

## Planning Committee

- Date and Time - **Thursday 16 March 2023**  
**9:30am – 1:00pm and 2:00pm until close of business**  
(At the discretion of the Chairman, the timing of lunch may be varied)
- Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**
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### Councillors appointed to the Committee:

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

**Substitute Members:** J. Barnes, Mrs V. Cook and L.M. Langlands.

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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 16 February 2023 as 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 WITHDRAWN APPLICATIONS

The Director – Place and Climate Change to advise Members of those planning applications on the agenda which have been withdrawn.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

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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.**

Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

6. **PLANNING APPLICATIONS - INDEX** (Pages 3 - 4)
7. **RR/2021/2947/P - FORMER PUTTING GREEN SITE, LAND AT - OLD LYDD ROAD, CAMBER** (Pages 5 - 32)
8. **RR/2022/2836/P - SOUTH OF BARNHORN ROAD AND WEST OF ASHRIDGE COURT CARE HOME, BARNHORN ROAD, BEXHILL** (Pages 33 - 48)
9. **RR/2022/1233/P - CEMETERY LODGE, 250 TURKEY ROAD, BEXHILL** (Pages 49 - 68)
10. **RR/2022/2959/P - ACORN FARM, SHRUB LANE, BURWASH** (Pages 69 - 84)
11. **RR/2022/2620/P - LAND AT MILL FARM, WHATLINGTON ROAD, WHATLINGTON** (Pages 85 - 100)
12. **RR/2023/57/T - 7 ANDERIDA COURT, MANSELL CLOSE, BEXHILL** (Pages 101 - 106)
13. **APPEALS** (Pages 107 - 116)
14. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**  
Tuesday 11 April 2023 at 9:00am departing from the Town Hall, Bexhill.

Malcolm Johnston  
Chief Executive

Agenda Despatch Date: 8 March 2023

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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	-	16 March 2023
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/2021/2947/P</a>	CAMBER	Former Putting Green Site – Land at Old Lydd Road Camber TN31 7RH	5
8	<a href="#">RR/2022/2836/P</a>	BEXHILL	South of Barnhorn Road and west of Ashridge Court Barnhorn Road Bexhill TN38 4QL	33
9	<a href="#">RR/2022/1233/P</a>	BEXHILL	250 Turkey Road Cemetery Lodge Bexhill TN39 5HT	49
10	<a href="#">RR/2022/2959/P</a>	BURWASH	Acorn Farm Shrub Lane Burwash TN19 7EB	69
11	<a href="#">RR/2022/2620/P</a>	WHATLINGTON	Mill Farm – Land at Whatlington Road Whatlington TN33 0ND	85
12	<a href="#">RR/2023/57/T</a>	BEXHILL	7 Anderida Court Mansell Close Bexhill TN39 4XD	101

SITE PLAN

CAMBER

RR/2021/2947/P

Former Putting Green Site – Land at  
Old Lydd Road



## Rother District Council

Report to	-	Planning Committee
Date	-	16 March 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2021/2947/P
Address	-	Former Putting Green Site – Land at, Old Lydd Road, Camber
Proposal	-	Erection of 10no. dwellings with new vehicular access, car parking with hard and soft landscaping.

[View application/correspondence](#)

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**RECOMMENDATION: It be RESOLVED to GRANT (PLANNING PERMISSION) DELEGATED SUBJECT TO THE COMPLETION OF A SECTION 106 LEGAL AGREEMENT TO SECURE THE AFFORDABLE HOUSING**

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**Director: Ben Hook**

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<b>Applicant:</b>	<b>Rother District Council</b>
<b>Agent:</b>	<b>Robinson Escott Planning LLP</b>
<b>Case Officer:</b>	<b>Mr E. Corke</b> (Email: <a href="mailto:edwin.corke@rother.gov.uk">edwin.corke@rother.gov.uk</a> )
<b>Parish:</b>	<b>CAMBER</b>
<b>Ward Members:</b>	<b>Councillors L. Hacking and P.N. Osborne</b>

**Reason for Committee consideration: Director – Place and Climate Change referral: This is a Rother District Council application, which relates to Council-owned land.**

**Statutory 13 week date: 09/06/2022**

**Extension of time agreed to: New date to be agreed**

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This application is included in the Committee site inspection list.

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### **1.0 SUMMMARY**

- 1.1 The application relates to a site owned by Rother District Council (RDC), which is allocated for a residential development of some 10 dwellings (of which 40% are affordable) under Policy CAM1 of the Development and Site Allocations (DaSA) Local Plan.
- 1.2 The proposal is a well-designed and sustainable residential development which will deliver 10 dwellings (with a policy compliant four affordable housing units) and will have an acceptable impact on the environment. Planning permission should be granted, subject to a legal agreement to secure the affordable housing, and subject to appropriate conditions.

### 1.3 PROPOSAL DETAILS

PROVISION	
No of houses	10
No of affordable houses	4
CIL (approx.)	£104,215
New Homes Bonus (approx.)	£72,440

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### 2.0 SITE

- 2.1 The application relates to a raised and rectangular shaped plot of land located on the north-east side of Old Lydd Road within the Development Boundary for Camber. It was formerly used as a putting green but is now in use as a pay and display car park for up to 70 cars.
- 2.2 The site is owned by RDC and is allocated for a residential development of some 10 dwellings (of which 40% are affordable) under Policy CAM1 of the DaSA. It is bounded by residential development to the north-east, Marchants Drive to the south-east and residential properties in Royal William Square to the north-west.
- 2.3 There are sand dunes opposite the site, on the other side of Old Lydd Road. The dunes, and the beach beyond these, fall within the Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), which is a national designated site of importance for biodiversity. The beach also falls within the Dungeness, Romney Marsh and Rye Bay Special Protection Area (SPA) and Ramsar site, which are international designated sites of importance for biodiversity. There is also the Dungeness Special Area of Conservation (SAC), which lies approximately 2.8km to the east of the application site and approximately 1.6km to the south-west.

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### 3.0 PROPOSAL

- 3.1 This is a full application for 10 dwellings – with four proposed as affordable units – served by a new vehicular access from Marchants Drive, together with associated car parking and hard and soft landscaping. A new pedestrian footway is also proposed along the site's frontages with Old Lydd Road and Marchants Drive. Existing ground levels would be reduced as part of the development. The finished ground floor level for all dwellings is shown as 5.2m above ordnance datum (AOD).
- 3.2 The schedule of accommodation is outlined below:

PLOT	BEDROOM/SIZE	TENURE
1	1b2p / 58sqm	Affordable (First Home)
2	1b2p / 58sqm	Affordable Rent
3	1b2p / 58sqm	Affordable Rent
4	1b2p / 58sqm	Affordable Rent
5	2b4p / 79sqm	Market
6	3b6p / 111sqm	Market
7	3b5p / 93sqm	Market
8	3b6p / 111sqm	Market

<b>PLOT</b>	<b>BEDROOM/SIZE</b>	<b>TENURE</b>
9	3b5p / 93sqm	Market
10	3b6p / 111sqm	Market

- 3.3 In terms of site layout, the proposed dwellings are arranged in an 'L' shape with three pairs of semi-detached market houses fronting Old Lydd Road and four affordable units (arranged as one detached dwelling and a terrace of three) fronting Royal William Square. Most of the on-site car parking is provided in a parking area to the rear of the properties, which is accessed from Marchants Drive. Two of the market houses would be served by tandem parking spaces, accessed from Old Lydd Road.
- 3.4 The proposed dwellings follow a contemporary design. The semi-detached houses fronting Old Lydd Road alternate between two and three-storeys in height, and alternate between flat and dual-pitched roofs. The three-storey houses benefit from a beach facing roof terrace at second floor level. The detached dwelling and terrace fronting Royal William Square are chalet style properties with front and rear dormers. The external materials palette for the proposed dwellings predominantly consists of facing brick and vertical composite cladding to the elevations and metal standing seam roofs (where pitched roofs are proposed).
- 3.5 Renewable energy technologies are proposed to be incorporated into the development in the form of air source heat pumps and solar PV panels for all of the dwellings. Electric Vehicle charging points are also proposed.
- 3.6 The scheme has been amended since it was first submitted, primarily in relation to design issues. There has also been a reduction in the number of affordable housing units proposed, from five to four. A discrepancy in the Proposed Street Scene Elevations for Old Lydd Road has also been addressed (the proposed chalet-style dwellings were originally shown too close to the neighbouring properties in Royal William Square).

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#### **4.0 HISTORY**

- 4.1 RR/2010/2061/P Change of use from temporary car park to permanent car park to operate from 30 September 2010. DEFERRED
- 4.2 RR/2009/1948/P Change of use from putting course to temporary use as a car park (part retrospective). GRANTED (TEMPORARY)
- 4.3 RR/2006/156/P Outline: erection of eight live/work units and one residential unit including alteration to an existing and formation of new vehicular access. WITHDRAWN
- 4.4 RR/2005/2415/P Outline: erection of 10 commercial units and managers office with 11 apartments above and managers accommodation including landscaping, alterations to an existing and creation of new vehicular access. REFUSED
- 4.5 RR/2003/42/P Erection of new cafe/restaurant and retail centre (existing putting course to be demolished) with new vehicular access. GRANTED



4.6	RR/89/2425/P	Nine dwellinghouses with garages and vehicular access. ALLOWED ON APPEAL
4.7	RR/89/1042/P	Outline application: erection of nine dwellings with garages and vehicular accesses. REFUSED
4.8	RR/89/0362/P	Outline: erection of nine terraced and semi-detached dwellings with parking and new vehicular access. REFUSED
4.9	RR/83/1886	Outline: erection of nine two-storey dwellings with garages and accesses. GRANTED
4.10	RR/76/0020	Extension to pavilion at putting course. GRANTED
4.11	A/71/327	Putting course. GRANTED
4.12	A/68/466	Children's playground. GRANTED
4.13	A/60/106	Temporary car park. GRANTED
4.14	A/57/276	Pairs of semi-detached bungalows. REFUSED
4.15	A/55/199	Outline: to erect three pairs of semi-detached bungalows. REFUSED

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## 5.0 LEGISLATION AND POLICIES

5.1 The Conservation of Habitats and Species Regulations 2017.

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

- PC1 (Presumption in Favour of Sustainable Development)
- OSS1 (Overall Spatial Development Strategy)
- OSS2 (Use of Development Boundaries)
- OSS3 (Location of Development)
- OSS4 (General Development Considerations)
- RA1 (Villages)
- SRM1 (Towards a Low Carbon Future)
- SRM2 (Water Supply and Wastewater Management)
- CO6 (Community Safety)
- LHN1 (Achieving Mixed and Balanced Communities)
- EN1 (Landscape Stewardship)
- EN2 (Stewardship of the Historic Built Environment)
- EN3 (Design Quality)
- EN4 (Management of the Public Realm)
- EN5 (Biodiversity and Green Space)
- EN6 (Flood Risk Management)
- EN7 (Flood Risk and Development)
- TR3 (Access and New Development)
- TR4 (Car Parking)

- 5.3 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DRM1 (Water Efficiency)
  - DRM3 (Energy Requirements)
  - DHG1 (Affordable Housing)
  - DHG3 (Residential Internal Space Standards)
  - DHG4 (Accessible and Adaptable Homes)
  - DHG7 (External Residential Areas)
  - DHG11 (Boundary Treatments)
  - DHG12 (Accesses and Drives)
  - DEN1 (Maintaining Landscape Character)
  - DEN4 (Biodiversity and Green Space)
  - DEN5 (Sustainable Drainage)
  - DEN7 (Environmental Pollution)
  - DIM1 (Comprehensive Development)
  - DIM2 (Development Boundaries)
  - CAM1 (Land at the Former Putting Green Site, Old Lydd Road, Camber)
- 5.4 The Camber Village Supplementary Planning Document (SPD) 2014, the draft Sustainable Access and Recreation Management Strategy 2017, the National Planning Policy Framework and the Planning Practice Guidance (PPG) are also material considerations.
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## 6.0 CONSULTATIONS

- 6.1 [Highway Authority \(East Sussex County Council\)](#) – **NO OBJECTION** – Subject to the imposition of conditions.
- 6.2 [Lead Local Flood Authority \(East Sussex County Council\)](#) – **NO OBJECTION** – Subject to the imposition of conditions.
- 6.3 [East Sussex County Council Archaeologist](#) – **NO OBJECTION**
- 6.4 [Southern Water](#) – **NO OBJECTION** – Subject to the imposition of a condition.
- 6.5 [Environment Agency](#) – **NO COMMENTS TO MAKE.**
- 6.6 [Natural England](#) – **NOT ABLE TO PROVIDE SPECIFIC ADVICE ON THE SUBMITTED HABITATS REGULATIONS ASSESSMENT (AND APPROPRIATE ASSESSMENT)**
- 6.7 [Sussex Newt Officer](#) – **NO OBJECTION** – An informative regarding Great Crested Newts has been recommended.
- 6.8 [Sussex Police](#) – **NO OBJECTION** – Subject to observations, concerns and recommendations being given due consideration.
- 6.9 [East Sussex Fire & Rescue Service](#) – **NO COMMENTS RECEIVED**
- 6.10 [Romney Marshes Area Internal Drainage Board](#) – **NO COMMENTS RECEIVED**

- 6.11 Housing, Enabling & Development Officer (Rother District Council) – **NO OBJECTION**
- 6.12 Environmental Health (Rother District Council) – **NO OBJECTION** – Subject to the imposition of a condition.
- 6.13 Waste & Recycling (Rother District Council) – **NO OBJECTION**
- 6.14 Planning Notice

*In relation to the originally submitted scheme*

- 6.14.1 21 letters of **OBJECTION** have been received (from 20 representatives). The concerns raised are summarised as follows:
- Loss of car parking (including disabled parking).
  - Proposal is for financial gain.
  - Proposal ignores the needs of the village and residents.
  - Increase in traffic, parking issues, safety issues and adverse visitor behaviour within the village.
  - Loss of revenue for local businesses as a result of lost car parking spaces.
  - Application has been worded incorrectly to deliberately mislead/hide the general issues relating to this proposal as regards the availability/loss of a day visitor parking area within the village and the additional problems this will cause.
  - The traffic consultant claims that there is an excess of parking spaces of 2650. This is simply not true.
  - Houses will not be affordable for locals and will be bought as holiday-lets/holiday homes.
  - Existing drainage system in the surrounding area is unable to cope with the number of existing houses. Is there capacity to add more dwellings to the system?
  - Overdevelopment, overbearing and out of keeping.
  - Overlooking and loss of privacy.
  - The properties have very little storage provision (inside and out) for all the necessities of family life.
  - Inadequate car parking provision for the new houses, leading to parking problems.
  - No vehicle charging points.
  - Windblown sand from the nearby sand dunes will cause accessibility issues to areas of the new properties.
  - Proposal will lead to degradation of Site of Special Scientific Interest, Ramsar site and Special Area of Conservation.
- 6.14.2 One letter with **GENERAL COMMENTS** has been received. The comments are summarised as follows:
- Original ground level should be reinstated.
  - Overlooking of Marchants Drive.
  - Loss of car parking spaces.
  - Increased traffic in Marchants Drive.

*In relation to the amended scheme*

- 6.14.3 24 letters of **OBJECTION** have been received (from 20 representatives). Additional concerns raised are summarised as follows:
- Precedent for high density development which is not in keeping with the area.
  - The drawings are at best, inaccurate, or at worst misleading.
  - New parking spaces should be provided before any scheme that removes parking from the area is allowed.
  - Poor design – a number of design issues are raised.
  - Affordable housing units have not been ‘pepperpotted’ with market housing units.
  - Unclear whether a proportion of the homes will meet the Lifetime Homes Standard.
  - Camber sits outside the residential development zones identified in the Local Plan and is therefore classed as a Rural Exception site. There is no evidence that the Rural Exception Site Requirements have been met.
  - SUDS drainage strategy requires a clear maintenance and management plan.
  - Any increase in pedestrian volume along the unadopted road at Royal William Square will increase the likelihood of a road traffic accident occurring.
  - No assessment has been made of the impact of construction traffic on the unadopted road at Royal William Square.
  - Overlooking and right to light issues for residents in Royal William Square.
  - Lack of engagement with the community about the proposal.
  - This development is a missed opportunity for habitat creation.
  - Revised submission was not included in any of the ‘My Alerts’ emails issued or in any of the Council’s lists of planning applications.
  - Do we have any guarantee that these proposals will become reality in the end?
- 6.14.4 One letter with **GENERAL COMMENTS** has been received. The comments are summarised as follows:
- Use of light-brown bricks is an odd choice for the buildings and metal railings, metal-framed windows and zinc roofs would be subject to rapid erosion from the sea air.
  - Potential for noise disturbance from proposed air source heat pumps.
  - Covenants are required to prevent properties being sold as holiday homes and to retain the affordable units as ‘affordable’.
- 6.15 Camber Parish Council – **GENERAL COMMENTS** – Provided in relation to the originally submitted scheme only.
- 6.15.1 The comments are summarised as follows:
- Loss of car parking at the site will add to existing parking issues in Camber.
  - Concern that the affordable housing units will not be affordable and that they will add to the holiday-let market if not secured as affordable housing in perpetuity.
  - Existing drainage system in the surrounding area is not fit for purpose. If permission is granted for building on this site then a complete overhaul of drainage needs to be a condition.

## 7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, and there will be a fee exemption for the affordable housing units. The development could generate approximately £104,215.
- 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 £72,440 over four years.
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## 8.0 APPRAISAL

8.1 The main issues are determined to be:

- Principle of development.
- Impact on the character and appearance of the locality.
- Housing mix and affordable housing.
- Impact on neighbouring properties.
- Living conditions for future occupiers.
- Highway matters
- Flood risk and drainage.
- Impact on habitats and biodiversity.

### 8.2 Principle of development

8.2.1 The site is located within the development boundary for Camber where there is a policy presumption that infilling and redevelopment will be acceptable, subject to compliance with other relevant policies of the development plan. One of these is Policy CAM1 of the DaSA Local Plan, which allows for the redevelopment of the site from a car park to wholly residential, with some 10 dwellings provided (40% of which are affordable). The proposal is for a residential development comprising 10 dwellings with four proposed as affordable units. It is therefore acceptable in principle.

8.2.2 With regard to the specific issue of loss of the existing car park, which the Parish Council and local residents have raised concern about, supporting paragraph 11.70 of the DaSA Local Plan says:

*“The site’s redevelopment will result in a small reduction in public car parking capacity in the village. However, there is a significant amount of alternative car parking provision in Camber, and the benefits of redeveloping this prominent site, including in terms of it making a valuable contribution to the village’s housing supply and improving the street scene, are considered to outweigh this loss. It is noted that any additional demand for car parking in the winter months could be adequately accommodated elsewhere in the village, including at the Central Car Park, in the event of the redevelopment of the former putting green site. It is not proposed to utilise the Western Car Park in the winter months (which would raise potential nature conservation issues).”*

### 8.3 Impact on the character and appearance of the locality

- 8.3.1 Camber is characterised by a range of residential development. Buildings in the surrounding area are varied in terms of size, age, style, and materials. There is no single unifying character. Recent developments have generally followed a contemporary design approach.
- 8.3.2 Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy, Policy DEN1 of the DaSA Local Plan and paragraph 130 of the National Planning Policy Framework seek, amongst other things, to ensure that new development is of high design quality that respects, contributes positively towards, and does not detract from the character and appearance of the locality.
- 8.3.3 Policy CAM1 (ii) of the DaSA Local Plan says that in relation to the form of development on this site, regard is given to the Camber Village SPD. Section 4.3 of this document sets out the overall approach and framework to guide new development. This is designed to be nonprescriptive so that development can come forward flexibly but in line with key principles and guidelines for the site. The guidelines are set out in detail on pages 95-96, and cover: built development, traffic and movement, natural environment, uses and activities, and landscaping. An example scheme is provided in the document and the site layout is reproduced below:



- 8.3.4 The example layout shows units fronting Old Lydd Road and turning the corner to address the dwellings in Royal William Square to the west. Each of the buildings is said to be three-storeys in height. A parking area is provided to the rear of the properties, which is accessed from Marchants Drive.
- 8.3.5 The layout of the housing scheme now proposed is similar to that indicated in the Camber Village SPD. It presents a permeable frontage to Old Lydd Road, with gaps between the three pairs of semi-detached dwellings. It then turns the corner with the terraced dwellings and detached dwelling addressing the neighbouring properties in Royal William Square. The proposed building heights are varied with a mixture of two and three-storey

dwelling fronting Old Lydd Road, and chalet-style dwellings fronting Royal William Square. Overall this results in a scheme which has a comfortable relationship with the local context in terms of massing, scale and streetscene character. Private gardens and a parking area are proposed to the rear of the houses, together with a new vehicular access onto Marchants Drive, all as per the SPD.

- 8.3.6 In terms of the building designs, a contemporary architectural approach has been adopted with a modern external materials palette comprising facing brick and vertical composite cladding to the elevations and metal standing seam roofs (where pitched roofs are proposed). Due to the variety of materials and styles in the local area, the proposed dwellings would not appear unsympathetic or out of keeping with their surroundings.
- 8.3.7 Conditions are required in relation to external materials, boundary treatments (including to define and enclose the front gardens of the dwellings) and hard and soft landscaping etc. to ensure a high-quality building appearance and a high-quality public realm and landscape setting.
- 8.3.8 Overall it is considered that the proposed housing development would contribute positively to the character and appearance of this coastal village.
- 8.3.9 Sussex Police have commented on the proposal from a crime prevention viewpoint. Recommendations have been made and these can be brought to the landowner and/or developer's attention by way of an informative on the decision notice if planning permission is granted.
- 8.3.10 Concern has been raised about herring gulls roosting within the development and it has been requested that the design is reviewed by a specialist to avoid this. Ultimately if roosting gulls becomes a problem, this would be a matter for future occupiers to deal with.

#### 8.4 Housing mix and affordable housing

- 8.4.1 In relation to housing mix, Policy LHN1 of the Rother Local Plan Core Strategy supports mixed, balanced and sustainable communities. Housing developments should, amongst other things: (i) be of a size, type and mix which will reflect both current and projected housing needs within the district and locally; (ii) in rural areas, provide a mix of housing sizes and types, with at least 30% one and two bedroom dwellings (being mostly two bed); (iv) in larger developments (6+ units), provide housing for a range of differing household types.
- 8.4.2 The proposal would provide a mix of 1, 2 and 3-bedroom dwellings, 50% of which would be 1 and 2-bedroom properties and 50% of which would be 3-bedroom properties. The five 3-bedroom properties would cater for a mix of five and six person households. A mixture of dwellings is proposed which complies with the above policy requirements.
- 8.4.3 The proposal would also meet the policy requirement of providing 40% of the dwellings as affordable housing units. These are the four 1-bedroom chalet-style properties located on the western side of the site. In terms of the tenure mix, the Government requires that a minimum of 25% of all affordable housing units are now secured as "First Homes". This is a specific

kind of discounted market sale housing which must be discounted by a minimum of 30% against the market value. In this case, the detached chalet-style dwelling is proposed as the “First Home”. The remaining three affordable units (i.e. the terrace) are proposed as “Affordable housing for Rent”. The Council’s Housing Enabling & Development Officer has confirmed that the provision of four 1-bedroom affordable housing units and the proposed tenure mix is acceptable.

