fall within the definition of Gypsy and Travellers (G&T) contained within the Planning Policy for Traveller Sites (PPTS). Hence their personal circumstances are material considerations. However, the site is outside any development boundary, as defined in the Development and Site Allocations (DaSA). The application has been assessed against the Council's policies for G&T; together with the Government's Planning Policy for Traveller Sites (PPTS). The Council's requirement (under Policy LHN5 of the Rother Local Plan Core Strategy) to identify a further six permanent pitches to be provided between 2016 and 2028 to meet the identified need has been satisfied by

the sites allocated under Policies GYP1 and BEX3 of the DaSA. There is however doubt on the deliverability of these sites, as concluded within the recent Loose Farm Lane appeal decision. The application site is not an allocated site and being outside areas allocated in the development plan, does not accord with paragraph 25 of the PPTS. Determining the application on its planning merits, the use of the site as a G&T site causes some limited harm to the character and appearance of the rural area.

- 1.2 The development represents a visual intrusion of caravans which harms the character and appearance of the Area of Outstanding Natural Beauty (AONB), however the site has a history of development including polytunnels and stable buildings that remain on site. The presence of external domestic paraphernalia such as vehicles, play equipment, washing and lighting at night from inside the caravans add to the harmful impact that the development has, but the harm is reduced by the natural screening of the site provided by existing vegetation and topography and the fact the mobile home and day room are well set back from the road. Although the harm identified is considered to be limited in these specific circumstances, the development still conflicts with development plan policies and national policies which seek to protect the intrinsic character and appearance of the countryside and the landscape and scenic beauty of the AONB.
- 1.3 At the end of paragraph 24 of the PPTS it is explained that *“as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh.....any other harm so as to establish very special circumstances”*. In this case the best interests of the children living on the site do fall to be considered. They are a primary consideration. The children are attending local schools, and if the family are required to move to another location this would cause disruption to the children’s education. In addition to this potential disruption, it is unclear whether there is an appropriate allocated site for them to move to. This weighs heavily in favour of the application.
- 1.4 The location of the site is considered sustainable. The development is not at odds with the aims of local and national planning policies, which seek to direct development, and that of residential accommodation in particular, to settlements where there is ready access to facilities; as well as local and national policies on moving to a low carbon future.
- 1.5 Overall, significant weight can be attributed to the personal circumstances of the family, including the best interests of the children. Significant weight can also be attributed to the uncertainty regarding the deliverability of the allocated DaSA sites. The limited harm to the AONB does not in this specific case outweigh these considerations and therefore it is recommended that the application is, on balance, supported.

2.0 SITE

- 2.1 The application site lies to the eastern side of Kingwood Hill. It is positioned between Hillcrest to the north and Kingwoodland to the south, which is a Grade II listed building. The site comprises of an area of open grassland with an existing stable building used for the keeping of horses in the past. To

the east of the site and within the ownership of the Applicant lies an area of woodland with a Public Right of Way running from south to north.

- 2.2 The site is served by a vehicular access onto Kingwood Hill measuring around 17m in length and 6m in width. There is a screen of trees and vegetation across the frontage, either side of the access. The remainder of the site measures around 80m in width and 37m in depth. The field to the north is owned by the Applicant and is being used to keep horses.
- 2.3 The site is located within the countryside outside of a recognised development boundary. It is within the High Weald AONB and is within the Brede Valley Landscape Character Area.

3.0 PROPOSAL

- 3.1 As set out in the application, permission is sought for the stationing of one mobile home in the place of a former caravan and one touring caravan, with the erection of a day room.
- 3.2 The mobile home is positioned to the east of an existing block of stables and is close to the southern boundary. The day room is to the north of the mobile home.
- 3.3 The site is occupied by one family, with two adults and three children.
- 3.4 In relation to sensitive personal data, the Council is required to comply with the Data Protection Legislation and must not publish any personal information which would breach this legislation. To ensure compliance, information considered to be pertinent to the application has been explained in general terms only.

4.0 HISTORY

- 4.1 RR/2009/1763/P Replacement of existing building to be used as stable/tack room. Approved conditional
- 4.2 RR/98/1754/P Agricultural polytunnels. Approved (temporary)
- 4.3 RR/87/1645 Outline: Erect four dwellings with garages served by proposed new access road off Kingswood Hill. Refused
- 4.4 A/62/511 Outline application: residential development Refused. Appeal dismissed

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)
 - OSS1 (overall spatial development strategy)
 - OSS2 (use of development boundaries)

- OSS3 (location of development)
- OSS4 (general development considerations)
- RA2 (general strategy for the countryside)
- RA3 (development in the countryside)
- SRM1 (towards a low carbon future) (Note that part (i) was superseded by the Rother District Council Development and Site Allocations (DaSA) Local Plan)
- SRM2 (water supply and wastewater management)
- CO6 (community safety)
- LHN5 (sites for the needs of Gypsies and Travellers)
- LHN6 (Gypsies, Travellers and Travelling Showpeople criteria)
- EN1 (landscape stewardship)
- 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](#) are relevant to the proposal:

- DEN1 (maintaining landscape character)
- DEN2 (AONB)
- DEN4 (biodiversity and green space)
- DEN5 (sustainable drainage)
- DEN7 (environmental pollution)
- DIM2 (development boundaries)
- BEX3 (land at North Bexhill – infrastructure)
- BEX3c (land east of Watermill Lane)
- GYP1 (land adjacent to High Views, Loose Farm Lane, Battle)

5.3 The National Planning Policy Framework, Planning Practice Guidance (PPG), PPTS and High Weald AONB Management Plan 2019 - 2024 are also material considerations.

6.0 CONSULTATIONS

6.1 Highway Authority – **NO OBJECTION**

6.1.1 Comment that the original submission attracted highway objection due to insufficient information in regard to whether the existing access could support the towing of a vehicle and caravan. A reconstructed access layout has been proposed with appropriate radii to accommodate manoeuvres. Conditions relating to the reconstruction of the access, visibility splays and the provision of an on-site turning space are recommended.

6.2 Environmental Health – **NO OBJECTION**

6.2.1 Officers have visited the site on three separate occasions and have found no evidence of any detrimental environmental or health concerns that warrant an investigation.

- 6.2.2 There is adequate and well-maintained provision for drainage and waste water storage and removal on site and there are no nuisance issues evidenced from the keeping of any animals.
- 6.2.3 If planning permission is granted a licence would be required under the Caravan Sites Control of Development Act 1960, to which conditions would be attached.
- 6.2.4 Details should be submitted to show how surface and foul water will be adequately disposed of, without impacting on neighbouring properties. Foul water must not enter the pond.

6.3 Pollution Control – **GENERAL COMMENTS**

- 6.3.1 Given the rural character and relative remoteness of the site, a condition limiting the impact of external lighting might normally be applied.

6.4 Planning Notice

- 6.4.1 58 objections have been received; the concerns raised are summarised as follows:

Gypsy and Traveller status and current local provision

- There is no shortfall in pitches against the objective need – allocations have been made in the Rother Local Plan Core Strategy and DaSA.
- There must be more suitable sites outside of the AONB.

Location

- Site is within the countryside, outside of a development boundary.

AONB

- National Planning Policy Framework and development plan policies require great weight to be given to protecting the AONB.
- More intensive and alien development out of character with the intrinsic landscape features of the area.
- Domestic activity and paraphernalia would be out of character with the countryside.
- Caravans are detrimental to the visual amenities of the locality.
- The site is visible from the road and public footpaths.
- Potential for further development in the future given the size of the site.

Highway safety

- Vehicular movements to and from the site will increase and due to substandard visibility, there would be increased traffic hazards.

Other

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

- Inaccurate statements and information provided within the application.
- Permission has previously been refused on the site for a single dwelling – same reasons for refusal should apply for this development.
- Risk of noise pollution to settled community.
- Council should require details of size and appearance of the caravans and impose a condition requiring prior consent to the design of any future replacement.
- The development would unreasonably harm the amenities of neighbouring properties.

6.5 Brede Parish Council – **OBJECTION**

- 6.5.1 The site is in the High Weald AONB.
- 6.5.2 It is too close to a Grade II listed building and will have an adverse impact.
- 6.5.3 There is provision for travellers' sites within Rother. The site does not meet the criteria for assessing suitability for a traveller's site. A mobile home does not meet the national standards for sound insulation and should not be considered suitable for this site.
- 6.5.4 There should be no adverse effect to environment and residential amenities. The site is behind other properties and access is between them, which will affect them. There is currently no foul water drainage on site which will affect the environment.
- 6.5.5 Vehicular access should accommodate larger vehicles. The access is not suitable.
- 6.5.6 It is outside the development boundary.
- 6.5.7 To allow this application in light of the reasons stated above may set a precedent for future applications.

