

## Planning Committee

- Date and Time - **Thursday 1 September 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.

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## AGENDA

### 1. **MINUTES**

To authorise the Chair to sign the minutes of the meeting of the Planning Committee held on the 21 July 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 **WITHDRAWN APPLICATIONS**

The Director – Place and Climate Change to advise Members of those planning applications on the agenda which have been withdrawn.

### 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

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

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**Tel: 01424 787811**

**Rother District Council putting residents at the heart of everything we do.**

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 3 - 4)
7. **RR/2021/2804/P - VILLA FLAIR, UNION STREET, FLIMWELL, TICEHURST** (Pages 5 - 22)
8. **RR/2022/1113/P - 1 STABLEFIELDS – LAND AT COTTAGE LANE, WESTFIELD** (Pages 23 - 32)
9. **RR/2022/463/P - FRENCHMAN'S BEACH HOLIDAY VILLAGE, RYE HARBOUR ROAD, ICKLESHAM** (Pages 33 - 42)
10. **RR/2022/64/P - 49 & 49A DEVONSHIRE ROAD, BEXHILL** (Pages 43 - 52)
11. **RR/2022/1325/P - WEST PARADE, BEXHILL** (Pages 53 - 58)
12. **RR/2022/925/P - 4 THE CLOSE, ROSEWAYS, FAIRLIGHT** (Pages 59 - 72)
13. **PLANNING STATISTICS FOR THE QUARTER APRIL – JUNE 2022 (1ST QUARTER) INCLUDING SUMMARY OF PLANNING STATISTICS FOR 2020-2023** (Pages 73 - 82)
14. **APPEALS** (Pages 83 - 96)
15. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**  
Tuesday 11 October 2022 at 9:00am departing from the Town Hall, Bexhill.

Malcolm Johnston  
Chief Executive

Agenda Despatch Date: 24 August 2022

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

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

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## Rother District Council

Report to	-	Planning Committee
Date	-	1 September 2022
Report of the	-	Director - Place and Climate Change
Subject	-	Planning Applications – Index

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**Director: Ben Hook**

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## Planning Committee Procedures

### Background Papers

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

### Planning Committee Reports

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

### Consultations

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

### Late Representations

Unless representations relate to an item which is still subject to further consultation (and appears on the agenda as a matter to be delegated subject to the expiry of the consultation period) any further representations in respect of planning applications on the Planning Committee agenda must be received by the Director - Place and Climate Change in writing by 9am on the Monday before the meeting at the latest. Any representation received after this time cannot be considered.

### Delegated Applications

In certain circumstances the Planning Committee will indicate that it is only prepared to grant/refuse planning permission if/unless certain amendments to a proposal are undertaken or the application is subject to the completion of outstanding or further consultations. In these circumstances the Director - Place and Climate Change can be delegated the authority to issue the decision of the Planning Committee once the requirements of the Committee have been satisfactorily complied with. A delegated decision does not mean that planning permission or refusal will automatically be issued. If there are consultation objections, difficulties, or negotiations which cannot be satisfactorily concluded, then the application will be reported back to the Planning Committee. This delegation also allows the Director - Place and Climate Change to negotiate and amend applications, conditions, reasons for refusal and notes commensurate with the instructions of the Committee.

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

### Order of Presentation

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

Agenda Item	Reference	Parish	Site Address	Page No.
7	<a href="#">RR/2021/2804/P</a>	TICEHURST	Villa Flair Union Street Flimwell Ticehurst TN5 7NT	5
8	<a href="#">RR/2022/1113/P</a>	WESTFIELD	1 Stablefields – Land at Cottage Lane Westfield TN35 4QW	23
9	<a href="#">RR/2022/463/P</a>	ICKLESHAM	Frenchman’s Beach Holiday Village Rye Harbour Road Icklesham TN31 7TX	33
10	<a href="#">RR/2022/64/P</a>	BEXHILL	49 & 49a Devonshire Road Bexhill TN40 1BD	43
11	<a href="#">RR/2022/1325/P</a>	BEXHILL	West Parade Bexhill TN39 3DT	53
12	<a href="#">RR/2022/925/P</a>	FAIRLIGHT	4 The Close Fairlight TN35 4AQ	59



## Rother District Council

Report to - Planning Committee  
Date - 1 September 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](#)

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

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**Director: Ben Hook**

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**Applicant:** L. Sutton  
**Agent:** Graham Simpkin Planning Ltd  
**Case Officer:** Asma Choudhury  
(Email: [asma.choudhury@rother.gov.uk](mailto: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.*
- *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**

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This application is included in the Committee Site Inspection List.

This application was deferred at the July committee in order for a Members site inspection to be carried out.

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## 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

<b>PROVISION</b>	
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

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## 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.
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### **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.
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### **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.
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### **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.*

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## **7.0 LOCAL FINANCE CONSIDERATIONS**

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £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.
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## **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 proposed<sup>7</sup>; 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 required<sup>10</sup> 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.



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## 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.

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

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#### **CONDITIONS:**

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

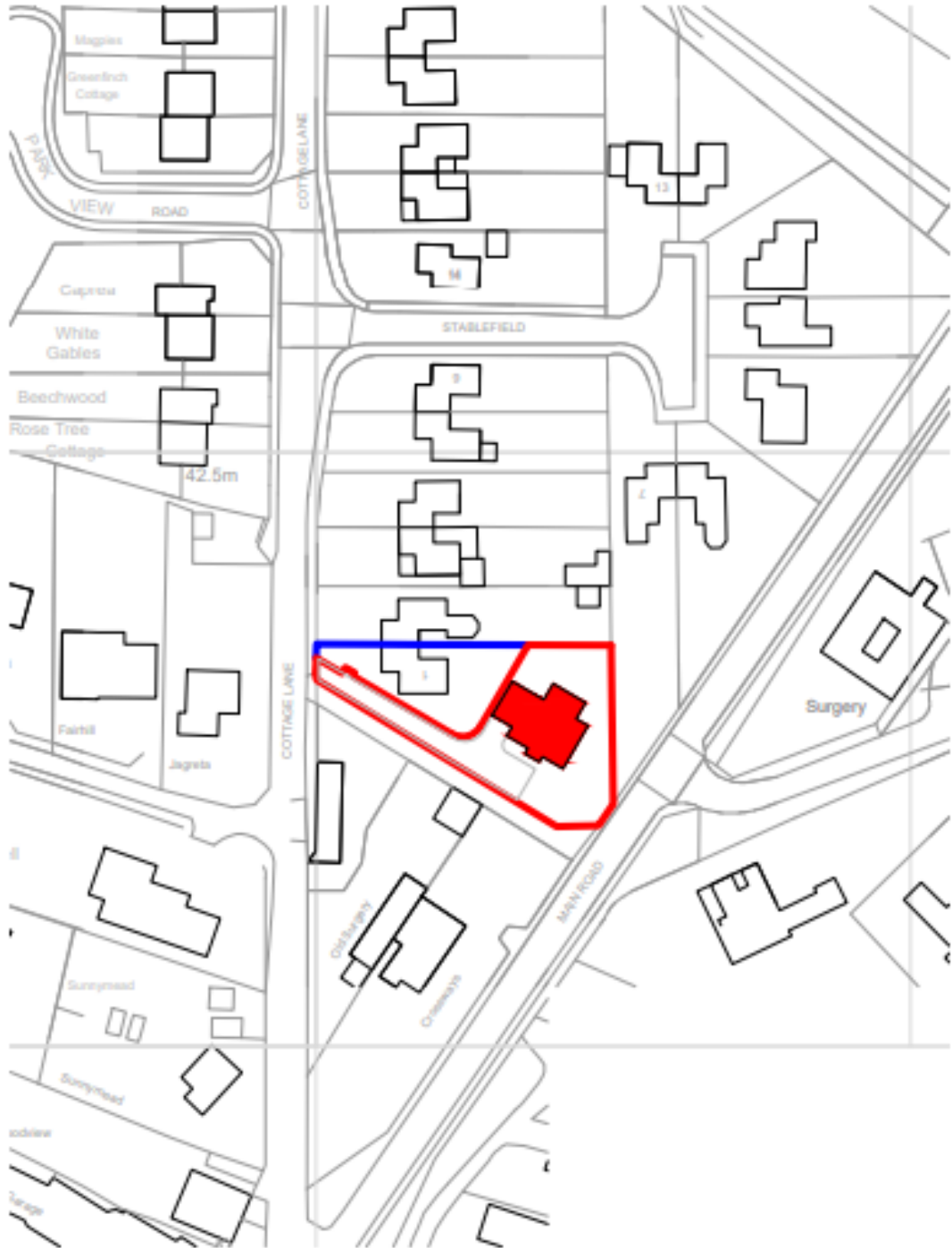
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SITE PLAN

WESTFIELD

RR/2022/1113/P

1 Stablefields – Land at Cottage Lane



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## Rother District Council

Report to - Planning Committee  
Date - 1 September 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](#)

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

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**Director: Ben Hook**

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

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

**Reason for Committee consideration:** Director of 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: 08 September 2022**

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 The proposed 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.

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## 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.
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## 5.0 POLICIES

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

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### **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.

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

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## **CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of 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. 6760/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

ICKLESHAM

RR/2022/463/P

Frenchman's Beach Holiday Village  
Rye Harbour Road



## Rother District Council

Report to	-	Planning Committee
Date	-	1 September 2022
Report of the	-	Director - Place and Climate Change
Subject	-	Application RR/2022/463/P
Address	-	Frenchman's Beach Holiday Village, Rye Harbour Road, Icklesham
Proposal	-	Demolition of existing and construction of new swimming pool building with reception; shop; laundrette and associated facilities; pergola and storm porch to existing clubhouse; replacement windows and doors and external cladding to existing clubhouse.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT PLANNING PERMISSION**

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**Director: Ben Hook**

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**Applicant:** Park Holidays UK Ltd  
**Case Officer:** Mr J. Laibach  
(Email: [james.laibach@rother.gov.uk](mailto:james.laibach@rother.gov.uk))

**Parish:** ICKLESHAM  
**Ward Member(s):** Councillors L. Hacking and P.N. Osborne

**Reason for Committee consideration:** Application called in by Councillor Hacking

**Statutory 8 week date: 16 May 2022**  
**Extension of time agreed to: 8 September 2022**

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### 1.0 SUMMARY

- 1.1 The application seeks permission for the demolition of existing and construction of new swimming pool building with reception; shop; laundrette and associated facilities; pergola and storm porch to existing clubhouse; replacement windows and doors and external cladding to existing clubhouse; Frenchmans Beach Holiday Village, Rye Harbour Road, Icklesham.
- 1.2 The application site forms part of an established holiday caravan park with the proposals seeking to upgrade and improve the existing facilities to assist the operational effectiveness and competitiveness of the park. The proposed extensions and replacement swimming pool building would be single storey and located well within the holiday park, adjacent to the existing clubhouse

and static caravans and approximately 60m from the Martello Tower (Scheduled Monument) located to the north west.

- 1.3 The view is taken that the proposed development would have an acceptable impact on the character and appearance of the site and setting of the Scheduled Monument. The development is not expected to give rise to harm to neighbouring amenity and the proposed development would be operated with minimal risk from flooding and would not increase flood risk elsewhere. It is, accordingly, recommended that planning permission be granted.
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## **2.0 SITE**

- 2.1 The application relates to an established holiday caravan park outside the development boundary, just south of the village of Rye Harbour. The park occupies an area of 7.75 hectares while the application area comprises a parcel of land situated towards the north east of the site which extends to approximately 0.3 hectares. The caravan park includes a mixture of privately-owned caravans and those available for short-term hire. The site is bounded to the east, west and south by the Rye Harbour and Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest. It lies within Flood Zone 3 which means it is at high risk of flooding, not taking account of existing flood defences.
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## **3.0 PROPOSAL**

- 3.1 The application seeks permission for the demolition of existing and construction of new swimming pool building with reception; shop; laundrette and associated facilities; pergola and storm porch to existing clubhouse; replacement windows and doors and external cladding to existing clubhouse; Frenchmans Beach Holiday Village, Rye Harbour Road, Icklesham.
  - 3.2 The proposals would result in the demolition of the existing swimming pool building and erection of a new single storey extension to the existing clubhouse. The proposed building would house a new indoor swimming pool and associated facilities. The proposals would result in a net additional gross internal floorspace following development of 196sqm giving a total for the proposed pool building and clubhouse of 926sqm (existing 730sqm). In terms of the gross external area, the proposed clubhouse and pool building would have a gross external area of 988sqm (additional 213sqm) with the existing totalling 775sqm (pool 247sqm and clubhouse 528sqm).
  - 3.3 In addition to the swimming pool the increase in overall size includes a pergola and storm porch to the existing clubhouse as well as reception/shop link element, plant room and laundrette. The proposals also include car parking provision (10 No. additional spaces), new soft landscaping and a new service road that would wrap around the new extension to retain access the rear yard.
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## 4.0 HISTORY (relevant)

- 4.1 A/57/517 Camp for 200 caravans, lavatory block and winter storage area. Approved
- 4.2 A/60/970 Increase from 200 to 275 caravans. Approved
- 4.3 A/61/901 Increase vans from 275 to 315. Approved
- 4.4 RR/74/0445 50 additional caravans. Appeal allowed
- 4.5 RR/88/1754 Use of caravan site without complying with condition restricting opening times to 1 March to 31 October in any year. Appeal allowed. Condition varied so that no caravan on the site shall be occupied between 4 January and 4 March in any one year.
- 4.6 RR/2008/32/P Outline: Replacement Leisure/Amenity Centre on Holiday Park. Approved conditional
- 4.7 RR/2008/2434/P Layout of the buildings and landscaping for replacement leisure/amenity centre pursuant to outline consent RR/2008/32/P. Approved conditional
- 4.8 RR/2014/1079/P Variation of condition attached to RR/88/1754 to allow occupation between 1 March and 14 February in the following year subject to no caravan on site being occupied between 14 February and 1 March in any one year. Approved conditional
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## 5.0 POLICIES

- 5.1 The following policies of the adopted [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)
  - SRM2 (Water Supply and Wastewater Management)
  - CO6 (Community Safety)
  - EC6 (Tourism Activities and Facilities)
  - EN1 (Landscape Stewardship)
  - EN2 (Stewardship of the Historic Built Environment)
  - EN3 (Design Quality)
  - EN5 (Biodiversity and Green Space)
  - EN6 (Flood Risk Management)
  - 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:
- DEC2 (Holiday Sites)
  - 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 and Planning Practice Guidance are also material considerations.
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## 6.0 CONSULTATIONS

- 6.1 Historic England: *Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.*
- 6.2 Natural England: **NO OBJECTION**
- 6.3 Icklesham Parish Council: General Comment; *Icklesham Parish Council feel that further information is required in relation to the following:*
- *the public right of way that is potentially affected. This is mentioned in the newspaper notice but there is no reference to it in the application form or in the planning statement;*
  - *there is no mention of the Martello Tower which is a Listed Building adjacent to the proposed development; and*
  - *clarification as to the footprint of the proposed development as it is much larger than the existing building.*
- 6.4 Sussex Newt Officer: No comments received.
- 6.5 ESCC Minerals and Waste: No comments received.
- 6.6 ESCC Footpaths Officer: No comments received.
- 6.7 Romney Marshes Area Internal Drainage Board: No comments received.
- 6.8 The Ramblers Association: No comments received.
- 6.9 Planning Notice: No comments received.
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## 7.0 APPRAISAL

- 7.1 The main issues for consideration are the principle of the development, the effect on the character and appearance of the area including the impact on the Scheduled Monument, Flood Risk and the effect on amenity.
- 7.2 Principle of the development

7.2.1 Tourism contributes significantly to the local economy. Policy EC6 of the Rother Local Plan Core Strategy (2014) and Policy DEC2 of the Development and Site Allocations Local Plan (2019) are generally supportive of the creation of enhanced tourism facilities on existing holiday sites subject to various environmental and amenity considerations.