- 8.4.4 Policy LHN1 (vi) of the Rother Local Plan Core Strategy and Policy DHG1 of the DaSA Local Plan seek to ensure that affordable housing is integrated with market housing where practical. In this case the affordable and market units are provided in two separate clusters. However, this is largely due to the constraints of the site (e.g. its limited size, the need to provide on-site car parking provision and the need to avoid unreasonable harm to the living conditions of neighbouring occupiers). Moreover, this is not a large-scale housing scheme. It is a relatively small-scale infill development within an existing built-up area. Viewed in this context, the affordable units would be a small cluster “peppercotted” within the surrounding market houses. As such, the proposed layout is acceptable.
- 8.4.5 The proposed affordable housing units would need to be secured by a Section 106 Legal Agreement.
- 8.4.6 For the above reasons the proposal would comply with the policy requirements relating to housing mix and affordable housing provision.
- 8.4.7 Local residents and the Parish Council are concerned that the proposed dwellings would become holiday-lets/holiday homes. This would not be the case for the affordable units, as the legal agreement would ensure they remain affordable. Turning to the market houses, the Council does not have a policy precluding their use for holiday-lets/holiday homes. Ultimately how these dwellings are occupied would be a matter for the owners to decide.

## 8.5 Impact on neighbouring properties

- 8.5.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy says that new development should not unreasonably harm the amenities of adjoining properties.
- 8.5.2 The site is currently open and so compared to the existing situation the outlook from the surrounding properties would be quite radically altered by the proposed residential development. However, this is to be expected, as the site has been allocated for housing.

### *Impact on ‘Thika’*

- 8.5.3 To the rear, north-east, the site is adjoined by ‘Thika’, a detached bungalow with a long garden that runs the full width of the site. The proposed housing scheme’s main parking area and the rear garden of the dwelling on Plot 1 would directly adjoin the neighbouring property. It is considered that the impacts arising from this – in terms of noise and disturbance – would be no worse than that generated by the existing use of the site as a pay and display car park for up to 70 cars.



8.5.4 Turning to the impacts from the proposed houses themselves, there would be a minimum separation distance of some 19m between the rear elevations of the two and three-storey dwellings and the common boundary with 'Thika'. This is a good measure of separation, which would ensure that overlooking, overshadowing/loss of light and loss of outlook to the detriment of residential amenity would not occur.

8.5.5 The proposed chalet-style dwelling on Plot 1 would be located closer to the neighbouring property (i.e. some 8.9m away from the common boundary). This is still reasonable degree of separation, and it is also the case that this dwelling would be opposite an outbuilding in the front garden of the neighbouring property. As such, overlooking, overshadowing/loss of light and loss of outlook to the detriment of residential amenity would not occur.

*Impact on No. 21 Old Lydd Road*

8.5.6 No. 21 Old Lydd Road comprises a detached two-storey building with the Dunes Bar & Restaurant at ground floor level and a flat above. It is located to the south-east of the site, on the other side of Marchants Drive. The main focus here is the relationship between the proposed three-storey dwelling on Plot 10 and the neighbouring first floor flat which has four windows facing the site.

8.5.7 There would be a separation distance of some 12m between the side, flank wall of the dwelling on Plot 10 and the neighbouring flat. It is considered that this measure of separation would be sufficient to guard against harmful overlooking of the neighbouring living accommodation from the side facing windows and first floor terrace of the proposed dwelling.

8.5.8 Turning to impact on light, the 25-degree rule of thumb applies, as set out in the BRE sunlight and daylight guidance. The rule is that suitable daylight for habitable rooms is achieved when a 25-degree vertical angle taken from the centre of the lowest window is kept unobstructed. Having regard to the submitted street scene drawings, the rooms of the neighbouring flat would receive adequate daylight, as the 25-degree line would not be obstructed by the proposed three-storey dwelling. This would also ensure that there would be no loss of outlook to the detriment of residential amenity.

*Impact on properties in Royal William Square*

8.5.9 The residential properties comprising the Royal William Square development are located to the north-west of the site, on the other side of an unmade road. These properties have been constructed with garages at ground floor level and living accommodation at upper floor levels. The proposed chalet-style dwellings would be located opposite the neighbouring properties.

8.5.10 The separation distance between the front walls of the proposed dwellings and the main front walls of the neighbouring properties would be some 9.5m at the closest point. There is potential for some overlooking of the neighbouring upper floor living accommodation from the first floor dormer windows of the proposed chalet-style dwellings. However, these windows serve bathrooms and so they can be obscure-glazed, secured by condition.

8.5.11 Turning to impact on light, and having regard to the submitted street scene drawings, the neighbouring upper floor living accommodation would receive

adequate daylight, as the 25-degree line would not be obstructed by the proposed chalet-style dwellings. This would also ensure that there would be no loss of outlook to the detriment of residential amenity.

- 8.5.12 Local residents have raised concern about the impacts of construction traffic during the construction period of the development. This matter can be dealt with as part of a Construction Environmental Management Plan (CEMP), secured by condition.
- 8.5.13 Concern has also been raised about noise from the proposed air source heat pumps. Full details of the pumps – including noise levels and locations – have not been submitted for consideration. This matter can, however, be dealt with by planning condition, and this would ensure that undue disturbance from noise would not arise.
- 8.5.14 For the above reasons the proposal would not unreasonably harm the amenities of adjoining properties.

## 8.6 Living conditions for future occupiers

- 8.6.1 Policy OSS4 (i) of the Rother Local Plan Core Strategy states that all development should meet the needs of future occupiers, including providing appropriate amenities.
- 8.6.2 Policy DHG3 of the DaSA Local Plan sets out the minimum internal space standards for new dwellings. Policy DHG7 sets out the requirements for external areas, including in relation to the levels of private external space, car parking and cycle storage provision, and bin storage provision.
- 8.6.3 Paragraph 130 (f) of the National Planning Policy Framework says that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 8.6.4 In terms of internal space, all of the new dwellings proposed would meet the minimum internal space standards. Turning to external areas, new dwellings should normally be provided with private rear garden spaces of at least 10m in length. The submitted drawings show that the proposed development would include rear gardens to all of the new dwellings. However, none would meet the desired minimum length of 10m. They instead range from 6m to 9.4m in length. Generally, shorter gardens are provided for the 1-bedroom dwellings with longer gardens for the 2 and 3-bedroom units, three of which would also have a roof terrace at second floor level.
- 8.6.5 The reduced size of the gardens would not be attractive to every household, for example, families with children. The gardens would nevertheless provide adequate separation distances between the dwellings and would be useable for activities such as clothes drying, small-scale gardening, dining and sitting out. Moreover, the DaSA Local Plan says that there are a number of considerations that may be taken into account in respect of any garden spaces provided as part of a development. In this case, the external space available for rear gardens is largely constrained by the need to provide an appropriate level of on-site car parking provision. Furthermore, and with regard to families with children, there is easy access to the beach and there

are several open spaces/play areas nearby on Lydd Road which are accessible on foot. Ultimately, it is not considered that the reduced size of the gardens would justify a refusal of planning permission in this case. It is, however, considered necessary to remove permitted development rights for extensions and ancillary buildings (other than cycle stores) in the rear gardens, so that the existing garden provision is retained for future occupiers.

8.6.6 With regard to car parking provision, a total of 18 on-site car parking spaces are proposed. 12 of these would be allocated to the six market houses (two spaces each) with four unallocated parking spaces serving the four 1-bedroom affordable units. Two visitor spaces are also proposed. East Sussex County Council Highway Authority (the Highway Authority) have confirmed that this level of car parking provision is acceptable. Turning to cycle parking, a secure cycle store for each dwelling can be secured by condition.

8.6.7 In terms of bin storage provision, the submitted drawings show that seven of the proposed dwellings would have a bin store in their front garden; the remaining three dwellings would have a bin store in their rear garden. All bins would be available for collection from the front of the properties on collection day.

8.6.8 Local residents have queried whether a proportion of the houses would meet the Lifetime Homes Standard, as required by Policy LHN1 (vii) of the Rother Local Plan Core Strategy. This policy requirement is now defunct, as the Lifetime Homes Standard was superseded in 2015 by Part M4(2) Category 2: Accessible and adaptable dwellings of the Building Regulations. This new accessibility standard has been adopted by the Council for all new dwellings under Policy DHG4 of the DaSA Local Plan. It is secured by planning condition.

8.6.9 For the above reasons the proposal would meet the needs of future occupiers, including providing appropriate amenities.

## 8.7 Highway matters

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

8.7.2 Paragraph 110 (b) of the National Planning Policy Framework seeks to ensure that safe and suitable access to the site can be achieved for all users. Paragraph 111 says:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

8.7.3 A new vehicular access is proposed on Marchants Drive to serve the rear car parking area. It is also proposed to create two new vehicular accesses on Old Lydd Road to serve the tandem car parking spaces. Further to this, a new pedestrian footway, some 2m in width, is proposed along the site's frontages with Old Lydd Road and Marchants Drive. The formation of a new

access on Marchants Drive and the provision of a new pedestrian footway comply with the requirements of Policy CAM1 (iv & v) of the DaSA Local Plan.

8.7.4 The Highway Authority has commented on the proposal. They have no major concerns regarding the proposed access arrangements, trip generation and highway impact. Conditions have been recommended which would ensure that the development can proceed without an unacceptable impact on highway safety. The new pedestrian footway can also be secured by condition. On this basis there is no objection to the proposal on highway grounds.

## 8.8 Flood risk and drainage

8.8.1 Policy EN7 of the Rother Local Plan Core Strategy says 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. Policy CAM1 (iii) of the DaSA Local Plan requires a site-specific Flood Risk Assessment (FRA) to be undertaken which demonstrates that the development will be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall.

8.8.2 When the site was allocated for residential development it was in Flood Zone 2, which meant that it had a medium probability of flooding from rivers and the sea. However, the site is no longer in Flood Zone 2. According to the Government's Flood Map for Planning it is now in Flood Zone 1, which means it has a low probability of flooding from rivers and the sea. The FRA submitted with the application confirms this and it also confirms that the site is at low risk from surface water flooding. However, with regard to other sources of flooding, the FRA says that the site is at medium risk from groundwater flooding and this issue has been raised by the Lead Local Flood Authority (LLFA).

8.8.3 Paragraph 161 of the National Planning Policy Framework explains that to avoid flood risk to people and property, development plans should apply a sequential, risk-based approach to the location of development when taking account of all sources of flooding. This should be done by applying the Sequential Test. Paragraph 162 of the National Planning Policy Framework explains that the aim of the Sequential Test is to steer new development to areas with the lowest risk of flooding from any source. Paragraph 162 also includes an instructional policy that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

8.8.4 A Sequential Test has been submitted and this has listed other sites in a robustly defined Sequential Test Area (in this case Camber and its immediate environs), and then considered if they are of a lower flood risk and reasonably available. The Sequential Test concludes that there are no reasonably available sites within Camber and its immediate environs which are sequentially preferable to the application site for the functions and purposes of the development. As such, the Sequential Test is passed, and so this is a case where the development can be permitted, provided it can

be made safe throughout its lifetime, without increasing flood risk elsewhere. The Exception Test referred to in paragraph 163 of the National Planning Policy Framework is not applicable, as the site lies within Flood Zone 1 where it is not required.

- 8.8.5 In terms of whether the proposed development can be made safe for its lifetime, without increasing flood risk elsewhere, an appropriately designed surface drainage system would be required. In this regard, the LLFA is satisfied, in principle, that surface water runoff from the development can be managed safely. The detailed design – which will need to be informed by the findings of groundwater monitoring between autumn and spring – can be secured by condition.
- 8.8.6 In addition to the above, the FRA confirms that the elevated finished floor levels of the dwellings would mitigate any residual risk from surface water flooding. There is no objection to the provision of sleeping accommodation at ground floor level – as proposed for three of the dwellings – as the site now has a low probability of flooding from rivers and the sea.
- 8.8.7 While the site itself is at low risk from surface water flooding, the FRA confirms that Old Lydd Road to the south is at greater risk (the Government map shows it to be at high risk). This has the potential to cause difficulties in terms of access and egress in the event of surface water flooding along this route. Pedestrian access and egress would, however, still be available via Marchants Drive to the east of the site, and this has links through to the nearby Dunes Avenue and the main road through Camber.
- 8.8.8 With regard to foul water drainage, it is proposed to connect to the existing public foul sewer. Southern Water have not objected to this and would need to undertake any network reinforcement as appropriate. They have recommended a foul water drainage condition.
- 8.8.9 For the above reasons it is considered that the proposal would be acceptable in relation to flood risk and drainage.

## 8.9 Impact on habitats and biodiversity

- 8.9.1 Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the DaSA Local Plan and the National Planning Policy Framework seek to conserve and enhance habitats and biodiversity.
- 8.9.2 Policy CAM1 of the DaSA Local Plan makes specific reference to avoiding adverse impacts on the adjacent designated sites of importance for biodiversity (i.e. the Dungeness, Romney Marsh and Rye Bay SSSI, the Dungeness, Romney Marsh and Rye Bay SPA and Ramsar site, and the Dungeness SAC), as well as supporting the implementation of the Sustainable Access and Recreation Management Strategy (SARMS) as appropriate.
- 8.9.3 The application is accompanied by an Ecological Impact Assessment (EIA) – updated to support the amended housing scheme – which considers the impacts of the proposed development on statutory designated sites, habitats and protected species. The EIA's conclusion is as follows:

*“The Dungeness, Romney Marsh and Rye Bay SSSI lies eight metres south of the site, while the Dungeness, Romney Marsh and Rye Bay Ramsar Site and SPA lie 140m south of the site. The Dungeness SAC lies 1.5 kilometres south-west. The site comprises a hardstanding car park bounded by ruderal vegetation and is assessed as having low suitability for foraging and commuting bats. The site does not support habitats suitable for any other protected species.*

*Adverse impacts on designated sites and foraging and commuting bats have been identified and appropriate mitigation measures proposed. These include the implementation of a CEMP, development of a suitable drainage strategy, sensitive timings of works and working methods and the implementation of a sensitive lighting scheme for bats. Post-development, no residual or cumulative impacts are anticipated.*

*The site will be enhanced for bats through the installation of artificial roosting features within the new dwellings, and for bats and birds through new tree planting and landscaping. As such it is considered that the proposals will accord with all relevant national and local planning policy in relation to ecology including Policy EN5 of the Rother Local Plan Core Strategy, Policy CAM1 of the Development and Site Allocation Local Plan and the National Planning Policy Framework (see Section 2.0).”*

- 8.9.4 With regard to the impact of the proposed development on protected species (in this case bats), the mitigation and enhancement measures proposed in the EIA can be secured by condition.
- 8.9.5 The Sussex Newt Officer (SNO) has confirmed that the site falls within the red impact zone for great crested newts. This indicates that there is suitable habitat and a high likelihood of great crested newt presence. However, in this case the SNO is satisfied that if the development was to be approved, it would be unlikely to cause an impact on great crested newts and/or their habitats. In reaching this conclusion the SNO has had regard to the EIA which says that the habitat on site is unsuitable for great crested newt. An informative on the decision notice has been recommended if planning permission is granted.
- 8.9.6 Turning to the impact of the proposed development on the designated sites of importance for biodiversity, with the regard to the European sites (i.e. the SPA and Ramsar site and SAC), the Council, as the competent authority, has undertaken an Appropriate Assessment in accordance with section 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). The assessment concludes that with the mitigation measures proposed in the EIA (e.g. CEMP, suitable drainage strategy etc.), which can be secured by condition, the proposal would not adversely affect the integrity of these sites. The proposed mitigation measures would also protect the integrity of the SSSI.
- 8.9.7 In terms of supporting the implementation of the SARMS, the EIA proposes signage in the form of a notice board in a communal area of the site, which can also be read from the footpath or road. The notice board would make residents aware of the importance of the designated sites, as well as ways in which visitors can avoid adversely impacting the sites when visiting. The

proposed erection of a notice board is supported. Its precise location and content can be secured by condition.

8.9.8 For the above reasons it is considered that the proposal would have an acceptable impact on habitats and biodiversity.

#### 8.10 Other Matters

8.10.1 The application is accompanied by a Phase I Geo-Environmental Site Assessment, which concludes:

*“The Conceptual Site Model has identified the presence of a series of potentially active pollution linkages associated with the historical use of the site and immediately adjacent sites which are considered to have the potential to present a significant risk to identified receptors.”*

8.10.2 It goes on to recommend:

*“An intrusive site investigation should be undertaken to investigate the potential pollution linkages identified by the Conceptual Site Model and determine the potential risks posed to the identified receptors.*

*Upon return of chemical testing results a Tier 1 Risk Assessment should be undertaken to determine whether the encountered soils have the potential to present a significant risk to the identified receptors. This would then enable mitigation measures to be formulated, if required.”*

8.10.3 The Council’s Environmental Health Service has reviewed the Phase I Geo-Environmental Site Assessment and agrees with the recommendation to carry out an intrusive site investigation. This can be secured condition, together with a remediation strategy if contamination is found to be present.

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## 9.0 **PLANNING BALANCE AND CONCLUSION**

9.1 The proposal is a well-designed and sustainable residential development which will deliver 10 dwellings (with a policy compliant four affordable housing units) on an allocated housing site and will have an acceptable impact on the environment. Planning permission should be granted, subject to a legal agreement to secure the affordable housing, and subject to appropriate conditions.

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**RECOMMENDATION: GRANT (PLANNING PERMISSION) DELEGATED SUBJECT TO THE COMPLETION OF A SECTION 106 LEGAL AGREEMENT TO SECURE THE AFFORDABLE HOUSING**

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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 drawings:
  - No. 001 Rev. P02 (Site Location Plan), dated 01/06/21.
  - No. 003 Rev. P10 (Proposed Site Plan), dated 10/10/22.
  - No. 004 Rev. P04 (Proposed Plans & Elevation Unit Type A), dated 06/10/22.
  - No. 005 Rev. P04 (Proposed Plans & Elevation Unit Type B), dated 06/10/22.
  - No. 006 Rev. P04 (Proposed Plans & Elevation Unit Type C), dated 06/10/22.
  - No. 007 Rev. P04 (Proposed Plans & Elevation Unit Type D), dated 06/10/22.
  - No. 008 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22.
  - No. 009 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22.
  - No. 010 Rev. P03 (Plot 5 Proposed Elevations Unit Type B), dated 05/10/22.
  - No. 011 Rev. P03 (Plot 7 9 and 6 8 10 Proposed Elevations Unit Type C and D), dated 05/10/22.
  - No. 012 Rev. P01 (Proposed Street Elevations Merchant Drive), dated 05/10/22.
  - No. 013 Rev. P05 (Proposed Street Elevations Old Lydd Road), dated 05/10/22.
  - No. 014 Rev. P05 (Proposed Street Elevations Old Lydd Road), dated 05/10/22.
  - No. 015 Rev. P01 (Proposed Street Elevations Royal William Square), dated 05/10/22.
  - No. 016 Rev. P02 (Proposed Site Block Plan), dated 10/10/22.Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development hereby permitted shall commence until a scheme for the provision of foul water drainage works has been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the approved drainage works to serve the development have been provided.

Reason: This pre-commencement condition is required to ensure the satisfactory drainage of the site and to safeguard the environment (including the nearby designated sites of importance for biodiversity) from pollution, in accordance with Policies SRM2 (i) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.
4. No development hereby permitted shall commence until details of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be designed having regard to the following:
  - a) Surface water runoff from the proposed development should be drained to the ground via infiltration. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
  - b) The details of the proposed permeable pavement and infiltration trench should be provided as part of the detailed design. This should include cross sections and invert levels.



- c) The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- d) The detailed design of the SuDS features should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided.
- e) A maintenance and management plan for the entire drainage system should be provided and cover the following:
  - Clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
  - Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

The development shall not be occupied until evidence (including photographs) demonstrating that the surface water drainage scheme has been constructed in accordance with the approved details, has been submitted to and approved in writing by the Local Planning Authority.

Reason: This pre-commencement condition is required to ensure the satisfactory drainage of the site and to safeguard the environment (including the nearby designated sites of importance for biodiversity) from pollution, in accordance with Policies SRM2 (iii), EN5 (ii) and EN7 of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii), DEN5 and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.

- 5. No development hereby permitted shall commence until a Contaminated Land Assessment (CLA) has been submitted to and approved in writing by the Local Planning Authority. The CLA shall include the following details:
  - a) The results of a full intrusive site investigation carried out in accordance with the recommendations set out in section 7.0 of the Omnia Phase I Geo-Environmental Site Assessment (Omnia ref: A11574/1.0), dated June 2021.
  - b) If contamination is found to be present at the site, provide a remediation strategy and timetable detailing how this contamination will be dealt with. Where remediation is required, the remediation strategy shall be implemented as approved.

Reason: This pre-commencement condition is required to ensure that human health and the natural environment (including the nearby designated sites of importance for biodiversity) are not at risk from pollution, in accordance with Policies OSS3 (viii) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.

- 6. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy and timetable detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that human health and the natural environment (including the nearby designated sites of importance for biodiversity) are not at risk from pollution, in accordance with Policies OSS3 (viii) and EN5 (ii) of the Rother

Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.

7. No development hereby permitted shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out, as a minimum, the timing of the works and site-specific measures to control and monitor impacts arising in relation to construction traffic, noise and vibration, dust and air pollutants, land contamination, surface water run-off and groundwater. It shall also set out arrangements by which the developer shall maintain communication with residents and businesses in the vicinity of the site, and by which the developer shall monitor and document compliance with the measures set out in the CEMP. The construction of the development shall be carried out strictly in accordance with the approved CEMP at all times.

Reason: This pre-commencement condition is required to safeguard the amenities of neighbouring properties and the surrounding area generally, and to safeguard the integrity of the adjacent designated sites of importance for biodiversity, in accordance with Policies OSS4 (ii) and EN5 (ii) of the Rother Local Plan Core Strategy 2014 and Policies DEN4 (ii) and CAM1 (vi & vii) of the Development and Site Allocations Local Plan 2019.

8. No development hereby permitted shall commence until construction details of the new pedestrian footway around the site have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the pedestrian footway has been provided and constructed in accordance with the approved details.

Reason: This pre-commencement condition is required to ensure satisfactory pedestrian access to the dwellings and to improve pedestrian access in the surrounding area, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy CAM1 (v) of the Development and Site Allocations Local Plan 2019.