7.0 LOCAL FINANCE CONSIDERATIONS

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

8.0 APPRAISAL

- 8.1 Before the main issues are discussed, the planning history of the site and the necessary policy considerations are set out below.
- 8.2 Planning history of the site
- 8.2.1 In 1987 under planning application reference RR/87/1645, planning permission was refused for four residential dwellings and garages, due to impacts on visual amenities, AONB and traffic.

8.2.2 Under planning application reference RR/98/1754/P, four agricultural polytunnels were granted temporary permission which expired in 2003. The polytunnels were subsequently removed from the land.

8.2.3 Under planning application reference RR/2009/1763/P a stable block/tack room building was granted planning permission. No change of use of the land to equestrian was involved. The land and stable block had an agricultural use.

8.3 Policy considerations

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

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

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

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

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

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

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

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

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

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

- 8.3.3 Turning to national policy, which is a material planning consideration, Paragraph 23 of the PPTS (2015) sets out that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and the PPTS.
- 8.3.4 When considering planning applications for Traveller sites, paragraph 24 of the PPTS explains the following issues amongst other relevant matters should be considered:
- a) The existing level of local provision and need for sites.
 - b) The availability (or lack) of alternative accommodation for the Applicants.
 - c) Other personal circumstances of the Applicant.
 - d) That the locally specific criteria used to guide the allocations of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.
 - e) That they should determine applications for sites from any travellers and not just those with local connections.
- 8.3.5 At the end of paragraph 24 of the PPTS it is explained that *“as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances” (emphasis added)*. Clearly Green Belt is not relevant in this case, but *“any other harm”* could include, for example, harm to the AONB, highway safety, sustainability of location, etc.
- 8.3.6 Paragraph 25 of the PPTS explains that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 8.3.7 When considering applications, paragraph 26 of the PPTS states that local planning authorities should attach weight to the following matters:
- a) effective use of previously developed (brownfield), untidy or derelict land.
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children.
 - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 8.3.8 In the event that the occupiers of the site are not considered to meet the PPTS definition of G&T, the application would need to be determined

against Policy RA3 (iii) of the Rother Local Plan Core Strategy, which relates to the creation of new dwellings in the countryside. This policy allows the creation of new dwellings in the countryside in extremely limited circumstances including a) dwellings to support farming; b) the conversion of traditional historic farm buildings; c) the one-to-one replacement of an existing dwelling of similar landscape impact; and d) as a rural exception site to meet an identified local affordable housing need.

8.4 Main issues

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

8.5 G&T Status

- 8.5.1 It is important to establish the G&T status of the occupiers of the site to determine whether the policies of the PPTS and those relevant policies in the Development Plan apply to them.
- 8.5.2 Within the glossary of the PPTS, paragraph 1 states that for the purposes of the PPTS “gypsies and travellers” means:
‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.’
- 8.5.3 Paragraph 2 of the glossary in the PPTS explains that in determining whether persons are “gypsies and travellers” for the purposes of the PPTS, consideration should be given to the following issues amongst other relevant matters:
- a) whether they previously led a nomadic habit of life;
 - b) the reasons for ceasing their nomadic habit of life; and
 - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

- 8.5.4 The definition provided in the 2015 PPTS is a departure from the previous definition as it now no longer includes those who have ceased travelling permanently for any reason.
- 8.5.5 By way of background, the Equality and Human Rights Commission recently (September 2019) published a research report on the impact that the revised planning definition of G&T has had in terms of assessing accommodation need. It sets out a useful summary of the history behind how G&T have been defined in planning policy. It explains that for the past 50 years aspects of law and policy in England have sought to address a shortage of G&T sites to compensate for the closure of traditional stopping places on common land since 1960 (Caravan Sites and Control of Development Act, section 23). To restrict the use of such sites to those who have a genuine need for them, a definition of G&T as ‘persons of a nomadic habit of life, whatever their race or origin’ was introduced (Caravan Sites Act 1968, section 6).
- 8.5.6 The research report explains that ‘nomadic habit of life’ has been subject to significant interpretation in the higher courts. For instance, there needs to be a recognisable connection between travelling and how someone makes their living and that nomadism can be held in abeyance for a considerable amount of time. It also explains that the definition has been through several iterations since it was introduced but it has consistently focused on individuals’ nomadic habit of life, rather than race.
- 8.5.7 The supporting information confirms that the Applicants have school age children attending school locally. The submission from the East Sussex County Council Traveller Liaison Manager (dated 14-5-21) confirms that the family are Romany Gypsies and that when they do travel, they do so independently. The appendix to the letter from the Applicant’s agent (5 March 2021) provides details of the Applicants’ personal circumstances including that they all travel as a way of life and for work, having never lived in a house before.
- 8.5.8 The evidence therefore supports the conclusion that the Applicants meet the definition of G&T in the PPTS. Consequently, Rother Local Plan Core Strategy Policies LHN5 and LHN6 apply to the determination of this application.
- 8.6 The need for sites for G&T, the provision of sites and the availability of alternative sites
- 8.6.1 In terms of development plan policies, Policy LHN5 of the Rother Local Plan Core Strategy (2014) requires provision to be made for five permanent pitches within Rother for G&T over the period 2011-2016, and a further six pitches between 2016 and 2028. These requirements have been met either through implemented planning permissions or through the allocation of two sites (totalling six pitches) within the DaSA (Policies BEX3, BEX3c & GYP1). The DaSA sites are currently unoccupied and do not have extant planning permission.
- 8.6.2 A recent allowed Appeal Decision at Loose Farm Lane, Battle has cast doubt over the deliverability of allocated G&T sites. The Inspector drew attention to the PPTS, which states that in order to be considered

deliverable, sites should be available now, offer a suitable location for development and be achievable in the next five years. Whilst the requirements for pitches have been met in accordance with locally assessed needs, it is unclear whether all the allocated pitches have become available. The Inspector's doubts over deliverability weighed in favour of the proposal and is therefore a material consideration in this case.

8.7 Character and appearance

- 8.7.1 Section 85 of the Countryside and Rights of Way Act 2000 provides that, in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The essential landscape character of the High Weald AONB that makes it special is described within the Statement of Significance within the AONB Management Plan 2019-2024. The plan also sets objectives for the management of the AONB relating to geology, landform and water systems; settlement; routeways; woodland; field and heath; land-based economy and related rural life; and other qualities.
- 8.7.2 Paragraph 174 of the National Planning Policy Framework states that decisions should contribute to and enhance the natural and local environment by a) protecting and enhancing valued landscapes and b) recognising the intrinsic character and beauty of the countryside.
- 8.7.3 Paragraph 176 of the National Planning Policy Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. It explains that the conservation and enhancement of wildlife and cultural heritage are also important considerations.
- 8.7.4 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires that all development respects and does not detract from the character and appearance of the locality.
- 8.7.5 Policy RA2 of the Rother Local Plan Core Strategy sets out the overarching strategy for the countryside outside the main confines of settlements, including: (viii) generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 8.7.6 Policy RA3 (v) of the Rother Local Plan Core Strategy requires that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.
- 8.7.7 Policy EN1 provides for the protection, and wherever possible enhancement, of the District's nationally designated and locally distinctive landscapes and landscape features including (i) the distinctive identified landscape character, ecological features and settlement pattern of the AONB and (v) open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes.

- 8.7.8 Turning to the DaSA, Policy DEN1 provides that the siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics, in accordance with Rother Local Plan Core Strategy Policy EN1. Particular care will be taken to maintain the sense of tranquillity of more remote areas, including through maintaining 'dark skies' in accordance with Policy DEN7.
- 8.7.9 In respect of the distinctive local landscape characteristics, the site is located within the Brede Valley Landscape Character Area, which the East Sussex Landscape Character Assessment describes in detail. Within the assessment the landscape evaluation of the current condition explains that Brede Valley is a largely unspoilt and tranquil rural landscape with few intrusive features. The landscape is in generally good condition and well managed as farmland with a strong historic structure. Orchards have declined and many disappeared so that associated Oast houses have been converted to residential uses. Agricultural change has led to some gentrification of the rural landscape and villages. As with most of the High Weald landscape the historic field patterns of small fields and significant hedgerows remain intact.
- 8.7.10 Policy DEN2 of the DaSA states that all development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan. Development within the High Weald AONB should be small scale, in keeping with the landscape and settlement pattern; major development will be inappropriate except in exceptional circumstances.
- 8.7.11 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 between two residential dwellings to the north and south, with open agricultural land to the east. The development for which planning permission is sought is concentrated on the southern side of the land, adjacent to a screen of vegetation which separates it from the neighbouring dwelling.
- 8.7.12 Caravans are not characteristic of the immediate landscape; however, the site is not a previously undeveloped as an existing stable building remains on site. The mobile homes and the touring caravans cannot easily be seen from the road as they are set back from the road, screened by vegetation. The development would however be visible from the public footpath to the east of the proposal, although these views would be obscured by vegetation on the eastern boundary of the site.
- 8.7.13 Although the development is considered out of character with the area, the harm to the landscape and scenic beauty of the wider AONB are somewhat limited in these specific circumstances.
- 8.7.14 Turning to the setting of the neighbouring Grade II listed building 'Kingwoodland', it is important to note that the mobile home and day room are both sited further away than the authorised modern stable block. In addition, significant boundary screening means the development and listed

building are not visible with each other. For these reasons there is no harm to the setting of the listed building.