7.2.2 The application site forms part of an established holiday caravan park with the proposals seeking to upgrade and improve the existing facilities to assist the operational effectiveness and competitiveness of the park. In addition to this, the proposal would support employment opportunities generated by the holiday park.

7.2.3 For the above reasons the proposal is considered to be acceptable in principle, subject to consideration of the following matters.

### 7.3 Effect on the character and appearance of the area including the Impact on the Scheduled Monument

7.3.1 The proposed extensions and replacement swimming pool building would be single storey and located well within the holiday park, adjacent to the existing clubhouse and static caravans. Given the approximately 60m distance of the proposals from the Martello Tower (Scheduled Monument) and the screening provided by the earth bund and trees on the bund which would separate the replacement building from the Martello Tower, it is not considered that the proposals would impact upon the setting of the Scheduled Monument.

7.3.2 The application includes a Landscape Statement which considers landscape and visual effects relating to proposed development. As detailed within the Landscape Statement the proposals would be seen in context with the surrounding holiday park. Given the single storey nature and overall design of the replacement swimming pool building, which would have a slightly lower ridge height than the existing clubhouse it is not considered that the proposals would appear overly dominant within the surroundings and as such the landscape impact of the proposal is acceptable in this instance, with the visual impact from views to the north also being mitigated by the planting of 10 No. new trees as specified within the submitted Landscape Statement.

### 7.4 Flood Risk

7.4.1 Policy EN7 of the Rother Local Plan Core Strategy seeks to avoid inappropriate development in areas at current or future risk of flooding. Development will be permitted providing certain criteria are met including (i) a site specific flood risk assessment to demonstrate that the development will be safe, will not increase flood risk elsewhere, and where possible will reduce flooding. Paragraph 167 of the National Planning Policy Framework also relates to flood risk.

7.4.2 The application includes a site-specific Flood Risk Assessment (FRA) and it is considered that the development should be classified as “more vulnerable” in respect of the National Planning Policy Framework classification. The site is at high risk of fluvial and tidal flooding, while the risk of flooding from all other sources is assessed as negligible. Existing flood defences, maintained by the Environment Agency, would protect the site from fluvial and tidal flooding up to a one in 200 year coastal flooding event. Flood risk from identified sources

could be mitigated to a negligible or low and acceptable level through the existing Flood Warning and Evacuation Plan implemented at the site.

7.4.3 With regard to foul water drainage, it is understood that the proposals would utilise the existing foul drainage system. The foul flows as a result of the development are not set to increase given that the capacity of the caravan park is not increasing.

7.4.4 Turning to surface water drainage, the submitted FRA states that surface water will be directed towards the Nook Drain. This is as per the process that currently occurs on the application site, with the flows being dealt with by the same strategy as the existing clubhouse.

7.4.5 Given the above it is considered that surface water flows from the site can be managed and the flood risk from capacity issues in the foul system would not increase as a result of the proposals, as such the flood risk from the site, following development, would not increase flood risk elsewhere.

## 7.5 Effect on amenity

7.5.1 The proposal to upgrade and improve the existing facilities could possibly increase vehicular movements and general activity at the park due to increased popularity following the development. However, given that the total number of caravans at the site is not increasing, it is not considered that the overall level of activity would increase to such an extent so as to have an unacceptable effect on amenity.

7.5.2 While no details of the proposed opening hours are specified within the application form, the previous permission RR/2008/32/P for the existing leisure/amenity centre was subject to a condition relating to opening times for customers, it is therefore considered appropriate to reimpose this condition should the application be supported in order to safeguard the amenities of the locality.

7.5.3 The previous permission RR/2008/32/P for the existing leisure/amenity centre was also subject to a condition relating sound levels from amplified music, other entertainment noise and/or the public address system. In the interests of safeguarding the amenities of the locality it is also considered appropriate to reimpose this condition should the application be supported.

## 7.6 Other matters

7.6.1 With regards to comments received from Icklesaham Parish Council concerning the public right of way, these relate to the public footpath that runs along the main entrance for Frenchman's Beach Holiday Village. This footpath is outside the red application site area, however, as the footpath is in close proximity to the application area it was advertised in the newspaper notice. From the plans provided the route of the public footpath remains entirely unaffected and having discussed this with the Agent they confirmed that the proposals would have no impact on the footpath.

## 8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 In summary, the proposed development would have an acceptable impact on the character and appearance of the site and setting of the Scheduled Monument. The development is not expected to give rise to harm to neighbouring amenity and the proposed development would be operated with minimal risk from flooding and would not increase flood risk elsewhere. It is, accordingly, recommended that planning permission be granted subject to conditions.

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

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#### **CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
Location Plan; Drawing No. 3105.00.01 Rev 01 dated 11.10.21  
Proposed Site Plan; Drawing No. 3105.05.01 Rev 01 dated 11.10.21  
Proposed Ground Floor Plan; Drawing No. 3105.06.00 dated Jul' 21  
Proposed Roof Plan; Drawing No. 3105.07.00 dated Jul' 21  
Proposed Elevations; Drawing No. 3105.08.00 dated Jul' 21  
Landscape Statement by Enzygo Environmental Consultants (February 2022)  
National Planning Policy Framework: Flood Risk Assessment by Enzygo Environmental Consultants (July 2021)  
Supporting Statement including Planning Statement by Rural & Urban Planning Consultancy (February 2022)  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The materials to be used in the construction of the external surfaces of the building hereby permitted shall be those detailed in the submitted application, unless an alternative finish is first submitted to and approved in writing by the Local Planning Authority.  
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 development above ground level at the site shall take place until the hard and soft landscaping details including details of 10 No. new trees to be planted as specified within the submitted Landscape Statement (February 2022) have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.  
Reason: To ensure the development has a satisfactory appearance in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

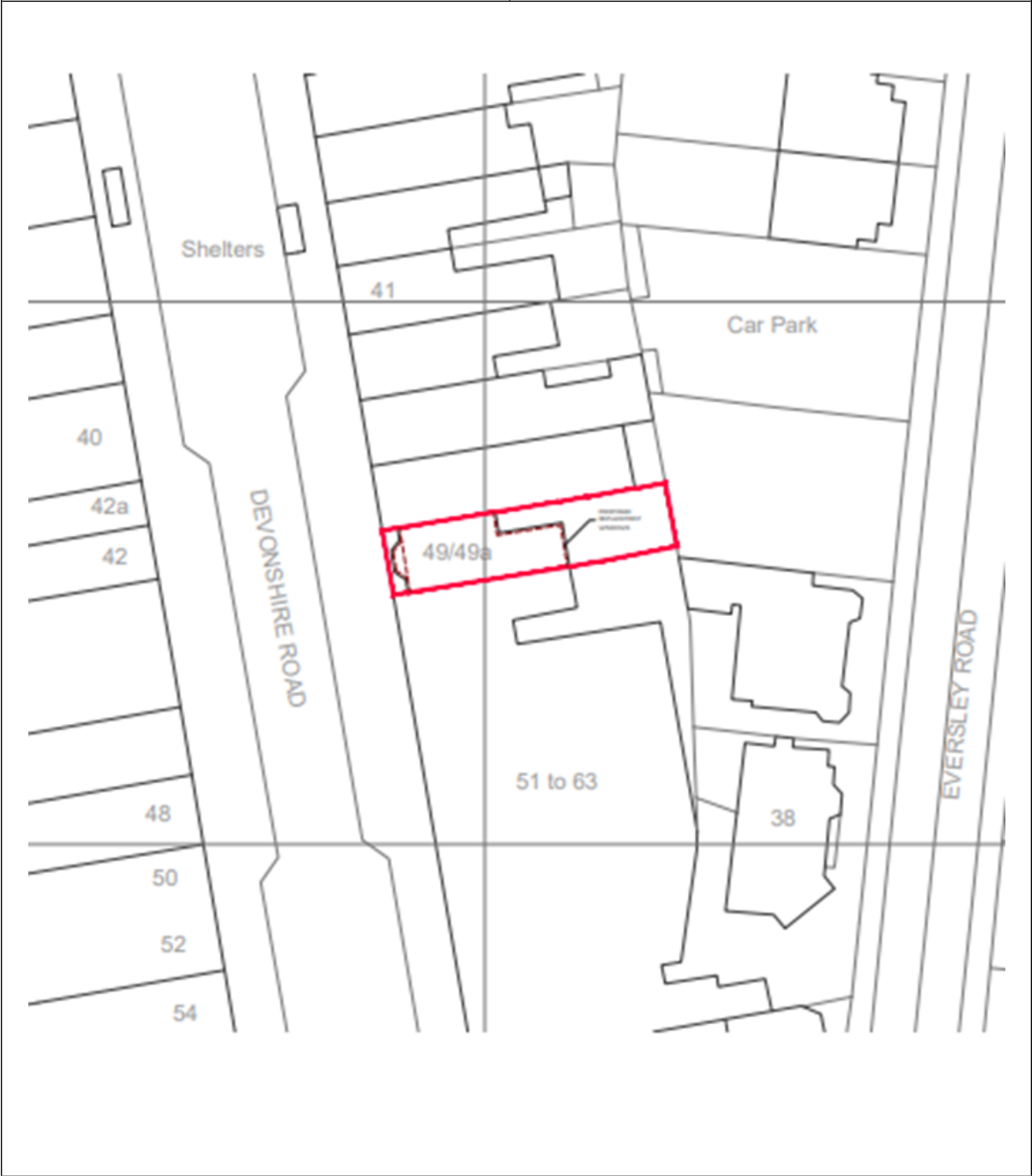


5. If within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.  
Reason: To ensure the ongoing enhancement of the development in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.
6. The development shall be carried out in accordance with the Mitigation Measures contained within the Landscape Statement (February 2022). The mitigation measures identified in the statement shall be implemented in full prior to the buildings being brought into use.  
Reason: To ensure the ongoing enhancement of the development in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.
7. The development shall be carried out in accordance with the Mitigation Measures contained within the National Planning Policy Framework: Flood Risk Assessment (July 2021). The mitigation measures identified in the assessment shall be implemented in full prior to the buildings being brought into use.  
Reason: To reduce the risk of flooding having regard to Policy EN7 of the Rother Local Plan Core Strategy.
8. Unless otherwise agreed in writing by the Local Planning Authority, in accordance with the conditions attached to the Premises License issued under the Licensing Act 2003 for activities of regulated entertainment the clubhouse shall not be open to customers outside the following times 10:00 to 23:00 Sunday to Thursday and 10:00 to 02:00 Friday and Saturday.  
Reason: To protect the amenity of the locality in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy, Policy DEN7 of the Rother Development and Site Allocations Local Plan and Paragraph 185 of the National Planning Policy Framework.
9. Amplified music, other entertainment noise and/or the public address system shall be restricted to a maximum of 40 dBLA90 as measured at any point along the north west boundary of the car part (north west of Martello Tower), 3.5 metres inside the fence and shall be controlled by volume limiting device to be agreed with the Local Planning Authority. Should the use of the device alone not be sufficient to attain the specified noise level, then a scheme for soundproofing of the buildings shall be submitted to and approved by the Local Planning Authority. The use of the premises shall not commence until all soundproofing works have been carried out to the satisfaction of the Local Planning Authority.  
Reason: To protect the amenity of the locality in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy, Policy DEN7 of the Rother Development and Site Allocations Local Plan and Paragraph 185 of the National Planning Policy Framework.

**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/2022/64/P	BEXHILL 49 & 49a Devonshire Road
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## Rother District Council

Report to - Planning Committee  
Date - 1 September 2022  
Report of the - Director - Place and Climate Change  
Subject - Application RR/2022/64/P  
Address - 49 & 49a Devonshire Road, Bexhill TN40 1BD  
Proposal - Replacement of existing timber sliding sash windows and frames with uPVC sliding sash windows and frames.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Mrs V. Seng  
**Agent:** Avenue Architecture  
**Case Officer:** Mr Mark Simmonds  
(Email: [mark.simmonds@rother.gov.uk](mailto:mark.simmonds@rother.gov.uk))

**Parish:** BEXHILL CENTRAL  
**Ward Members:** Councillors C.A. Bayliss and P.C. Courtel

**Reason for Committee consideration:** Director – Place and Climate Change referral: Councillor Call-In Councillor Bayliss.

**Statutory 8-week date:** 31 May 2022  
**Extension of time agreed to:** N/A

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### 1.0 SUMMARY

- 1.1 The proposal is for the replacement of the existing sliding sash windows and frames with uPVC sliding sash windows and frames.
- 1.2 The proposal site is located within Bexhill Town Centre and within the Conservation Area.
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### 2.0 SITE

- 2.1 The application site is located on Devonshire Road. The conservation area appraisal describes Devonshire Road in the following way:

*In Devonshire Road, the most important street in the area, a wide variety of buildings can be found. Whilst the plot widths tend to be universal, the materials and detailing are very varied. Small groups of two or three buildings have a similar design, suggesting that the overall development of the road was carried out by a number of different builders who were free to design each small group of buildings slightly differently. Commonly, these buildings are built from red brick, with stone string courses, copings and other embellishments, triangular or 'Dutch' gables facing the road, and sashed windows. Painted render is also used with decorative details such as swags and urns at high level. Canted or curved bay windows are another common feature, often at first floor level. This provides a broken silhouette to the streetscape when the buildings are viewed obliquely along the road. Most of the shopfronts are modern.*

- 2.2 Number 49a reflects what is clearly described in the above appraisal. The building is finished in a pebble dashed stucco, there are first floor bay, three (2 pane) sash windows at second floor and Dutch Gable presented to the street. The openings are timber framed with sash treating the bays and a timber replacement in the gable openings. All of the window frames appear in poor condition.

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### **3.0 PROPOSAL**

- 3.1 The proposal is to replace existing sliding sash windows and frames with uPVC sliding sash windows and frames.
- 3.2 The application is accompanied by a number of documents including design plans for the new replacement windows. Due to concerns from the Council's officers an opportunity to revise the application to mitigate some of the concerns has been offered but has not been forthcoming.