9. No development above slab level shall commence until details of the following have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be completed in accordance with the approved details:

- a) 1:10 scale drawings of proposed details including fenestration, eaves details, dormer windows, porches, and utility boxes (including the location of such boxes on the buildings).
- b) Specifications and samples of the materials to be used in the construction of all external surfaces of the buildings.
- c) The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).

Reason: To ensure a high building appearance and architectural quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy 2014.

10. No development above slab level shall commence until the following public realm and hard landscaping details have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details and prior to occupation of the first dwelling:

- a) Boundary treatments and means of enclosure (fences, railings and walls) indicating the location, design and materials of such, including to define and enclose the front gardens of the dwellings.
- b) Hard surfacing materials specification (samples/product literature) (including for road surfaces, paths, parking spaces and other areas of hardstandings).

Reason: To ensure the creation of a high quality public realm, design quality, and landscape setting, in accordance with Policy EN3 of the Rother Local Plan Core Strategy 2014.

11. No development above ground level shall commence until the following soft landscaping details have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out as approved and in accordance with the agreed timetable for implementation:
  - a) Detailed planting plans, supported by written material as necessary, setting out the mix of species, their size, number and planting densities as appropriate.
  - b) The detail of all new trees, including their species, sizes, quantity, positions and how they will be protected and maintained until successfully established in accordance with BS5837:2012 “Trees in Relation to Design, Demolition and Construction – Recommendations”.
  - c) Timetable for implementation of the soft landscaping works.
  - d) Management responsibilities and maintenance schedules for the soft landscaped areas (except privately owned domestic gardens).

Any trees or plants that, within a period of five years after planting, are removed, die or are seriously damaged shall be replaced by others of the same species, size and number as originally proposed, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the creation of a high quality public realm and landscape setting, and to enhance the biodiversity value of the site, in accordance with Policies EN3 and EN5 (ix) of the Rother Local Plan Core Strategy 2014 and Policy DEN4 (iii) of the Development and Site Allocations Local Plan 2019.

12. No development above slab level shall commence until full details of the proposed air source heat pumps – to include noise levels, maintenance instructions and proposed locations on the dwellings hereby permitted – have been submitted to and approved in writing by the Local Planning Authority. The air source heat pumps shall be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenities of neighbouring properties, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.

13. No development above slab level shall commence until details of a notice board for residents and visitors – to include design and materials of the notice board, content and location – which raises awareness of the importance of the adjacent Dungeness Complex of Natura 2000 sites – comprising the Dungeness, Romney Marsh and Rye Bay Special Protection Area and Ramsar site, and the Dungeness Special Area of Conservation – as well as ways in which visitors can avoid adversely impacting the sites when visiting, has been submitted to and approved in writing by the Local Planning Authority. The approved notice board shall be provided prior to occupation of the first dwelling and shall thereafter be retained.

Reason: To ensure the development has no adverse effect on the integrity of the adjacent Natura 2000 Sites and supports the implementation of the Sustainable Access and Recreation Management Strategy, in accordance with Policy EN5 (ii) of the Rother Local Plan Core Strategy 2014 and policies DEN4 (ii) and CAM1 (vii) of the Development and Site Allocations Local Plan 2019.

14. At the time of construction and prior to occupation of the dwellings on Plots 1 to 4 hereby permitted, the bathroom windows at first floor level within the west elevations, as indicated on approved Drawing Nos. 004 Rev. P04 (Proposed Plans & Elevation Unit Type A), dated 06/10/22, and 008 Rev. P03 (Plots 1-4 Proposed Elevations Unit Type A), dated 05/10/22, shall be glazed with obscure glass of obscurity level equivalent to scale 5 on the Pilkington Glass Scale and shall thereafter be retained in that condition.  
Reason: To safeguard the amenities of neighbouring properties, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy 2014.
15. At the time of construction and prior to occupation of the first dwelling, a single integrated bat tube shall be incorporated into the fabric of each new dwelling hereby permitted, as detailed in section 5.5.3 of the ECOSA Ecological Impact Assessment (Report ref: 22.0186.0001.F0), dated November 2022, and the bat tubes shall thereafter be retained.  
Reason: To enhance the biodiversity value of the site, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy 2014 and Policy DEN4 (iii) of the Development and Site Allocations Local Plan 2019.
16. The completed vehicular accesses shall have maximum gradients of 4% (1 in 25) from the channel line for 2m or for the whole width of the verge whichever is the greater and 11% (1 in 9) thereafter.  
Reason: To ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy 2014.
17. No dwelling hereby permitted shall be occupied until the vehicular accesses serving the development have been constructed in accordance with the approved drawings.  
Reason: To ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii) and TR3 of the Rother Local Plan Core Strategy 2014.
18. The vehicular 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 TR3 of the Rother Local Plan Core Strategy 2014.
19. No dwelling hereby permitted shall be occupied until motor vehicle parking and turning areas have been provided in accordance with the approved drawings. The motor vehicle parking and turning areas shall thereafter be kept available for the parking and turning of motor vehicles and shall not be used for any other purpose.  
Reason: To ensure there is adequate parking provision and to ensure the safety of persons and vehicles entering and leaving the accesses and

proceeding along the highway, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy 2014.

20. The motor vehicle parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).  
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the accesses and proceeding along the highway, in accordance with Policies CO6 (ii), TR3 and TR4 (i & iii) of the Rother Local Plan Core Strategy 2014.
21. No dwelling hereby permitted shall be occupied until a secure cycle store for each dwelling has been provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority and the cycle stores 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 PC1 and TR3 of the Rother Local Plan Core Strategy 2014.
22. No external lighting shall be installed until a "lighting design strategy for biodiversity" for the development hereby permitted has been submitted to and approved in writing by the Local Planning Authority. The installation of any external lighting shall thereafter only be undertaken in accordance with the approved strategy and shall be retained as such thereafter.  
Reason: To mitigate the effects of artificial lighting on bats, in accordance with Policy EN5 (ix) of the Rother Local Plan Core Strategy 2014 and Policy DEN4 (ii) of the Development and Site Allocations Local Plan 2019.
23. The dwellings hereby permitted shall not be occupied until they have 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 dwellings, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy DHG4 of the Development and Site Allocations Local Plan 2019.
24. The dwellings hereby permitted 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 dwellings hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that they have been constructed to achieve water consumption of no more than 110 litres per person per day.  
Reason: To ensure that the dwellings are 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 2014 and Policy DRM1 of the Development and Site Allocations Local Plan 2019.
25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension beyond the rear wall of the dwellings on Plots 2 to 10 hereby approved, or beyond the north wall of the dwelling on Plot 1 hereby approved, shall be constructed.

Reason: To ensure appropriate outdoor amenity space is retained for occupiers of the dwellings, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy DHG7 (i) of the Development and Site Allocations Local Plan 2019.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development permitted by Class E of Part 1 of Schedule 2 of the 2015 Order (as amended) shall be erected within the curtilage of any dwelling hereby approved.

Reason: To ensure appropriate outdoor amenity space is retained for occupiers of the dwellings, in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy 2014 and Policy DHG7 (i) of the Development and Site Allocations Local Plan 2019.

#### **NOTES:**

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. The landowner and/or developer is advised that Sussex Police have made recommendations on the proposal from a crime prevention viewpoint. Their details comments are available to view on the planning website.
3. The landowner and/or developer 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.
4. The landowner and/or developer will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of the new vehicular accesses. The Applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
5. The landowner and/or developer is advised that the provision of the new 2m wide pedestrian footway along the site's frontages with Old Lydd Road and Marchants Drive is likely to require a 'deed of dedication' in order that the footway can be constructed to an adoptable standard. The footway will require constructing in accordance with East Sussex County Council specification with all works carried out by an approved contractor under the appropriate legal agreement.
6. The development will be subject to the requirements of the Building Regulations, and advice should be sought from the East Sussex Building

Control Partnership. No work should be carried out until any necessary permission has been obtained.

7. The developer should take all relevant precautions to minimise the potential for disturbance to adjoining occupiers from noise and dust during the construction period. This should include not working outside the hours of 8am to 6pm Monday to Friday, 8am to 1pm on Saturdays, and no such work should take place on Sundays or Bank Holidays.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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<p>SITE PLAN RR/2022/2836/P</p>	<p>BEXHILL South of Barnhorn Road and west of Ashridge Court Barnhorn Road</p>
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## Rother District Council

Report to	-	Planning Committee
Date	-	16 March 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application: RR/2022/2836/P
Address	-	South of Barnhorn Road and West of Ashridge Court Care Home, Barnhorn Road, Bexhill.
Proposal	-	Proposed residential development including parking and access.

[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:** Park Lane Homes (SE) Ltd  
**Agent:** Town & Country Planning Solutions  
**Case Officer:** Asma Choudhury  
(Email: [asma.choudhury@rother.gov.uk](mailto:asma.choudhury@rother.gov.uk))

**Parish:** BEXHILL ST MARKS WARD  
**Ward Members:** Councillors S.J. Errington and K.M. Harmer

**Reason for Committee consideration:** Director – Place and Climate Change referral: This application is ‘called-in’ by Cllr Errington owing to the loss of affordable housing, as required by policy.

**Statutory 13 week date:** 1 March 2023  
**Extension of time:** No date agreed

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### 1.0 SUMMARY

- 1.1 This is a Section 73 application i.e. an Application for the Removal or Variation of a Condition following the grant of planning permission.
- 1.2 In this case, planning permission was allowed at appeal under ref: RR/2016/3206/P for a total of 29 dwellings. This application seeks to remove Condition 5 on the Inspector’s decision requiring affordable housing.
- 1.3 This application includes a viability report to demonstrate that the provision of affordable housing would render the development unviable. This has been independently reviewed on behalf of the Council.
- 1.4 Following interrogation of the Applicant’s viability report, the current economic conditions particularly the increased construction costs and the

reducing market value of the proposed dwellings, have significantly affected the schemes ability to provide affordable housing.

- 1.5 It is a material consideration that the Council cannot demonstrate a 5-year housing land supply which has worsened since the initial outline consent from 3.44 years to 2.79 years.
- 1.6 In addition, the development plan policies, National Planning Policy Framework and Planning Policy Guidance (PPG), permits exceptions where the developer can adequately demonstrate that affordable housing provision would render the scheme unviable.
- 1.7 In this case, following interrogation of the Applicant’s viability report, undertaken by Altair on behalf of the Council, it has been adequately demonstrated that the provision of affordable housing would render the development scheme unviable.
- 1.8 It is therefore recommended that the removal of Condition 5, requiring affordable housing, is approved.

1.9 **PROPOSAL DETAILS**

<b>PROVISION</b>	
No of houses	29
No of affordable houses	0
Other developer contributions 1	0
Other developer contributions 2	0
Other developer contributions 3	0
CIL (approx.)	£ 488,529.16
New Homes Bonus (approx.)	£193,836

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**2.0 SITE**

- 2.1 The site lies on the south side of the A259 Barnhorn Road, immediately to the west of Ashridge Court care home. It lies outside of, but adjacent to the development boundary, and approximately 1.4km from the Little Common district centre.
- 2.2 The rectangular site has an area of 1.5 hectares which falls away gently southwards. They Leylandii hedge along the road-side frontage was cleared in 2020.
- 2.3 There is a treed boundary to the west separating the site from a paddock associated with farmland at Upper Barnhorn Manor. To the east, is Ashridge Court Care Home separated by a simple “Sussex” fence along the boundary behind which there is a row of protected trees. To the south there are extensive open views across the Pevensy Levels to the sea.
- 2.4 To the north of this part of Barnhorn Road there are open views across the countryside. To the west, the Grade II listed Upper Barnhorn Manor and related buildings lie at a distance of approximately 55m in a rural setting clearly separate from the built-up area of Bexhill that commences east of the

application site. The isolated development known as 'Northeye' lies off the north side of Barnhorn Road approximately 200m to the north-west.

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### **3.0 PROPOSAL**

- 3.1 This is a Section 73 application i.e. an application for the removal or variation of a condition following grant of planning permission.
- 3.2 In this case, permission was allowed on appeal under ref: RR/2016/3206/P for a total of 29 dwellings, comprising a mix of detached, semi-detached and terrace houses
- 3.3 This application seeks to remove Condition 5 on the Inspector's decision requiring affordable housing.
- 3.4 This application includes a Viability Report undertaken by Turner Morum (TM) in order to demonstrate that the provision of affordable housing would render the development unviable.
- 3.5 It is worth noting, there is a separate application, ref: RR/2022/2915/P (running parallel with this application) which is a collectively resubmission of the 2016 outline and reserved matter applications but with one exception which is to remove the affordable housing requirement.
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### **4.0 HISTORY**

- 4.1 RR/2016/3206/P Outline: Proposed residential development including parking and access.  
REFUSED 22/06/17 APPEAL ALLOWED 23/11/18
- 4.2 RR/2020/840/DC Outline: Submission of details required by condition 10 imposed on RR/2016/3206/P. WCS approved only.  
CONDITION PARTIALLY DISCHARGED 10/07/20
- 4.3 RR/2020/1410/P Reserved matters relating to residential development for 29 dwellings (outline permission RR/2016/3206/P), appearance, landscaping, layout and scale as well as the discharge of planning conditions 7 (Construction Method Statement), 8 (tree protection measures), 9 (foul and surface water drainage), 11 (translocation protected species), 12 (boundary treatment), 13 (Residential Travel Plan) and 14 (Electric Vehicle Charging Infrastructure). APPROVED 18/03/21
- 4.4 RR/2021/1523/DC Submission of details required by condition 10 (programme of archaeological work).  
PARTIAL DISCHARGE 20/12/21
- 4.5 RR/2022/2837/P Variation of condition 10 imposed on RR/2016/3206/P to enable the development to be commenced out in

- 4.6 RR/2022/2915/P Proposed residential development including parking and access. UNDER CONSIDERATION.
- 

## 5.0 RELEVANT POLICIES

### 5.1 Rother Local Plan Core Strategy 2014:

- 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 Rother District Council Local Plan Viability Assessment in October 2018 (RDCLPVA).

### 5.4 National Planning Policy Framework 2021.

### 5.5 Planning Policy Guidance: VIABILITY (PPG:Viability)

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## 6.0 CONSULTATIONS

- 6.1 Bexhill Town Council – **OBJECTION:** *The town council objects to the removal of Condition 5.*

- 6.2 Planning Notice – OBJECTIONS from 7x households (10 responses in total):
- Strong objections concerning the lack of affordable housing provisions and the adequacy of the Applicant’s viability report.
  - Condition 5 should not be removed.
  - Affordable housing is essential, required by the inspector and should be provided.
  - Whether the development should proceed if it is not profitable at all.
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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 £488,529.16.
- 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 £193,836 over four years.
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## 8.0 APPRAISAL

### 8.1 Principle

- 8.1.1 The principle of this development proposal has been established by the outline and reserved matters approvals (RR/2016/3206/P & RR/2020/1410/P), which were permitted within the current development plan period.
- 8.1.2 As stipulated in the Inspector’s decision, Condition 5 requires the provision of affordable housing, required at the time by Rother Local Plan Core Strategy Policy LHN2 (which remains extant) and reiterated in recent DaSA Policy DHG1 (both for Affordable Housing). These policies set out the following:

*On housing sites or mixed use developments, the Council will expect the following percentages of affordable housing within the district:*

- (i) *In Bexhill and Hastings Fringes, 30% on-site affordable housing on schemes of 15 or more dwellings (or 0.5 hectares or more);*

.....

*Where it can be demonstrated that these requirements would either render otherwise suitable development unviable, or where the local need for affordable housing would no longer justify the above levels, the Council will respectively expect the proportion of affordable housing to be the most that does not undermine viability or is needed locally.*

- 8.1.3 It is also pertinent that the outline permission was allowed at appeal and the Inspector (amongst other considerations) attached significant weight to the Council’s shortfall in delivering a 5-year Housing Land Supply (5YHLS),

which was 3.44 years at the time. At this current time, the Council's deliverability of the 5YHLS has fallen quite significantly to 2.79 years.

8.1.4 This is pertinent as National Planning Policy Framework Para 11 (and footnote 8) 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 i.e. in this case, where the viability of the development cannot be adequately demonstrated, the Council's 5YHLS must be given significant weight in assessing the planning balance. National Planning Policy Framework Para 11 states the following:

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*

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

Footnote 8 to Para 11 states: *This includes, for applications involving the provision of housing, situations where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites....*

8.1.5 Therefore, Policies LHN2 and DHG1 may be considered out of date for decision making purposes and planning permission must be granted unless it conflicts with Paras 11di and 11dii.

8.1.6 In terms of 11.di, footnote 7 specifies Areas of Outstanding Natural Beauty (AONB) and irreplaceable habitats such as ancient woodland, as areas/assets protected by National Planning Policy Framework policies. In this case, the site is not located in the AONB nor within a sensitive landscape designation. There is therefore no conflict with Para 11di.

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. The principle of the development i.e. the physical works: the number of dwellings, layout etc. has been established within the same (current) development plan period and therefore requires no further consideration in this regard. The material consideration here is the removal of the condition requiring affordable housing provision. As such, taking the National Planning Policy Framework as a whole, regard is had to paragraphs 34 and 63 as follows:

*Para 34: Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital*

*infrastructure). Such policies should not undermine the deliverability of the plan.*

*Para 63: Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:*

- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and*
- b) the agreed approach contributes to the objective of creating mixed and balanced communities*

8.1.8 However, the same policies permit exceptions where it can be adequately demonstrated that the development would be unviable if affordable housing is provided. To that end, the Applicant has provided a viability assessment (undertaken by Turner Morum (TM)) in order to demonstrate that the provision of affordable housing would render the development financially unviable.

8.1.9 As per National Planning Policy Framework paragraph 58 (concerning decision making), the onus remains with the developer to demonstrate this:

*Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the Applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.*

8.1.10 Furthermore, the PPG provides additional guidance in line with the National Planning Policy Framework. The following paragraphs from the PPG are considered relevant for when considering viability assessments:

Paragraph: 010 Reference ID: 10-010-20180724

*Viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it. This includes looking at the key elements of gross development value, costs, land value, landowner premium, and developer return.*

Paragraph: 007 Reference ID: 10-007-20190509

*Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the Applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage.*

*Such circumstances could include .....where a recession or similar significant economic changes have occurred since the plan was brought into force.*

8.1.11 Overall, having regard to the policy context, the main issue is whether the site is viable to include affordable housing provision.

## **8.2 Viability**



- 8.2.1 The main issue is that the proposal does not provide affordable housing on site, as required by the Rother Local Plan Core Strategy Policy LHN2 and DaSA Policy DHG1.
- 8.2.2 The purpose of a viability assessment is to determine the level of affordable housing which can be reasonably and viably provided by a proposed development in accordance with policy and guidance. This takes into account the existing and benchmark land value; total build costs (materials, abnormal costs, professional fees, finance costs, CIL and developers profit); the gross development value (residential sales, rents etc.) and the residual land value (derived from subtracting the total cost value from the gross development value). The values generated from these costs determine the surplus/deficit value, which in turn determines the viability of the site.
- 8.2.3 The Applicant's consultant appraisal concludes:
- The provision of 30% affordable housing would render the development unviable, resulting in a deficit of £1.238m and
  - The provision of 100% market housing would also render the development unviable, albeit at a lower deficit of £610,000.
- 8.2.4 The Council's advisor, in their appraisal of TM's report, initially concluded that the scheme cannot viably provide affordable housing on site but that a contribution of £76,790 could be made.
- 8.2.5 The Applicant's consultant responded, challenging the Council's consultant appraisal, specifically concerning the following that are considered in more details in the sections below:
- Market revenues
  - Contingency allowance
  - Developer profit allowance for the market housing.
- 8.2.6 Market revenues: The Applicant's consultant disagrees with Council's advisor's assessment of the market revenues (being higher) stating that market revenues will have reduced further (since the initial report undertaken in November 2022) and according to '*Savills January 2023 UK Housing Market Update citing house prices falling for the fourth consecutive month. I believe this is reaffirmed by the UK House Price Index (locationally adjusted for Rother District Council) showing a 1.2% drop between October 2022 and December 2022 (the latest available figures)*'.
- 8.2.7 Whilst the Council's advisor does not dispute the Applicant's data, they do not accept the way in which the data was applied. The data used to assume the value of the proposed dwellings does not reflect comparable evidence i.e. the condition and age of the dwellings, and whether they have drives, garages and larger gardens in comparison.
- 8.2.8 Contingency allowance: The Council's advisor's contingency figure is 4%, which derives from Rother District Council Local Plan Viability Assessment in October 2018. However, the Applicant consultant's contingency figure is 5% to reflect the current economic conditions i.e. constructions costs etc. The Council's advisor does not dispute this.
- 8.2.9 Developers profit allowance: The Council's advisor considers that the developers profit figure would be 17.5% which also derives from Rother

District Council Local Plan Viability Assessment. The Applicant has assumed a figure of 20%, stating: *I remain firmly of the view that a 20% of market housing GDV remains entirely appropriate, again having regards to current economic conditions at the time of the submission, which have worsened since.*

8.2.10 In respect of developers' profit, PPG: Viability states the following:

*For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. Plan makers may choose to apply alternative figures where there is evidence to support this according to the type, scale and risk profile of planned development.*

8.2.11 The Applicant's consultant also refers to a recent appeal decision at Effingham (APP/Y3615/W/22/3298341 & 3298390) where the Inspector states the following:

*Given the fairly difficult and comparatively uncertain economic circumstances for the construction sector at present and regardless of what profit margin the appellant has worked to in the past, it is reasonable to assume developer risk is greater now than at other more economically stable times. Consequently, notwithstanding the evidence regarding house prices and demand for housing in the area, and in respect to programming and sales revenue, a profit target to the higher end of the range, up to 20% of gross development value, is reasonable.*

8.2.12 Whilst the Effingham case is materially different (providing a greater number of dwelling units and community facilities), the current economic conditions and subsequent impact to the developers' risk is recognised as a material consideration. It should be noted that the PPG: Viability advises that a recession or similar significant economic change may affect viability.

8.2.13 The Council's advisor therefore does not dispute the developer's assumption of profit.

8.2.14 Overall, notwithstanding the disagreement with the Applicant's consultant's assumption of the scheme's market value, it is considered that the current economic conditions together with the increased construction costs and the reducing market value of the proposed dwellings, have significantly affected the scheme's ability to provide affordable housing.

8.2.15 To conclude, following interrogation of the Applicant's viability report, undertaken by Altair on behalf of the Council, it has been adequately demonstrated that the provision of affordable housing would render the development scheme unviable.