8.8 Accessibility to services and facilities

8.8.1 The application site is just outside the Development Boundary for Cackle Street, as defined in the DaSA Local Plan. It is within 250m of Brede Village Hall and bus stops on the A28 to the south, and 500m of services in Broad Oak to the north, which can all be reached by pedestrian footway.

8.8.2 Policies PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3 of the Rother Local Plan Core Strategy and paragraph 8 of the National Planning Policy Framework seek to minimise the need to travel and to support the transition to a low carbon future. The development meets the aims of local and national planning policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to facilities.

8.9 Highway safety

8.9.1 Policy CO6 (ii) of the Rother Local Plan Core Strategy requires all development avoids prejudice to road and/or pedestrian safety. Policy LHN6 (iv) of the Rother Local Plan Core Strategy requires the site to have adequate access by vehicles towing caravans and provides adequate provision for parking, turning and access for emergency vehicles.

8.9.2 The site access is on the eastern side of Cackle Street along a section of the road that is subject to a 30mph speed limit. The land is served by an existing access with a driveway as well as parking and turning area. No further works to the access are proposed as part of this application.

8.9.3 The Highway Authority has advised that visibility splays of 2.4m x 90m should be provided in each direction. The subsequently submitted drawings demonstrate that this would be achievable, and the access is set back 12m from the A28 which would allow vehicles to wait within the driveway whilst the gate is opened and shut, thus preventing the carriageway from being obstructed.

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

8.10 Living conditions of occupants of nearby residential properties

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

8.10.2 The mobile home is around 30m from the shared boundary with Kingwoodland to the south, and the southern boundary of the application site benefits from mature screening. Given the substantial separation, no unacceptable overlooking, loss of outlook or loss of light occurs. The development comprises one residential unit which is unlikely to generate significant or harmful levels of activity or noise. There are no adverse impacts on the living conditions of the occupants of the neighbouring property 'Kingwoodland'.

8.11 Personal circumstances, human rights and the best interests of children

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

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

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

8.11.2 The PPG contains the following guidance:

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

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

Paragraph: 028 Reference ID: 21b-028-20150901

Revision date: 01 09 2015

8.11.3 The Local Planning Authority is advised that the site is occupied by a single-family unit consisting of two adults with their three children, with two of the children attending a local primary school since September 2020. The eldest child attends a local secondary school.

8.11.4 If planning permission is refused, and any subsequent appeal is dismissed, it is likely that the family would have to leave the site. This would result in

the interference with their human rights regarding Article 8 of the European Convention on Human Rights. It encompasses respect for family life and the home. It is consistent with relevant caselaw that the best interests of children should be a primary consideration in any decision on the application, although is not necessarily the determining factor.

- 8.11.5 The best interests of the children living on the site are to remain on the site and for the proposed development to be retained as provided. An ordered and settled site would afford them the best opportunity of a stable, secure and happy family life, opportunities for education, ready access to health and other services and opportunities for play and personal development.

8.12 Intentional Unauthorised Development

- 8.12.1 It is Government policy that intentional unauthorised development is a material consideration that should be weighed in the determination of planning applications and appeals. The written ministerial statement announcing this policy expressed concern that where the development of land has been undertaken in advance of obtaining planning permission there is no opportunity to appropriately limit or mitigate the harm that may have been caused. However, it is considered relevant to note that planning legislation allows for retrospective planning applications and that guidance on how much weight the aforementioned policy should be given is not clear. Furthermore, the planning system is not intended to be punitive but to secure compliance with legitimate planning objectives.

9.0 **PLANNING BALANCE AND CONCLUSION**

- 9.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the National Planning Policy Framework.
- 9.2 Based on the information submitted the occupants of the site fall within the definition of G&T contained within the PPTS. Hence their personal circumstances are material considerations. However, the site is outside any defined development boundary, as defined in the DaSA. The application has been assessed against the Council's policies for G&T; together with the Government's PPTS. The Council's requirement (under Policy LHN5 of the Rother Local Plan Core Strategy) to identify a further six permanent pitches to be provided between 2016 and 2028 to meet the identified need has been satisfied by the sites allocated under Policies GYP1 and BEX3 of the DaSA. There is however doubt on the deliverability of these sites, as concluded within the recent Loose Farm Lane appeal decision. The application site is not an allocated site and being outside areas allocated in the development plan, does not accord with paragraph 25 of the PPTS. Determining the application on its planning merits, the use of the site as a G&T site causes some limited harm to the character and appearance of the rural area, and therefore the proposal conflicts with Policies OSS4 (iii), RA2 (iii) (viii), RA3 (v), LHN6 (ii), and EN1 (i) of the Rother Local Plan Core Strategy, Policies

DEN1 and DEN2 of the DaSA, saved Policy DS3 of the Local Plan (2006) and paragraph 176 of the National Planning Policy Framework.

- 9.3 The development represents a visual intrusion of caravans which harms the character and appearance of the AONB, however the site has a history of development including polytunnels and stable buildings that remain on site. The presence of external domestic paraphernalia such as vehicles, play equipment, washing and lighting at night from inside the caravans add to the harmful impact that the development has, but the harm is reduced by the natural screening of the site provided by existing vegetation and topography and the fact the mobile home and day room are well set back from the road, behind an existing stable block. Although the harm identified is considered to be limited in these specific circumstances, the development still conflicts with Policies OSS4 (iii), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA, paragraphs 174 and 176 of the National Planning Policy Framework and Policy H, paragraph 25 of the PPTS. In accordance with paragraph 176 of the National Planning Policy Framework, great weight must be given to the harm that the development has on the landscape and scenic beauty of the AONB.
- 9.4 At the end of paragraph 24 of the PPTS it is explained that *“as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh.....any other harm so as to establish very special circumstances”*. In this case the best interests of the children living on the site do fall to be considered. They are a primary consideration. The children are attending local schools, and if the family are required to move to another location this would cause disruption to the children’s education. In addition to this potential disruption, it is unclear whether there is an appropriate allocated site for them to move to. This weighs heavily in favour of the application.
- 9.5 The location of the site is considered sustainable. The development is not at odds with the aims of local and national planning policies, which seek to direct development, and that of residential accommodation in particular, to settlements where there is ready access to facilities; as well as local and national policies on moving to a low carbon future. The development complies with Rother Local Plan Core Strategy Policies PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3, which are broadly consistent with the National Planning Policy Framework’s aim to promote and encourage sustainable transport.
- 9.6 Overall, significant weight can be attributed to the personal circumstances of the family, including the best interests of the children. Significant weight can also be attributed to the uncertainty regarding the deliverability of the allocated DaSA sites. The limited harm to the AONB does not in this specific case outweigh these considerations and therefore it is recommended that the application is, on balance, supported.

RECOMMENDATION: GRANT (FULL PLANNING)

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan, Drawing No. 2020-080v1-Location, dated 24/09/21
Existing Block Plan, Drawing No. 2020-080v1-ExistBlock, dated 13/01/22
Proposed Block Plan, Drawing No. 2020-080v1-PropBlock, dated 13/01/22
Caravan Tracking Plan, Drawing No. 2020-080v1-Tracking, dated 24/09/21
Reason: for the avoidance of doubt and in the interests of proper planning.
2. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of DCLG “Planning Policy for Traveller Sites” (revised version published August 2015) and restricted to only Mr Danny Penfold and Mrs Louisa Penfold and their dependants.
When the land ceases to be occupied by those named above, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored in accordance with a scheme and timetable that has first been submitted to and approved in writing by the Local Planning Authority.
Reason: The proposed development is only acceptable due to the personal circumstances of Mr Penfold and Mrs Penfold and their family and their habit of life, which mean that they meets the definition of a “gypsy or traveller” as detailed in Annex 1 of the Planning Policy for Traveller Sites and in accordance with Policies LHN5 and LHN6 of the Rother District Local Plan Core Strategy.
3. The access shall not be used until visibility splays of 2.4m by 90m are provided in both directions and maintained thereafter.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
4. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans which shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be obstructed.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
5. No more than one static caravan and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.
Reason: To conserve the natural beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1(i) and LHN6 of the Rother District Local Plan Core Strategy.
6. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and no commercial activities, including burning, shall take place on the land, including the storage of materials, plant or waste.
Reason: To preserve the amenities of the locality, in accordance with Policy OSS4(ii) of the Rother District 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.