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### **4.0 HISTORY**

- 4.1 B/62/497 New Shop Front. Approved 23 August 1962
- 4.2 RR/2002/631/P Change of use to A3 (Coffee Lounge) including alterations to form toilets - Approved Conditional 23 May 2002
- 4.3 RR/2006/1369/P Replacement Shop Front and relocation of kitchen from front of ground floor to rear - Approved Conditional 20 July 2006
- 4.4 RR/2006/2437/P Variation of Condition 9 imposed upon planning permission RR/2006/1369/P for Shop Front signage - Approved 25 October 2006
- 4.5 RR/2002/214/P Alterations to form toilets - Approved Conditional 28 January 2002
- 4.6 RR/2003/3512/P Variation of Condition 3 imposed on RR/2002/631/P so as to extend opening hours to 08:00 to 23:00 Mondays to Saturdays – Approved Conditional 16 February 2004

- 4.7 RR/2004/2461/P Relaxation of Condition 2 imposed on RR/2002/631/P to allow full A3 (Restaurant) use of the premises – Refused 21 September 2004
- 4.8 RR/2006/864/P Replacement Shop Front including relocation of kitchen from ground floor to first floor in connection with proposed Restaurant – Withdrawn 2 May 2006
- 

## 5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- Policy OSS4: General Development Considerations
  - Policy EN2: Stewardship of the Historic Built Environment
  - Policy EN3: Design Quality
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DIM2: Development Boundaries
  - DHG9: Extensions, Alterations and Outbuildings
  - BEX12: Bexhill Town Centre
  - BEX13: Bexhill Town Centre Primary Shopping Area
  - BEX15: Bexhill Cultural Area
  - BEX16: London Road – Sackville Road Enhancement Area

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when exercising planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

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

- 6.1 Bexhill Heritage wish to amend our previous observations in light of information received from the Applicants. The midrail meeting on the existing windows is up to 40mm externally. The midrail meeting on the windows proposed is 44mm. We do not think this very marginal difference will affect the character or appearance of the Conservation Area. Further the Applicants are proposing a foil finish which should achieve a muted surface effect. We have no objection to the application.
- 6.2 Planning Notice
- 6.2.1 None Received.
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## 7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The proposal is for a type of development that is not Community Infrastructure Levy liable.
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## 8.0 APPRAISAL

- 8.1 The main issues to be considered are:

(a) Character Impacts.

### 8.2 Character and Appearance

- 8.2.1 49 Devonshire Road is a 4-storey property with a commercial shop on the ground floor. The property lies within the Bexhill Town Centre Conservation Area and is part of a terrace of variable appearance. Although altered, the property does bear some visual relationship to the nearby 45 Devonshire Road and the presence of a bay window arrangement and timber sliding sash windows makes a valuable contribution to the conservation areas character and appearance.
- 8.2.2 Although some uPVC in various formats have been installed along the road, a prevalence of late Victorian / early Edwardian fenestration is still present and is one of the defining characteristics of the aesthetic value of the conservation area. In the immediate vicinity it is noted that Nos. 43, 45, 47 and 51 all possess timber sliding sash windows on all residential floors. Timber sash windows can also be seen at No. 65 (except the dormer) on the eastern side of Devonshire Road and at Nos. 20, 34, 36, 38, 42, 44, 48, 62, and 66 to the western side. Further north timber windows can be seen at Lloyds Bank, Barclays Bank and HSBC.
- 8.2.3 The main issues for consideration is whether the proposal provides a solution that ensures the character and appearance of the Bexhill Town Centre Conservation Area is preserved and enhanced. The proposal involves replacement of existing timber sash windows on the front, and rear elevations of the building at 1st, 2nd and 3rd floor level. Both the front and rear elevations are easily visible within the public realm, within the main shopping area of Devonshire Road and on Eversley Road respectively.
- 8.2.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when exercising planning functions, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. While the building is not listed, the legislative requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area relates to all buildings and as such, the buildings that comprise the conservation area, unlike a listed building, cannot be considered in isolation. The architectural merits of each building are secondary when considering the overall character of the area. This is especially true when considering elements common to all buildings such as doors, windows, roofs, etc.

- 8.2.5 Although both the initially proposed designs by the Applicant (Drawing 1135-3) and later proposed 'Heritage Rose' uPVC sliding sash window do attempt to reproduce the appearance of a traditional timber window, they do not reproduce the design to a satisfactory degree in terms of section sizes and proportions.
- 8.2.6 The proposed window depth of both meeting rails from front face to back of the two sashes increases from a typical depth of 97mm in timber to 126mm in uPVC (both proposals) and the thickness of the meeting rail increases from a typical 35mm to 44mm (both proposals). Finally, the glazing bars increase in width from a typical 15mm to 24mm (Drawing No. 1135-3) or 22mm (Heritage Rose) and are stuck on to the glass rather than part of the window joinery.
- 8.2.7 These variations in section size have a cumulative adverse effect on the elegance, fine sightlines and details of a timber sliding sash window which by way of a loss of elegance would be detrimental to the building and its contribution to the character and appearance of the conservation area. The replacement of the dormer window casement arrangement is welcomed to a degree however, the glazing bar arrangement is not convincingly evidenced and there is some doubt whether the proposed arrangement is correct. It is considered that this benefit to appearance does not outweigh the harm caused by the other works proposed.
- 8.2.8 On balance, the increase in size of the window members has an adverse impact upon the overall elegance of the window, creating a somewhat swollen appearance where an increased area of the aperture is accommodated by framing and the glazing area is reduced. The impact of this can be seen clearly when comparing No. 66 with original timber fenestration to No. 64 Devonshire Road which has a uPVC sliding sash arrangement.
- 8.2.9 The thick double-glazed unit is a harmful and obtrusive when considering the impact of the proposals on the conservation area. The visual impact of a double-glazed unit on a uPVC window is entirely different to that of a single glazed unit on a timber window. The proposed units require a thick and obtrusive spacer bar which has a very different visual impact to single pane and detracts significantly from the character and appearance of the conservation area.
- 8.2.10 Another significant concern with the double-glazed units is the very different way in which light reflects and refracts when compared to a single glazed unit (and in relation to a slim double-glazed unit). The proposed 24mm double glazed units would result in double reflections seen from both sides drawing attention to the incongruity of the windows in relation to the consistency of fenestration seen in its neighbours. Slim double-glazed or Vacuum double glazed units reduce the potential harm of both issues, to a level suitable for mitigation in this case, but are not proposed.
- 8.2.11 uPVC has a flat texture, very different to the painted timber sashes that characterise the conservation area. This difference is very noticeable and one of the main reasons that uPVC does not replicate this characteristic. The material does not weather attractively but deteriorates. It also attracts dirt very easily, which accumulates in the crevices where the different



construction elements join, and yellows over time, especially if not cleaned regularly.

- 8.2.12 The case officer has been made aware of another application in the near vicinity which was approved by the Council. Although each planning case must be determined on its own individual merits, in the interests of providing the Planning Committee with as much information as possible the following commentary can be provided on the Abergeldie House application RR/2022/937/P. However, what should be noted is that this application was initially considered a refusal because of the harm, however the Applicant in this case provided a compromise in design, which although was uPVC, did go some way to mirror the sash design. The following commentary relates to the consideration given to the Abergeldie House proposal and then goes on to draw a comparison with this application:

*“In considering the requirements of section 72, the initial application would not have provided enhancement and the remaining original windows would be lost, and subsequently would have led to another refusal of planning permission.*

*Following negotiation, the proposal was revised to include a new sliding sash window to replace the casement to the centre of the bay window.*

*In terms of aesthetic, it is noted that uPVC sliding sash windows do not replicate the section sizes of traditional sash windows, however, when considering the application in a more holistic manner, the proposal will bring about benefit in the replacement of the poor 1980’s windows to the south east and replacement of a wholly unsuitable casement window. On balance it is considered that the replacement of these windows will remove elements that are harmful. Equally the removal of original windows is also considered to be harmful as the fine proportionality of the original fittings will also be lost. Simply by considering the full scope, where six poor quality windows will be replaced with a more complimentary window design against the loss of three original windows, it is clear the proposal, in this particular case provides overall enhancement. The benefit of consistent and cohesive appearance brought about by the proposal is considered to outweigh the impact of the original windows loss.”*

- 8.2.13 However in this case, a prevalence of late Victorian / early Edwardian fenestration is still present and is one of the defining characteristics of the aesthetic value of the conservation area. In the immediate vicinity it is noted that Nos. 43, 45, 47 and 51 all possess timber sliding sash windows on all residential floors. Timber sash windows can also be seen at No. 65 (except the dormer) on the eastern side of Devonshire Road and at Nos. 20, 34, 36, 38, 42, 44, 48, 62, and 66 to the western side. Further north timber windows can be seen at Lloyds Bank, Barclays Bank and HSBC.
- 8.2.14 Therefore, the weight of enhancement provided by addressing just one casement (the top dormer) is not sufficient to justify the replacement of six original windows with a replacement of inferior quality, proportion and of poor materials. The prevalence of timber windows immediately and neighbouring the site would lead to the conclusion that the installation of uPVC windows will also not offer a consistent appearance and would not contribute to a cohesive impression. It is also considered that deliberate

neglect has led to such deterioration and as per the National Planning Policy Framework should not be considered.

- 8.2.15 In this case it is considered that the potential of further inappropriate uPVC replacement windows being introduced into the conservation area could bring about cumulative substantial harm to the character and appearance of that area. The replacement of timber sash windows with a uPVC equivalent would cause harm and fail to either preserve or enhance the overall character and appearance of the conservation area and as such its acceptance would not be considered as paying the special attention to the desirability of preserving or enhancing that character as required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.2.16 The National Planning Policy Framework states that great weight be afforded to the conservation of heritage assets (paragraph 199) but does allow harm to designated heritage assets to be mitigated by way of clear and convincing justification or public interest (paragraphs 200 and 202 respectively). In this particular case the current window condition, energy efficiency and tackling climate change have been provided as rationale for the replacement windows by numerous parties. In accordance with paragraphs 200 and 202 the points of mitigation have been considered as follows:

### **8.3 Current window condition**

- 8.3.1 It is accepted that the current condition of the windows is exceptionally poor, although levels of window condition vary along Devonshire Road. It is considered that whilst there is certainly a rationale for the windows either complete or partial replacement, the need to replace does not lead to the use of uPVC being acceptable. Moreover, the condition of the existing windows is so poor that it is reasonable to conclude that the windows have benefitted from little maintenance over a prolonged period. Paragraph 196 of the National Planning Policy Framework states where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. Therefore, it is considered that the condition of the windows should be disregarded in accordance with the National Planning Policy Framework.

### **8.4 Energy Efficiency**

- 8.4.1 Timber is an efficient insulator when compared to uPVC. There is no doubt that original single pane glazing is not as efficient as its double glazed counterpart. However, it is considered that other options such as secondary glazing or shutters have not been considered fully as realistic options that would cause no harm to the conservation area.
- 8.4.2 Historic England's publications; Energy Efficiency and Historic Buildings - Draught-proofing Windows and Doors (2016); Traditional Windows - Their Care, Repair and Upgrading (2017); and Energy Efficiency and Historic Buildings - How to Improve Energy Efficiency (2018) give considerable detail regarding measures that can be taken to improve the efficiency of traditional windows.

8.4.3 If thermal upgrading or replacing windows does preserve the character and appearance of the conservation area, this upgrading should be supported. Slim double-glazed units with a 6mm cavity fitted in a timber frame do comply with Document L to achieve an overall window U Value of 1.6, another option is Vacuum glazing which can achieve a u-value of 0.7 both can be retrofitted into existing timber windows.

8.4.4 The latter is more energy efficient than standard double glazing. As such there is no basis in terms of energy efficiency for the use of uPVC when a timber window can achieve such efficiencies. It is also considered that in relation to paragraph 202 improved energy efficiency is not solely a public benefit, the benefit that would arise from increased energy efficiency is largely a private benefit, being the householder would benefit from reduced energy costs. Any public benefit would also be reliant on the heating system utilising fossil fuels rather than renewable energy sources.

## **8.5 Tackling Climate Change and sustainable construction**

8.5.1 The recently published energy efficiency guidance by Historic England and The National Design Guide have given a greater emphasis on longevity and sustainability which is now considered with greater weight in any new proposal.

8.5.2 uPVC windows have a typical life span of no more than 35 years. A standard timber window would have a life expectancy of 65 years, modified timber windows a life expectancy of 68 – 80 years, it should also be noted that original timber windows are still present in the area being approximately 120 years old.

8.5.3 A considerable benefit of timber is, if timber fails, it can be repaired, this is not the case with uPVC which requires wholesale replacement if warped or damaged. A new proprietary fitting would be required, and this is likely to be restricted to the make and model of the specific window and it is also likely that with the speed at which the models of uPVC windows change, getting an exact replacement is unlikely, creating further variations to the appearance of the conservation area.

8.5.4 Although the desire to increase energy efficiency and tackle climate change is admirable, this particular proposal and the use of uPVC has a detrimental impact upon the character and appearance of the conservation area, and the environment. The material (uPVC) is incapable of having a lifespan that is equal to either existing timber windows or timber replacements. uPVC by way of its poor design life and carbon intensive production methods does not mitigate sufficiently to tackle climate change and does not move towards a low carbon economy.

8.5.5 There is no justification that is either clear and convincing or in the public interest for the use of uPVC in this instance.

## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 On balance it is considered that the approval of the proposed windows would be harmful to the character and appearance of the Bexhill Town Centre Conservation Area failing to preserve or enhance it.
- 9.2 The proposed is contrary to Policies EN2 and BX2 of the Rother Local Plan Core Strategy, as well as to the statutory duty conferred on local planning authorities in the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 9.3 The view of the Council is reinforced by adopted guidance set out by Historic England in publications including Traditional Windows – Their Care, Repair and Upgrading. Points of mitigation for the harm caused are not considered to be clear and convincing or sufficiently in the public interest to outweigh the great weight afforded to conserving heritage assets, and the poor condition is a result of neglect and as such is disregarded.