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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 are unable to demonstrate a 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. Accordingly, granting permission should be granted 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 National Planning Policy Framework taken as a whole.
- 9.3 Whilst affordable housing would be ideal, the development plan policies, National Planning Policy Framework and PPG, permits exceptions where the developer can adequately demonstrate that affordable housing provision would render the scheme unviable. The Applicant has demonstrated that in this instance, including the current economic conditions, the provision of affordable housing would put the implementation of the whole scheme at jeopardy.
- 9.4 It is regrettable that affordable housing cannot be provided but refusing this application on the basis of no affordable housing provision would not improve the Council's housing land supply situation (which includes this site). It is important to note that the situation has worsened since the initial outline consent from 3.44 years to 2.79 years.
- 9.5 Therefore, on balance, taking account of the above assessment, the lack of affordable housing provision 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. Condition 5 should therefore be removed from the outline consent.

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**RECOMMENDATION: GRANT FULL PLANNING PERMISSION SUBJECT TO CONDITIONS**

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**CONDITIONS:**

**The following conditions remain extant:**

3. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved. Reason: In accordance with section 92 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
13. No part of the development hereby approved shall be occupied until the Residential Travel Plan prepared by RGP dated November 2016, reference PKLG/16/3286/TP02, submitted with the application, has been brought into

effect and retained thereafter together with a scheme for providing the Travel Plan Coordinator with funding in accordance with paragraph 5.1.3 of the Residential Travel Plan.

Reason: To encourage and promote sustainable transport.

4. The access to the development hereby permitted shall be carried out in accordance with the following approved plans: Location plan 4377/LP dated November 2016 and Extent of Proposed Access plan 2016/3286/010 dated October 2018.

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID:21a-022-20140306.

6. No other development shall take place until the highway improvements comprising the site access, visibility splays and right turn lane as shown in approved RGP Drawing No. 2016/3286/010 dated October 2018 have first been provided for construction traffic use and no part of the development shall be occupied for its permitted use until all other highway improvements shown on the approved drawing including the footway extension and uncontrolled pedestrian crossing have been completed and made available for public use. The access shall be retained available for use thereafter.

Reason: To ensure the free flow and safety of traffic.

**The details submitted in respect of Conditions, 9, (submitted under the associated Reserved Matter application RR/2020/1410/P) has been partially approved with the exception of the management and maintenance section. Therefore, Condition 9 is varied as follows:**

9. No dwelling shall be occupied until the drainage works approved under reference RR/2020/14/10/P have been completed and made operational and details of the maintenance of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The drainage works shall be retained operational thereafter.

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

**Condition 10 (varied under RR/2022/2837/P) is partially discharged (under RR/2021/1523/DC) and therefore, also remains extant. The (varied) Condition 10 is as follows:**

10. No development, other than the formation of the approved access, shall take place until the implementation of a programme of archaeological works has been secured in accordance with the Written Scheme of Investigation for an Archaeological Strip Map and Sample Excavation by Chris Butler Archaeological Services Ltd dated August 2021. Prior to beginning any works associated with creating the access, the temporary fencing indicated on the submitted plan (ref: PLG/ARCH/01, received 02/02/2023) shall be erected and retained in place until the completion of the archaeological works.

Reason: To ensure that the archaeological and historic interest of the site below ground is safeguarded to comply with National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.

**The details submitted in respect of Conditions 7, 8, 11, 12 & 14 (below) (submitted and approved under the associated Reserved Matter application- RR/2020/1410/P) has been approved. It remains for the Applicant/developers to implement the development in accordance with the approved details, then the full terms of these conditions can be discharged:**

1. Details of the access within the site, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
7. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - viii) delivery, demolition and construction working hours; and
  - ix) the mitigation measures to protect the integrity of the Pevensey Levels SAC during construction specified in paragraph 5.2.1 of the Report to Inform a Habitats Regulations Assessment (including Appropriate Assessment) by Aspect Ecology reference 5524 HRA vf/DM/LB dated 29 October 2018.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

8. No site clearance, preparatory work or development shall take place until a scheme for the protection of trees to be retained on or overhanging the site (the tree protection plan) and the appropriate working methods in relation to those trees (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any protected area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.
11. No development shall take place (including any ground works and site clearance) until the translocation of protected reptiles to a receptor area identified in the layout to be submitted and approved as a reserved matter has

taken place in accordance with the measures set out in section 3 of the Ecological Mitigation Statement by Camber Ecology dated April 2018 submitted with the appeal.

12. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, height, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details. No dwelling shall be occupied until its boundary treatment has been completed.
14. No dwelling shall be occupied until details of a scheme of electric vehicle charging infrastructure has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details

## NOTES

1. The Applicants' attention is drawn to the associated reserved matter consent RR/2020/14/10/P and the attached conditions.
2. 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.
3. 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.
4. This permission may include condition(s) requiring the submission of details prior to the commencement of development. Following close consideration in the courts, it is now well established that if the permission contains conditions requiring further details to be submitted to the Council or other matters to take place prior to development commencing and these conditions have not been complied with, the development may be unlawful and not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced. A fee is payable for written requests for compliance with conditions; the current fee is £34.00 for each request for householder developments and £116.00 for each request for all other categories of development. The appropriate 1APP

form can be downloaded from the Council's Planning website  
[www.rother.gov.uk/planning](http://www.rother.gov.uk/planning).

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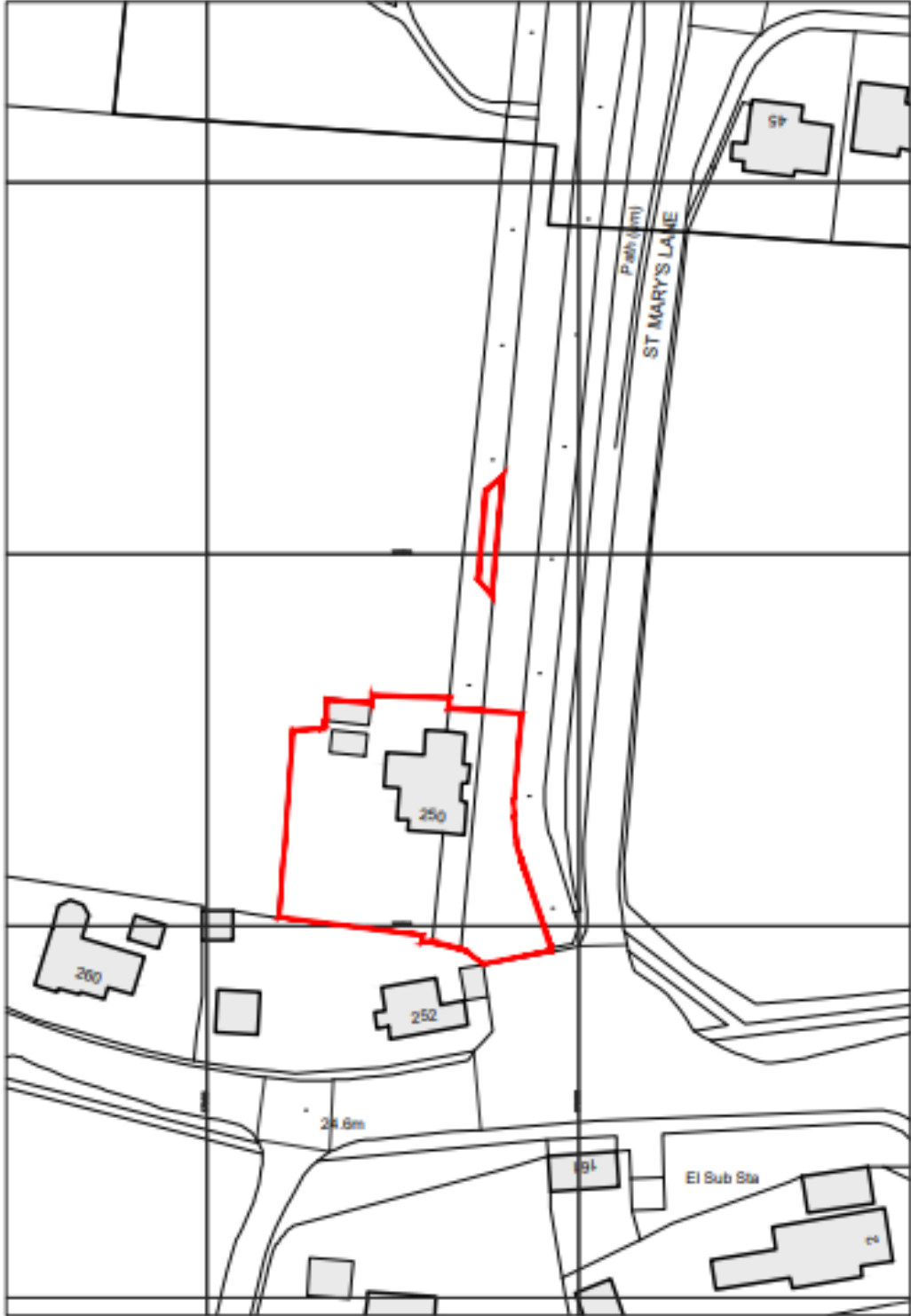


SITE PLAN

BEXHILL

RR/2022/1233/P

Cemetery Lodge,  
250 Turkey Road



## Rother District Council

Report to	-	Planning Committee
Date	-	16 March 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/1233/P
Address	-	250 Turkey Road, Cemetery Lodge, Bexhill, TN39 5HT
Proposal	-	Conversion and extension to the existing building to provide 6 No. flats with associated car parking and landscaping.

[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:** Bexhill Community Land Trust  
**Agent:** MH Architects Limited  
**Case Officer:** Mr Sam Koper  
(Email: [sam.koper@rother.gov.uk](mailto:sam.koper@rother.gov.uk))

**Parish:** BEXHILL ST STEPHENS  
**Ward Members:** Councillors A.K. Jeeawon and R.B. Thomas

**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:** 6 July 2022  
**Extension of time agreed to:** 24 March 2023

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

- 1.1 The proposal is for the conversion and extension of the existing building to provide No. 6 flats for affordable rent. The main issues for consideration are; the principle of development, impact on character and appearance, as well as the non-designated heritage asset, impact on the amenity of neighbouring dwellings, living conditions for future occupiers, highways and parking, affordable housing provision and biodiversity and ecology. These issues and have considered and the proposal is considered to be in line with adopted planning policies. The application is recommended for approval.

## 1.2 PROPOSAL DETAILS

<b>PROVISION</b>	
No of houses	6
No of affordable houses	6
CIL (approx.)	£16,240
New Homes Bonus (approx.)	£48,504

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## 2.0 SITE

- 2.1 The site is a square parcel of land roughly 0.07 hectares in size and is located to the north of Turkey Road and south of the Bexhill Cemetery. The site contains the Cemetery Lodge building which is currently vacant. The site is located within the development boundary for Bexhill. The site is located directly adjacent to allocated land under Policy BEX6 of the Development and Site Allocations Local Plan (DaSA), however, does not part of this allocation.
- 2.2 The existing building is located towards the northern end of the site and set back from the Main Road. It is currently accessed via St Marys Lane to the east with a pedestrian access is located at the front gate directly off Turkey Road.
- 2.3 The existing building is not listed, however, is considered to be a non-designated heritage asset and as such the application is accompanied with a Heritage Statement. The existing building is a two storey Edwardian Lodge, set behind the prominent entrance gate and pillars and surrounded by mature trees and vegetation.

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## 3.0 PROPOSAL

- 3.1 Permission is sought for the conversion and extension of the existing lodge building to provide 6 No. flats. The main lodge building would be retained, with some of the later added single storey extensions being demolished. The proposed extension would be located to the western side of the lodge and run down to the south. Three residential units are proposed on the ground floor and three on the first floor. All six of the proposed residential units are proposed to be for affordable rent.
- 3.2 The extension would sit at a slightly lower level than the main lodge and comprise two wings of a similar shape and footprint. The proposed materials would be Bexhill red stock brickwork of a slightly paler shade than the existing lodge, also with an expressed header detail at first floor level, a brown zinc cladded roof, aluminium windows and metal guttering.
- 3.3 The site frontage as well as the entrance road leading from the north will be used to provide 9 No. car parking spaces and a formal bin enclosure near the front gate. There is also a proposed cycle storage area to the north of the site.
- 3.4 Accompanying the application is a Heritage Statement, a Tree Survey and Arboricultural Report, a Drainage Plan and Report and a Preliminary

Ecological Appraisal Report. Following discussions with the agents, amended floor plans and elevations have also been submitted.

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#### **4.0 HISTORY**

- 4.1 RR/2007/3104/P Change of use of part of premises to temporary costume store. APPROVED CONDITIONAL
- 4.2 RR/2006/2044/P Change of use of maisonette area of building to office accommodation. APPROVED CONDITIONAL
- 4.3 B/67/441 Office Extension. APPROVED
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#### **5.0 POLICIES**

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

- PC1: Presumption in Favour of Sustainable Development
- OSS1: Overall Spatial Development Strategy
- OSS2: Use of Development Boundaries
- OSS3: Location of Development
- OSS4: General Development Considerations
- BX1: Overall Strategy for Bexhill
- BX3: Development Strategy
- SRM1: Towards a Low Carbon Future
- SRM2: Water Supply and Wastewater Management
- CO6: Community Safety
- LHN1: Achieving Mixed and Balanced Communities
- LHN2 Affordable Housing
- 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:

- DRM1: Water Efficiency
- DHG1: Affordable Housing
- DHG3: Residential Internal Space Standards
- DHG4: Accessible and Adaptable Homes
- DHG7: External Residential Areas
- DHG11: Boundary Treatments
- DHG12: Access and Drives
- DEN1: Maintaining Landscape Character
- DEN4: Biodiversity and Green Space
- DEN5: Sustainable Drainage

- 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 East Sussex County Council Highways – **NO OBJECTION**

6.1.1 This planning application is for the conversion and extension to the existing building to provide 6 No. flats with associated car parking and landscaping. I have no major concerns regarding the proposed development and do not wish to object; however, I recommend that any grant of consent is subject to appropriate highway conditions.

### 6.2 Rother District Council Waste & Recycling – **NO OBJECTION**

6.2.2 There are no issues here, the bin store appears to be in a suitable location and visible from the road.

### 6.3 County Ecologist – **NO OBJECTION**

6.3.1 *'Provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective. Conditions are recommended for Biodiversity Method Statements for the protection of retained habitats and protected species, an Ecological Design Strategy setting out details of mitigation, compensation and enhancement measures, and a Landscape and Ecological Management Plan to ensure the long-term management of semi-natural habitats for biodiversity.'*

### 6.4 RDC Housing Enabling & Development Officer – **NO OBJECTION**

6.4.1 Housing Development is fully supportive of the proposed scheme.

### 6.5 Bexhill Heritage – **NO OBJECTION**

6.5.1 *'Bexhill Heritage is delighted to see this scheme moving forward and looks to a final conclusion in the near future. The importance of the excellent refurbishment scheme, which we have long advocated, cannot be overestimated and the carefully designed extension will not dominate. We have a slight query over the projecting header detail. Is there not a risk that debris, perhaps from adjacent trees could cause damage through staining, deterioration, unwanted growth? With regard to the nearby gates and pillars, though not within the control of the Applicant, we regard them a crucial as part of the history and setting of the Lodge. We ask that the Council ensure their repair and subsequent maintenance.'*

### 6.6 Planning Notice

6.6.1 22 letters of objection have been received. The concerns raised are summarised as follows:

- negatively impact the setting of the cemetery;

- cause disturbance to those visiting the cemetery;
- further strain caused on local services;
- access does not have suitable visibility;
- area is not suitable for you families to live;
- insufficient parking on site;
- style of new extension is not in keeping with the existing building;
- impact on local landscape and habitats; and
- construction phase would cause disturbance to the area.

6.6.2 10 letters of support have been received. The points raised are summarised as follows:

- removal of existing extension would improve the existing building;
- extension would not be intrusive;
- affordable housing provision is needed;
- makes good use of a currently vacant building;
- good standard of living and amenity;
- would not result in any overlooking;
- impacts on trees and ecology can be mitigated; and
- existing houses are sited closer to the cemetery than the proposed.

6.7 Bexhill-on-Sea Town Council – **NO RESPONSE RECEIVED**

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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, but the development could generate approximately £16,240. However, as the proposed development would provide unit for affordable rent, there is a potential extension from CIL subject to the affordable housing meeting the relief criteria set out in Regulation 49 of the Community Infrastructure Levy Regulations 2010.

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 £48,504 over four years.

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## **8.0 APPRAISAL**

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

- Principle of development
- Impact on character and appearance of locality and non-designated heritage asset
- Impact on neighbouring properties
- Living conditions for future occupiers
- Highways and parking
- Affordable housing and housing mix
- Biodiversity and ecology

8.2 Principle of development

- 8.2.1 Policy DIM2 of the DaSA following Rother Local Plan Core Strategy Policy OSS2 requires new development to be focused within defined settlement boundaries. The development boundary reflects the more built-up areas of the village. As the site lies within the development boundary for Bexhill, residential development is supported in principle, subject to the below considerations.
- 8.3 Character and appearance / non-designated heritage asset
- 8.3.1 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.
- 8.3.2 Policy EN2 (iii) of the Rother Local Plan Core Strategy states development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected, will be required to preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies.
- 8.3.3 Policy EN3 of the Rother Local Plan Core Strategy states new development should contribute positively to the character of the site and surroundings and demonstrate robust design solutions tested against key design principles.
- 8.3.4 Policy DEN1 of the DaSA states that the siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located.
- 8.3.5 The application site is set back from the main road and features mature trees and vegetation along its boundaries. The site is also partially set behind the dwelling at No. 252 Turkey Road, and as such, is not in prominent view from the street. The proposed extension of the lodge would be located on the western side of the main building and would be set on a lower ground level with a lower maximum ridge height.
- 8.3.6 Representations have expressed concern at the landscape impact. However, the proposed development would not be readily apparent when viewing from the street and would not result in any harm to the character and appearance of the locality.
- 8.3.7 The submitted Heritage Statement provides a strong and detailed explanation and appraisal of the heritage significance of the existing Edwardian Lodge and the wider cemetery site.
- 8.3.8 The retention and incorporation of the Edwardian Lodge in the scheme is welcomed (which is considered to be a non-designated heritage asset, due to its historic functional relationship with the cemetery). In this regard, the proposal accords with Policy EN2 of the Rother Local Plan Core strategy, with regard to the preservation of heritage assets.
- 8.3.9 The removal of mid/late twentieth century single storey additions to the Lodge are considered to enhance the overall appearance of the Lodge, and will better reveal the significance of the building, as well as improving its aesthetic.

- 8.3.10 The additional accommodation is proposed to be provided by way of a new two storey 'wing' running north/south, in a contemporary architectural style. Representations received on this application have expressed concern at the design of the proposed extension. However, it would sit slightly subservient to the existing building in terms of ridge and eaves height, this new wing has been well envisaged to reflect and respect the scale, proportions and articulation of the existing Edwardian lodge in terms of building width and modulation, addition of gable projections, and contemporary architectural brick detailing. The materials palette has been developed to support this architectural language, and is generally successful following a minor change from yellow stock brick to Bexhill red.
- 8.3.11 The existing stone gate piers and gates to the southern end of the site are not proposed to be removed or altered. These are considered to positively contribute to the overall character of the site and the non-designated heritage asset, and a condition would also be imposed requiring their retention.
- 8.3.12 The location of the additional development is also not considered to prejudice the potential future development of DaSA allocated site BEX6 to the north west of the site.
- 8.3.13 There have been several objections commenting on the impacts of the proposal on the setting of the Bexhill Cemetery. Although the site is located at the southern entrance the cemetery yard, the development site would be located over 100m away from the burial grounds and headstones, separated by dense trees and vegetation.
- 8.3.14 Representations received have expressed concern at the noise and disturbance to the cemetery. The dwellings located to the east of St Mary's Lane are located significantly closer to the cemetery than the application site with their gardens facing west towards the grounds. Given the distance of the proposed development from the cemetery, it is not considered that it would result in any harm to its setting or cause any disturbance to those visiting.
- 8.4 Impact on neighbouring properties
- 8.4.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that new development should not unreasonably harm the amenities of adjoining properties.
- 8.4.2 The main neighbour for consideration in this application is the No. 252 Turkey Road, located directly south of the application site.
- 8.4.3 The proposed extension to the lodge would be located closer to the southern boundary than the existing building. Given the scale of the proposed extension and distance from the boundary and neighbouring dwelling, it is not considered that there would be any harm caused with regards to massing or overshadowing/loss of light.
- 8.4.4 The southern elevation of the extension would be two storey, however would not contain any windows at first floor level. Therefore, it is not considered that the proposal would result in any increased overlooking.



## 8.5 Living conditions for future occupiers

- 8.5.1 Policy OSS4 (i) of the Rother Local Plan Core Strategy states that all development should meet the needs of future occupiers, including providing appropriate amenities.
- 8.5.2 Policies DHG3 and DHG7 of the DaSA outlines the internal and external space standards that new dwellings should adhere to in order to provide high quality living accommodation.
- 8.5.3 Paragraph 130 of the National Planning Policy Framework states planning policies and decisions should ensure that development create places with a high standard of amenity for existing and future users
- 8.5.4 All six of the proposed units would meet and exceed the internal space standards as set out within the nationally described space standards, which Policy DHG3 adopts.
- 8.5.5 Two of the proposed units on the new wings would benefit from private enclosed gardens to the west, and two of the new units at first floor level would benefit from terraces. The two units within the existing lodge building would not have any external amenity space. This is acceptable considering the limited available space within the site, the communal front garden, as well as the sustainable location of the development.

## 8.6 Highways and parking

- 8.6.1 Policies TR3 and CO6 (ii) of the Rother Local Plan Core Strategy seek to ensure adequate and safe access arrangements and avoid prejudice to road and/or pedestrian safety.
- 8.6.2 Policy TR4 (i) of the Rother Local Plan Core Strategy requires the residual needs of the development for off-street car parking to be met having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.
- 8.6.3 Representations received have commented that there would be insufficient on-site parking. The East Sussex County Council Highways Authority have been consulted on this application and have given the following comments;
- 8.6.4 *'Vehicular access to the site is to be via the 'new' access onto St Marys Lane as approved under planning application ref: RR/2018/2801/P. The existing access onto Turkey Road is required to be permanently closed off to vehicles under the 2018 planning consent, however, it will continue to be used by pedestrian and cyclists. I have no major concerns regarding the 6 new flats being served via the access onto St Marys Lane.*
- 8.6.5 *The proposed flats will be served by eight car parking spaces, and this is acceptable; however, the road layout in the vicinity of the main building is fairly restrictive and as a result residents may have difficulty turning and manoeuvring a larger car into some of the parking spaces. This is less than ideal from a convenience perspective but turning is likely to be achievable*

*and there is no risk of the layout causing drivers to reverse out onto the highway.*

- 8.6.6 *It should be noted that car parking spaces require minimum dimensions of 5.0m x 2.5m (A minimum additional 0.5m will need to be added to either or both dimensions where the space is adjacent to a wall(s) or fence(s).*
- 8.6.7 *Electric Vehicle Provision – East Sussex County Council encourage developers to include charging facilities for electric vehicles to enable future residents of the site to activate such charging points at a time convenient to them.*
- 8.6.8 *Safe, secure and covered cycle parking facilities are required. The level of cycle parking will need to meet the requirements of the East Sussex County Council standards which are 1 space per unit for one and two-bedroom dwellings or if communal storage is provided, then 0.5 spaces is required per unit.*
- 8.6.9 *It is noted that refuse storage is to be provided near to the pedestrian access onto Turkey Road and this will allow roadside collection, which is presumably the case for the neighbouring dwelling.*
- 8.6.10 *Overall, I have no major concerns regarding the development proposal and do not wish to object; however, I recommend that any consent is subject to imposition of conditions.'*
- 8.6.11 Considering the comments above, the development would not result in any highway safety impacts and would provide an adequate level of car parking and cycle storage secured by conditions.