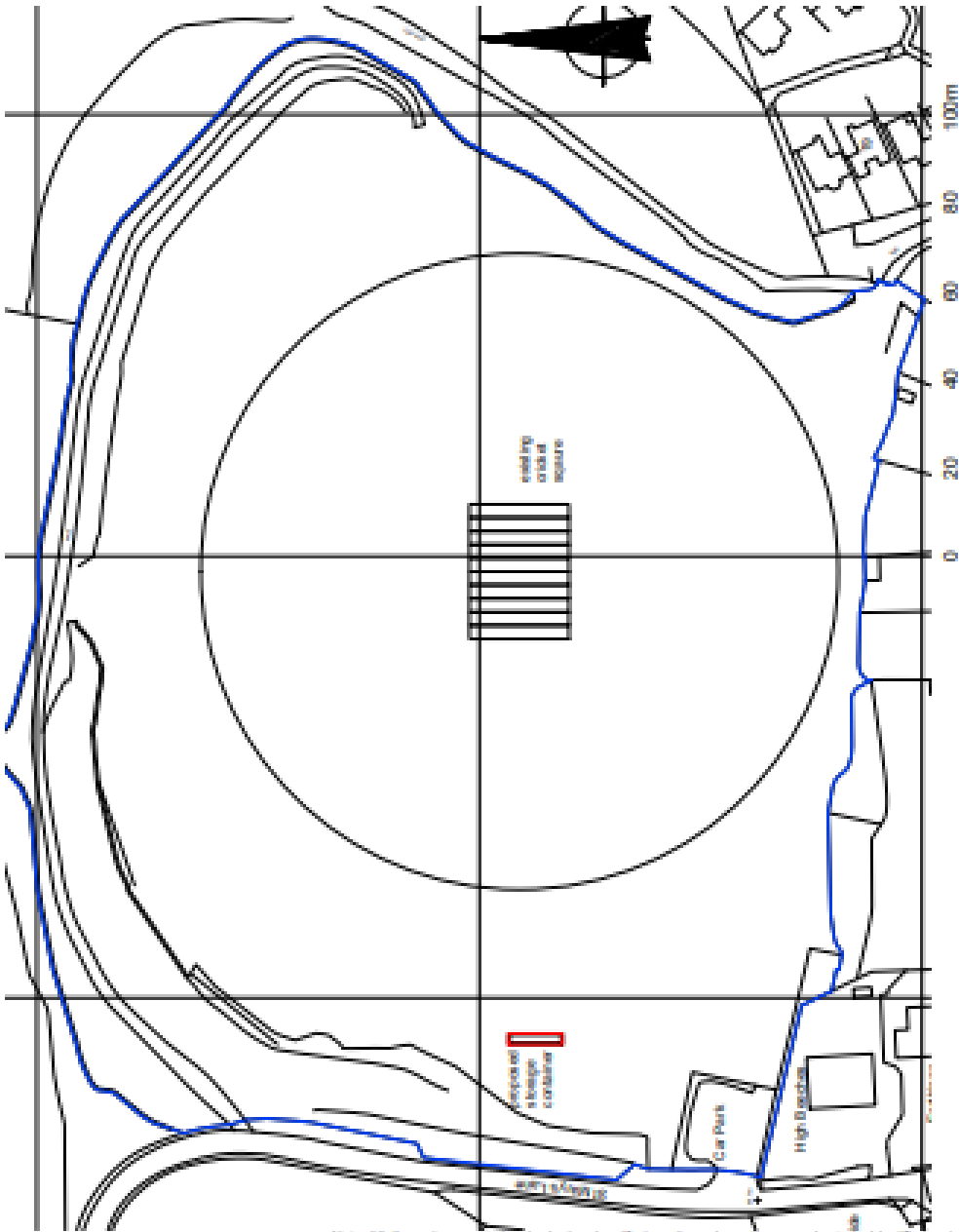
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SITE PLAN

BEXHILL

RR/2022/830/P

Car Park
St. Mary's Lane



Rother District Council

Report to - Planning Committee
Date - 21 July 2022
Report of the - Director - Place and Climate Change
Subject - Application RR/2022/830/P
Address - Car Park, St Mary's Lane, Bexhill, TN39 5JE
Proposal - Siting of portable changing facility at St Mary's Recreation Ground

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr Jamie Ramsden (Sidley Cricket Club)
Agent: Mr Jamie Ramsden
Case Officer: Mr Michael Vladeanu
(Email: Michael.vladeanu@rother.gov.uk)

Parish: BEXHILL - SIDLEY
Ward Members: Councillors J.J. Carroll and S.J. Coleman

Reason for Committee consideration: Director - Place and Climate Change
referral: Rother District Council owned land

Statutory 8-week date: 25 June 2022
Extension of time agreed to: 28 July 2022

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 The proposed portable changing facility would complement the existing recreation facility along St. Mary's Lane. It would not detract from the rural character and appearance of the locality, would not adversely impact on the living conditions of occupiers of nearby residential properties and there are no highway safety concerns. The recommendation is to grant permission subject to the imposed conditions.

2.0 SITE

- 2.1 The site is located within the St Mary's Recreation Ground (SMRG), which is a public recreation ground, owned by Rother District Council, located on the eastern side of St. Mary's Lane. It is a large open space with trees lining the boundary of the ground and consists of an area of amenity grassland with a small section of fenced hard standing to the southwest providing visitors parking. The recreation ground itself is approximately four hectares in size, measuring approximately 175m north-to-south, and 220m east-to-east. The application site is located on the western side of the recreation ground, approximately 30m north of the hard standing parking area.
- 2.2 The recreation ground is surrounded by woodland to the north and east, and bounded by St Mary's Lane to the west, adjacent to Bexhill Cemetery. The nearest residential properties are located to the south of the recreation ground, the closest being approximately 50m from the application site, adjacent to the entrance to the existing hard standing parking area.
- 2.3 SMRG is recognised by Fields in Trust and has 'Queen Elizabeth II Field status', which means that the site is protected as a recreational open space in perpetuity.
- 2.4 The site is located just outside of the development boundary for Bexhill and is partly within the Pevensey Levels Hydrological Catchment Area.
-

3.0 PROPOSAL

- 3.1 This application seeks planning permission for the erection of a portable changing facility that will be used by the Sidley Cricket Club (SCC). The Design and Access Statement has stated that the changing facility would measure 9.75m by 3m with a flat roof ridge height of 2.4m. The external materials would feature steel with wooden cladding for the walls which would match that of the shipping container approved at the site under planning ref: RR/2021/2252/P.
-

4.0 HISTORY

- 4.1 RR/2021/2252/P Construction of an electric race car track and siting of a shipping container for storage. Approved.
-

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
 - RA3: Development in the Countryside
 - BX1: Overall Strategy for Bexhill
 - EN1: Landscape Stewardship
 - EN3: Design Quality

- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DEN1: Maintaining Landscape Character
- 5.3 The following Council documents are considered relevant to the proposal:
- Rother and Hastings Playing Pitch Strategy (PPS), 2016
- 5.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
-

6.0 CONSULTATIONS

6.1 Environmental Health – **NO OBJECTION**

6.1.1 I refer to the above planning application, which seeks to install a mobile changing room on playing fields. This department has no concerns and no recommendations to make regarding this application. In conclusion, this department would support this application.