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

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#### **REASONS FOR REFUSAL:**

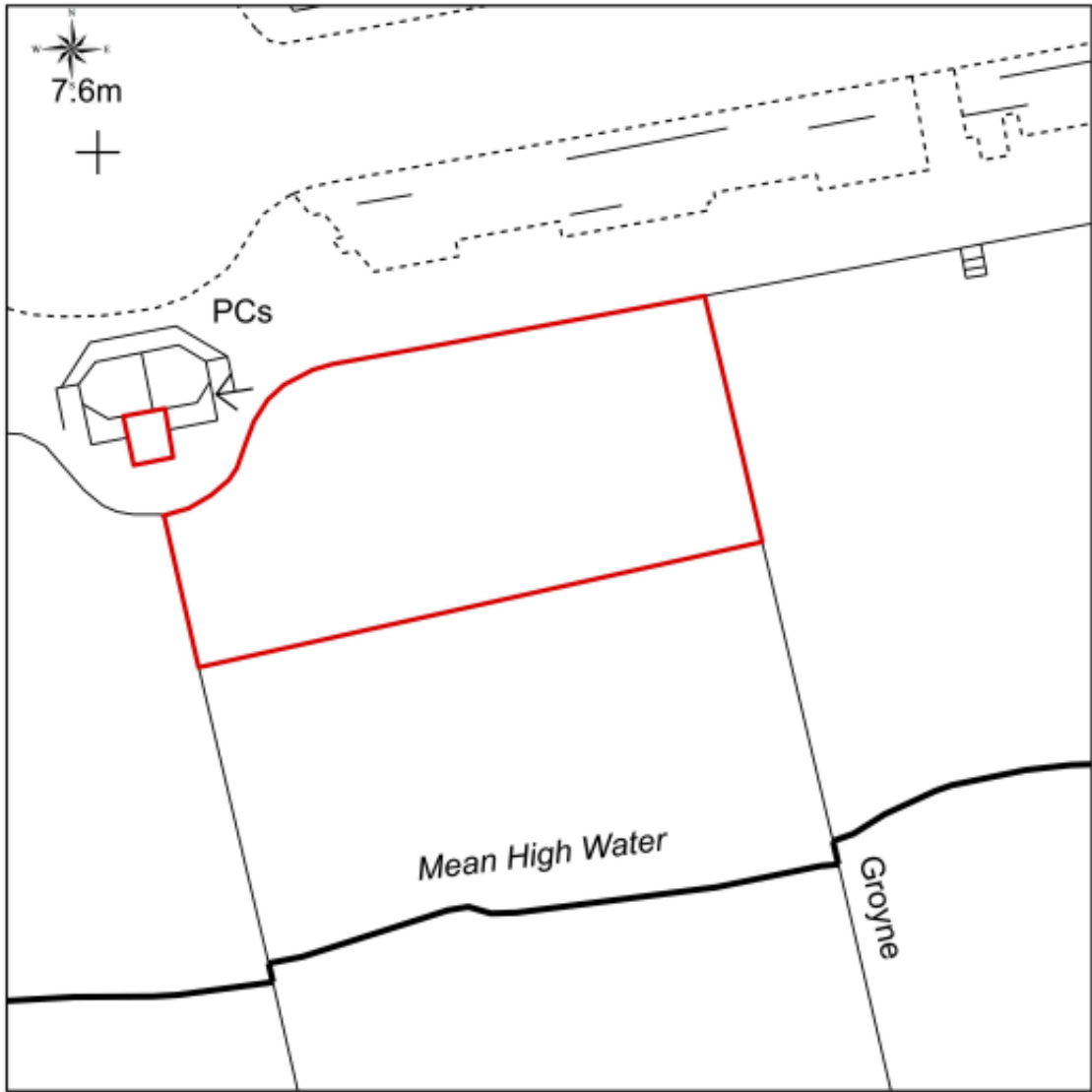
1. The proposed replacement windows would be harmful to the character and appearance of the Bexhill Town Centre Conservation Area failing to preserve or enhance it. The proposed is therefore contrary to Policies EN2 and BX2 of the Rother Local Plan Core Strategy, as well as to the statutory duty conferred on local planning authorities in the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as the Framework which places weight on preserving or enhancing the character or appearance of that area.

#### **NOTE:**

1. The refusal relates to the plans:  
1135 - LBP The Location and Block Plan, received 13.1.2022  
1135 - 2 Proposed Window and Door Details, received 13.1.22  
1135 - 3 Joinery Details, received 13.1.22  
1135 - 1 Plans and Elevations, received 13.1.22  
1135 - Ex Existing Plans and Elevations, received 13.1.22  
Amended drawing Heritage Rose design, received 17.5.22

**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 discussing those with the Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

SITE PLAN RR/2022/1325/P	BEXHILL West Parade Bexhill
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## Rother District Council

Report to - Planning Committee  
Date - 1 September 2022  
Report of the - Director - Place and Climate Change  
Subject - Application RR/2022/1325/P  
Address - West Parade, Bexhill, TN39 3DT  
Proposal - Creation of accessible garden on the shingle beach and refurbishment of disabled WC.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Liversedge Design  
**Agent:** Liversedge Design  
**Case Officer:** Mr Sam Koper  
(Email: [sam.koper@rother.gov.uk](mailto:sam.koper@rother.gov.uk))

**Parish:** BEXHILL – COLLINGTON WARD  
**Ward Members:** Councillors Mrs D.C. Earl-Williams and D.B. Oliver

**Reason for Committee consideration:** Director – Place and Climate Change  
**referral:** The application site is located on land owned by Rother District Council.

**Statutory 8-week date:** 25 August 2022  
**Extension of time agreed to:** None agreed

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### 1.0 SUMMARY

1.1 The proposal is for the refurbishment of the existing disabled WC and the creation of an accessible garden on the shingle beach. The main issues for consideration are the effect of the proposal on the character and appearance of the area and the impact of the proposed of neighbouring properties. The application is recommended for approval.

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### 2.0 SITE

2.1 The application site is located on the south side of West Parade in Bexhill. It contains public toilets with a disabled WC, as well as an area of shingle beach leading up to the promenade. The site is located within the development boundary for Bexhill and not within the conservation area. It is also located within flood zone 3.

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### 3.0 PROPOSAL

- 3.1 This application seek approval for the creation of an accessible garden on the shingle beach and refurbishment of existing disabled WC. This would involve internal and external changes to the building.
- 3.2 The accessible garden would feature a timber boardwalk with lily pad style decking areas. It would also have an accessible ramp leading up to the promenade.
- 3.3 The disabled WC would have internal alterations to allow for easier use for both disabled visitors and their carers. The external walls would be covered in external ceramic cladding and the roof would be fixed where tiles are missing. A new door is also proposed.
- 

### 4.0 HISTORY

- 4.1 B/73/0120                      Erection of new public conveniences – Approved Conditional
- 4.2 RR/85/2486                    Provision of facility for the disabled – Deemed Granted
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### 5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS4: General Development Considerations
  - BX1: Overall Strategy for Bexhill
  - EN1: Landscape Stewardship
  - EN3: Design Quality
  - EN4: Management of the Public Realm
  - EN7: Flood Risk and Development
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DHG9: Extensions, Alterations and Outbuildings
- 5.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
- 

### 6.0 CONSULTATIONS

#### 6.1 Planning Notice

- 6.1.1 One letter of support has been received;

*Excellent idea but will there be any provision for those accompanying the wheelchair user to sit at the same level as the wheelchair? Also a lot of elderly people will be pushers of the wheelchairs and not able to sit down on the beach either.*

## 7.0 APPRAISAL

7.1 The main issues for consideration on this application are:

- The effect of the proposal on the character and appearance of the area
- Impact on neighbouring properties
- Flood risk

### 7.2 ***The effect of the proposal on the character and appearance of the area***

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 Core Strategy seeks high quality design so that development contributes positively to the site and its context

7.5 Policy DHG9 of the DaSA Local Plan states that alterations to existing buildings will be permitted where 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.

7.6 The proposed accessible garden would be located on the shingle beach below the promenade, it would feature new decking boardwalks and lily pad style decking areas for seating areas. It would not detract from the character of the existing area and would not have a negative impact on the street scene.

7.7 The proposed alterations to the disabled WC would not result in any increase in size or footprint. The external alterations would involve a new front door, new ceramic cladding and repair of the existing tiles roof. Subject to the confirmation of the colour of the external cladding, these changes would not have a detrimental impact on the character and appearance of the locality.

### 7.8 ***Impact on neighbouring properties***

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

7.10 Policy DHG9 of the DaSA Local Plan states that they do not unreasonably harm the amenities of adjoining properties in terms of loss of light, massing or overlooking.

7.11 The proposal would not result in any increase in footprint or height of the existing building. There are not any residential dwellings immediately adjacent to the proposal on the south side of the road. As such, the proposal would not cause any detrimental impact to neighbouring properties.

### 7.12 ***Flood risk***

7.13 Policy EN7 of the Rother Local Plan Core Strategy states that Flood risk will be taken into account at all stages in the planning process to avoid inappropriate



development in areas at current or future risk from flooding, and to direct development away from areas of highest risk.

- 7.14 The application site lies within Flood Zone 3, which is land defined by the planning practice guidance as having a high probability of flooding. No flood risk assessment has been provided with the application.
- 7.15 The changes proposed to the existing disabled WC would not involve any increase in footprint or further ground construction works, therefore is not considered to impact the flood risk of the development.
- 7.16 The location of the accessible garden would be on the shingle beach near the promenade. As this is far away from the sea and would not be reached by the water, even at high tide, it is not considered to cause any increased risk of flooding.

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## **8.0 PLANNING BALANCE AND CONCLUSION**

- 8.1 The proposal is acceptable in terms of scale and design and is in keeping with the character of the locality and it would not have any negative impact on neighbouring properties and it would not result in any increased risk of flooding. It complies with Policies OSS4 (ii), (iii), EN1, EN3, EN4 and EN7 of the Rother Local Plan Core Strategy and Policy DHG9 of the adopted Development and Site Allocations Local Plan.

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

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### **CONDITIONS:**

1. The development hereby permitted (accessible garden) shall be removed and the land restored to its former condition on or before 30<sup>th</sup> September 2023 unless full planning permission is granted prior to this date.  
Reason: To ensure the development can be monitored for its long-term suitability and would not negatively impact the character and appearance of the locality in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
Location Plan, Drawing No. BG/LP, dated May 2022  
Beach Garden & WC Plan, Drawing No. BG/001, dated May 2022  
Elevations Ramp & WC, Drawing No. BG/002, dated May 2022  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the disabled WC 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 Policy DHG9(ii) of the Rother Development and Site Allocations Plan

**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.

SITE PLAN

FAIRLIGHT

RR/2022/925/P

4 The Close, Roseways



## Rother District Council

Report to - Planning Committee  
Date - 1 September 2022  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2022/925/P  
Address - 4 The Close, Roseways, Fairlight  
Proposal - Demolition of existing roof to allow for new first floor to be constructed. Erection of new garage to replace the existing. New driveway and boundary treatments and general improvements to the landscaping.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Mr D. Michailovs  
**Agent:** Miss M. Mujakachi – RX Architects  
**Case Officer:** Mrs M. Taylor  
(Email: [maria.taylor@rother.gov.uk](mailto:maria.taylor@rother.gov.uk))

**Parish:** FAIRLIGHT  
**Ward Member(s):** Councillors R.K. Bird and A.S.Mier

**Reason for Committee consideration:** Referred by Councillor Mier

**Statutory 8 week date:** 22 June 2022

**Extension of Time Requested:** 6 September 2022

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

- 1.1 This application seeks permission to remodel the existing detached chalet style property into a contemporary designed family home with a new detached garage/workshop and driveway, boundary treatments and landscaping.
- 1.2 The remodelling involves a roof extension to create additional first floor accommodation and the flat roofed modernistic design. The first floor would be finished in natural timber cladding with painted brickwork at ground floor level (indicated as white within the Design and Access Statement submitted by RX Architects dated May 2022 but referred to as matching).

- 1.3 The view is taken that the proposal is unacceptable due to the flat roofed modernistic box design which is considered not to be in keeping with the context of surrounding properties within The Close which comprise detached bungalows and chalet bungalows with hipped roofs and dormer windows.
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## **2.0 SITE**

- 2.1 A detached property situated on the east side of the road close to the Hastings Country Park. The property occupies a sloping plot which falls away from north west to south east which results in the property being set lower than the street level and having a garden that drops away to the rear.
- 2.2 The site is outside any development boundary and the High Weald Area of Outstanding Natural Beauty but is within a Strategic Gap as defined in the Development and Site Allocations Local Plan 2019 (DaSA).
- 2.3 The site is also identified by East Sussex as being within a Red Impact Zone for protected species.
- 

## **3.0 PROPOSAL**

- 3.1 This application seeks permission to remodel and refurbish the existing 1930's chalet style property into a contemporary family home. The remodel and refurbishment involves a roof extension to create the contemporary design and additional first floor accommodation proposed in a sustainable timber frame construction to improve the thermal efficiency of the building. In addition solar panels on the roof and air source heat pumps are proposed for sustainability and green roof areas to reduce water runoff and create habitat for biodiversity.

The proposal also includes:

- A new garage to replace the existing which would house a small workshop, provide general storage and a garden machinery store.
- A new driveway and boundary treatments and general improvements to the landscaping including terracing within the rear garden.

- 3.2 The proposed materials consist of painted brickwork, natural timber cladding and powder coated capping details. The existing brickwork is proposed to be painted to match.
- 

## **4.0 HISTORY**

- 4.1 RR/2010/1660/P Demolition of garage, covered way and conservatory, erection of new garage and entrance lobby beneath pitched roof together with rear extension on two storeys including upper storey within pitched roof – Approved Conditional.
-

## 5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS3: Location of Development
  - OSS4: General Development Considerations
  - RA1: Villages
  - RA2: General Strategy for the Countryside
  - RA3: Development in the Countryside
  - EN1: Landscape Stewardship
  - EN3: Design Quality
  - EN5: Biodiversity and Green Space
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DHG9: Extensions, Alterations and Outbuildings
  - DEN1: Maintaining Landscape Character
  - DEN3: Strategic Gaps
  - DEN4: Biodiversity and Green Space
- 5.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. Of particular relevance in this instance are paragraphs 130 and 134 contained within Chapter 12 – Achieving well-designed places and paragraph 174 within Section 15 – Conserving and enhancing the natural environment.
- 

## 6.0 CONSULTATIONS

### 6.1 Planning Notice

- 6.1.1 Seven emails and one letter received objecting to the application summarised as follows:
- Not merely an extension but a major redevelopment.
  - Design too assertive and the style, materials and finishes inappropriate - Totally at odds with general architecture of The Close, not in keeping with the current architecture which is bungalows and chalet bungalows with pitched roofs – completely out of place - new build proposed (RR/2020/503/P) is much more in keeping.
  - Radical design insensitive and incongruent to area - lacking sympathy for the setting in terms of design and materials – rectangular block design totally out of character and in stark contrast to neighbouring properties – to imply surrounding buildings do not have a single architectural style is disingenuous.
  - Ruin character of the street, design would negatively impact the character of the street and not in keeping with rural charm of the area of outstanding natural beauty of the Hastings Country Park area.
  - Overwhelms the site and will dominate the general appearance of this small enclave – would be conspicuous by its extreme difference to the surrounding properties and to the general visual harmony of the street scene.
  - Architect asserts that “the proposed design reduces height and impact of the existing roof form” may be narrowly true in respect of height but does

not reduce impact of the new design – existing building sits relatively unobtrusively in its site the proposal will be in stark contrast to other properties.

- Design of roof elevations incorrect – proposed solar panels would rise over the top of the roof line which would further impede our view to the sea and would be unsightly – what else is incorrect or misleading? Missing solar panels on the elevations seem disingenuous as though to hide what will clearly be a higher roofline.
- Applicant asserting that the proposed design is the only design possible which will not require a substantial increase in roof height, the alternative a building 1.5m higher than the existing however others have converted roof space successfully without increase in height.
- Front elevation drawing inaccurate in impact terms in that it omits the solar panels.
- Proposed development would markedly reduce the limited views properties the other side of The Close enjoy - Would significantly block our view to the sea and reduce our enjoyment of our property – negatively impact neighbours views.
- Would create a permanent precedent for further development of this kind
- Noise/disruption – the proposed design would be a significant source of noise and disruption to the community – this is a quiet residential street.
- Huge impact on the mental health and wellbeing of those affected by development.
- Sustainability and improved thermal efficiency important but could be obtained from general upgrading in a more traditional building envelope – Air source heat pumps are noisy and could cause noise nuisance to those closer.