## 8.7 Affordable housing and housing mix

- 8.7.1 Policy LHN1 of the Rother Local Plan Core Strategy states that in order to support mixed, balanced and sustainable communities, housing developments should in relation to affordable housing, contribute to an overall balance of 65% social/affordable rented and 35% intermediate affordable housing and (vi) Ensure that affordable housing is integrated with market housing, where practical. Also, it states that developments should be of a size, type and mix which will reflect both current and projected housing needs within the district and locally and specifically in Bexhill, contribute to increased provision of family dwellings, unless site circumstances make this inappropriate.
- 8.7.2 Policy LHN2 of the Rother Local Plan Core Strategy and DHG1 of the DaSA states that on housing sites, the Council will require affordable housing provision. In Bexhill, 30% on-site affordable housing on schemes of 15 or more dwellings (or 0.5 hectares or more) should be provided.
- 8.7.3 The proposal makes use of the non-designated heritage asset that is the Cemetery Lodge itself as the focal point of the scheme. The conversion of the lodge and its supplementation with a new build extension allows this small scheme to deliver six 2-bedroom units. The development area of the site is 0.07ha given a development density of some 85 dwellings per hectare. It is considered that this constitutes an efficient use of space.

- 8.7.4 The proposed development would not trigger the requirements of policies LHN2 or DHG1 to provide affordable housing. Nevertheless, the application proposes the provision of six residential units all of which are to be made available for affordable rent.
- 8.7.5 The Applicant is Bexhill Community Land Trust. Community Land Trusts are democratic, non-profit organisations that own and develop land for the benefit of the community. They typically provide affordable homes, community gardens, civic buildings, pubs, shops, shared workspace, energy schemes and conservation landscapes.
- 8.7.6 The Applicant is a Community Benefit Society registered with the Financial Conduct Authority as a Community Benefit Society pursuant to the Co-Operative and Community Benefit Societies Act 2014. The trust is formed for the benefit of the community with the express purpose of furthering the social, economic and environmental interests of the community.
- 8.7.7 Given the Applicant's constitution, it is considered that a section 106 agreement or planning conditions are not necessary or reasonable to secure the proposed use for affordable rent.
- 8.7.8 Currently there are over 250 two-bedroom need households with a local connection specifically to Bexhill on the Council's housing register. It is the intention of Bexhill Community Land Trust that the units are let to local households in housing need. The six units proposed here represent a small but significant opportunity to tackle specific housing need in Bexhill.
- 8.7.9 Overall, the proposed development would provide much needed houses for affordable rent through the conversion and extension of an existing building, as well as delivering a scheme at an efficient density and would also fulfil a localised need for 2-bedroom units within Bexhill.
- 8.8 Biodiversity and ecology
- 8.8.1 Policies EN5 (viii) of the Rother Local Plan Core Strategy and DEN4 of the DaSA outline how development proposal should greenspace, biodiversity and habitats and species should be protected.
- 8.8.2 The application has been accompanied by a tree survey, arboricultural report, and a preliminary ecological assessment.
- 8.8.3 The proposed development would result in the loss of nine trees within the application site; one of which being due to poor health, the rest due to the location of the proposed extension.
- 8.8.4 The large Oak tree to the southern end of the site, near the entrance gates, which is also subject to a Tree Preservation Order (TPO) is proposed to be retained.
- 8.8.5 The Pine trees located to the north of the site, along the access to the cemetery are also not proposed to be removed, nor will they be affected by the proposed development proposal.

- 8.8.6 The landscape buffer and retained tree belt as outlined within the allocated site under Policy BEX6 of the DaSA would also not be affected or removed as part of the development.
- 8.8.7 The trees proposed to be removed are predominantly set deep within the site and are not subject to preservation orders. Their removal is not considered to have a detrimental impact on the landscape character of the locality.
- 8.8.8 The accompanying Arboricultural Report outlined protection measures to be followed during the demolition and construction phases, which is considered to be acceptable and will be enforced by a condition.
- 8.8.9 The application has been accompanied by a Preliminary Ecological Appraisal (PEA). A PEA is required to set out the ecological features present or potentially present within the site and the surrounding area, as well as offered recommendations or the protection of any identified habitats and mitigation measures during the development.
- 8.8.10 The County Ecologist has been consulted on this application, and has given detailed comments in response to the PEA and proposed mitigation measures as follows:
- 8.8.11 *'The proposed development site is not designated for its nature conservation interest. An area of ancient woodland lies c. 15m east, with connectivity to the site via hedgerows and tree canopies. Measures should be put in place to prevent harm to the ancient woodland and to maintain connectivity. These measures should be included in Biodiversity Method Statement (BMS) required by condition.*
- 8.8.12 *Habitats on site include scattered trees and a tree-line along the majority of the northern boundary, tall ruderal vegetation and scattered scrub mosaic, ephemeral/short perennial vegetation, introduced shrub, and buildings, bare ground and hard standing. The proposed development will result in the loss of the majority of vegetation on site, with the exception of the tree line along the northern boundary and a mature oak on the southern boundary. These features should be retained and protected in accordance with BS5837:2012. It is also recommended that the northern boundary is enhanced through additional native tree/scrub planting. The proposed landscaping set out in the PEA is considered sufficient to compensate for the loss of habitats on site.*

Badgers:

- 8.8.13 *Badgers are protected under the Protection of Badgers Act 1992. Under the Act, it is an offence inter alia to: wilfully kill, injure or take a badger, or attempt to do so; cruelly ill-treat a badger; or intentionally or recklessly interfere with a badger sett, by a) damaging a sett or any part of one, b) destroying a sett, c) obstructing access to or any entrance to a sett, d) causing a dog to enter a sett, or e) disturbing a badger when it is occupying its sett. Activities that can affect badgers include noise, additional lighting or vibration. Badger sett tunnels can extend for 20 m or more from the entrance holes.*

8.8.14 *The PEA reported no evidence of badgers on-site, with the site being unsuitable for sett building, but offering potential for commuting and foraging. Given the location of high quality badger habitat to the north, east and west, it is likely that badgers commute through and potentially forage within the site. The recommended safeguards set out in the PEA are supported and should be implemented.*

#### Bats:

8.8.15 *All species of bats are fully protected under the Wildlife and Countryside Act 1981, as amended, and the Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species.*

8.8.16 *Bat droppings were recorded on window sills on the southern and eastern elevations of the Lodge proposed for conversion (reported in previous ecological assessment of the site). Bat roost surveys (Bat Survey, Weald Ecology, 30/09/22) confirmed the Lodge as supporting a night roost for at least one soprano pipistrelle, and noted that the access track running north/south to the east of the building was well used by foraging common pipistrelles. Whilst a previous ecological assessment reported the northern outbuilding as offering low bat roost potential, an updated bat roost assessment found the building offered negligible potential, and no bat activity was recorded around either of the outbuildings during the bat surveys.*

8.8.17 *Given the presence of a bat roost within the building proposed for conversion, works will require a European Protected Species licence. Given the low conservation status of the roost, I concur with the recommendation in the PEA that a low impact licence/bat mitigation class licence would be appropriate in this case. The mitigation strategy outlined in the PEA is in line with best practice and is supported. It is noted that no external lighting is proposed. Given the known presence of bats within the site, any external lighting should be designed in accordance with best practice from the Bat Conservation Trust.*

#### Breeding Birds:

8.8.18 *Habitats on site, including scattered trees, the northern tree line, scattered scrub and buildings, offer potential for breeding birds, and two old nests were recorded in the northwest of the site. Under Section 1 of the Wildlife and Countryside Act 1981, as amended, wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. To avoid disturbance to nesting birds, any demolition of buildings or removal of scrub/trees that could provide nesting habitat should be carried out outside the breeding season (generally March to August). If this is not reasonably practicable within the timescales, a nesting bird check should be carried out prior to any demolition/clearance works by an appropriately trained, qualified and experienced ecologist, and if any nesting birds are found, advice should be sought on appropriate mitigation.*

#### Hazel Dormouse:

- 8.8.19 *The hazel dormouse is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making it a European Protected Species. Whilst there is some suitable habitat on site, it is sub-optimal, with the site lacking structural diversity and cover, relatively low species diversity and limited canopy connectivity to off-site trees. However, given the proximity to suitable habitat off-site, the presence of dormice on site cannot be discounted. Given the small area of the site and sub-optimal habitat that would be impacted, surveys are considered disproportionate in this case. The recommendation in the PEA for works to be carried out under Reasonable Avoidance Measures (RAMs) is supported.*
- 8.8.20 *The RAMs set out in the PEA are broadly acceptable, but the following should be noted. The proposed first stage winter clearance would avoid impacts on breeding birds. As hibernation nests can be difficult to recognise and identify, works should be overseen by a suitably qualified and licensed ecologist. The second stage clearance should be coordinated with precautionary clearance for reptiles (see below). Full details should be provided in a BMS.*

#### Great Crested Newts:

- 8.8.21 *The great crested newt (GCN) is fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making it a European Protected Species. Whilst there is some suitable terrestrial habitat on site, this is sub-optimal, lacking refuges. There are also no ponds within 500m of the site. As such, GCN are considered likely absent and are not a constraint to development.*

#### Reptiles:

- 8.8.22 *Slow worms, grass snakes, common lizards and adders are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. Whilst there is some suitable habitat on site, this is limited in extent and heavily shaded, lacking basking opportunities. The site is well connected to better quality habitat off-site to the west, and as such, the presence of low numbers of reptiles on site cannot be discounted. Given the limited extent of sub-optimal habitats on site, and the small size of the site, additional surveys are considered disproportionate in this case. However, a precautionary approach to site clearance should be taken. The PEA makes some recommendations for this approach, but provides little detail. Vegetation clearance should be undertaken in suitable conditions during the reptiles' active period, in a staged manner, and working from south to north, towards suitable habitat off-site. Works must also be coordinated with RAMs for dormice. It is recommended that the northern boundary is enhanced through additional planting of native species, and that log piles/refuges are provided along this boundary. Full details should be provided in a BMS.*

#### Other Species:

- 8.8.23 *The site offers suitable habitat for hedgehogs, and hedgehog droppings have been recorded on site. The hedgehog is a Species of Principal*

*Importance (SPI) under Section 41 of the NERC Act, with populations having suffered significant declines in recent years. Care should be taken during site clearance, with any animals found moved to suitable retained habitat in the north of the site. Boundaries within the site should be made permeable to hedgehogs (e.g. through the provision of hedgehog gaps in fences, or preferably through the use of boundary hedges) to ensure animals can continue to pass through the site. It is also recommended that a hedgehog dome is provided in a suitable location on site.*

8.8.24 *The site is unlikely to support any other protected species. If protected species are encountered, work should stop immediately, and advice should be sought on how to proceed from a suitably qualified ecologist.*

#### Mitigation Measures and Biodiversity Net Gain:

8.8.25 *In addition to the recommended mitigation and compensation measures discussed above, the site offers potential to provide biodiversity net gain (BNG) as required under the NERC Act, and national and local planning policy. The PEA makes recommendations for mitigation, compensation and enhancement, including the creation of a green roof, planting of 25m species-rich native hedgerow along the southern boundary, flower-rich lawn mix in all grassed areas, use of diverse planting mixes through the site, and the provision of four swift and four bat boxes, and states that these will provide “measurable BNG”. As no metric calculation has been carried out for the proposed development, this cannot be ascertained with certainty. However, provided the recommendations in the PEA and in the above advice are included in the scheme design, it is considered likely that the development will provide BNG.*

8.8.26 *The PEA states that a sedum roof will be provided on the new building(s). Sedum roofs offer minimal biodiversity benefits, as demonstrated by them being classed as habitats of low distinctiveness reaching no more than poor condition in the Defra Biodiversity Metric. The provision of a green roof is supported, but it should be biodiverse. Given the location of the site, a native Weald meadow mix is recommended.*

8.8.27 *The recommended management of the new native species-rich hedgerow and the grassed areas are supported. Long term management of retained, enhanced and newly created habitats should be secured through a Landscape and Ecological Management Plan (LEMP).’*

8.8.28 In summary, the information provided is satisfactory and enables the Council to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of the recommended planning conditions.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

9.1 The proposed development is acceptable in principle and would provide 6 new residential units for affordable rent. The proposal would not have a detrimental effect on the character and appearance of the locality, or the non-designated heritage asset and it would not cause harm to neighbouring properties. The proposal would provide a good level of living

accommodation for future occupiers as well as provide adequate car and cycle parking and not result in any highway safety issues. The development would result in an impact on the biodiversity of the site, however it is considered that these impacts can be mitigated through the imposition of conditions. Therefore, this application is recommended for approval.

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## **RECOMMENDATION: GRANT 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. 19-151-001-P02, dated 05/05/22  
Existing Site Plan 1, Drawing No. 19-151-002-P02, dated 05/05/22  
Existing Site Plan 2, Drawing No. 19-151-003-P02, dated 05/05/22  
Existing Plans & Elevations, Drawing No. 19-151-004-P02, dated 05/05/22  
Proposed Block Plan, Drawing No. 19-151-005-P03, dated 05/05/22  
Proposed Floor Plans, Drawing No. 19-151-007-P04, dated 30/01/2022  
Proposed Elevations, Drawing No. 19-151-008-P06, dated 30/01/2022  
Proposed Sections, Drawing No. 19-151-009-P03, dated 05/05/22  
Tree Survey Plan, Drawing No. West/Cem/22/010, dated Feb 2022  
Tree Protection Plan, Drawing No. SAN/RTW/22/011, dated April 2022  
Arboricultural Report, prepared by Landvision Landscape Architects, dated April 2022  
Drainage Strategy, ref. E8572 RE001 B, dated April 2022  
Schematic Drainage Layout ref: E8572 201 P1, dated 06/04/2022  
Preliminary Ecological Appraisal, prepared by Ecology Works Ltd, dated December 2022  
Reason: For the avoidance of doubt and in the interests of proper planning.
  
3. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of i) retained habitat and ancient woodland, ii) hazel dormice, iii) reptiles, iv) badgers, and v) breeding birds has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
  - a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing the works;
  - f) initial aftercare and long-term maintenance (where relevant); and
  - g) disposal of any wastes arising from the works.



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

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, as amended and The Conservation of Habitats and Species Regulations 2017, as amended and in accordance with Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

4. No development shall take place until an Ecological Design Strategy (EDS) addressing mitigation and compensation for the loss of semi-natural habitat, and enhancement measures to provide biodiversity net gain, to include the recommendations in the Preliminary Ecological Appraisal (Ecology Works, December 2022) has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:
- a) purpose and conservation objectives for the proposed works;
  - b) review of site potential and constraints;
  - c) detailed design(s) and/or working method(s) to achieve stated objectives;
  - d) extent and location /area of proposed works on appropriate scale maps and plans;
  - e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
  - f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
  - g) persons responsible for implementing the works;
  - h) details of initial aftercare and long-term maintenance;
  - i) details for monitoring and remedial measures;
  - j) details for disposal of any wastes arising from works.
  - k) The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implementation can demonstrate this, and to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, as amended, paragraphs 174 and 180 of the National Planning Policy Framework, and Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

5. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
  - b) ecological trends and constraints on site that might influence management;
  - c) aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions, together with a plan of management compartments;
  - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - g) details of the body or organisation responsible for implementation of the plan;

h) ongoing monitoring and remedial measures.

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

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features and is in accordance with Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

6. No above ground works shall commence until details of the following have been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details:

- a) 1:10 scale drawings of proposed details including fenestration, rooflights, and eaves details;
- b) specifications and samples of the materials to be used in the construction of all external surfaces of the buildings; and
- c) the proposed site levels and finished floor levels of all buildings in relation to existing site levels.

Reason: To ensure a high building appearance and architectural quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

7. No above ground works shall commence until a full schedule of repairs to the Edwardian Lodge, has been submitted and approved by the Local Planning Authority, and the development shall thereafter be completed in accordance with the approved details. The repair schedule shall include:

- a) method statement for the demolition of the mid/late twentieth century additions, and internal alterations, to ensure the protection of the lodge building;
- b) specifications and samples of any materials to be used in any repair/reinstatement work; and
- c) details of any repairs to historic fabric of the lodge, including repointing, brickwork repairs, and timber repairs.

Reason: To ensure the preservation of the non-designated heritage asset, in accordance with Policy EN2 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

8. No above ground works shall commence until the following public realm and hard landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

- a) boundary treatments and any other means of enclosure (fences, railings and walls) indicating the design and materials of such;

- b) hard surfacing materials specification (samples/product literature) (including for road surfaces, paths, parking spaces and other areas of hardstandings); and
- c) street furniture, signage and lighting, where relevant, including proposed locations.

Reason: To ensure the creation of a high quality public realm, design quality, and landscape setting, in accordance with Policies EN3 and EN1 of the Rother Local Plan Core Strategy.

9. No above ground works shall commence until the following soft landscaping details have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme.

- a) Planting plans, including schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, and
- b) details for implementation and management.

Reason: To ensure the creation of a high quality design quality and landscape setting, in accordance with Policies EN3 and EN1 of the Rother Local Plan Core Strategy.

10. No dwelling shall be occupied until the foul and surface water drainage works for the whole site have been completed in accordance with the submitted Drainage Strategy (ref: E8572 RE001 B, dated April 2022) and the Schematic Drainage Layout (ref: E8572 201 P1, dated 06/04/2022).

Reason: To ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and Site Allocations Local Plan.

11. The development shall not be occupied until parking areas have been provided in accordance with the approved plans (ref: 19 151 0005 P03, dated 23/03/2022) 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 TR3 and TR4 of the Rother Local Plan Core Strategy.

12. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans (ref: 19 151 0005 P03, dated 23/03/2022) 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 TR3 and TR4 of the Rother Local Plan Core Strategy.

13. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans (ref: 19 151 0005 P03, dated 23/03/2022) and the turning space shall thereafter be retained for that use and shall not be obstructed.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

14. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).  
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.
15. The existing stone gate piers and gates to the southern end of the cemetery avenue, at the junction of Turkey Road and St Mary's Road, are to be retained in situ.  
Reason: To ensure the preservation of the non-designated heritage asset and its setting, in accordance with Policy EN2 of the Rother Local Plan Core Strategy.
16. The development hereby permitted shall be carried out only in accordance with the "Arboricultural Report" prepared by Landvision Landscape Architects, dated April 2022 and the Tree Protection Plan, ref: SAN/RTW/22/011, dated April 2022. No variation shall be made unless details have first been submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure protection of the trees during construction and to maintain the character and landscape setting in accordance with Policies EN3 and OSS4 (iii) of the Rother Local Plan Core Strategy.
17. The dwelling on plot No. 3 as shown on Drawing No. 19-151-007-P04, dated 30/01/2023, shall not be occupied until it has been constructed in accordance with Part M4(3) (b) (wheelchair accessible dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.  
Reason: To ensure that the development contributes towards meeting the district's forecasted increase in the number of people with mobility issues and limiting illnesses in accordance with Policy DHG4 of the Development and Site Allocations Local Plan.
18. The dwelling on plot No. 5 as shown on Drawing No. 19-151-007-P04, dated 30/01/2023 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(s) in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Development and Site Allocations Local Plan.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

SITE PLAN RR/2022/2959/P	BURWASH  Acorn Farm Shrub Lane
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## Rother District Council

Report to	-	Planning Committee
Date	-	16 March 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/2959/P
Address	-	Acorn Farm, Shrub Lane, Burwash, TN19 7EB
Proposal	-	Erection of a new dwelling for a farmworker.

[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 Woodrofe  
**Agent:** Saunders Rural Solutions  
**Case Officer:** Mr Sam Koper  
(Email: [sam.koper@rother.gov.uk](mailto:sam.koper@rother.gov.uk))

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

**Reason for Committee consideration:** Director – Place and Climate Change  
**referral:** Local community and Parish Council strongly support the application. It is felt that the dwelling meets the criteria for a new dwelling for a rural worker, living on site would reduce traffic entering/exiting the site, and the proposal would have no direct adverse effect on the Area of Outstanding Natural Beauty.

**Statutory 8-week date: 9 February 2023**  
**Extension of time agreed to: 24 March 2023**

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 The proposal is for the erection of a new dwelling for a farmworker. The main issues for consideration are the principal and justification for the agricultural dwelling, the impact on the character and appearance of the locality within the High Weald Area of Outstanding Natural Beauty (AONB), living conditions for future occupiers, impact on neighbouring properties and highway safety. The proposal is considered to have a harmful urbanising effect in the countryside and would fail to conserve the landscape and scenic beauty of the High Weald AONB. The proposed development would also lead to increased traffic hazards on Shrub Lane by reason of the

inadequate visibility at the proposed access. Therefore, this application is recommended for refusal.