6.2 Planning Notice

6.2.1 Four letters of objection have been received (from forty-one representatives). The concerns raised are summarised as follows:

- Not an established use
- No correspondence with neighbours
- The land in question is contaminated
- St Mary's Lane is not suitable for more traffic, it is very dangerous
- Same drawing has been used for both the location and block plan

6.2.2 34 letters of support have been received (from 41 representatives). The reasons are summarised as follows:

- Good for the local community
- Brings back a site that been unused
- Will offer broader support to the children in our community
- It will assist in the provision of a sporting enmity for the people of Sidley

6.2.3 Three letters with general comments have been received (from 41 representatives). The comments are summarised as follows:

- As I am one of the closest residents to the site, I wish to inform you that I have not received any communication about this proposal until now
- No plans/drawings

6.3 Bexhill Town Council – **No comments received**

7.0 APPRAISAL

7.1 The main issues for consideration are as follows:

- Principle of development
- The effect on the character and appearance of the area
- The effect on neighbouring amenity
- Highway safety and parking

7.2 Principle of development

- 7.2.1 The Rother Local Plan Core Strategy Policy BX1(ii): includes within the 'overall strategy for Bexhill' the objective of delivering development of local amenities, including support for community activities and facilities, and improved sports and leisure facilities.
- 7.2.2 The National Planning Policy Framework at Section 8 sets out the planning objective of 'promoting healthy and safe communities. At paragraph 93 it says that to provide the social and recreational facilities and services the community needs, planning decisions should plan positively for the provision and use of shared spaces, community facilities sports venues, open space, and other local services to enhance the sustainability of communities and residential environments. It adds that, decisions should take into account and support the delivery of local strategies to improve health, and social well-being for all sections of the community, and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. In terms of 'open space and recreation', at paragraph 98 it states that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change. Paragraph 99 goes on to say that existing open space, sports and recreational land, including playing fields, should not be built on unless specified criteria are met, including: the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or (c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. Section 12. 'achieving well-designed places' at paragraph 130 (f) requires that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 7.2.3 Paragraph 4.4.6 of the Rother and Hastings Playing Pitch Strategy (2016) states that while demand for organised sport is falling in the villages and rural areas of the study area, settlements such as Bexhill, Sidley and Hastings, are expecting an increase in demand for sports such as cricket.
- 7.2.4 The proposal for this changing facility accords with adopted Rother Local Plan Core Strategy Policy CO3(ii) which advises that proposals for the improvement of existing facilities will be permitted where deficits in facilities are identified. The siting of a portable changing facility at SMRG will facilitate the existing use of the site for the playing of cricket and allow SCC to return to its home community after a number of years of playing elsewhere mainly in Hastings. The Rother and Hastings Playing Pitch Strategy (2016) identifies that a key priority for cricket in the area is to work with SCC regarding their aspirations to return to playing cricket in Bexhill. The proposed siting of a portable changing facility would enable this priority to be met and would be the first phase in establishing SMRG as the new permanent home of SCC.
- 7.2.5 Overall, it is considered that the principle of development is acceptable and would accord with local and national planning policies, subject to the assessment of other material planning considerations discussed below.

7.3 Impact upon character and appearance of the area

- 7.3.1 Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy seek, amongst other matters, 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. These policies are consistent with paragraph 130 of the National Planning Policy Framework which states that development should be sympathetic to the local character, including the surrounding built environment and landscape setting.
- 7.3.2 Policy EN1 provides protection for the landscape character of the area, whilst Policy EN3 requires all development to be of a high-quality design.
- 7.3.3 St. Mary's Lane is rural in character with scattered residential properties which generally occupy large sites. The lane is lined with hedges and trees. The recreation ground is a large open space with trees lining the boundary of the ground, an area of grassland with a small section of fenced hard standing to the southwest providing visitors parking.
- 7.3.4 The application relates to an existing recreation ground and no loss of the area of the recreation ground would be proposed under this application. The proposed facilities would not impact on the existing areas on the recreation ground.
- 7.3.5 The area of land where the portable changing facility would be positioned would be located 30m north of the existing car park on the western boundary of the ground. The facility would measure 9.75m by 3m with a flat roof ridge height of 2.4m. The external materials would feature steel with wooden cladding for the walls which would match that of the shipping container approved at the site under planning ref: RR/2021/2252/P.
- 7.3.6 The structure would be positioned just to the south of the structures approved for 1066 racing under ref: RR/2021/2252/P and would be read as associated infrastructure and would not be read as an encroachment into the countryside. The area of land would be served by the existing access to SMRG. The scale and design of the structure proposed is of a simple nature, in keeping with the locality and of sympathetic materials as to not have a harmful impact visually or physically on the character and appearance of this rural location. Should the application be recommended for approval, a condition will be placed on the decision notice requesting elevation drawings of the structure as well as samples/details of the external finish to ensure the facility is in keeping with its surroundings.
- 7.3.7 Overall, it is considered that the structure would be appropriately sited and would be of an acceptable use, scale and design as to not adversely impact the character and locality of the recreation ground and surrounding area.

7.4 Impact on neighbour's amenity

- 7.4.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that all development should not unreasonably harm the amenities of adjoining properties.

- 7.4.2 The site is within a recreation ground environment with residential dwellings scattered along St. Mary's Lane, its nearest dwelling being approximately 58m in distance to the site (High Beeches). The existing use of the site is as a recreation ground and therefore neighbouring residents will be aware of existing activity and background noise characteristics associated with the existing uses. These may be more noticeable at times than others, such as when a football/cricket match is being held. There is no external lighting proposed, and by the nature of the sporting activity, the facility would only be used during daylight hours.
- 7.4.3 Environmental Health have been consulted on the application and make the following comments: "I refer to the above planning application, which seeks to install a mobile changing room on playing fields. This department has no concerns and no recommendations to make regarding this application. In conclusion, this department would support this application." Therefore, it is considered that there would be no significant detrimental effect on neighbouring amenity from noise or light emitted for the proposed development.
- 7.4.4 It is noted that the application proposed to install toilet facilities in the form of a chemical toilet whereby waste is collected and disposed off-site. A condition will be placed on any decision notice to ensure that waste is safely deposited off site and no connection is made to the main sewer.

7.5 Highways and parking

- 7.5.1 Policy CO6 of the Rother Local Plan Core Strategy facilitates a safe physical environment by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 7.5.2 Policy TR4 (i) of the Rother Local Plan Core Strategy requires development to meet the residual needs of the development for off-street parking 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.
- 7.5.3 The site is served by an existing vehicular access. Traffic speeds are generally low along the lane and therefore the operating use proposed should not increase hazards on the highway. There is adequate space on site to park and turn multiple vehicles.

8.0 **PLANNING BALANCE AND CONCLUSION**

- 8.1 The proposal to site a portable changing facility would not detract from the locality of the Recreation Ground and would not adversely impact on the nearby neighbouring residential properties and would not prejudice highway safety. The proposal complies with Rother Local Plan Core Strategy policies together with the various provisions contained within the National Planning Policy Framework and can therefore be supported and granted full planning.

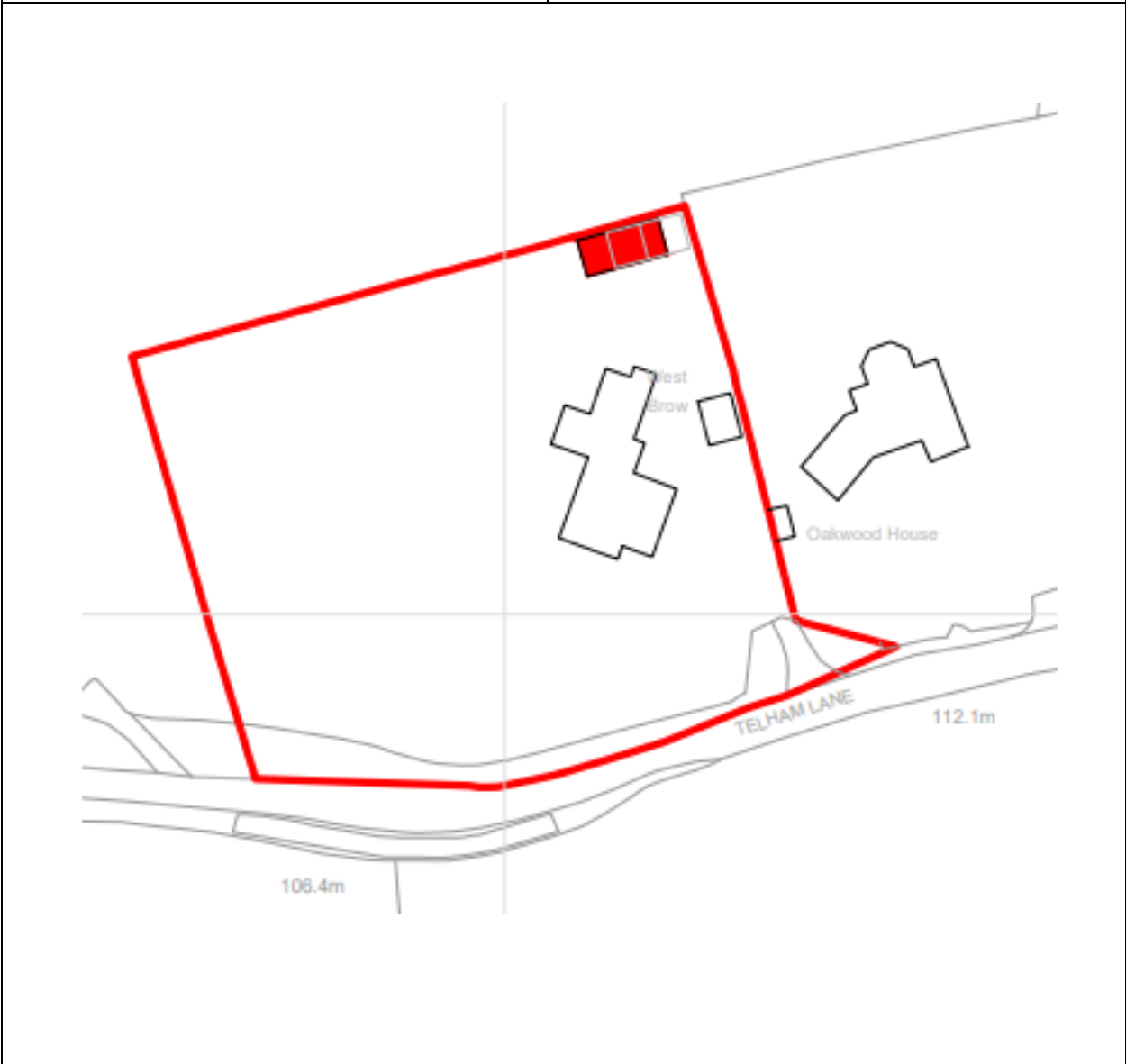
RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Site Location Plan, Drawing No. 4775.LP. A, dated 14 March 2022
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development shall commence until full elevational drawings of the portable changing facility have first been submitted to and approved in writing by the Local Planning Authority. This drawing should include details/samples of the external finish of the structure including the wood cladding to be used.
Reason: To ensure that the development reflects the character and/or appearance of the existing building and to preserve the visual amenities of the area in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy.
4. No floodlighting or other external means of illumination of the portable changing facility hereby permitted shall be provided, installed or operated at the site.
Reason: To protect the residential amenities of the locality and to protect the special character of the rural area, in accordance with Policies OSS4 (ii and iii), RA3 (v) and EN1 of the Rother Local Plan Core Strategy.
5. There shall be no on-site discharge of sewage, solid or liquid, from any chemical toilets; all sewage shall be collected for disposal by an appropriately registered contractor.
Reason: To protect the amenity of the locality and for people living and/or working nearby, in accordance with local planning Policy SRM2 of the Rother Local Plan Core Strategy.