6.1.2 Six emails received in support of the application summarised as follows:

- Application an exemplar of how individual developments can support Rother District Council's pledge to become carbon neutral by 2030.
- Planners should aspire to encourage and embrace innovative design and technology within appropriate planning law, and not reject submissions simply because they are not the same as buildings around them.
- Most of the buildings on the street have been altered, extended or rebuilt creating a road that is different and unique.
- Architecturally exciting yet balanced creating functional family home that complements other recent developments in The Close.
- Aesthetically pleasing external appearance would be a substantial improvement over current property improving overall street scene.
- Having reviewed the proposed design this property would be a wonderful addition to The Close, bringing a more modern and fitting design to the general direction of Fairlight and The Close.
- Created a design sympathetic to how it would impact the view of the sea – roof line lower than the original structure and minimal disturbance of the view.
- The house sits naturally lower in the landscape and will be lower than the current building means no overbearing impact.
- Design more appealing to look at than the existing structure and would enhance condition of property.
- Appears that large part of the construction activities will leverage the existing footprint, thus minimising construction activities and disruption.

- Architect also given consideration to sustainable development in the design.

## 6.2 Town/Parish Council

6.2.1 “*Object* – Following discussions, the Planning Committee agreed the following comments:

- Fairlight Parish Council objects to this application.
- The proposed changes to the existing roof etc., will alter the appearance of the property and would not maintain the local distinctive character and features of surrounding properties.
- The new appearance of the property would be detrimental to the setting and landscape character of this rural area within the strategic gap.
- A construction traffic management plan should be required which demonstrates:
  - How, due to the narrow nature of The Close, access for residents and emergency vehicles will be maintained at all times.
  - How deliveries and storage of materials, storage of plant and contractors' vehicles will be controlled to prevent access being blocked. This should include contractors' personal vehicles.
- Any comments from neighbours should be taken into account.

## 7.0 **APPRAISAL**

7.1 The main issues for consideration are:

- Character and appearance within the street scene and the wider locality.
- Impacts upon neighbouring and nearby properties.

### 7.2 Character and appearance within the street scene and the wider locality

7.2.1 Policy OSS3 (vi) of the Rother Local Plan Core Strategy focuses on the development in context with the location, Policy OSS4 (iii) of the Rother Local Plan Core Strategy and Policy DHG9 (ii, iii & vi) 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. Policy EN3 (i & ii) of the Rother Local Plan Core Strategy focuses on design contributing positively to the character of the site and surroundings and demonstrating robust design solutions tested against key design principles. These policies are further supported by the National Planning Policy Framework and specifically paragraphs 130 and 134 in respect of design, appearance and local character.

7.2.2 Policy OSS3 of the Rother Local Plan Core Strategy (2014) states that when determining planning applications, proposals should accord with the relevant policies of the Rother Local Plan Core Strategy and be considered in the context of

- (i) the spatial strategy for the particular settlement or area, and its distinct character;
- (vi) the character and qualities of the landscape; and
- (vii) making effective use of land within the main built-up confines of towns and villages, especially previously developed land, consistent with maintaining their character.



- 7.2.3 Policy OSS4 of the Rother Local Plan Core Strategy states “.... all development should meet the following criteria: ...  
(ii) it respects and does not detract from the character and appearance of the locality; ...”
- 7.2.4 Policy 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.
- 7.2.5 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; and  
(ii) demonstrating robust design solutions tested against the following Key Design Principles as appropriate tailored to a thorough and empathetic understanding of the particular site and context: ...”

*Para 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;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting; and*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; ...”*

*Paragraph 134 states “Development that is not well designed should be refused, ... Conversely, significant weight should be given to:*

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; ...”*

7.2.6 The Close at Fairlight comprises principally detached bungalows and chalet style bungalows set in good sized plots. Many of the properties have first floor accommodation with small dormer windows set within the roof slopes and some with extensions and remodelling giving a more modern appearance but retaining the principle hipped roofs with dormer window design features.

7.2.7 This application seeks to create a more contemporary style property by extending the roof. The design and access statement explains the proposal would principally retain the ground floor accommodation with a revised layout creating open plan living and a first floor roof extension. The statement claims the proposed design reduces the height and overall visual impact of the existing built form. Within the section headed “Scale & Mass”

it is noted that the height of the proposed roof form in relation to the ridge height of the existing roof is reduced by 550mm. The whole first floor would be finished in natural timber cladding.

7.2.8 Whilst the proposal would not enlarge the existing footprint and would involve remodelling the ground floor level internally, the first floor level would be totally reworked. The existing roof would be demolished and a whole new first floor built in a contemporary box style over the ground floor accommodation of the original bungalow and to the rear over the 2010 extension but with a maximum roof height set lower and stepped in from the north side elevation. It is acknowledged that the new roof form would be set lower than the existing ridge height but disputed that this would make the development greatly reduced in the street scene as the proposed roof form would be an increased mass and bulk as would no longer be a hipped design but a more solid square box style totally altering the character and appearance of the existing property.

7.2.9 It is acknowledged that some contemporary proposals have been supported within Rother District and some within Fairlight itself but each application is policies and taking into account the specific characteristics of the area in which the development is proposed. Para. 4.89 within the DaSA in relation to Policy DHG9 outlines that contemporary design approaches can be appropriate in a particular context. In addition, the National Planning Policy Framework (paragraph 134) gives weight to outstanding or innovative design. However, in both, the positive approach to contemporary and/or innovative design is qualified by the need to ensure that proposals are still compatible with the character and appearance of the surrounding area. This is acknowledged and supported by The Planning Inspectorate within paragraphs 16 and 17 of an appeal decision notice for The Haven, Primrose Hill, Fairlight – APP/U1430/D/19/3225306 (RR/2018/2947/P). In this instance although the neighbouring properties surrounding the site are different they are all principally bungalows or chalet style bungalows having hipped roofs with dormer windows.

7.2.10 Whilst some have taken a more modern approach with slate roofs and rendered or clad elevations they have retained the hipped roof and dormer design which are typical features for the properties within The Close. It is considered that the proposed contemporary design for 4 The Close would be at odds with the surrounding properties in the immediate vicinity and would therefore not preserve the existing character of this small cul-de-sac location which is set within a strategic gap. The agent has provided a Context Study, received 28-06-22, as supporting documentation which lists each individual property within The Close and any relevant planning permission for extensions where virtually all the proposals include dormer windows, it should be noted the development description for Jesmond Dene, 8 The Close is incorrect and should read “Certificate of lawfulness for the use of the land for siting a mobile home for use ancillary to the main dwelling.

7.2.11 With regard to the developments 17-19 which are not within The Close it is commented that The Bale House is a visitor centre which sits in isolation within the Hastings Country Park and is not read in conjunction with any immediate surrounding properties, as is Warrenders, Commanders Walk which is acknowledged within paragraph 12 of the aforementioned appeal

statement APP/U1430/D/19/3225306 as *“in a large, open plot, without the same close relationship to neighbouring properties as the appeal site. As such, the scale and mass are not so closely juxtaposed to neighbouring properties”*. The appeal site relates to a proposal for a contemporary development in Primrose Hill within the Cove at Fairlight. This proposal was in similar context to this current application in that the application was to remodel a chalet style property into a modern contemporary home, in addition the road is very similar in that it is a small unmade dead end road where the surrounding properties to the proposed development site were principally bungalows.

- 7.2.12 This appeal was dismissed by The Inspectorate whom acknowledged that the *“proposed alterations would not significantly increase the overall height or width of the dwelling, and that the distances to the front and side boundaries would not change, ... the increase in scale and mass, and the change to the external materials would make the dwelling more visible from the public domain, highlighting the differences between the appeal property and those surrounding it.”* It was concluded the proposal would not be in keeping with the character and appearance of the surrounding area and would not be sympathetic to it by virtue of its overall scale, mass and external appearance. *“.... The proposal would be incongruous to such a degree that in this location it would cause unacceptable harm to the character and appearance of the area. ... It conflicts with Policies OSS3, OSS4 and EN3 of the Rother Local Plan Core Strategy and Policy DHG9 of the Development and Site Allocations Local Plan.”* The appeal was subsequently dismissed.
- 7.2.13 The proposal includes a replacement garage matching the design concept of the remodelled dwelling. Whilst the proposed replacement garage would be slightly larger it would still be inset from the boundary and the increase in height just above the existing eaves line of the dwelling. With this in mind the size and positioning is considered acceptable and not detrimental to neighbouring amenity. The new driveways either side would provide off street parking for several vehicles and with the natural topography of the site sloping down towards the dwelling there would be no surface water run-off into the highway.
- 7.2.14 To the rear of the property the proposed plans detail a concrete terrace area with steps down to the garden. Currently there is timber decking immediately to the rear of the property with steps down to the garden but the proposal details the terraced area enlarged to stretch over to abut the boundary with the neighbouring property to the south west side. Given the drop in levels to the rear of the property, the increase in both width and depth is considered excessive and could be harmful to the existing boundary hedge and trees due to the close proximity of the proposed concrete terrace, which would require appropriate foundations for the construction that could have an adverse detrimental effect on the root system of the hedge and trees situated along the boundary line which currently provide a dense boundary giving good screening to both application site and neighbouring property. It is considered that the proposed terrace should be reduced in size to provide terracing immediately to the rear of the property. The new proposed stepped garden terrace area to the north east side following the existing topography again should ensure sufficient distance from the

boundary hedge for any foundation works to ensure there is no adverse detrimental impact to the boundary hedge.

### 7.3 Impacts upon neighbouring and nearby properties

7.3.1 Policy OSS4(ii) of the Rother Local Plan Core Strategy and DHG9(i) of the DaSA seek to protect the amenities of neighbouring properties. The proposal would create additional first floor accommodation and additional windows at this level and therefore impact on overlooking and loss of privacy needs to be taken into account when considering impact as well as the increased mass and bulk of the proposed development. At the rear all boundaries benefit from mature high hedging limiting views from and into the site.

7.3.2 *5 The Close*: Is a detached chalet style property to the north east side of the application site set slightly lower and deeper into the plot so that the front elevation is principally set behind the rear elevation of the application site. In addition this property sits at an angle with the principle front elevation angled away from the application site.

7.3.3 The new first floor addition over the rear 2010 extension is inset from the north east side elevation by just over 2m with a sedum roof having inset roof lights proposed over the ground floor kitchen area. A new first floor bedroom window set back in line with the original rear elevation of the bungalow is proposed overlooking the sedum roof. Partial oblique views obscured by existing mature vegetation, trees and hedging would be obtained towards the side elevation and principally the roof area of this neighbouring property and not considered excessive to warrant a refusal on this point. In addition this proposed bedroom would also have a window in the north east elevation directly facing the boundary with this neighbouring property. The Applicants have expressed that they would be willing to delete this window if necessary as this room would also be served by the rear window. However, views from this window would be towards the front of this neighbouring property and would not differ from those obtained from the street scene.

7.3.4 It is noted that the 2010 extension introduced a large first floor window to the rear in the gable end. The remodelling retains a window in the new element over this extension but moves it slightly further away from the boundary with this neighbouring property. From the existing window minimal partial views over the hedge line are obtained towards the rear decked area of this neighbouring property and it is considered the views from the proposed window would not be substantially different and would therefore not warrant a refusal.

7.3.5 In terms of the design and mass and bulk of the proposed development it is noted that there is a good degree of separation between these properties due to the positioning and orientation of each and is also noted that the detached garage of the application site further adds to this separation. Taking account of this and noting that the windows in the side elevation of this neighbouring property all appear to be secondary windows the mass and bulk of the development would not adversely affect the amenities of this neighbouring property.

- 7.3.6 *Gallards, 3 The Close*: Is a detached property to the south west side of the application site where the front and rear elevations of this property appear to sit in line with that of the application site. This property has a asymmetrical saltbox roof design with a shorter steep roof to the front and less steep slope to the rear with windows set within the roof lines. This property has no windows in the north side elevation directly facing the application site and an enclosed courtyard area abutting the boundary with the application site which has off street parking giving a good degree of separation between the sites.
- 7.3.7 The proposed development would introduce first floor windows in the south side elevation directly facing this boundary, two secondary windows in the first floor elevation of the rear protruding element serving the lounge area. This element is some considerable distance from the boundary and due to this these windows would not be an issue to the amenities of this neighbouring property. Two further windows are proposed in the main element of the side elevation of the property would serve an en-suite and secondary window for a bedroom. The en-suite window would be obscured and the secondary window for the bedroom would principally face the roof area of this neighbouring property. In addition a further window in the rear elevation is proposed serving this bedroom. Views from this window would be oblique towards the boundary which has high hedging and an Oak tree along the rear boundary. Also bearing in mind that the rear garden falls away similar to that of the application site it is envisaged that there would be no direct view down into the rear garden of this neighbouring property.
- 7.3.8 *Cobwebs, Warren Road*: Is a detached property to the rear of the application site set at a lower level. This property is approximately 49m distance from the rear elevation of the application site. From the existing decking at the rear of the application site only partial views of the ridgeline of the roof and gable end are visible and at first floor level where the hedge line is lower views towards one of the first floor windows. However, taking account of the existing situation and given the distance between the properties this is not considered to be an issue.

#### 7.4 Ecology

- 7.4.1 Policy EN5 of the Rother Local Plan Core Strategy states: *“Biodiversity, geodiversity and green space will be protected and enhanced, by multi-agency working where appropriate to:*
- (viii) Ensure that development retains, protects and enhances habitats of ecological interest, including ancient woodland, water features and hedgerows, and provides for appropriate management of these features;*
  - (ix) Require developers to integrate biodiversity into development schemes by avoiding adverse impacts from development on biodiversity or habitat, or where wholly unavoidable, provide appropriate mitigation against or compensation for any losses. In the event, developers will also be expected to consider and promote opportunities for the creation and/or restoration or habitats appropriate to local context.”*
- 7.4.2 Policy DEN4 of the DaSA states that: *“Development proposals should support the conservation of biodiversity and multi-functional green spaces in*

accordance with Core Strategy Policy EN5 and the following criteria, as applicable:

- (ii) *development proposals should seek to conserve and enhance:*
  - (a) *The biodiversity value of international, national, regional and local designated sites of biodiversity and geological value, and irreplaceable habitats (including ancient woodland and ancient or veteran trees);*
  - (b) *Priority Habitats and Species; and Protected Species, both within and outside designated sites.*  
*Depending on the status of habitats and species concerned, this may require locating development on alternative sites that would cause less or no harm, incorporating measures for prevention, mitigation and (in the last resort) compensation.*
- (iii) *in addition to (ii) above, all developments should retain and enhance biodiversity in a manner appropriate to the local context, having particular regard to locally present Priority Habitats and Species, defined 'Biodiversity Opportunity Areas', ecological networks, and further opportunities identified in the Council's Green Infrastructure Study Addendum.*

7.4.3 **Great Crested Newts:** The site is located within a red impact risk zone for great crested newts. No consultation has been undertaken with NatureSpace but noted there are ponds within the vicinity and that the consultee response in respect of development at 1 The Close was concluded that if approval was granted due to the scale of the development and the location of the ponds it was not expected newts to be a constraint for the development. Similarly the proposed development in this instance would not increase the existing footprint of either the house or garage and therefore not expected to impact any habitats and therefore be a constraint for the proposed development.