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## **2.0 SITE**

- 2.1 Acorn Farm is an active agricultural holding located to the north of Burwash. It is located on the western side of Shrub Lane. The current agricultural buildings are well set back from the road which is also screened by mature hedges and trees.
- 2.2 The farm has been run as an agricultural business since the early 1980s and farms a mix of cattle and sheep over approximately 275 hectares.
- 2.3 The site is not situation within any defined development boundary, and it lies within the remote countryside and the High Weald AONB.
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## **3.0 PROPOSAL**

- 3.1 This application seek approval for the erection of a new agricultural dwelling.
- 3.2 The proposed dwelling would be located to the north of the existing access of the farm and be positioned relatively close to the road. It would be a chalet style bungalow with accommodation in the roof space.
- 3.3 The new dwelling would be a 3-bedroom, 6 x person house and it would include parking provision for two cars as well as a dedicated storage area for waste and recycling.
- 3.4 The design of the proposed dwelling would be a linear plan form with a dual pitched roof above. The fenestration would be of a modest scale and the roof slope would feature roof light windows on the front elevation with dormer windows on the rear elevation. There would be a modest residential garden location behind and around the dwelling.
- 3.5 The proposed external materials for the new dwelling would be brick plinth and timber weatherboarding for the walls, slate tiles for the roof and black uPVC frames for the windows.
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## **4.0 HISTORY**

- |     |            |   |
|-----|------------|---|
| 4.1 | RR/87/1933 | Change of use liveries and agriculture. WITHDRAWN   |
| 4.2 | RR/87/2862 | Outline: erection of detached dwelling with integral garage served by new vehicular access. REFUSED |
| 4.3 | RR/87/2882 | Temporary mobile home. REFUSED  |
| 4.4 | RR/88/1270 | Outline dwelling and garage. REFUSED  |
| 4.5 | RR/88/1271 | Temporary mobile home to existing farm. REFUSED   |

- |      |                |  |
|------|----------------|--|
| 4.6  | RR/90/2346/P   | Mobile home for use in connection with agricultural holding - all year occupation. APPROVED CONDITIONAL  |
| 4.7  | RR/94/1652/P   | Erection of single storey agricultural dwelling with garaging and access. REFUSED  |
| 4.8  | RR/95/51/P     | Erection of single storey agricultural dwelling with garaging new access. REFUSED  |
| 4.9  | RR/95/535/P    | Renewal of permission for stationing a mobile home for agricultural use. APPROVED (TEMPORARY)  |
| 4.10 | RR/95/1149/P   | Single storey agricultural dwelling with garaging and access. APPROVED CONDITIONAL   |
| 4.11 | RR/2009/1706/P | Extension to kitchen and minor internal alterations. APPROVED CONDITIONAL  |
| 4.12 | RR/2012/1723/P | Three bay timber framed garage. oak weather boarding on 2 sides and rear. at front, two open bays and third bay enclosed by oak garage doors. APPROVED CONDITIONAL |
| 4.13 | RR/2014/1601/P | Removing and re-pitching of garage roof together with construction of dormers to provide additional accommodation for a granny annex. APPROVED CONDITIONAL         |
| 4.14 | RR/2022/842/P  | Erection of a new 2 storey dwelling. REFUSED   |

## 5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1: Presumption in favour of Sustainable Development
  - OSS1: Overall Spatial Development Strategy
  - OSS2: Use of Development Boundaries
  - OSS3: Location of Development
  - OSS4: General Development Considerations
  - RA2: General Strategy for the Countryside
  - RA3: Development in the Countryside
  - SRM1: Towards a low carbon future
  - SRM2: Water Supply and Wastewater Management
  - CO6: Community Safety
  - EN1: Landscape Stewardship
  - EN3: Design Quality
  - EN5: Biodiversity and Green Space
  - EN6: Flood Risk and Development
  - EC5: Support for Key Sectors
  - 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
  - DHG4: Accessible and Adaptable Homes
  - DHG7 External Residential Areas
  - DHG11: Boundary Treatments
  - 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
  - DEN7: Environmental Pollution
  - DIM2: Development Boundaries
- 5.3 The following policies of the adopted [Burwash Neighbourhood Development Plan 2020-2028](#) are relevant to the proposal:
- GP01: Protection of the AONB Landscape
  - GP03: Development Boundaries
  - GP04: Design Standards
  - GP06: Sustainable Development
  - EN04: Dark Skies
  - EN05: Integration of Landscaping
  - IN02: Parking
- 5.4 [The High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024](#) (AONB Management Plan) is also a material consideration with particular reference to the following objectives:
- S2: To protect the historic pattern and character of settlement
  - S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design
  - FH1: To secure agriculturally productive use for the fields of the High Weald, especially for local markets, as part of sustainable land management
  - FH2: To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands
  - LBE1: To improve returns from, and thereby increase entry and retention in, farming, forestry, horticulture and other land management activities that conserve and enhance natural beauty
- 5.5 [The National Planning Policy Framework](#) (with particular regard to paragraphs 80 and 176) and the [Countryside and Rights of Way Act 2000](#) (with particular regard to section 85(1)) are also material considerations.
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## 6.0 CONSULTATIONS

### 6.1 [East Sussex County Council Highways](#) – **OBJECTION**

- 6.1.1 This application as submitted attracts highway objection due to insufficient visibility either side of the access point.

### 6.2 [Rother District Council Waste & Recycling](#) – **NO OBJECTION**

6.2.1 There are no issues here as the resident would present on Shrub Lane

6.3 Rural Estates Surveyor – **NO OBJECTION**

6.3.1 It is considered that the application does meet the Local Plan (RA3) and National Planning Policy Framework (paragraph 80(a)) tests for the provision of a rural worker's dwelling.

6.4 Planning Notice

6.4.1 Seven letters of support have been received. The reasons are summarised as follows:

- Sensible to have on-site care for animals
- Unsure smooth running of the farm
- No impact on traffic on Shrub Lane
- Single dwelling is justified
- Application meets para 80 of National Planning Policy Framework
- Harm to AONB not relevant in this case
- No records of accidents on Shrub Lane
- Development is not for profit
- Acceptable siting and design of dwelling
- One new dwelling would not cause a harmful urbanising effect in the countryside
- A condition could be imposed for a hedge around the western boundary of the property

6.5 Town/Parish Council - **NO OBJECTION**

6.5.1 The Planning Committee of Burwash Parish Council met on 30-01-23 and voted to unanimously support this application with the following comments: - The Committee noted their disappointment that this application was refused previously. - The Committee RESOLVED to request that if the planning officer is mindful to refuse this application again, that Cllr Barnes call it into committee. - The Committee noted the overwhelming support from the surrounding community and that the Applicant was a serious and well-respected farmer in need of this on-site accommodation. - The Committee discussed and rejected the refusal submitted by ESCC Highways noting that the report was out of step with the practices already in place for access and further noted that living on site would decrease traffic to the site. The Committee suggested that ESCC Highways reconsider their comments. - The Committee noted that this application was entirely in line with paragraph 80 (a) of the National Planning Policy Framework 'essential need for a rural worker'. - The Committee noted their commitment to protection of the AONB and feel that this application would have no direct adverse effect on the AONB.

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**7.0 LOCAL FINANCE CONSIDERATIONS**

7.1 The proposal is for a type of development that is 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 £37,952.46

## 8.0 APPRAISAL

- 8.1 The main issues to consider in the determination of the application include:
- Principle of development and justification for agricultural dwelling
  - The effect of the proposal on the character and appearance of the area, with particular regard to the location of the site within the High Weald AONB.
  - Living conditions for future occupiers
  - Impact on neighbouring properties
  - Highway safety

### 8.2 Principle of agricultural dwelling

- 8.2.1 The application site is located in the countryside where most new development is restricted to that which supports local agricultural, economic or tourism needs.

- 8.2.2 At the national level, paragraph 80 of the National Planning Policy Framework says planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

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

- 8.2.3 At the local level, Policy RA3 (iii) of the Rother Local Plan Core Strategy is relevant. This says that there are four extremely limited circumstances in which new dwellings are allowed in the countryside. These are:
- Dwellings to support farming and other land-based industries;
  - The conversion of traditional historic farm buildings in accordance with Policy RA4;
  - The one-to-one replacement of an existing dwelling of similar landscape impact; and
  - As a ‘rural exception site’ to meet an identified local affordable housing need.

- 8.2.4 In this case the proposal is for a dwelling to support an existing farming enterprise. Policy RA3 (iii) (a) of the Rother Local Plan Core Strategy says:

*“Normally accommodation will initially be provided on a temporary basis for a period of three years. Both temporary and permanent dwellings will be subject to appropriate occupancy conditions, and all applications should comply with the following criteria:*

- i. Demonstrate a clearly established functional need, relating to a full-time worker primarily employed in the farming and other land-based businesses;*
- ii. Demonstrate the functional need cannot be fulfilled by other existing accommodation in the area;*
- iii. Demonstrate the unit and agricultural activity concerned are financially sound and have a clear prospect of remaining so;*
- iv. Dwellings are of appropriate size, siting and design.”*

8.2.5 Supporting paragraph 12.64 says:

*“In particular, new dwellings may be essential for the proper functioning of land-based businesses (i.e. farming, forestry and equine-related activities). Such businesses should be demonstrably ‘financially sound’, which normally means that permissions will initially be on a temporary basis. Permanent dwellings will normally require the agricultural unit and activity to have been established for at least three years, have been profitable for at least one of them, be currently financially sound and have a clear prospect of remaining so. Careful consideration should also be given to the siting, size and design, as well as access. The siting of new dwellings should be well-related to existing farm buildings or other dwellings, wherever practicable. To ensure that a dwelling remains available to meet the recognised need, occupancy conditions will be applied.”*

8.2.6 Having regard to the first three tests set out under Policy RA3 (iii) (a) of the Rother Local Plan Core Strategy, the advice of a Rural Estates Surveyor (RES) has been sought. His comments are as follows:

8.2.7 Regarding (i) (Demonstrate a clearly established functional need, relating to a full-time worker primarily employed in the farming and other land-based businesses) and (iii) (Demonstrate the unit and agricultural activity concerned are financially sound and have a clear prospect of remaining so):

8.2.8 *The information set out in the Planning Statement indicates a large, livestock-oriented business with cattle (145 head of cattle) and sheep (1,000 ewes, plus ewe-lambs and followers).*

8.2.9 *The labour calculation provided in the Statement indicates a labour demand considerably in excess of two full-time workers – and is not disputed – such that the proposed new dwelling would be occupied by a full-time worker.*

8.2.10 *In terms of essential need; there is a legal responsibility to ensure that animals are kept in a manner which accords them freedom from thirst, hunger and malnutrition; appropriate comfort and shelter; the prevention, or rapid diagnosis and treatment of injury, disease or infestation; freedom from fear; and freedom to display most normal patterns of behaviour.*

8.2.11 *But, at a more practical level, there is an essential need to live on site during lambing to ensure that the welfare of ewes and lambs is not compromised*

during difficult lambings (due to mis-presentation). Managing a flock of over 1,000 ewes prior to, during and post lambing (from, say December to June) is an arduous task and needs the provision of on-site supervision to ensure the welfare of the ewes and lambs is not compromised. Distocia in sheep is common, partly due to the regular occurrence of twins, triplets and occasionally more lambs, and the difficulty in ensuring that the right lamb is presented in the correct manner for birth; intervention needs to be timely. In addition, there is the need to:

- help lambs to “find” the udder promptly to ensure appropriate intake of colostrum;
- remove lambs where triplets (or quads) are born and foster onto ewes with single lambs (or no lambs);
- apply iodine to navel cords, ear tag, vaccinate, and generally ensure their health is properly monitored;
- provide prompt attention to ewes with post-partum complications such as prolapses or infections.

8.2.12 *These practical issues were examined at appeal in Hertfordshire in 2012, with the Inspector reporting, in relation to approximately 150 ewes:*

*“During lambing, the stockman needs to be able to attend to the ewes at all times of the day and night, and thus must live on or adjacent to the site. The lambing season lasts for only a few months, but the demands on the stockman during this period, and the needs of the animals, make the need for a dwelling for at least part of every year indisputable. At other times of year, it might be possible to live off-site, but the appellant quite fairly points out that this would not be a very practical arrangement, nor would it help to attract good calibre staff. Retaining a temporary dwelling on the site in perpetuity, for seasonal use, would therefore not be a sustainable long-term solution. Throughout the year, an on-site dwelling would allow closer and more regular supervision of livestock, and a rapid response to any emergencies, and thus would be in the interests of animal welfare.”*

*Here there are over 1,100 ewes.*

8.2.13 *There is also a need to be available to provide for similar needs with the cattle. Cows giving birth and young calves all need appropriate and prompt care to ensure their well-being as a lack of proper supervision can result in livestock deaths.*

8.2.14 *In such circumstances, it is accepted that there is an essential need for a worker to live on site to provide for the needs of the livestock. In this case, the dwelling will ensure a smooth succession process for the son who is an essential part of the farm’s labour, and without whom the viability of the business would likely be detrimentally effected.*

8.2.15 *Farm business accounts have been provided that demonstrate that this business has generated profits in excess of £50,000 in each of the past three years –the business is clearly profitable. T Woodroofe (assumed to be the Applicant’s son) is also identified as a partner in the business, albeit the partnership percentage splits are not indicated, and appears to part of the succession process.*

- 8.2.16 *Although a detailed accounts' analysis has not been provided (for the agricultural elements -v- the contracting and sales businesses), for the purposes of this assessment it is accepted that this rural business is sufficiently profitable to meet the financial test for the foreseeable future.*
- 8.2.17 With regards to (ii) (Demonstrate the functional need cannot be fulfilled by other existing accommodation in the area), the application provides comparable examples of other available properties in the local area and states that they would exceed that which is affordable, and that the construction of the new dwelling would be a more financially economical option.
- 8.2.18 Whilst a detailed breakdown of the construction costs has not been provided, it is acknowledged that the cost of land would not need to be factored in as the Applicant already owns the site where the dwelling is proposed. Therefore, it is accepted that the functional need could not be fulfilled by other existing accommodation in the area.
- 8.2.19 Therefore, it is considered that the principle of the dwelling is acceptable as the application meets the Local Plan Policy RA3 and National Planning Policy Framework paragraph 80(a) tests for the provision of a rural worker's dwelling.

### 8.3 Impact on character and appearance within the AONB

- 8.3.1 The Government's approach to the natural environment is set out in the National Planning Policy Framework. Paragraph 174 says planning decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. Paragraph 176 says that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. Paragraph 185 seeks to limit the impact of light pollution on intrinsically dark landscapes.
- 8.3.2 The Countryside and Rights of Way Act 2000 s85(1) also outlines the duty of public bodies in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, and that local authorities shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 8.3.3 Policy OSS3 (vi) of the Rother Local Plan Core Strategy requires planning decisions to be considered in the context of the character and qualities of the landscape. Policy
- 8.3.4 RA2 (viii) says the overarching strategy for the countryside is to conserve the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside. Policy RA3 (v) says proposals for development in the countryside will be determined on the basis of ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the on the landscape character or natural resources of the countryside
- 8.3.5 Policy EN1 says: *"Management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and*

*wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including*

*(i) The distinctive identified landscape character, ecological features and settlement pattern of the High Weald Area of Outstanding Natural Beauty;*

*(vii) Tranquil and remote areas, including the dark night sky.”*

- 8.3.6 Policy DEN1 of the DaSA Local Plan says the siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics, in accordance with Rother Local Plan Core Strategy Policy EN1. Particular care will be taken to maintain the sense of tranquillity of more remote areas, including through maintaining 'dark skies' in accordance with Policy DEN7.
- 8.3.7 Policy DEN2 says that all development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan. Development within the High Weald AONB should be small-scale, in keeping with the landscape and settlement pattern
- 8.3.8 The site lies in a remote location within the open countryside of the High Weald AONB. The area is characterised by large open fields and areas of woodland, interspersed with sporadic development. The siting of the proposed dwelling would be located within the undeveloped field to the north of the access track and west of the main road.
- 8.3.9 The siting of the proposed dwelling would be somewhat well related to the existing agricultural unit, having a shared access from the main road, however, it would be separated from the cluster of agricultural buildings and the existing farm dwelling to the south.
- 8.3.10 The proposal would result in a new dwelling in the countryside. In this respect, the residential development proposed would protrude into an existing open, undeveloped field and the urbanised domestic form and design of the dwelling would be out of keeping with the wider rural landscape.
- 8.3.11 The impact of the dwelling would be exacerbated by its illumination during the hours of darkness, which would have a detrimental effect on the dark night sky.
- 8.3.12 Furthermore, the creation of a dedicated domestic garden associated with the new dwelling would compound the urbanisation of the land, especially if domestic outbuildings, paraphernalia and landscaping are put in place. The associated parking area and parked cars would add to this.
- 8.3.13 Consequently, the proposed development would have a harmful urbanising effect in the countryside and would fail to conserve the landscape and scenic beauty of the High Weald AONB, in conflict with the above policies.
- 8.3.14 It is noted that the residential development would not be readily visible in public views given the mature screening along the roadside. However,

national and local planning policies seek to protect the intrinsic character and beauty of the countryside, which would be harmed in this case.

#### 8.4 Living conditions for future occupiers

8.4.1 Policy OSS4 (i) states that all development should meet the needs of future occupiers, including providing appropriate amenities.

8.4.2 Paragraph 130 of the National Planning Policy Framework states *planning policies and decisions should ensure that development create places with a high standard of amenity for existing and future users*

8.4.3 In considering new residential development, it is important to appreciate that they will provide the living environment for people for decades to come. Therefore, all new residential development should be capable of accommodating the reasonable expectations of likely occupiers, including in terms of outdoor space and cater for practical needs, such as parking and access and refuse and recycling facilities.

8.4.4 The proposed dwelling would meet the nationally described space standards with regards to internal floor area for the type of dwelling proposed. It would also provide adequate space at the front of the site for parking, cycle storage and waste and recycling storage. The proposed garden area is also considered to be of an acceptable scale.

#### 8.5 Impact on neighbouring properties

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

8.5.2 The dwelling and structures are sited away from neighbouring buildings and as such, do not appear overbearing or result in harmful overlooking. With regard to agricultural use of the land, this is a use that is expected within a countryside location and indeed, the land is currently in such use.

#### 8.6 Highway safety

8.6.1 Policy TR3 of the Rother Local Plan Core Strategy requires new development to have adequate, safe access arrangements. Policy TR4 (i) of the Rother Local Plan Core Strategy requires adequate on-site parking to be provided.

8.6.2 Policy CO6 (ii) Rother Local Plan Core Strategy states that a safe physical environment will be facilitated by ensuring that all development avoids prejudice to road and/or pedestrian safety.

8.6.3 Policy DHG12 (i) of the DaSA Local Plan states that proposals for new drives and accesses will be supported where they are considered acceptable in terms of highway safety, including for pedestrians and cyclists.

8.6.4 Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if



there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.6.5 The East Sussex County Council Highways Authority have been consulted on this application and have given the following comments:

8.6.6 Access / Location:

8.6.7 *The site is located and will be accessed from a private driveway which serves Acorn Farm. Shortly to the east, the driveway connects to Shrub Lane (C212). The C212 is subject to a derestricted speed limit at the point of access meaning visibility splays of 2.4m X 215m are normally required either side of the access point. After conducting a site visit, it is evident visibility splays fall far below the required standard either side of the access point which is not acceptable due to the intensification of the access.*

8.6.8 *The land either side of the access, including the dwelling known as 'Bramlyns' appears to be within control of the Applicant. There is potential to therefore trim back vegetation within the Applicant's control/ the highway extent to improve visibility. The Applicant will then need to undertake a speed survey in accordance with CA185 to justify a reduction in driver sightlines if the Applicant believes speeds are low enough to justify the reduction on this stretch of the C212.*

8.6.9 *While it is acknowledged the Applicant has stated that the dwelling will be for a farm worker negating the commute to work, this may not be the case in the future, and I would argue ancillary trips in association with a 3-bedroom dwelling would still result in an intensification of the access. Because the C212 at the point of access is relatively straight in alignment, I would still have concerns about vehicles travelling at higher speeds.*

8.6.10 *Furthermore, this application therefore presents an opportunity to provide a much safer access securable via condition. The access to Acorn Farm from the C212 is wide enough to sufficiently accommodate the two- way flow of traffic. The access is in good condition and would not require upgrading.*

8.6.11 Internal Layout

8.6.12 *Two parking spaces will be provided for the dwelling. There is scope to provide additional parking on the driveway to accommodate any overspill. I am satisfied there is sufficient space for vehicles to turn and exit the site in a forward gear.*

8.6.13 *The Council encourages developers to include charging facilities for electric vehicles at all properties with off-street parking in accordance with current guidance as set out in the National Planning Policy Framework.*

8.6.14 *Cycle Parking should be provided in accordance with East Sussex County Council Standards which is two spaces for 3- bedroom dwellings. Cycle storage should be safe, covered and secure.*

8.6.15 *In accordance with ESCC guidance 'refuse & recycling storage at new residential developments within the Eastbourne, Hastings, Wealden and Rother council areas' residents should not be required to carry waste more*

*than 30m and refuse vehicles should be able to reach within 25m of the storage point for collection. It is assumed that the site cannot accommodate a large refuse vehicle and will operate with a kerbside collection. Therefore, a communal waste/ storage point should be considered in order to meet the above requirements.*

8.6.16 Accessibility

8.6.17 *The site is poorly connected to public transport with no train stations located within an acceptable walking distance. It is acknowledged, however, that there are bus stops located approximately 850m to the south of the site. They are not accessible by footway, however, and provide a limited service making them not the most realistic alternative to private car use.*

8.6.18 In light of these comments, the Applicant has been asked to address the above issue with regards to visibility and conduct a speed survey to potentially reduce the required splays either side of the access. However, no further information has been provided to overcome this objection from the Highways Officer.

8.6.19 Therefore, given the potential intensification of the access and lack of required visibility either side of the access, the proposed development would lead to increased traffic hazards on Shrub Lane.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

9.1 The proposal does meet the policy requirements for the provision of a new agricultural dwelling in the countryside and would provide an adequate level of living accommodation for future occupiers without resulting in any harm to neighbouring properties. However, the proposal would have a harmful urbanising effect in the countryside and would fail to conserve the landscape and scenic beauty of the High Weald AONB. The proposed development would also lead to increased traffic hazards on Shrub Lane by reason of the inadequate visibility at the proposed access. Therefore, this application is recommended for refusal.

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

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### **REASONS FOR REFUSAL:**

1. The proposed residential development would have a harmful urbanising effect in the countryside. The proposal would be an alien and obtrusive development within the otherwise rural character and appearance of the countryside that would cause harm to the landscape and scenic beauty and dark night sky of this part of the High Weald Area of Outstanding Natural Beauty, in conflict with Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v) & EN1 (i & vii) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan, Policies GP01 and EN04 of the Burwash Neighbourhood Development Plan, paragraphs 174, 176 and 185 of the National Planning Policy Framework and Section 85(1) of the Countryside and Rights of Way Act 2000.

2. The proposal would lead to increased traffic hazards on the C212 by reason of the inadequate visibility at the proposed access and would therefore be contrary to Policy TR3 of the Rother Local Plan Core Strategy and paragraph 111 of the National Planning Policy Framework.