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.

SITE PLAN RR/2022/1072/P	BATTLE WEST BROW TELHAM LANE
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Rother District Council

Report to - Planning Committee
Date - 21 July 2022
Report of the - Director - Place and Climate Change
Subject - Application RR/2022/1072/P
Address - West Brow, Telham Lane, Battle, TN33 0SW
Proposal - Proposed replacement garage building with accommodation in roof.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr & Mrs G. Sadighi
Agent: Pump House Designs
Case Officer: Mr Sam Koper
(Email: sam.koper@rother.gov.uk)

Parish: BATTLE
Ward Members: Councillor K.P. Dixon

Reason for Committee consideration: Director - Place and Climate Change referral: Applicant is a member of staff at Rother District Council

Statutory 8-week date: 21 June 2022
Extension of time agreed to: 28 July 2022

1.0 SUMMARY

1.1 The proposal is for a replacement garage building with accommodation in roof. The main considerations are the effects of the proposal on the character and appearance of the locality and Area of Outstanding Natural Beauty (AONB) and impact on neighbouring properties. The application is recommended for approval subject to conditions.

2.0 SITE

2.1 The application site contains a large detached dwelling located to the north of Telham Lane. The existing garage is located in the northern corner of the site. The site lies within the High Weald AONB.

3.0 PROPOSAL

- 3.1 This application seeks approval for the demolition of the existing detached garage and erection of a new detached garage building with accommodation in the roof space.
- 3.2 The proposed garage would occupy a similar footprint as the existing building and be located slightly further away from the eastern boundary.
- 3.3 It would feature two open car port spaces with double garage doors on the bays each side for additional storage. The entrance on the front elevation would contain a stairway leading up to the roof space accommodation, which is stated to be used as a games room area.
- 3.4 The building would be oak framed with a pitched roof above and barn hips on each side. The external materials proposed are timber weatherboarding for the walls and clay tiles for the roof.
- 3.5 There are a row of mature trees located behind the existing garage, which provide a large amount of natural screening from the northern boundary, these are not proposed to be removed.
-

4.0 HISTORY

- 4.1 RR/2004/3326/P Erection of oak framed two bay garage and store room. – Approved Conditional
- 4.2 RR/2005/49/P Erection of conservatory – Approved Conditional
- 4.3 RR/2005/273/P Erection of ground floor front entrance / study extension and loft conversion with roof alterations – Approved Conditional
- 4.4 RR/2017/2332/P Demolition of existing conservatory with replacement single storey extension. Amendments to existing roof to form new Bedroom, En-Suite and Dressing rooms, including new glazed gable structure as a replacement for existing terrace. Amendments to existing east facing dormers to form one larger dormer. – Approved Conditional
-

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
 - EN1: Landscape Stewardship
 - EN3: Design Quality
 - RA3: Development in the Countryside
- 5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:

- DHG9: Extensions, Alterations and Outbuildings
 - DEN1: Maintaining Landscape Character
 - DEN2: High Weald AONB
- 5.3 The following policies of the adopted [Battle Civil Parish Neighbourhood Plan](#) are relevant to the proposal:
- HD4: Quality of Design
- 5.4 The National Planning Policy Framework, High Weald Management Plan and Housing Design Guide are also material considerations.
-

6.0 CONSULTATIONS

6.1 Battle Town Council have no objections to this application

6.2 Planning Notice

6.2.1 No comments received.

7.0 APPRAISAL

7.1 There are two issues for consideration in this application:

- The effect of the proposal on the character and appearance of the locality and the High Weald AONB.
- The effect of the proposal neighbouring properties.

7.2 ***The effect of the proposal on the character and appearance of the locality and the High Weald AONB***

7.3 Policy OSS4 (iii) of the Rother Local Plan Core Strategy states all development should respect and not detract from the character and appearance of the locality.

7.4 Policy EN3 of the Rother Local Plan Core Strategy states new development should contribute positively to the character of the site and surroundings and demonstrate robust design solutions tested against key design principles.

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

7.6 Policy DEN2 states that development within the High Weald AONB should be small-scale, in keeping with the landscape and settlement pattern.

7.7 Policy HD4 of the Battle Civil Parish Neighbourhood Plan states that proposals for all development must plan positively for the achievement of high quality and inclusive design.

7.8 The location of the garage would be to the rear of the application site behind the main dwelling. Given the level of screening on the southern boundary and

the proximity of the proposed garage to the road, it would not be visible from the public view and as such would not have any impact on the existing street scene.

- 7.9 An existing garage would be removed in the same location to make way for the new outbuilding. The new outbuilding is considerably larger than the existing shed however the design and materials are considered to be complementary to the rural location. The external materials are traditional with timber weatherboarding with a plain clay tiled roof. This is considered to be in keeping with the host dwelling and the countryside location.
- 7.10 There are wide countryside views from the rear garden of the application site. There is currently a row of mature trees in the north eastern corner of the site, behind the existing garage. These are to be retained. As such, the proposed garage would be well screened and would not have a detrimental impact on the landscape character of the AONB.
- 7.11 The proposed garage building would also contain accommodation in the roof space. This would be fully contained within the roof and the building would read as a single storey outbuilding. A modest dormer window is proposed on the north elevation as well as roof light windows. The amount of glazing is not considered to be excessive.
- 7.12 Overall, it is not considered that the proposal would detract from the character of the existing dwelling, nor will it have a negative effect on the character and appearance of the locality within the AONB.
- 7.13 ***The effect of the proposal neighbouring properties***
- 7.14 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that new development should not unreasonably harm the amenities of adjoining properties.
- 7.15 Policy DHG9 (i) of the DaSA states that extensions and outbuildings will be permitted where they do not unreasonably harm the amenities of adjoining properties in terms of loss of light, massing or overlooking.
- 7.16 The only neighbour for consideration in this application is Oakwood House, to the east of the application site.
- 7.17 The location of the proposed garage would replace the existing garage. The scale and height would be increased, however the proximity to the eastern boundary would be increased too. The presence of mature hedges along the eastern boundary would provide natural screening from the proposed building. As such it is not considered that the proposed garage would cause any detrimental harm with regards to overshadowing or loss of light.
- 7.18 New high-level roof light windows are also proposed within the roof slope on the northern elevation. By the nature of the orientation and height, these would not result in any unacceptable overlooking into the neighbouring garden.

8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 The proposed development not would detract from the character and appearance of the locality and AONB, nor would it have a detrimental impact on neighbouring properties. The proposed development complies with Policies OSS4, EN1, EN3 and RA3 of the Rother Local Plan Core Strategy, Policies DHG9, DEN1 and DEN2 of the DaSA and Policy HD4 of the adopted Battle Civil Parish Neighbourhood Plan.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Location Block Plan, Drawing No. 7275 LBP dated April 2022
Existing Plans, Drawing No. 7275 / EX dated April 2022
Proposed Plans, Drawing No. 7275 / 1 / A dated April 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 be as stated on the application form and approved plans unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development is in character with its surroundings in accordance with 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 ancillary residential accommodation in association with the existing dwelling and shall not be used as a separate dwelling unit.
Reason: In the interests of protecting the character of the area and in the interests of protecting the residential amenities of neighbouring properties and to preclude the creation of a new dwelling within the countryside in accordance with Policies OSS4 and RA3 of the Rother Local Plan Core Strategy.