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## 8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 4 The Close although sits lower than street level it is set fairly close to the highway with little vegetation screening the front elevation and therefore the proposed development would still be prominently visible in the street scene. Whilst it is appreciated the Applicants have endeavoured to minimise any impact by choosing the modernistic design which enables the roof height to be reduced, the reduction in height is the upper section of the hipped roof with the least volume. The creation of the first floor in the modernistic design would give the property vertical first floor elevations to all sides increasing the volume and massing from the existing hipped roof design.
- 8.2 The application proposes the use of natural timber cladding for the upper elevations to create a softer appearance to the development than that of rendered elevations in a stark colour. This would be particularly relevant when viewing the proposal from a distance, such as the country park where currently the hipped roof of the property is read in conjunction with the hipped and pitched roofs of neighbouring properties. Whilst the use of the natural timber cladding would help reduce the visual impact, the square contemporary flat roofed design would be visible and at odds with the surrounding roof lines.

- 8.3 In conclusion it is considered that the reworking of the first floor creating the flat roofed contemporary design would be at odds with the character and design of the surrounding properties within The Close which principally comprise detached bungalows and chalet bungalows with hipped roofs and dormer windows. The development is therefore considered to undermine the integrity and distinctive built form and typologies of the surrounding properties having an unacceptable harmful impact on the character and appearance of the locality by virtue of the modernistic design approach. The application is therefore recommended for refusal.

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**RECOMMENDATION: REFUSE (FULL PLANNING)**

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**REASON FOR REFUSAL:**

1. The proposed development, by virtue of the proposed roof extension remodelling the original property to form a contemporary flat roofed two storey property would totally alter the design and appearance of the original property resulting in a development that would be out of character with neighbouring properties within the immediate vicinity of The Close which comprise detached bungalows and chalet bungalows with hipped roofs and dormer windows. The proposed development would therefore be at odds with the distinctive built form and typologies of the surrounding properties having an unacceptable harmful impact on the character and appearance of the locality and landscape setting in the wider aspect by virtue of the modernistic design approach contrary to Policy OSS3 (vi), OSS4 (iii), RA1 (i), RA3 (iv) and EN3 (i & ii) of the adopted Rother District Local Plan Core Strategy (2014) and Policies DHG9 (ii & iii & vi) and DEN1 of the adopted Development and Site Allocations Local Plan (2019) and paragraph 130 of the National Planning Policy Framework.

**NOTE:**

1. The development hereby refused is in respect of the following plans:  
Site Location Plan, Drawing No. 0821-PL-50 received 12-04-22  
Proposed Block Plan, Drawing No. 00821-PL-101 received 12-04-22  
Proposed Northwest and Southeast Elevation Plan, Drawing No. 00821-PL-351 received 12-04-22  
Proposed Southwest and Northeast Elevation Plan, Drawing No. 00821-PL-351 received 12-04-22  
Proposed Ground Floor Plan, Drawing No. 00821-PL-225 received 12-04-22  
Proposed First Floor Plan, Drawing No. 00821-PL-226 received 12-04-22  
Proposed Roof Plan, Drawing No. 00821-PL-227 received 12-04-22

**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, 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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**Rother District Council**

**Report to:** Planning Committee

**Date:** 1 September 2022

**Title:** Planning Statistics for the Quarter April – June 2022 (1<sup>st</sup> Quarter) including summary of planning statistics for 2020/2023

**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.

**DLUHC Statistics PS1 & PS2 Returns Apr - Jun 2022 (1st Qtr)**

<b>1.0</b>	Total number of planning applications Received during the quarter:	342
<b>2.0</b>	Total number of planning applications Determined during the quarter:	403
	<b>% Percentage of applications determined</b>	
2.1	% of applications for major developments issued within agreed timeframe	100%
2.2	% of applications for minor developments issued within agreed timeframe	64%
2.3	%of other planning applications issued within agreed timeframe	78%
<b>3.0</b>	Total no of applications withdrawn	27
<b>4.0</b>	Number of planning applications on hand and not determined at the end of the quarter:	420
<b>5.0</b>	<b>Applications not included in DLUHC PS1 &amp; PS2 Returns (Miscellaneous applications) Apr - Jun 2022 (1st Qtr)</b>	
	i.e Prior notifications, Discharge of Condition, Lawful Development Certificates, Minor Amendments, Works to Trees, Consultations from neighbouring authority or ESCC	

5.1	Total number of miscellaneous applications received during quarter	173
5.2	Total number of miscellaneous applications determined during quarter	132
5.3	Number of miscellaneous applications on hand and not determined at the end of the quarter	56

\*Where received date from 1 April 2020

**6.0 Total number of applications on hand at end of quarter (DLUHC PS1 & PS2 & Miscellaneous) Apr - Jun 2022 (1st Qtr)**

6.1	Total number of applications on hand	476
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**7.0 Planning Application Appeals Apr - Jun 2022 (1st Qtr)**

7.1	Number of planning appeals on hand (no decision):	90
7.2	Number of Planning appeals lodged:	31
7.3	Planning Appeal Decisions:	
	Allowed:	4
	Allowed in part:	0
	Dismissed:	4

**8.0 Planning Enforcement Apr - Jun 2022 (1st Qtr)**

8.1	Number of complaints received	100
8.2	Number of complaints resolved	130
8.3	Number of active complaints on hand	262

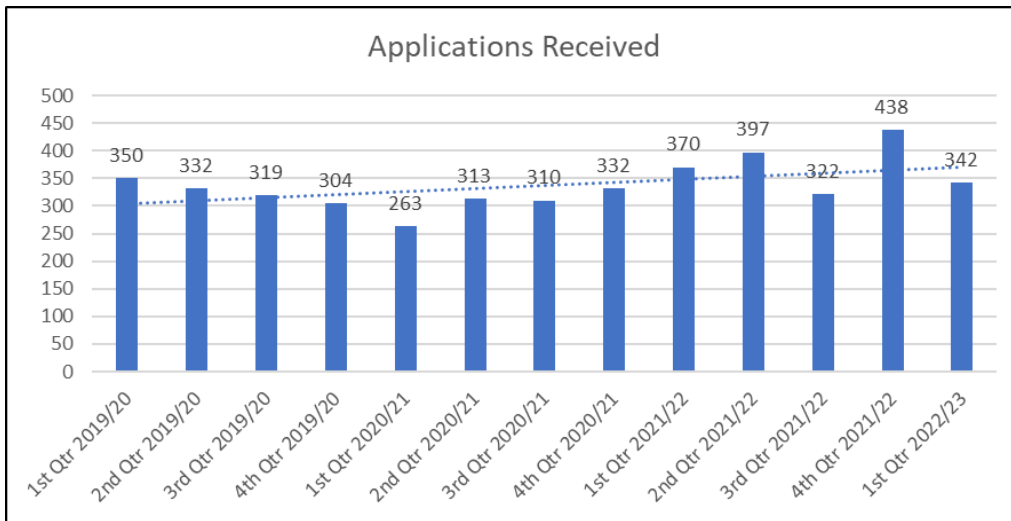
**9.0 Local Land Charge Searches Apr - Jun 2022 (1st Qtr)**

9.1	No of Local Land Charge searches received:	808
9.2	No of Local Land Charges completed	802

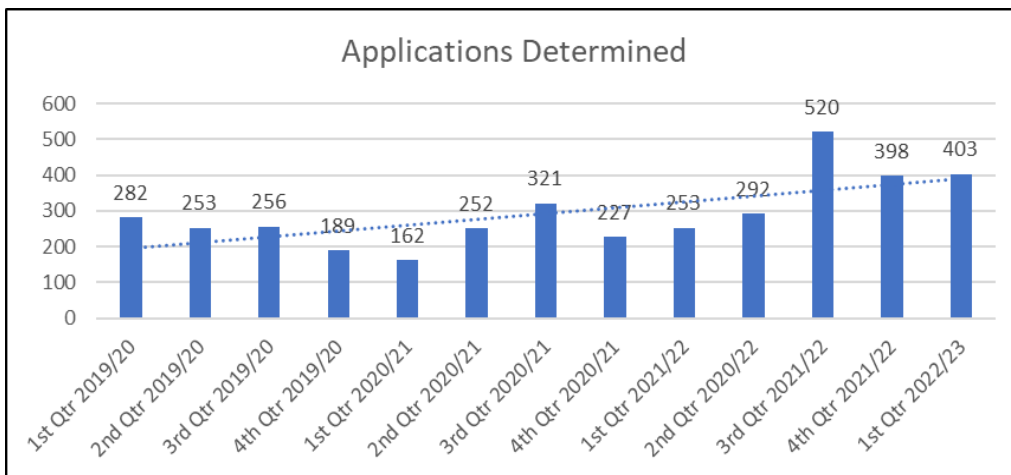
# Summary of Planning Statistics 1 Apr – 30 Jun 2022 (1st Qtr)

## Planning Applications (DLUHC PS1/2)

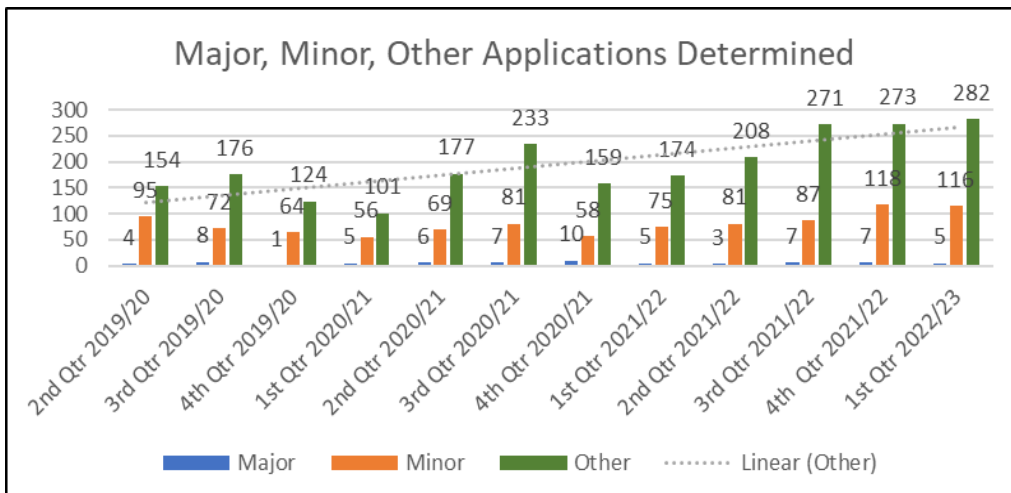
### 1.0 Applications received:



### 2.0 Total number of planning applications determined:

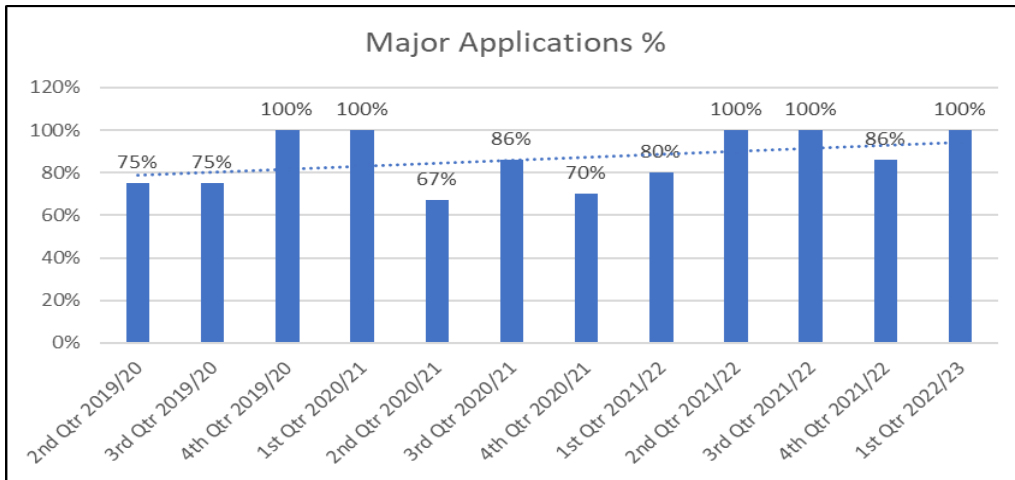


### 2.1 Category of Applications Determined

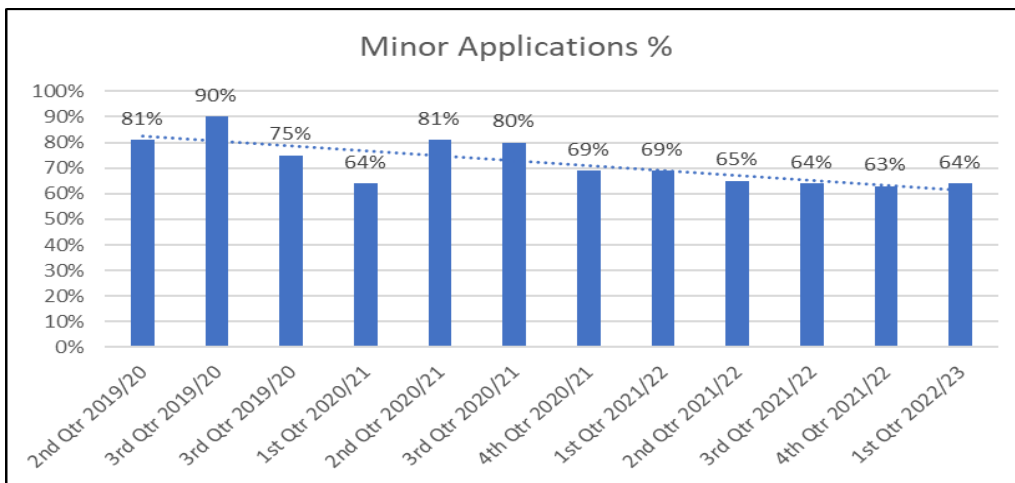


### 3.0 Percentage of planning applications determined within agreed timeframe

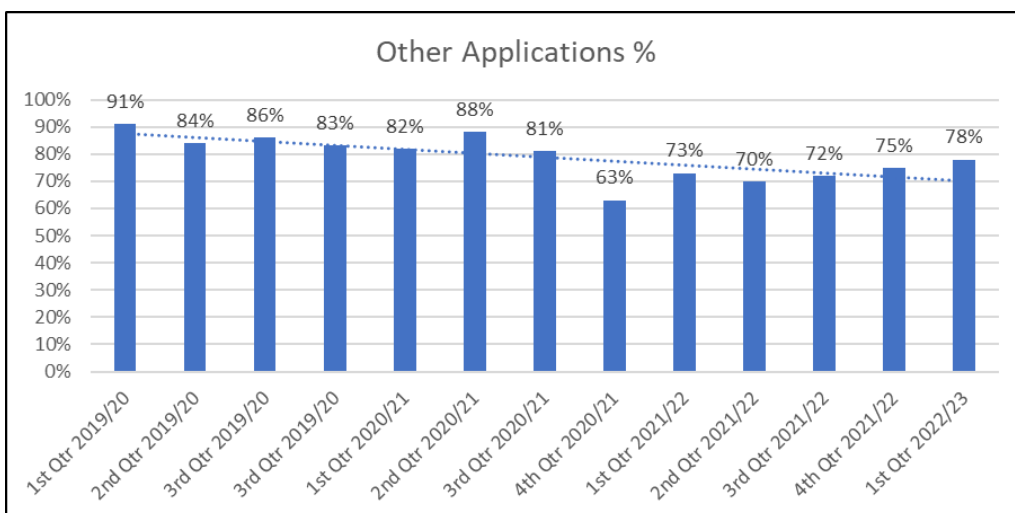
#### 3.1 Major applications



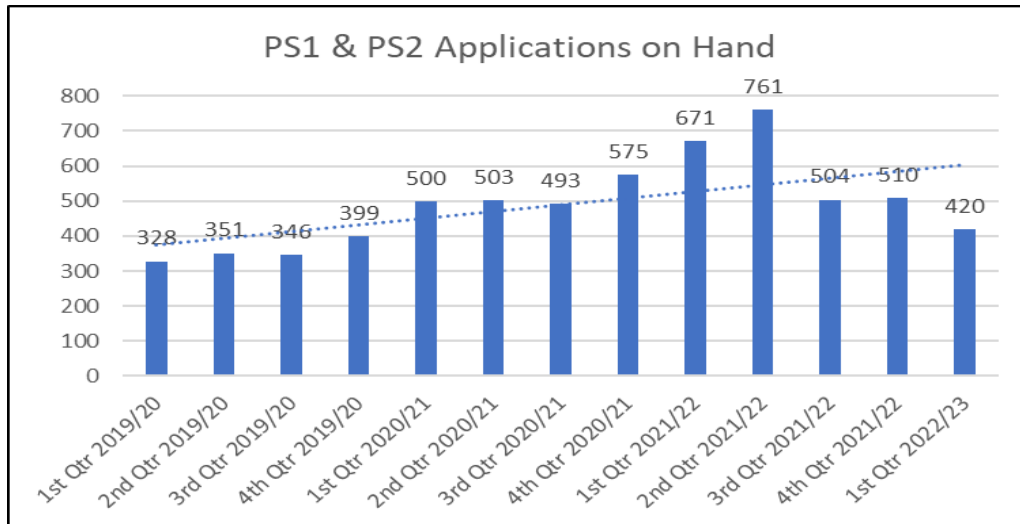
#### 3.2 Minor applications



#### 3.3 Other applications

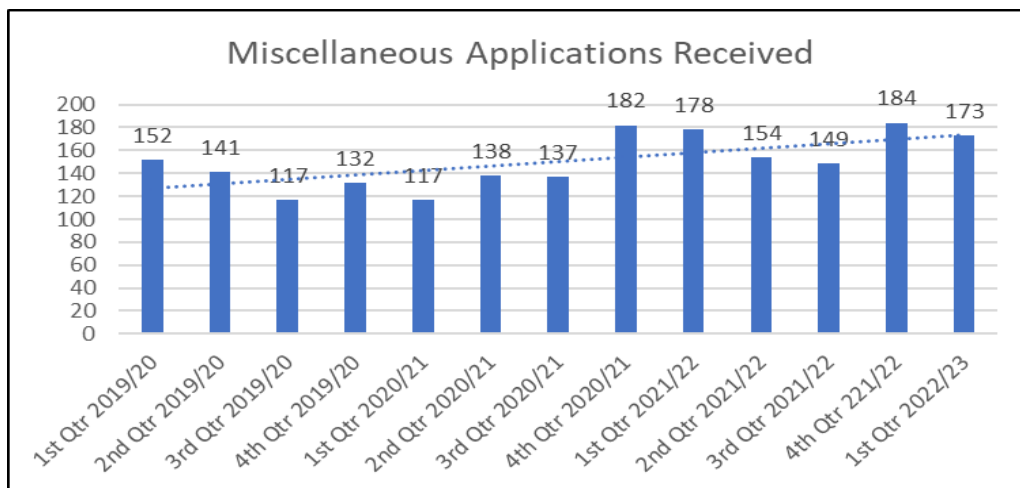


**4.0 No of applications on hand and not determined (DLUHC PS1 & PS2 Returns)**

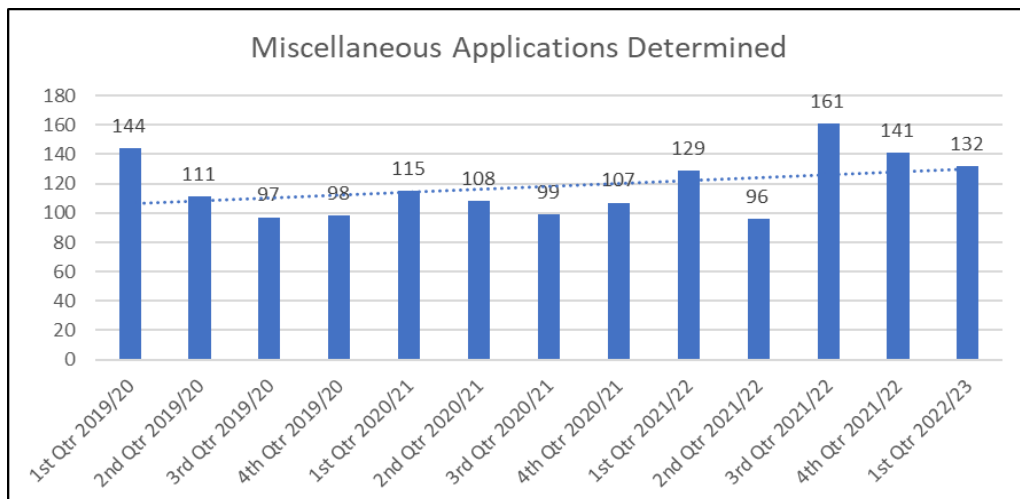


**5.0 Applications not included in DLUHC PS1 & PS2 Returns (Miscellaneous applications)**

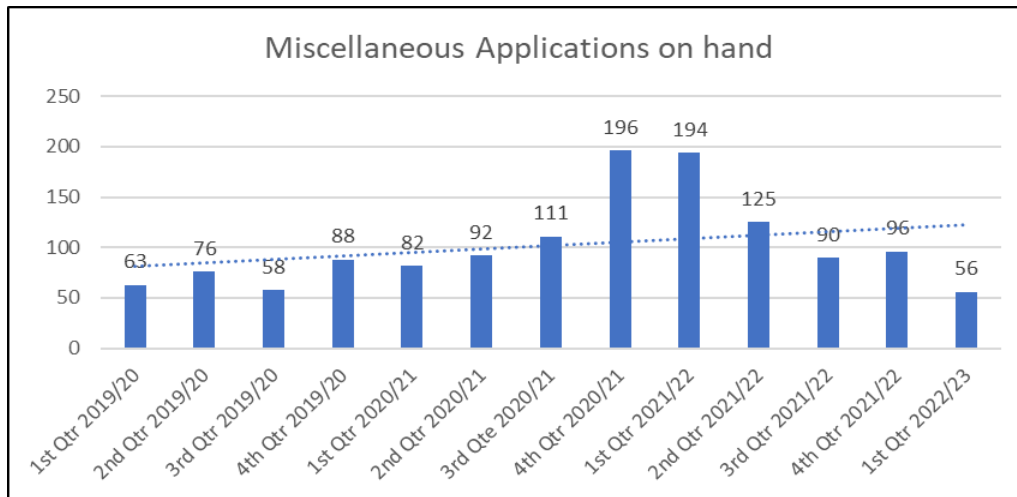
**5.1 Received**



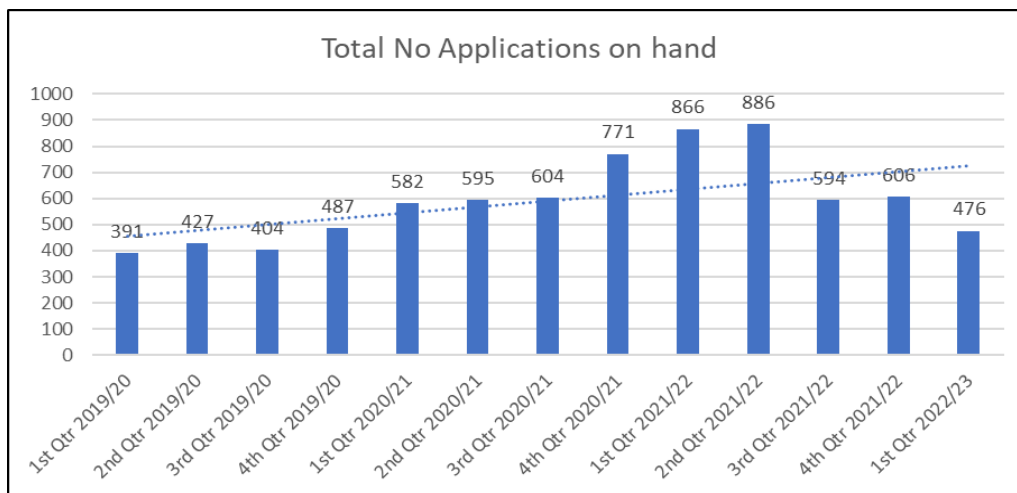
**5.2 Determined**



### 5.3 No of miscellaneous applications on hand

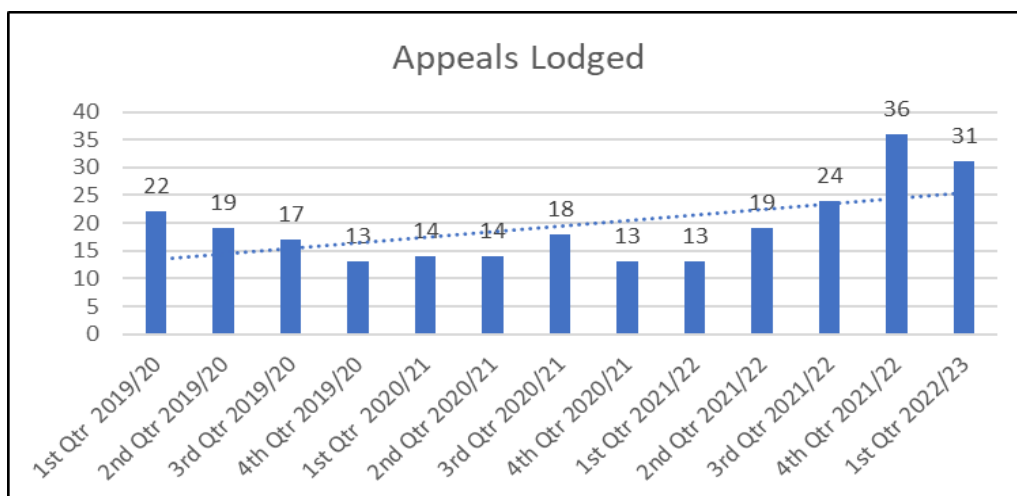


### 6.0 Total number of applications on hand (DLUHC PS1 & 2 & Miscellaneous applications)

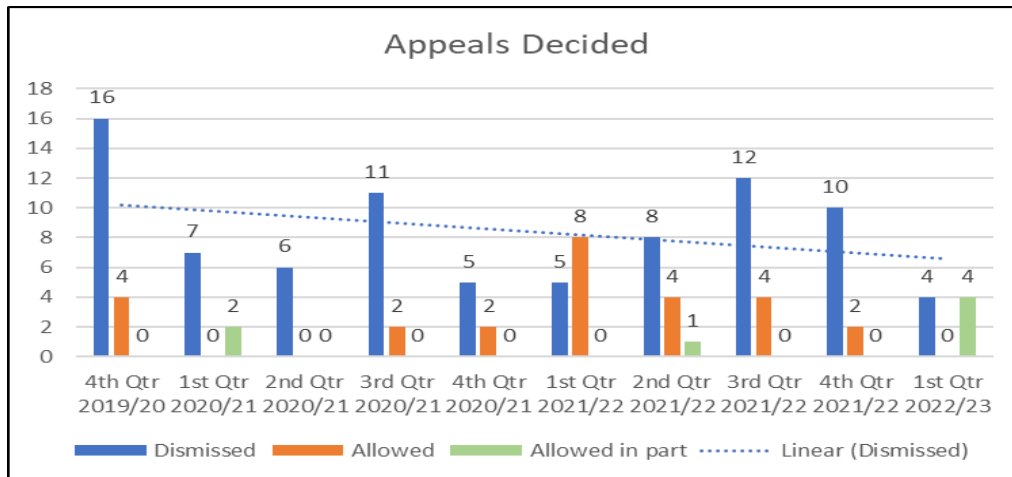


### 7.0 Planning Appeals

#### 7.1 Appeals Lodged

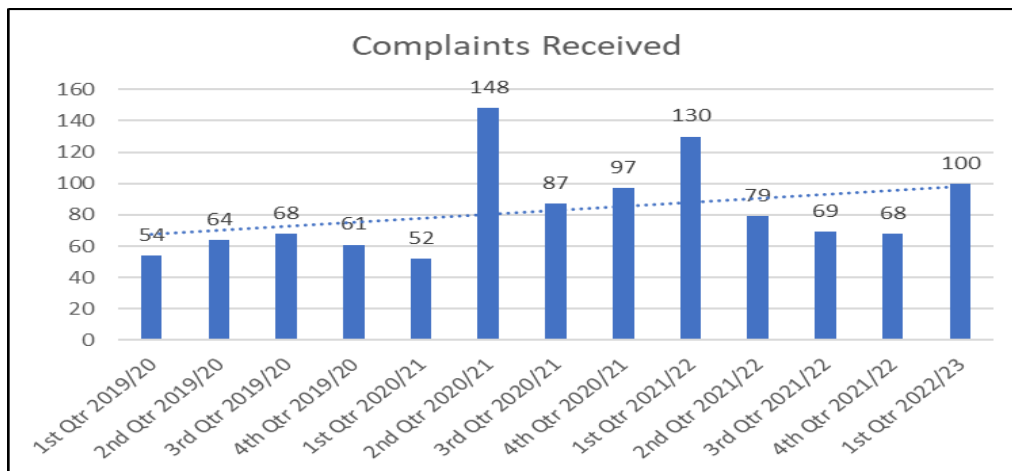


## 7.2 Appeals Decided

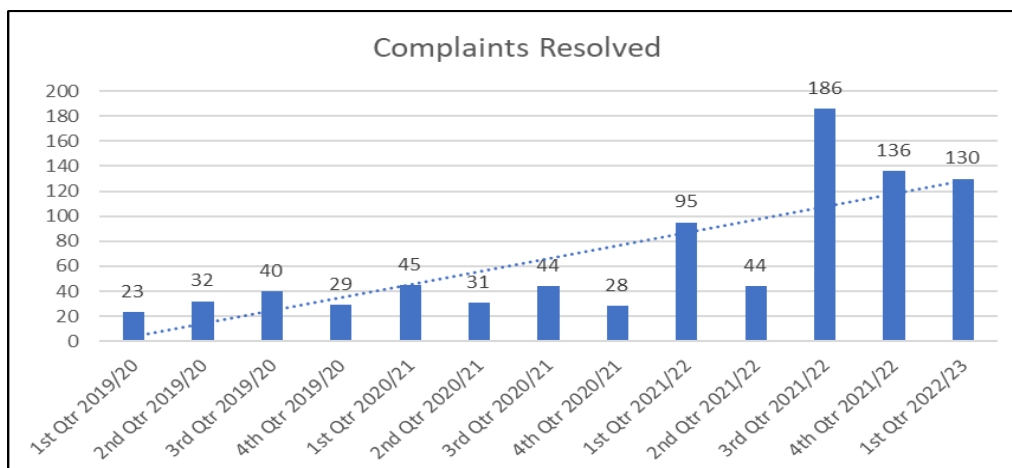


## 8.0 Planning Enforcement Complaints

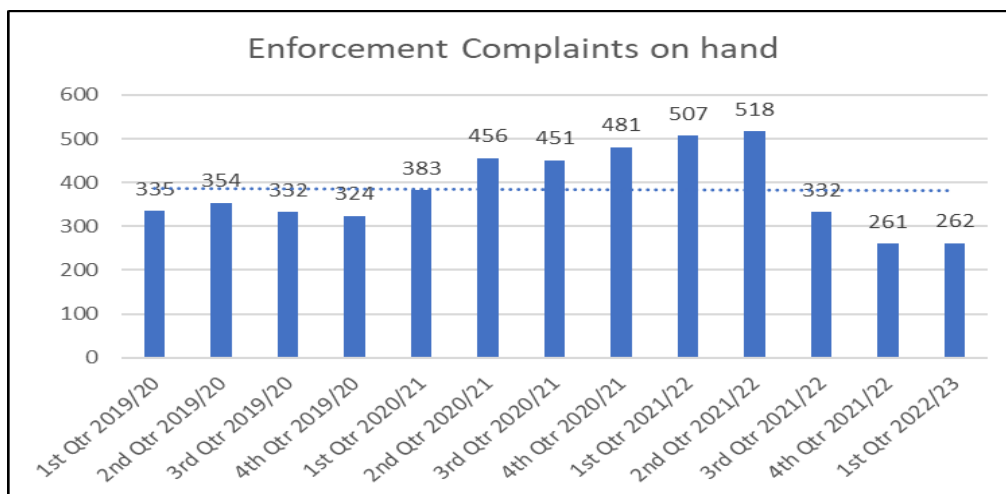
### 8.1 Complaints received



### 8.2 Complaints resolved

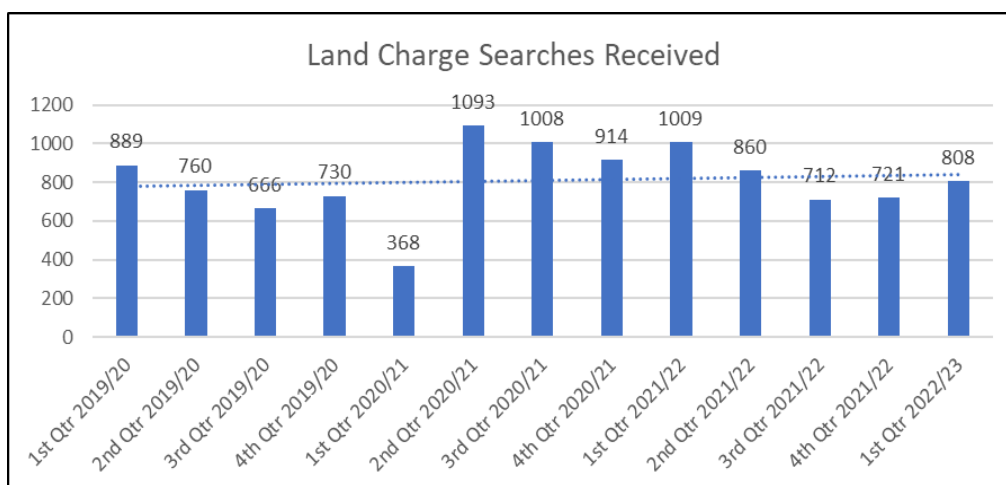


### 8.3 Active complaints on hand

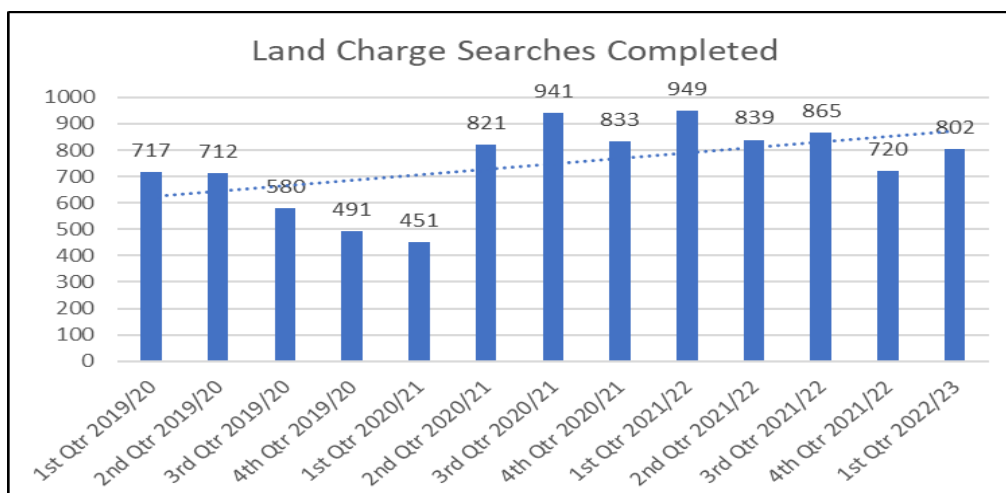


### 9.0 Local Land Charge Searches

#### 9.1 Local Land Charge Searches Received



#### 9.2 Local Land Charge Searches Completed




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Chief Executive: Malcolm Johnston  
 Report Contact: Ben Hook, Director – Place and Climate Change  
 Officer:

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e-mail address:	<a href="mailto:ben.hook@rother.gov.uk">ben.hook@rother.gov.uk</a>
Appendices:	N/A
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A

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**Rother District Council**

**Report to:** Planning Committee  
**Date:** 1 September 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/2022/1295/P (Delegation)	BEXHILL: Pebsham Rural Business Park, Pebsham Lane, Bexhill Erection of single storey Class E business unit, with parking and associated works. Mr M. Worssam
RR/2022/184/P (Delegation)	BEXHILL: Rockhouse Bank Farm, Sluice Lane, Normans Bay, Bexhill Proposed internal alterations. Proposed oak frame porch to front elevation and single storey utility extension to rear elevation. Proposed dormers to front and rear elevations. Mr John Sargeant
RR/2021/1656/P (Non-Determination)	BEXHILL: Fryatts Way - land at, Bexhill Outline: Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood

mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access.  
Gladman Developments Ltd

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/2021/102/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/2021/1609/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/2022/1244/O  
(Non-Determination)

BREDE: The Platts - Land Opposite, Chitcombe Road, Brede  
Certificate of lawfulness for the existing use of rebuilding a pre-existing horse stables.  
Mr Jake Angol

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/2022/578/P  
(Delegation)

BURWASH: Overshaw, Batemans Lane, Burwash  
Removal of existing stables and derelict barn and construction of new stables (amended proposal following refusal of RR/2021/1983/P).  
Mr Barclay

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

CAMBER: Car Park Central, Old Lydd Road, Camber  
Demolition of the beach locks up and replace with boutique hotel including 'Dunes Bar' restaurant at first

floor level (relocated from Old Lydd Road). New visitors centre and landscaping. Existing car parking spaces relocated to the over flow.

Mr Jimmy Hyatt

RR/2020/555/P  
(Delegation)

CAMBER: 21 Old Lydd Road, Camber

Relocation of existing business (Dunes Bar) to the first floor vacant premises above Marina Cafe. It is only after Dunes Bar has been relocated, it is proposed to demolish the now vacant building to be replaced with 3 x two storey max height dwellings.

Mr J. Hyatt

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/2022/468/P  
(Delegation)

GUESTLING: 3 Oast Cottages, Lark Cottage, Great Maxfield, Three Oaks, Guestling

Proposed single storey rear extension and addition of safety guard rail in rear garden.

Dr E. Newton & Dr M. Larkin

RR/2022/469/L  
(Delegation)

GUESTLING: 3 Oast Cottages, Lark Cottage, Great Maxfield, Three Oaks, Guestling

Proposed single storey rear extension and addition of safety guard rail in rear garden.

Dr E Newton & Dr M Larkin

RR/2022/334/P  
(Delegation)

GUESTLING: Saunders Oast, Church Lane, Guestling Green, Guestling

Proposed oak frame conservatory on side of dwelling.

Mr & Mrs V. Deller

RR/2022/1097/P  
(Delegation)

NORTHIAM: Ghyllside - Land adjacent to, Station Road, Northiam

Demolition of existing residential garage to provide a detached residential dwelling.

Express Housing Group Ltd

RR/2021/1084/P  
(Delegation)

NORTHIAM: The Cedars, Station Road, Northiam

Demolition of existing single storey bungalow and erection of two dwellings with retained access.

Brasseur

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/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/2022/3/P (Delegation)	UDIMORE: The Lindens, Udimore Road, Udimore Erection of a single storey timber frame double garage to the front of the existing property. Mr Steven Jones
RR/2022/1013/FN (Delegation)	WESTFIELD: The Old Chicken Barn, Hoads Farm, Moat Lane, Battle Application to determine if prior approval is required for modifications to a commercial/agriculture barn. Mr Warren Behling
RR/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/2021/1647/P (Delegation)	WESTFIELD: Little Hides Farm Cottage, Stonestile Lane, Westfield Change of use from land that is non-compliant with agricultural occupancy to curtilage of an existing residential property. Mr Vidmantas Jokubauskas

### **APPEALS STARTED**

RR/2021/3086/P (Delegation)	BEXHILL: 142 Pebsham Lane, Bexhill Proposed replacement detached dwelling. Mr Balwinder Singh - Khaira
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/2021/1893/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/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/2021/1519/P (Delegation)	BEXHILL: 81 Cooden Drive, Bexhill Demolition of existing bungalow and garage, replacement with four flats and a family dwelling, parking for nine cars, stopping up of an existing driveway access on Cooden Drive and construction of a new access and highway crossover on Pages Avenue. Anomaly Consultants