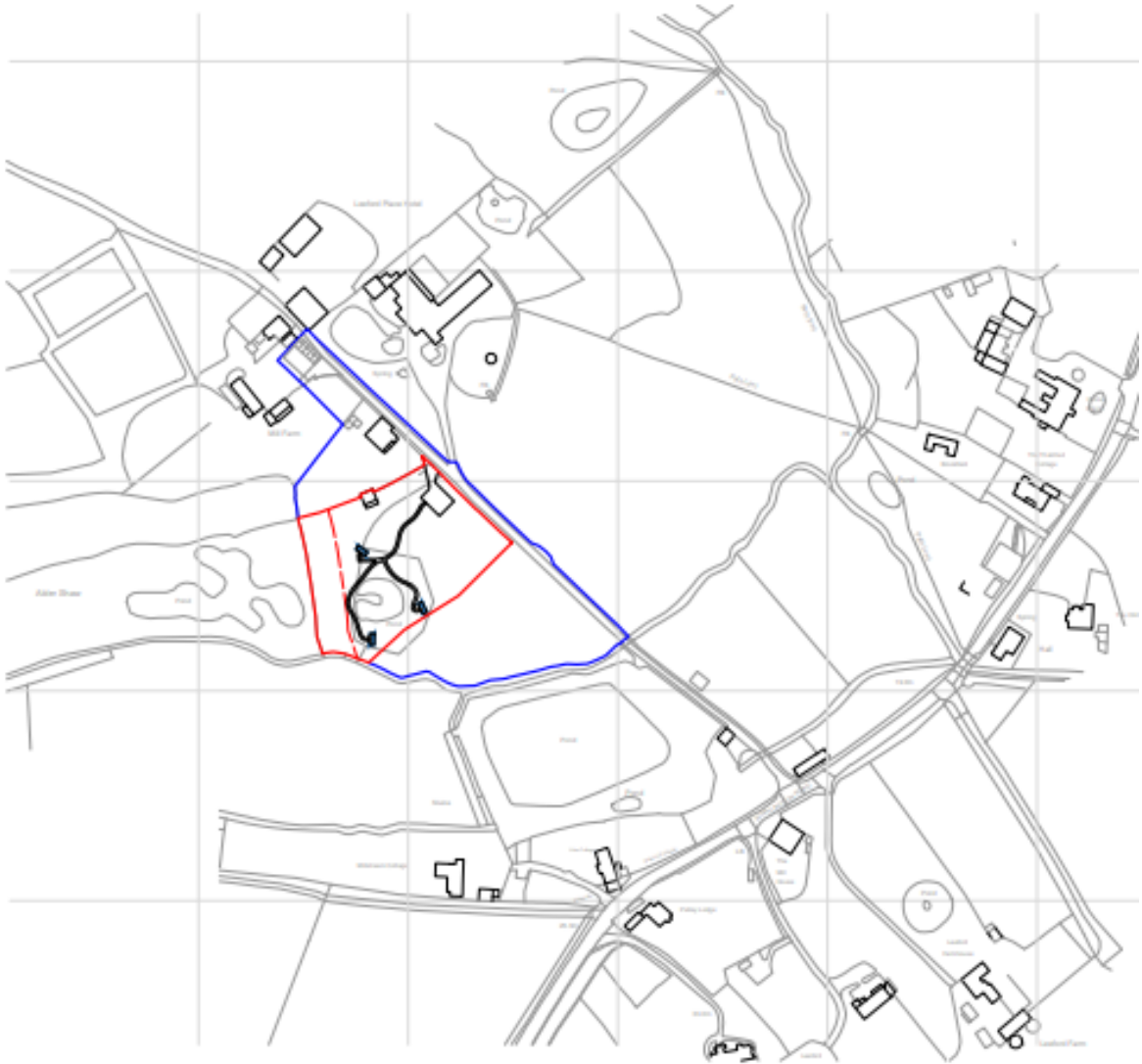
**NOTE:**

1. This refusal relates to the following plans:
  - Location & Block Plan, Drawing No. PHA-PL-001A, dated 25/05/22
  - Site Plan, Drawing No. PHA-PL-007, dated 02/12/2022
  - Proposed Site Plan, Drawing No. PHA-PL-008, dated 04/01/22
  - Proposed Floor Plans, Drawing No. PHA-PL-004, dated 17/12/21
  - Proposed Elevations, Drawing No. PHA-PL-005, dated 17/12/21

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

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<p>SITE PLAN RR/2022/2620/P</p>	<p>WHATLINGTON Mill Farm – Land at Whatlington Road</p>
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## Rother District Council

Report to - Planning Committee  
Date - 16 March 2023  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2022/2620/P  
Address - Land at – Mill Farm, Whatlington Road,  
WHATLINGTON  
Proposal - Change of use of land at Mill Farm for the stationing of  
three shepherd huts for tourism use and associated  
works.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Mr A. Queiroz and Miss L. Woodridge  
**Agent:** Greenhayes Planning  
**Case Officer:** Mr Ruben Hayward  
(Email: [ruben.hayward@rother.gov.uk](mailto:ruben.hayward@rother.gov.uk))

**Ward:** NORTH BATTLE, NETHERFIELD AND WHATLINGTON  
**Ward Members:** Councillors Mrs V. Cook and K.M. Field

**Reason for Committee consideration:** Member call in – Inappropriate  
development within the Area of Outstanding Natural Beauty.

**Statutory 8-week date: 27 December 2022**  
**Extension of time agreed to: 23 March 2023**

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 The proposal is for the change of use of the site for tourism purposes, incorporating the stationing of three shepherds huts within a field north of Whatlington Road. The application is a resubmission of RR/2021/1868/P and is considered to have addressed the reasons for refusal in that application. The current proposal would be acceptable in principle, including in terms of flood risk, would not detract from the character and appearance of the Area of Outstanding Natural Beauty (AONB), cause undue harm on neighbouring amenities and is found to be acceptable in terms of highway safety and biodiversity impacts, subject to the recommended conditions.

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## **2.0 SITE**

- 2.1 The site relates to an area of land situated to the west of Mill Lane bridle path, north of Whatlington Road, adjacent to the agricultural holding of Mill Farm. The area of land proposed for the development measures approximately 0.96 hectares consisting of natural grassland, vegetation and features a small pond. The site has existing access on to Mill Lane.
- 2.2 Mill Lane is a bridle path over which motor vehicles also have rights of passage. Other than Mill Farm, there is another farmstead further up the lane and to the west of the nearby railway line. Leeford Place Hotel also lies a short distance to the north of the development site.
- 2.3 The site location is set deep within the High Weald AONB within the Brede Valley landscape character area. Typical High Weald characteristics are found nearby such as the ancient woodland immediately to the west of the site and the irregularly shaped field within the site.

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## **3.0 PROPOSAL**

- 3.1 The proposal is to carry out the change of use of the existing land from agricultural to tourism use in order to facilitate the erection of three shepherds' huts as holiday lets. The shepherds' huts would have a restricted season between March and October. In addition to this, an existing area of hard standing would be expanded to allow sufficient parking for the huts. Walkways would be created between the hard standing and each hut, with both being surfaced in a reinforced plastic grid system, backfilled with soil and seeded. Landscaping works include planting a series of trees and shrubs around the existing pond and between the shepherds' huts. All but two of the existing trees would be retained. The undeveloped field area would feature wildflower planting.
- 3.2 Each shepherds hut would be identical in external appearance, featuring timber clad walls and sheet metal roofing. The external footprint would measure approximately 7m in length by 2m in width with a maximum height of approximately 3m at the crest of the roof. Windows are proposed to the front and rear elevations of each hut, with a single pair of opening doors on the front elevation, accessed via raised steps and a rooflight within the curved roof. The internal layout would feature a bedroom/living/kitchenette area with wood burner and a shower room. Whilst the intended use of the shepherds' huts is intended to be long-standing, the nature of the units allows them to be moveable if necessary. A single security light of a downlit design would be positioned at the entrance to each hut, with no other lighting proposed throughout the site. Each hut would be connected to a sewage treatment plant on the site; waste and recycling bins would be situated at each property for regular emptying by the owner.
- 3.3 During the application process, amended plans were received in order to address concerns relating to the location of the eastern shepherds hut within Flood Zone 3. The amended plans have relocated the shepherds' huts north within Flood Zone 1.

- 3.4 The application is accompanied by the following plans and documents:
- Existing Block Plan – 6901/EX, dated June 2021
  - Amended Proposed Block Plan – 6901/22/LBP/E, revised 12/1/23
  - Amended Site Plan – 6901/22/3/I, revised 12/1/23
  - Shepherds hut Elevations/Floor Plans – 6901/22/2/A, dated 11/7/22
  - Planning Statement
  - Arboricultural Impact Assessment – dated October 2022
  - Preliminary Ecological Appraisal – dated 4/11/22
  - Flood Risk Assessment – dated 26/1/23
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#### 4.0 HISTORY

- 4.1 RR/2021/1868/P Proposed change of use of land at Mill Farm to create Glamping Site for 6 No. shepherd huts together with associated facilities and enlargement of pond. (Refused)
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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:
- OSS1: Overall Spatial Development Strategy
  - OSS4: General Development Considerations
  - RA2: General Strategy for the Countryside
  - RA3: Development in the Countryside
  - CO6: Community Safety
  - EC6: Tourism Activities and Facilities
  - EN1: Landscape Stewardship
  - EN3: Design Quality
  - EN5: Biodiversity and Green Space
  - EN7: Flood Risk and Development
  - TR3: Access and New Development
- 5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:
- DEC2: Holiday Sites
  - DEN1: Maintaining Landscape Character
  - DEN2: The High Weald AONB
  - DEN4: Biodiversity and Green Space
  - DEN7: Environmental Pollution
- 5.3 The following objective of the High Weald AONB Management Plan is also relevant to the proposal:
- Objective S2: To protect the historic pattern and character of settlement.
- 5.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
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## 6.0 CONSULTATIONS

### 6.1 Planning Notice

6.1.1 Seven letters of objection for the application have been received. Their comments are summarised as follows:

- Known flood risk in this location.
- Increase in light, noise and traffic pollution.
- Threat to tranquillity of bridle path.
- Risk of “development creep”.
- Harm to local fishery business.
- Unsightly design of huts.

### 6.2 Whatlington Parish Council – **OBJECTION**

6.2.1 “The Parish Council comments are as 30/11/2022. The Parish Council objects to this application which would be harmful to the environment of our rural parish which is in an AONB and should be protected. It is also possibly in conflict with the Rother Local Plan Core Strategy.

The land is an agricultural field which is liable to flood as the photographs dated 27 November 2022 forwarded to you separately by email show. There are many floods risk Zone 1 areas in the locality which flood, and this is likely to become more common with climate change, and the planned infrastructure would exacerbate this. The adjacent field to the west of the proposed site has flooded twice in November. The location block plan from Pumphouse Designs submitted with the application shows two of the three proposed shepherds’ huts to be within 3m of the marked extent of flood zone. Mill Lane is a bridleway not suitable for extra regular movements especially as it is used regularly by horse riders and walkers. There is no direct access from this site onto the public highways.

We do not believe that the reduction in the proposed number of shepherds’ huts from a previous application from six to three materially alters the key objections of Rother District Council dated 22 February 2022 - that this application would introduce a manmade and engineered platform and 'represent a significant visual intrusion' into this part of the High Weald AONB. If granted and in time the business does not prosper the effects of a change of use to a brown field site could cause future problems for the parish.”

### 6.3 Environment Agency

6.3.1 “We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.”

### 6.4 Ramblers Sussex

6.4.1 “The Local Planning Authority will be aware that Ramblers objected to the previous RR/2021/1868/P planning application for this site and will note the proposed conditions we suggested. It is interesting to note that the Applicant has noted our comments on that application about walking along Whatlington Road to Battle, which would be an unsafe activity. We note that they are now promoting the use of Whatlington Public Rights of Way WHA9/1 and WHA8/2 and subsequently BAT/23/1 to gain access to the Whatlington – Battle Road

where a footway is available. However, despite the excellent HW-AONB views that would be encountered on WHA8/2, the segment from TQ 75287 18360 to TQ 75107 17980 involves an ascent of 30m in 230m (i.e.1 in 7) across an arable field that would be considered very daunting, for many tourist walkers! The Applicant's prediction that walking and cycling journeys to/from the site will predominate over minimal vehicle use of Mill Lane, do not concur with our expectations. The reduction in number of shepherds' huts does not in essence change our view that Mill Lane, being a designated PRoW Bridleway requires significant consideration for pedestrian, equestrian and cyclist users as the priority users. Our concerns about increased vehicle use by non-resident drivers posing increased hazards for the priority users remain.

We can only re-iterate that if the Local Planning Authority is minded to grant planning permission, Ramblers request that Planning Conditions are applied, which provide for upgraded vehicle driver information signs on Mill Lane. We would expect to see signs installed at the Whatlington Road junction to show the potential presence of pedestrians, equestrians and cyclists on the lane. Further we consider that, due to the narrow nature of Mill Lane, refuges should be created to allow slow moving vehicles to pass the pedestrians, equestrians and cyclists, which implies the need for refuge signs for all users. Additionally, we consider that appropriate notices are required within the site, at its exit onto the lane, to remind non-resident drivers to take care and use caution having regard for the priority users of the lane."

#### 6.5 Sussex Newt Officer

6.5.1 No response.

#### 6.6 County Ecologist

6.6.1 No response.

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### 7.0 APPRAISAL

7.1 A previous application was made on this site for the stationing of six shepherds' huts in the southern part of the field, and a large area of hard-standing for vehicle parking. This was refused due to the significant visual intrusion it would cause on the High Weald AONB and also due to insufficient information on biodiversity and highway impacts. The proposed scheme is halved in number, more sensitively sited around an existing pond and screened with vegetation and new planting. In addition to this, the biodiversity aspects have been addressed with a detailed appraisal, with condition to follow, whilst the highway impact is no longer considered pertinent due to the reduction in units.

7.2 The main issues to be considered are:

- Principle of the development.
- Impact on the character and appearance of the AONB.
- Impact on the amenities of adjoining properties.

7.3 *Principle of the development*

- 7.4 Policy OSS1 of the Rother Local Plan Core Strategy states – The Strategy for the Overall Spatial Development is to: (e) Give particular attention to the ecological, agricultural, public enjoyment and intrinsic value of the countryside, and continue to generally restrict new development to that for which a countryside location is necessary or appropriate to promoting sustainable land-based industries and sensitive diversification, primarily for employment uses.
- 7.5 Policy OSS4 of the Rother Local Plan Core Strategy states – In addition to considerations set out by other policies, all development should meet the following criteria: (iv) It is compatible with both the existing and planned use of adjacent land, and takes full account of previous use of the site.
- 7.6 Policy RA2 of the Rother Local Plan Core Strategy states – The overarching strategy for the Countryside is to: (vii) Support tourism facilities, including touring caravan and camp sites, which respond to identified local needs and are of a scale and location in keeping with the rural character of the countryside.
- 7.7 Policy EC6 of the Rother Local Plan Core Strategy states – Proposals relating to tourism activities and facilities will be encouraged where they accord with the following considerations, as appropriate: (v) It increases the supply of quality serviced and self-catering accommodation; (vi) Appropriate controls are in place that restrict occupancy to that for holiday purposes, whilst not unduly restricting operators from extending their season (subject to visual impact and flood risk considerations, where applicable).
- 7.8 Policy EN7 of the Rother Local Plan Core Strategy states – 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. Development will be permitted providing the following criteria are met: (i) Where development is proposed in an area identified as at flood risk, the Applicant will be required to submit a site-specific Flood Risk Assessment which demonstrates that the development will be safe, will not increase flood risk elsewhere, and, where possible, will reduce flooding.
- 7.9 Policy DEC2 of the DaSA states – All proposals for camping, caravan and purpose-built holiday accommodation must: (v) not be in an area at risk of flooding, unless a site specific flood risk assessment has demonstrated that the development will be safe and will not increase flood risk elsewhere.
- 7.10 Policy RA2 of the Rother Local Plan Core Strategy provides support for tourist accommodation within the rural areas, providing that they are of a scale and location that is in keeping with the rural character of the area. Furthermore, Policy EC6 states that such proposals will be encouraged, where they accord with specific considerations. The proposal would be considered to increase the supply of quality self-catering accommodation.
- 7.11 Policy also seeks to ensure that any proposed tourism use would take into account any potential flood risk that may have an impact on the development. The originally submitted plans stationed one of the shepherds huts within Flood Zone 3, however this has been amended to a location further north within Flood Zone 1. Given that the proposed development would now fall

within Flood Zone 1 and is 0.56 ha in size, the planning practice does not require a Sequential or Exception Test to be undertaken. Despite this, it is still acknowledged that there is a known flood risk within the area, and in accordance with Policy EN7, a Flood Risk Assessment has been undertaken and accompanies the application. This assessment sets out mitigation and protection measures as follows:

- Finished floor levels for each development will be elevated approximately 600mm above ground floor level.
- Construction will utilise flood resistant materials and services will be placed as high as practicable to reduce impact of flooding.
- Occupants will sign up for EA Emergency Flood Warning Direct Service.
- Safe egress to Flood Zone 1 will be available.

7.12 It has also been agreed with the Applicant to operate a restricted season between the months of March and October. Flooding events in the immediate area are far more frequent outside of these months.

7.13 It is considered that the mitigation measures suggested in the Flood Risk Assessment and restricted season would be sufficient to adequately reduce the impacts of a potential flood risk on this site and ensure the safety of the occupants. Outside of the operational season, it is not considered that the flood risk would be significantly increased on the surrounding areas, due to the fact that the additional hard standing area would be small in size and permeable, whilst the shepherds huts themselves would be raised significantly above ground level.

7.14 Some concerns have been raised that the development should not be supported in principle due to the remote location and lack of access to facilities. Policy RA2 would not be supportive of tourism uses within the rural areas if accessibility was believed to be a significant issue. It is important to note that tourist accommodation would not be expected to afford the same accessibility to services as a permanent dwelling.

7.15 The nature of tourist accommodation is such that the users would not require all facilities required for day to day life such as a doctors' surgery or primary school. Due to the fact the accommodation is self-catering, it is also likely that users would bring their own groceries, with only occasional top-up shops needed for more perishable items.

7.16 The High Weald AONB is a popular tourist destination, thanks in part to the variety of walking routes that can be found. It is possible for visitors to reach Battle from the site, via public footpaths within approximately one hour, however it is appreciated that this may be undesirable for some.

7.17 There is a bus stop at the bottom of Mill Lane, and another stop by the Royal Oak, approximately five and 15 minute walk from the site respectively. Buses at Whatlington operate a reduced service compared to other stops, however it is considered a convenient means of transport to reach Battle, Hastings, Robertsbridge or Hawkhurst, all of which could provide all the necessary services required for short-term visitors whilst also allowing them further areas to explore the AONB from. Whilst the bus service does not operate on Sundays, and has some wait times of up to two hours between buses, this is

not considered prohibitive to tourists that would not be under the same time-pressure that commuters or every day travellers would have.

- 7.18 It is therefore foreseen that over a seven day stay at the proposed site, visitors would not be reliant on the use of a motor vehicle for the majority of their stay and could make use of public transport and walking routes during a visit.
- 7.19 Policies are highly supportive of tourism uses within rural areas, and it is considered that the proposal adequately addresses flood risk and would be reasonable accessible for touristic needs. The principle of the development can be supported.
- 7.20 *Impact on the character and appearance of the countryside and AONB*
- 7.21 Policy RA2 of the Rother Local Plan Core Strategy states – The overarching strategy for the countryside is to (viii) Generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 7.22 Policy RA3 of the Rother Local Plan Core Strategy states - Proposals for development in the countryside will be determined on the basis of: (v). Ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.
- 7.23 Policy EN1 of the Rother Local Plan Core Strategy states - Management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (i) The distinctive identified landscape character, ecological features and settlement pattern of the High Weald AONB; (vi) Ancient woodlands.
- 7.24 Policy DEC2 of the DaSA states - All proposals for camping, caravan and purpose-built holiday accommodation must: (i) safeguard intrinsic and distinctive landscape character and amenities, paying particular regard to the conservation of the High Weald AONB and undeveloped coastline, and be supported by landscaping proposals appropriate to the local landscape character.
- 7.25 Policy DEN1 of the DaSA states - The siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics (see Figure 5 above), in accordance with the Rother Local Plan Core Strategy Policy EN1. Particular care will be taken to maintain the sense of tranquillity of more remote areas, including through maintaining 'dark skies' in accordance with Policy DEN7.
- 7.26 Policy DEN2 of the DaSA states - All development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its

character components, as set out in the High Weald AONB Management Plan. Development within the High Weald AONB should be small-scale, in keeping with the landscape and settlement pattern; major development will be inappropriate except in exceptional circumstances.

- 7.27 Policy DEN7 of the DaSA states - Development will only be permitted where it is demonstrated that there will be no significant adverse impacts on health, local amenities, biodiversity or environmental character as a result of lighting, noise, odour, land contamination, hazardous and non-hazardous substances and/ or airborne particulates associated with development, including where appropriate, the cumulative impacts of existing and proposed developments. In particular: (i) in relation to noise, consideration will also be given to the character of the location and established land uses; also, in the case of new noise-sensitive development, users of the new development should not be likely to experience unacceptable adverse effects resulting from existing levels of noise; and (ii) in relation to lighting, the proposed scheme is necessary and the minimum required, and is designed to minimise light pollution including light glare and sky glow and to conserve energy, through the use of best available technology, having regard to the lighting levels recommended by the Institute of Lighting Professionals (ILP) for the relevant environmental zone.
- 7.28 The previous application RR/2021/1868/P was refused in part due to an unacceptable visual intrusion on the High Weald AONB. This was attributed to the large number of units (6) and the impact of an engineered landform on the landscape. The current proposal significantly reduces the amount of hardstanding proposed and also ensures that all the units are adequately screened from external views. Additionally, the hard standing area would be screened from view of the shepherds hut by way of a native hedge.
- 7.29 The current proposals would retain all but two of the existing trees on the field and enhance the landscape with additional native shrub and wildflower planting. Each shepherds' hut would be surrounded by natural landscaping and would not be vulnerable to open views. Furthermore, the layout of the site is more cohesive than before, with the huts surrounding the existing pond on the site rather than being scattered across the bottom half of the field.
- 7.30 The design of each shepherds' hut would consist of traditional High Weald materials such as timber cladding and would not be considered a visual intrusion on the landscape. The huts are of an appropriate design for the rural landscape and would respond positively to this location within the AONB.
- 7.31 A public bridleway, WHA/9/1 passes by the site (known as Mill Lane) and would only afford limited views into the site from the entrance. This is not considered to significantly detract from the character of the AONB or the desirability of the route for walkers. Leeford Place Hotel to the north of the site is far more prominent along this route and is considered to have a more urbanising affect than the proposal.
- 7.32 In terms of noise pollution, the addition of three shepherds' huts is unlikely to contribute any significant noise to the surrounding area. It is expected that each hut would be occupied by two people and would not be desirable for large parties. The additional vehicular movements are also insignificant in the totality of the scheme, especially when considering the 17-room Leeford Place

Hotel which would produce a significantly higher number of journeys on a daily basis.