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.

SITE PLAN

BATTLE

RR/20221232/P

3 VIRGINS CROFT



Rother District Council

Report to - Planning Committee
Date - 21 July 2022
Report of the - Director - Place and Climate Change
Subject - Application RR/2022/1232/P
Address - 3 Virgins Croft
BATTLE
Proposal - Upward extension to side and rear of the existing property within footprint of existing single storey extension, and associated works including new windows and doors.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr and Mrs Bryant
Agent: HK Planning Ltd
Case Officer: Miss Harriet Nurse
(Email: harriet.nurse@rother.gov.uk)

Parish: BATTLE
Ward Members: Councillors Mrs V. Cook and K.M. Field

Reason for Committee consideration: Director – Place and Climate Change referral: Councillor Call In

Statutory 8-week date: 6 July 2022
Extension of time agreed to: 29 July 2022

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 The proposed upward extension to the side and rear of the existing property within footprint of an existing single storey extension, and associated works including new windows and doors would create an incongruous addition. The first floor would form a prominent addition, would not respect the character or design of these older properties, would not appear visually subservient to the host building and would have a harmful impact on neighbouring amenities, by way of loss of light and being overbearing. The recommendation is to refuse planning permission.

2.0 SITE

- 2.1 The property is a semi-detached cottage situated on the east side of Virgins Croft. To the south of the property is a semi-detached property. Virgins Croft is a narrow un-adopted road off Virgins Lane. The property is within the development boundary for Battle and within the High Weald Area of Outstanding Natural Beauty (AONB).
-

3.0 PROPOSAL

- 3.1 This application seeks planning permission for the upward extension to side and rear of the existing property within footprint of existing single storey extension, and associated works including new windows and doors. The application is a resubmission of three similar previously refused and one withdrawn scheme.

This resubmission includes the following amendments to the most recently refused proposal:

- Move the first floor element of the extension away from the boundary with No.4 Virgins Croft (0.2m reduction in width).
 - Install an oriel bay window on the side elevation which is partially obscure glazed to eliminate overlooking towards No.2 Virgins Croft.
-

4.0 HISTORY

- 4.1 *No.3 Virgins Croft:*
RR/2020/2370/P First floor rear and side extension and new and replaced doors and windows to ground and first floor. Refused.
- RR/2021/1071/P Proposed first floor rear extension and new pitched roof to side porch and new windows and doors. Withdrawn.
- RR/2021/2851/P First floor rear extension and new pitched roof to side porch and new windows and doors. Refused.
- 4.2 *No. 6 Virgins Croft:*
A/73/1452 Alteration and Additions. Refused.
- RR/74/0089 Proposed alterations and additions to existing Cottage. Refused.
- RR/82/0336 First floor extension to bedrooms. Approved Conditional.
- 4.3 *No. 8 Virgins Croft:*
A/65/520 Front porch. Approved.
- RR/84/0808 Two storey extension to form living room and bedroom. Approved Conditional.

- 4.4 *No. 10 Virgins Croft:*
RR/2010/1906/P Proposed side extension to provide utility room and W.C. Approved Conditional.
RR/2013/97/P Two storey rear extension and loft conversion. Refused.
RR/2013/569/P Single storey rear extension and loft conversion. Approved Conditional.
RR/2013/1176/P Erection of first floor side and rear extension. Approved Conditional.
-

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
 - EN1: Landscape Stewardship
 - EN3: Design Quality
 - BA1: Policy Framework for Battle
- 5.2 The following policies of the Development and Site Allocations Local Plan (DaSA), are relevant to the proposal:
- DHG9: Extensions, Alterations and Outbuildings
 - DEN1: Maintaining Landscape Character
 - DEN2: The High Weald Area of Outstanding Natural Beauty (AONB)
- 5.3 The following policies of the adopted Battle Neighbourhood Plan are relevant to the proposal:
- HD4: Quality of Design
- 5.4 The National Planning Policy Framework, Planning Practice Guidance and the High Weald AONB Management Plan 2019-2024 are also material considerations.
-

6.0 CONSULTATIONS

6.1 Sussex Newt Officer – **NO OBJECTION**

6.1.1 The Applicant has not provided any ecological information for the site. Therefore, it cannot be determined if there is a likely impact. The SNO is satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats. However, the application site lies within a [red/amber] impact zone as per the modelled district licence impact map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. Therefore, it is recommended that an informative note is put on a decision.

6.2 Planning Notice

6.2.1 No comments have been received.

6.3 Town/Parish Council – **NO OBJECTION**

6.3.1 No objection to this application.

7.0 APPRAISAL

7.1 This application has made some amendments in an attempt to overcome the below reasons for refusal. The main issues for consideration under this application are as before:

- Impacts upon neighbouring and nearby properties
- The effect of the proposal on the host building, visual amenities of the street scene and locality.

7.1.1 The most recently refused application, RR/2021/2851/P was refused on the following grounds:

1. While attempts have been made to amend the proposal, the proposed first floor rear and side extension by reason of its size, height, mass and design, would be an overly large and incongruous addition to the building. The first-floor extension would not respect or respond positively to the scale, proportions or form of the host dwelling and its neighbours. The extension would not appear subservient to the host property, would be out of character with surrounding development and would fail to preserve or enhance the character and appearance of the street scene and scenic beauty within the High Weald AONB, contrary to Policy OSS4(iii), EN1(i) and EN3(i & ii) of the Rother Local Plan Core Strategy, Policy DHG9(iii & vii), DEN1 and DEN2 of the DaSA and paragraph 127 and 172 of the National Planning Policy Framework.
2. The proposal by virtue of its design, height, depth and proximity to the boundary with No. 4 Virgins Croft to the north side, would result in an imposing addition which would be overbearing on this neighbour. The development would have a negative impact on the neighbouring rear garden, with loss of outlook and overshadowing of the garden with potential loss of light, that would harm the residential amenities currently enjoyed at No. 4 Virgins Croft. In addition, the insertion of a first-floor bedroom window to the south side elevation would also increase actual and perceived overlooking detrimental to the residential amenities of No. 2 Virgins Croft. The development would thus be contrary to adopted Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DHG9 (i) of the DaSA.

7.2 Impacts upon neighbouring and nearby properties:

7.2.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that development should: not detract from the amenities of neighbouring properties.

7.2.2 No. 3 Virgins Croft is situated between two neighbouring dwellings, namely the attached property to the north No. 4 Virgins Croft and a semi-detached property to the south, No. 2 Virgins Croft.

7.2.3 *No. 4 Virgins Croft* - This property is attached to the host dwelling and lies to the north. The proposed first floor extension is situated to the rear/west of the host dwelling; it has been positioned 1m away from the ground floor

addition/shared boundary. As such it would not extend out any closer to this neighbour than the width and depth of the existing ground floor. Although an increased separation the first-floor element would, continue to be very close to this shared boundary. Situated to the south of the neighbour and with the combination of its height, depth and close proximity, it would result in an overbearing structure with a loss of light and outlook. The proposal would be very imposing and severely enclose the rear of the neighbouring property which is very narrow. It would result in a negative impact on and loss of residential amenity for the neighbouring occupiers at No. 4.

7.2.4 Given the size, depth, height, massing, and the close proximity to the south side of the shared boundary, like the previous applications, it would have a harmful impact on the residential amenities of No. 4 Virgins Croft. The revised scheme has only been reduced by 20cm in width and therefore has not overcome the overbearing nature of the proposal on this neighbour of No. 4 Virgins Croft.

7.2.5 *No. 2 Virgins Croft* - This property is positioned to the south side of the application site. The proposed extension would extend out slightly to the side towards this neighbour. The extension itself would be positioned approximately 3.1m in distance from the shared boundary and 7.4m from this neighbour's side conservatory. However, it is proposed to insert a new first floor side window to serve the existing bedroom. This window would be an oriel window with obscured fixed glazing on the side facing south west into the rear garden and conservatory. Views are already partially screened by some thin sparse conifer trees and a low outbuilding to the front side of No. 2 but more open to the rear. There is a degree of mutual overlooking from the rear first floor windows, the insertion of a side first floor window with the obscured glazed to the rear side would overcome the perceived overlooking to No. 2 of the previous refusal.

7.2.6 As such, although the extension itself would not impact on the residential amenities of No. 2 Virgins Croft, the revised proposal would remain to have a harmful impact on the neighbouring amenities to No. 4, in terms of scale and close proximity to No. 4 Virgins Croft.