RR/2021/194/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/2021/2450/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/2020/923/P (Delegation)	GUESTLING: The Olde Piggery, Eight Acre Lane, Three Oaks, Guestling Change of use from Agricultural to residential. Proposed erection of 1 No. 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/2021/2597/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/2020/1416/P  
(Delegation)

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

### **APPEALS PENDING**

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/2021/1102/P  
(Delegation)

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

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/2021/116/P  
(Delegation)

BATTLE: 85-86 High Street, Battle  
Change of use of ground floor from disused shops to two holiday lets.  
Crowhurst Farm Developments Ltd

RR/2022/457/P  
(Delegation)

BEXHILL: 16 Sutherland Avenue, Bexhill  
Erection of wall at front of property. (Retrospective)  
Mr Ian Wykes



RR/2020/1791/P (Delegation)	BEXHILL: 38 Thorne Crescent, Bexhill Proposed rear extension at ground floor and first floor. Mr Daniel Talbot
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/2021/1830/P (Delegation)	BEXHILL: 42 Ingrams Avenue, Bexhill Erect 1-bedroom semi-detached dwelling. ox1 Group
RR/2021/1151/P (Delegation)	BEXHILL: 3 & 5 Gunters Lane, Bexhill Two storey rear extension to No. 3 and single storey rear extension to No. 5, existing pair of cottages. Side extension to provide an additional 3-bedroom dwelling (resubmission). Dale Saunders Holdings Ltd
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/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/2021/2644/P (Delegation)	BODIAM: Oast View - Land Opposite, Bodiam Business Park, Bodiam Construction of 2 No. two bedroom homes and 3 No. three bedroom homes with associated landscaping. Westridge Bodiam Park Limited
RR/2021/234/P (Delegation)	BREDE: Brede Valley Farm, Frymans Lane, Brede Erection of agricultural dwelling. Brede Valley Farm Ltd
RR/2021/1424/P (Non-determination)	BURWASH: St Giles, High Street, Burwash Proposed detached single storey annex building providing accommodation ancillary to existing dwelling house. Mrs Josephine O'Donnell

RR/2020/1304/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 accommodation. Mrs Michelle Bristow
RR/2021/2012/P (Delegation)	CATSFIELD: St Kitts - Site Adjacent, Church Road, Catsfield Erection of 1 No. Chalet Bungalow, together with parking and landscaping. Mr Jack Waller
RR/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/2020/1857/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 3 No. 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/2021/1907/P (Delegation)	MOUNTFIELD: Johns Cross Cafe - Land at, Johns Cross Road, Mountfield Outline: Replacement of existing self-storage containers and construction of buildings for self-storage (Class B8) along with parking, landscaping and use of existing access to the A21, with access considered. Mr M. Horley
RR/2021/2164/P (Delegation)	MOUNTFIELD: 3 Church Cottages, Church Road, Mountfield Construction of replacement garage/carport. Mr & Mrs C. Norman
RR/2021/2467/P (Delegation)	NORTHIAM: Torphin, Station Road, Northiam New outbuilding to provide ancillary accommodation / annexe for disabled relative (retrospective). Mr E. Hatcher and Ms K. Russell
RR/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/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/2021/879/P (Delegation)	PEASMARSH: Lyndhurst Cottage, Main Street, Peasmarsh Change of use from granny annexe/holiday let to separate residential dwelling. Mr Terry Denman

RR/2021/2759/P (Delegation)	PEASMARSH: Partridge Farm, Starvecrow Lane, Peasmarsh Change of use of the building and land from holiday let accommodation to permanent dwelling. Mr & Mrs A. & 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/2021/1760/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/2021/2587/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)	SEDLSCOMBE: 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)	SEDLSCOMBE: Little Swailes Green Farmhouse, Little Swailes Green Farm, Cripps Corner, Sedlescombe Construction of a single storey extension with a glazed link connected to existing dwelling, new enclosed porch to the North, insertion of three conservation rooflights and alterations to the existing facades with new timber weatherboarding and re-instatement of an existing brick garden wall and minor landscaping works. Ms Tina Kennard
RR/2020/2116/P (Delegation)	SEDLSCOMBE: 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/2021/559/P (Delegation)	SEDLSCOMBE: 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/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
RR/2021/2337/P (Delegation)	WESTFIELD: Little Holme, Westbrook Lane, Westfield Conversion of existing detached annexe building to create a new 2-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/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 & Mrs W. Cornish
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/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

**APPEALS ALLOWED**

RR/2021/1591/P (Delegation)	BATTLE: Telham Meadows, Hastings Road, Battle Removal of existing structures and replace with residential dwelling. Retrospective planning approval for
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the siting of emergency temporary mobile home, minor site clearance and drive widening. (Resubmission following refusal of RR/2020/2510/P)  
Ms Clare Gilchrist

RR/2021/113/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

### **APPEALS DISMISSED**

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/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/2019/2641/P  
(Delegation)

NORTHIAM: Coombe Cottage, Ewhurst Lane, Northiam  
Demolition of existing bungalow and construction of four residential units. Provision of new driveway and eco-sewer system.  
Mr James & Gavin Pierce

RR/2021/1466/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 WITHDRAWN**

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

### **FORTHCOMING HEARINGS/INQUIRIES**

NONE

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Chief Executive:	Malcolm Johnston
Report Contact Officer:	Ben Hook, Director – Place and Climate Change
e-mail address:	<a href="mailto:ben.hook@rother.gov.uk">ben.hook@rother.gov.uk</a>
Appendices:	N/A
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A

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