7.3 **Effect on the Visual Amenities of the Street Scene and Locality:**

7.3.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy and Policy DHG9 (i) of the DaSA together, amongst other things, state that extensions to dwellings will only be permitted where they are in keeping with the character of the existing dwelling, and where they would respect and not detract from the character and appearance of the locality.

7.3.2 Policy EN1 states that the management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (i) the distinctive identified landscape character, ecological features and settlement pattern of the High Weald AONB.

7.3.3 Policy EN3 states that new development will be required to be of high design quality by: (i) contributing positively to the character of the site and surroundings.

- 7.3.4 DHG9 of the DaSA states that extensions, alterations and outbuildings will be permitted where:
- (ii) they respect and respond positively to the scale, form, proportions, materials, details and overall design, character and appearance of the dwelling;
 - (iii) they do not detract from the character and appearance of the wider street-scene, settlement or countryside location, as appropriate, in terms of building density, form and scale; and
 - (vi) in the case of extensions and alterations, they are physically and visually subservient to the building, including its roof form, taking into account its original form.
- 7.3.5 DEN1 of the DaSA seeks to ensure the design of development maintains and reinforces the built landscape character of the area in which it is to be located with DEN2 seeking to conserve and enhance the landscape and scenic beauty of the High Weald AONB.
- 7.3.6 Paragraph 130 of the National Planning Policy Framework states planning policies and decisions should ensure that developments:
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 7.3.7 Paragraph 176 of the National Planning Policy Framework states that: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONB, which have the highest status of protection in relation to these issues.
- 7.3.8 The semi-detached property is set along a narrow un-adopted road, with the south side elevation visible from the street scene. To the rear the ground levels drop away and hence the rear elevation has wider views to the surrounding countryside of the High Weald AONB.
- 7.3.9 The first-floor addition proposed would form an incongruous and prominent addition. It would not respect the character or design of these older properties and would not appear visually subservient to the host building. Although the alteration to increase the separation of the first-floor element from the shared boundary – this is only by an additional 0.2m compared to the refused scheme. The massing of the proposed first floor would continue to have an overbearing nature of the extension and would be out of character with the surrounding development.
- 7.3.10 The agent makes reference to three other developments which they consider comparable to the case in hand. Two were granted planning permission in the 1980s, the other in 2013. However, the more recent case is at the end of the terrace, with no adjoining/immediate neighbour to the north. In respect of the 1980s additions, these were permitted close to 40 years ago. Planning policies and government guidance has changed since that time. Most notably in respect of assessing the impact on neighbouring amenities. The BRE daylight guidance 2011 provides specific technical guidance. It has not been demonstrated that the development would be in accordance with this guidance and therefore is considered harmful to the living conditions of the

occupiers of the adjoining property by reason of loss of light, being overbearing and overshadowing.

7.3.11 The revised proposed extension is out of character with and would cause harm to the host dwelling, locality and area within the AONB, contrary to Development Plan policies and the National Planning Policy Framework.

8.0 PLANNING BALANCE AND CONCLUSION

8.1 The proposed first floor rear and side extension by reason of its size, height, mass and design, would be an overly large and incongruous addition to the building. The first-floor extension would not respect or respond positively to the scale, proportions or form of the host dwelling and its neighbours. The extension would not appear subservient to the host property, would be out of character with surrounding development and would fail to preserve or enhance the character and appearance of the street scene and scenic beauty within the High Weald AONB.

8.1.1 The proposal by virtue of its design, height, depth and proximity to the boundary with No. 4 Virgins Croft to the north side, would result in an imposing addition which would be overbearing on this neighbour. The development would have a negative impact on the neighbouring rear garden, with loss of outlook and overshadowing of the garden with potential loss of light, that would harm the residential amenities currently enjoyed at No. 4 Virgins Croft.

8.1.2 It is considered that the amendments within this proposal would not overcome the previous reasons for refusal, especially as the width has only been reduced by 0.2m, and would be contrary to relevant policies contained within the Rother Local Plan Core Strategy, DaSA and Neighbourhood plan, together with the various provisions contained within the National Planning Policy Framework.

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. While attempts have been made to amend the proposal, the proposed first floor rear and side extension by reason of its size, height, mass and design, would be an overly large and incongruous addition to the building. The first-floor extension would not respect or respond positively to the scale, proportions or form of the host dwelling and its neighbours. The extension would not appear subservient to the host property, would be out of character with surrounding development and would fail to preserve or enhance the character and appearance of the street scene and scenic beauty within the High Weald AONB, contrary to Policy OSS4(iii), EN1(i) and EN3(i & ii) of the Rother Local Plan Core Strategy, Policy DHG9(iii & vii), DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan and paragraph 130 and 176 of the National Planning Policy Framework.

2. The proposal by virtue of its design, height, depth and proximity to the boundary with No. 4 Virgins Croft to the north side, would result in an imposing addition which would be overbearing on this neighbour. The development would have a negative impact on the neighbouring rear garden, with loss of outlook and overshadowing of the garden with potential loss of light, that would harm the residential amenities currently enjoyed at No. 4 Virgins Croft. The development would thus be contrary to adopted Policy OSS4 (ii) of the Rother Local Plan Core Strategy and Policy DHG9 (i) of the Rother Development and Site Allocations Local Plan.

NOTE:

1. This refusal relates to the following plans:
Drawing No. 2089/01 rev E dated April 2022
Planning Statement dated 10 May 2022

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and 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: 21 July 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/2021/2447/P (Committee - Decision)	BATTLE: Marley Lane - Land at, Battle Construction of single detached two storey chalet dwelling with associated access. Mr & Mrs Joe Thompsett
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/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/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/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/2021/194/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/2021/1609/P (Delegation)	BODIAM: Bodiam Business Centre - Land at, Junction Road, Bodiam Erection of 4 No. 3 bedroom terraced dwellings together with associated car parking and landscaping. Park Lane Homes (South East) Ltd
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/2021/2450/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/2021/2449/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/2021/3030/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/2021/3084/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/2021/2597/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/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/2021/1473/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/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
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

APPEALS STARTED

RR/2022/457/P (Delegation)	BEXHILL: 16 Sutherland Avenue, Bexhill Erection of wall at front of property. (Retrospective) Mr Ian Wykes
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/2021/2644/P (Delegation)	BODIAM: Oast View - Land Opposite, Bodiam Business Park, Bodiam Construction of 2 No. two bedroom homes and 3no. three bedroom homes with associated landscaping. Westridge Bodiam Park Limited

- 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/2021/2587/P
(Delegation) SALEHRST/RBRDGE: 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/2021/1787/P
(Delegation) TICEHURST: Slaves Dream, Lower Hazelhurst, Ticehurst
Demolition of existing dwelling and replacement with new dwelling including new detached car port.
Pedro and Jay Milborne

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/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/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/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/2021/1102/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/2020/1791/P (Delegation)	BEXHILL: 38 Thorne Crescent, Bexhill Proposed rear extension at ground floor and first floor. Mr Daniel Talbot
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/2021/1830/P (Delegation)	BEXHILL: 42 Ingrams Avenue, Bexhill Erect 1 bed room semi-detached dwelling. ox1 Group
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/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/2021/234/P (Delegation)	BREDE: Brede Valley Farm, Frymans Lane, Brede Erection of agricultural dwelling. Brede Valley Farm Ltd
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/2021/1424/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/2020/1304/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/2020/2306/P (Delegation)	CAMBER: Poundfield Farm, Farm Lane, Camber Siting of holiday lodge for seasonal tourist/holidaymakers accomodation. 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/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/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/2020/1857/P (Delegation)	GUESTLING: Star Stud, Ivyhouse Lane, Guestling Change of use of barn to holiday accommodation. Mr J. O'Hara
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/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/2021/1174/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/2021/2699/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/2021/1925/P (Delegation)	IDEN: May House, Wittersham Road, Iden 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/2021/2164/P (Delegation)	MOUNTFIELD: 3 Church Cottages, Church Road, Mountfield Construction of replacement garage/carport Mr & Mrs C. Norman
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/2021/2467/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 (Delegation)	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/2021/1657/P	PEASMARSH: Teviot, Malthouse Lane, Peasmarsh Proposed 4 x bedroom dwelling with associated landscaping and driveway for two vehicles. Bright Develop Ltd
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/2021/75/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/2021/559/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/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/2021/2337/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
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
RR/2021/1466/ENF (Enforcement)	Big Wood, Land to the East of London Road, Battle Change of use from agriculture to residential and operational development. Mr Jordon Measom

APPEALS ALLOWED

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/2019/2833/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)

SEDLSCOMBE: 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

APPEALS DISMISSED

NONE

APPEALS WITHDRAWN

NONE

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
e-mail address:	ben.hook@rother.gov.uk
Appendices:	N/A
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A

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