- 7.33 In terms of light pollution, the only lighting proposed on the site would be outside each shepherds' hut in the form of a singular downlighter. This is considered minimal but essential for security purposes and would not contribute any meaningful light pollution that would potentially detract from the dark night skies of the AONB. Visitors would be expected to use torch light to make their way from Mill Lane to the huts.
- 7.34 A buffer zone will be provided of 15m along the western boundary of the site, in order to protect the ancient woodland that lies to the west. This is considered necessary and appropriate in order to preserve the woodland, a character feature of the area and the High Weald AONB. The Arboricultural Assessment submitted with the application sets out measures for tree protection and highlights the two trees that would be removed, and suggests recommendations that should be followed within an Arboricultural Method Statement.
- 7.35 The overall impact of the development on the AONB is not considered to be negative, due to the careful positioning of each hut and extensive screening around each unit. The proposal would integrate well with the existing landscape, and in some places enhances it with additional planting. Furthermore the development would not contribute significant environmental pollution or detract from the rural nature of the lane.
- 7.36 *Impact on the amenities of adjoining properties*
- 7.37 Policy OSS4 of the Rother Local Plan Core Strategy states - In addition to considerations set out by other policies, all development should meet the following criteria: (ii) It does not unreasonably harm the amenities of adjoining properties.
- 7.38 The site is not closely surrounded by neighbouring properties with few residential properties, a farmstead and a hotel at distances in excess of 100m. Any additional activity within the site during its use is unlikely to cause unreasonable impacts upon these properties. Additional vehicular activity is unlikely to be noticeable, given the more intensive use of the lane by users of the hotel further north. Given this, it is unlikely additional traffic would significantly detract from neighbouring amenity.
- 7.39 *Other issues*
- 7.40 *Highway impacts*
- 7.41 Policy CO6 of the Rother Local Plan Core Strategy states - A high level of community safety will continue to be strongly promoted through effective partnership working. A safe physical environment will be facilitated by: (ii) Ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 7.42 The site would make use of an existing access which adjoins Mill Lane. The lane is a bridle path over which motor vehicles also have right of way. Given that the access is pre-existing, it is considered that it could be safely used by

users of the development. The additional vehicular traffic is not considered significant in the context of the lane and would only be for a few hundred metres from Whatlington Road. Given the nature of this lane and the short distance, it is unlikely that vehicles entering and exiting the site would travel at excessive speed.

7.43 When compared to the previously refused RR/2021/1868/P, this proposal would significantly reduce the vehicular traffic to a level that would not be materially above the current use of the lane. As such it is not considered necessary for a transport assessment to be required.

7.44 Ramblers Sussex suggest that improved signage should be provided at the entrance to Mill Lane in order to remind users of the bridleway that vehicles may also be present on the path. Given the minimal additional vehicular movements that the proposal would generate, this is not considered essential.

7.45 *Impact on biodiversity*

7.46 Policy DEN4 of the DaSA states - Development proposals should support the conservation of biodiversity and multi-functional green spaces in accordance with the Rother Local Plan 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.

7.47 The previous application RR/2021/1868/P was refused in part due to insufficient information regarding the biodiversity impacts of the proposal. The current proposal has been submitted with a Preliminary Ecological Appraisal. This document sets out the potential impacts on the following:

- Ancient woodland
- Bats
- Great Crested Newts
- Reptiles
- Nesting Birds
- Protected and notable invertebrates
- Protected and notable plants

7.48 The report has set out recommendations in order to protect the biodiversity of the site. It is considered that a condition can be attached in order to approve the details of a method statement, taking into account the recommendations of the Preliminary Ecological Appraisal.



7.49 The Sussex Newt Officer and County Ecologist have not commented on the proposals.

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## **8.0 PLANNING BALANCE & CONCLUSION**

- 8.1 The proposal is considered to be acceptable subject to appropriate conditions being attached that would ensure the development is only used for tourist accommodation. The development would accord with Policy RA2 which is supportive of tourism developments within rural areas and could be supported in principle due to the flood risk being appropriately addressed. The development is considered small in scale and sensitive to the prevailing rural landscape of the AONB within this area, whilst additional planting would seek to enhance the surrounding field. The proposal would not cause any undue harm to the amenities of neighbouring properties. Furthermore the additional vehicular movements and use of an existing access would not cause significant concern for highway safety. The findings of the Preliminary Ecological Appraisal can be addressed with a Biodiversity Method Statement that is approved in writing by the Council.
- 8.2 The reasons for refusing RR/2021/1868/P are considered to be adequately addressed with this current application. The number of units has been halved and the location of them more sensitively designed to respond positively to the High Weald location and forming a more cohesive layout that surrounds the pond. The area of hardstanding has been significantly reduced and would consist of permeable materials and the development as a whole would not be considered an intrusive engineered landform. Biodiversity impacts have been adequately assessed, and can be protected by way of condition requiring a method statement to be submitted. The reduction in units no longer poses a significant impact on highway safety.
- 8.3 A similar application for two holiday units within a field has been recently approved within Whatlington Parish (RR/2022/752/P). The proposal was considered acceptable in principle due to policies which support tourism, had an acceptable impact on the AONB due to the minimal scale and sensitive siting and would not have caused harm to neighbouring properties. It is considered that this application at Mill Farm could be granted based on similar reasoning.
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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 documents:  
Existing Block Plan – 6901/EX, dated June 2021

Amended Proposed Block Plan – 6901/22/LBP/E, revised 12/1/23  
Amended Site Plan – 6901/22/3/I, revised 12/1/23  
Shepherds Hut Elevations/Floor Plans – 6901/22/2/A, dated 11/7/22  
Planning Statement  
Arboricultural Impact Assessment – dated October 2022  
Preliminary Ecological Appraisal – dated 4/11/22  
Flood Risk Assessment – dated 26/1/23  
Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby permitted shall only be used as tourist accommodation and occupied for that purpose only and none of the buildings shall be occupied as a person's sole or main place of residence.  
Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii) EC6 and RA3 (v) of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEC2 of the Development and Site Allocations Local Plan.
4. The holiday let units shall not be occupied for more than 56 days in total in any calendar year by any one person.  
Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii) EC6 and RA3 of the Rother Local Plan Core Strategy and Policy DEC2 of the Development and Site Allocations Local Plan.
5. The owners/operators shall maintain an up-to-date register of the names of all owners and/or occupiers of individual shepherds hut on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.  
Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii) EC6 and RA3 of the Rother Local Plan Core Strategy.
6. The development hereby approved shall operate a restricted season between the months of March and October and the holiday units shall not be occupied outside of these months.  
Reason: To ensure that the risks of potential flood impacts on the users of the site would be minimised in accordance with Policy EN7 of the Rother Local Plan Core Strategy.
7. No floodlighting or other external means of illumination of the huts shall be provided, installed or operated at the site without further planning permission.  
Reason: To safeguard the special character of the rural area within the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.
8. No development shall commence until an ecological method statement is submitted to the Local Planning Authority in accordance with the recommendations contained with the submitted Preliminary Ecological Appraisal, dated 4 November 2022. The method statement shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.  
Reason: These details are required prior to commencement of works to mitigate the impact of the development on protected species in accordance

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

9. No development above ground level shall take place on any part of the site until the soft landscaping details have been submitted to and approved by the Local Planning Authority, which shall include:
- a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
  - b) planting plans;
  - c) written specifications (including cultivation and other operations associated with plant and grass establishment);
  - d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
  - e) implementation programme including the recommendations of the Arboricultural Report dated October 2022.

Reason: To ensure the creation of a high quality public realm and landscape setting in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

10. No development shall commence until a scheme for the provision of foul water drainage works including details of the treatment plant have been submitted to and approved in writing by the Local Planning Authority and none of the shepherds' huts shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

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

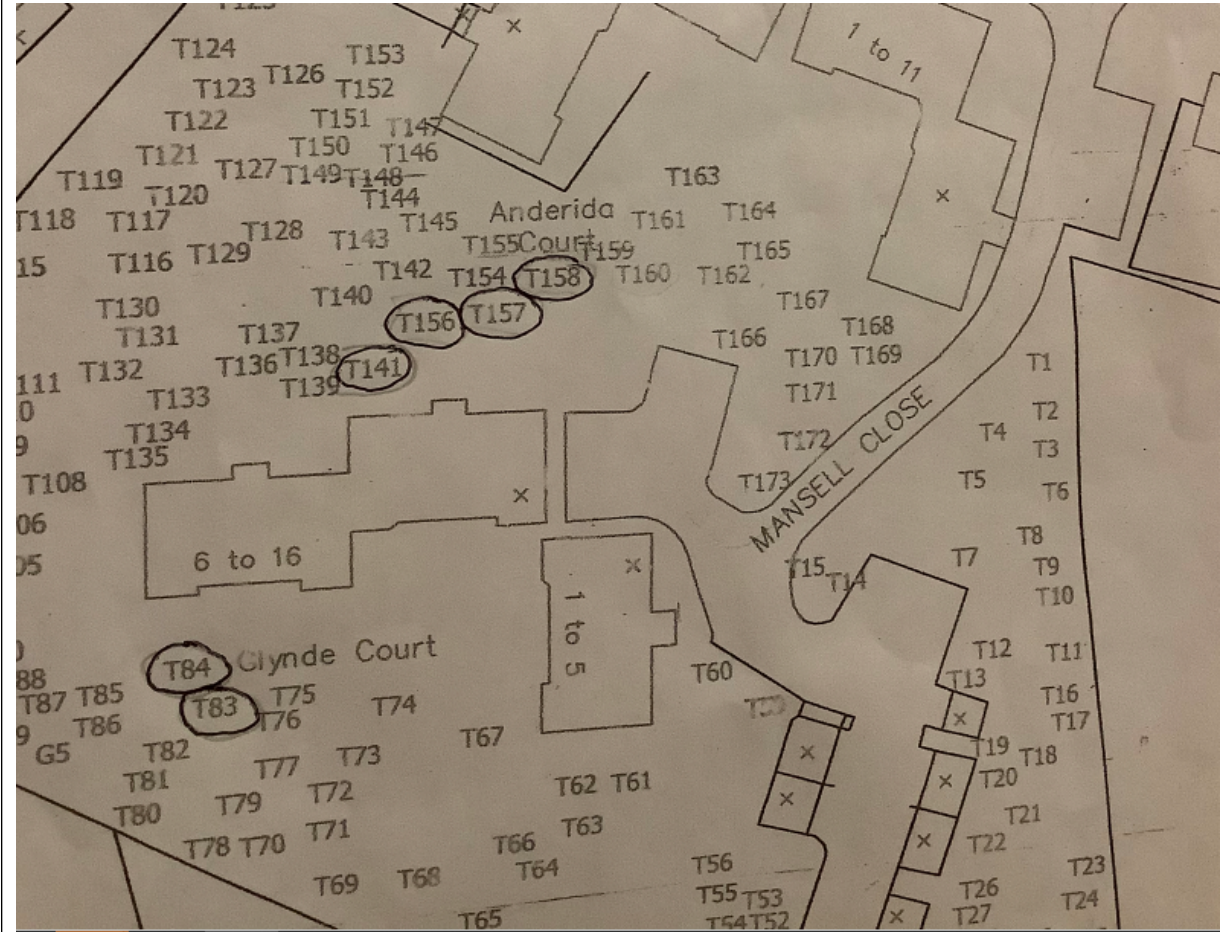
11. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment dated 26 January 2023 and the mitigation measures detailed in section 4 (Executive Summary). Where details are required by condition to be submitted and approved by the Local Planning Authority, the details shall accord with the approved Flood Risk Assessment.

Reason: To ensure that the risks of potential flood impacts on the users of the site would be minimised in accordance with Policy EN7 of the Rother Local Plan Core Strategy.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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SITE PLAN  RR/2023/57/T	BEXHILL  7 Anderida Court Mansell Close
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## Rother District Council

Report to - Planning Committee  
Date - 16 March 2023  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2023/57/T  
Address - Anderida Court, Glynde Court, Worsham Court, Mansell Close  
BEXHILL  
Proposal - Works to Tree Preservation Order trees.

[View application/correspondence](#)

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**RECOMMENDATION:** It be recommended to **OBJECT IN PART**

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**Director: Ben Hook**

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**Applicant:** Mr J. Langlands  
**Agent:** N/A  
**Case Officer:** Mr Ruben Hayward  
(Email: [ruben.hayward@rother.gov.uk](mailto:ruben.hayward@rother.gov.uk))

**Ward:** BEXHILL ST MARKS  
**Ward Members:** Councillors S.J. Errington and K.M. Harmer

**Reason for Committee consideration:** Applicant related to Councillor.

**Statutory 8-week date:** 3 March 2023  
**Extension of time agreed to:** No date agreed

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### 1.0 SUMMARY

1.1 The application seeks to request consent for works to Tree Preservation Order (TPO) protected trees in the vicinity of Anderida Court, Mansell Close. The Rother Tree Officer has been consulted on the proposals and raised objections to some of the works.

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### 2.0 SITE

2.1 Anderida Court is an apartment complex on the western side of Mansell Close. The application also relates to Worsham Court to the north, and Glynde Court to the south, all of which are under the same management company. The grounds within the complex are characterised by the dense mixture of mature trees, which are visible from various vantage points throughout the local area.

- 2.2 The following trees are proposed to have works undertaken:
- T83 and T84, south of Glynde Court.
  - T141, T156, T157 and T160, between Glynde Court and Anderida Court.
  - T180, T181 and T183, south of Worsham Court.
- 

### 3.0 PROPOSAL

- 3.1 Works are proposed to each tree named in this application as follows:
- 3.2 T180 and T181, Scotts Pines – to be removed. These trees are close to a habitable building and car port. Their complete removal is requested as they are very tall and starting to show signs of root upheaval in the car parking area and on the adjacent footpath.
- 3.3 T183, Ornamental Oak – reduce height by 25% and cut back overhanging branches. Also close to a habitable building.
- 3.4 T141, T156, T157 and T160, Oaks – reduce height by 25% and cut back overhanging branches. These trees are overhanging a footpath.
- 3.5 T83 and T84, Oaks – reduce height by 25% and cut back overhanging branches.
- 3.6 New trees to be planted to mitigate the loss of T180 and T181.
- 

### 4.0 HISTORY

- 4.1 RR/2021/2938/T T183 (Oak) remove or reduce branch, reduce crown by 25%, T175 (Blackthorn) remove, T176 remove low overhanging branch, T144, T145, T147, T148, T149, T150, T151, T152, reduce crowns by 25%, T146 (Oak) reduce by 25%, T154 (oak) reduce by 30%, T155 (Silver Birch) reduce by 30%. (NO OBJECTION)
- 4.2 RR/2020/1545/T Works to trees T163 Oak, T161 Oak, T164 Birch, T165 Birch, T158 Oak and T159 Oak. (OBJECT IN PART)
- 4.3 RR/2019/2783/T Removal of Pine (T177). Pollard group of Willow trees (G4) including the removal of leaning Willow tree. (NO OBJECTION)
- 4.4 RR/2019/1395/T T181 - Scots pine - Take back three main lower branches and 1 smaller branch. (NO OBJECTION)
- 4.5 RR/2017/843/T Proposed works to nine trees of various species. (NO OBJECTION)
- 4.6 RR/2014/2749/T Works to trees. (OBJECT IN PART)
- 4.7 RR/2009/371/T General pollarding coppice and crown reduction of trees. (NO OBJECTION)

- 4.8 RR/2006/2366/T Removal of limbs and crown raising of Pinus Silvestris. (NO OBJECTION)
- 4.9 RR/2005/2179/T Reduce lateral branches towards building of one oak tree and remove to ground level two silver birches. (NO OBJECTION)
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## 5.0 POLICIES

- 5.1 When assessing applications for works to TPO trees, the Local Planning Authority is advised to:
- assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;
  - consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;
  - consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;
  - consider whether any requirements apply in regard to protected species;
  - consider other material considerations, including development plan policies where relevant; and
  - ensure that appropriate expertise informs its decision.
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## 6.0 CONSULTATIONS

### 6.1 Planning Notice

6.1.1 No comments.

### 6.2 Bexhill-on-Sea Town Council

6.2.1 No comments.

### 6.3 Rother Tree Officer

6.3.1 "T180 & T181. These large pine trees are beginning to cause damage to the car park surface and this damage is likely to increase. Rother District Council could be liable for a claim for damage if permission to remove these trees is refused. Therefore, there is no objection to these trees being removed and replacements planted elsewhere on site. Two Carpinus Betulus or similar substantial native trees would be suitable.

T183. Oak close to building. Pruning to reduce the canopy size of this tree by up to 2m would maintain this tree at a suitable size for its location. No objection to crown reduction by up to 2m.

T141, T156, T157 and T160. No objection to reducing the canopy of these trees by up to 2m. There are several lower branches which could be reduced. The extent of proposed pruning of overhanging branches is unspecified. There would be no objection to the pruning of three branches as shown on the attachment.



T83. No objection to reducing the canopy of the tree by up to 2m.

T84. This tree has previously been heavily pruned and further pruning would not be desirable. Objection.”

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## **7.0 APPRAISAL**

- 7.1 The grounds surrounding the complex of flats consisting of Anderida, Glynde and Worsham Court features over 200 TPO protected trees. The grounds of the apartments are characterised by the extensive tree coverage that provide a significant level of privacy and contribute to the character of the locality. This group of trees are among some of the most elevated within the locality and can be seen from various locations within Little Common village. It is apparent that the trees hold significant amenity value and that any works carried out should be carefully assessed.
- 7.2 T180 and T181 are currently considered to pose a risk to public safety and the integrity of Worsham Court. The trees are in a poor condition, showing signs of root upheaval which could cause damage to the nearby car park, footpaths and buildings. Whilst the amenity value of these trees is not insignificant, this would not outweigh the public safety need to remove these trees. Replacement trees would be a condition of their removal, to ensure that the amenity and environmental value of the trees can be restored. *Carpinus Betulus* would be an appropriate replacement.
- 7.3 T183 is also situated close to Worsham Court. A crown reduction of up to 2m would be appropriate and would maintain the tree at a suitable size for the location. Little amenity value would be lost and therefore the pruning is not objected to.
- 7.4 T141, T156, T157 and T160 are currently overhanging the footpaths and car park area that serve Glynde Court. The reduction of the canopies of these trees by up to 2m would not be objected to because the amenity value of the trees would still be retained. Proposed pruning to overhanging branches was not specified, however the tree officer has highlighted three branches that would not be objected to if they were to be pruned.
- 7.5 T83 lies to the south of Glynde Court and is the most elevated tree within this application. There would be no objection to a reduction of the canopy by 2m. The tree is surrounded by other mature trees and the pruning of T83 would not significantly detract from the amenity of the landscape.
- 7.6 T84 lies to the south of Glynde Court and immediately north of T83. The tree has been heavily pruned recently and it is considered that further pruning would not be desirable. This tree is the most immediately visible tree from the south-facing windows of 12-16 Glynde Court and it would not be appropriate to further reduce the scope of this tree.
- 

## **8.0 PLANNING BALANCE AND CONCLUSION**

- 8.1 It is considered that works can be carried out to T83, T141, T156, T157, T160 and T183. A detailed schedule of works will be outlined below.

- 8.2 It is considered that T180 and T181 can be removed, provided that replacement trees are planted. This will be a condition of this part-approval.
- 8.3 It is considered that the pruning of T84 would not be appropriate due to the recent pruning of this tree. This element of the application cannot be supported.
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**RECOMMENDATION: OBJECT IN PART** to works to Tree Preservation Order trees at Anderida Court, Glynde Court and Worsham Court, Mansell Close, Bexhill

**REFUSE CONSENT** for:

- T84 (Oak) – reduction by 25% and cut back of overhanging branches.

**GRANT CONSENT** for:

- T180 and T181 (Scotts Pines) – removal and replacement with 2 No. similar substantial native trees within the site.
  - T141, T156, T157 and T160 (Oaks) – reduction of the canopies by up to 2m, and additional pruning of 3 No. overhanging branches, as highlighted in a document submitted by the Rother Tree Officer.
  - T83 (Oak) – reduction of the canopy by up to 2m.
- 

**CONDITIONS:**

1. This partial consent is valid for two years beginning with the date of its grant and the works for which such consent is granted may only be carried out once, in accordance with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.
2. All works shall be carried out in accordance with BS3998:2010 Recommendations for Tree work.
3. All trees recommended for tree surgery works will need to be checked for the presence of bats or nesting birds prior to works commencing. Disturbance to bats or nesting birds could contravene the Wildlife and Countryside Act 1981.
4. The removal of T180 and T181 is approved subject to 2 No. substantial native trees being planted elsewhere within the site.

**Rother District Council**

**Report to:** Planning Committee

**Date:** 16 March 2023

**Title:** Appeals

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

**Ward(s):** All

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

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

**APPEALS LODGED**

RR/2022/2492/P (Delegation)	BATTLE: Paygate, Whatlington Road, Battle Erection of extension and internal alterations. Mr & Mrs A.J. Gerken
RR/2022/240/P (Committee - Decision)	BATTLE: Battle Great Barn - land adj, Marley Lane, Battle Erection of new dwelling. Mr Neil Mortimer
RR/2022/1661/P (Delegation)	BATTLE: 19 Oakhurst Road, Fairlight, Battle Erection of wraparound extension and alterations, including new lower ground floor and improved off road parking area. Mr & Mrs D. Hendon
RR/2022/2472/P (Delegation)	BATTLE: 72a High Street, Battle Change of use from office to residential, proposing a new three-bed maisonette. Mr M. Law
RR/2022/64/P (Committee - Decision)	BEXHILL: 49 & 49a Devonshire Road, Bexhill Replacement of existing timber sliding sash windows and frames with uPVC sliding sash windows and frames. Mrs V. Seng
RR/2022/2020/P (Delegation)	BEXHILL: 13 Marina Arcade, Bexhill Variation of Conditions(s) 4, 5 & 6 imposed on RR/2015/1136/P for conversion of self-contained holiday let to permanent residence. Mr Simon Callagan
RR/2021/3049/P	BEXHILL: 14 Cranfield Road, The Garage, Bexhill

(Delegation)	Proposed demolition of existing detached garage and construction of self-contained flat, vehicular parking and courtyard garden area. Mr Gary Lakin
RR/2022/2089/P (Delegation)	BODIAM: Ellen Archers, Castle Hill, Bodiam First floor extension to modern garage building to form home office and lift access. Mr & Mrs Michael Rafferty
RR/2022/539/P (Delegation)	BREDE: Broad Oak Meadow - Land at, Chitcombe Road, Brede Erection of five dwellings (2 x 4 bedroom and 3 x 3 bedroom), with new access, parking and landscaping. BW Homes
RR/2022/1315/P (Delegation)	BREDE: Sant Roc, Cackle Street, Brede Demolition of existing dwelling and outbuilding. Erection of three terraced dwellings. Hawkins & Hawkins
RR/2022/963/P (Delegation)	BREDE: Old Manor House - land to the South of, Udimore Road, Broad Oak, Brede Outline: Erection of 20 dwellings and associated parking. Redwood Land Investment Ltd
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/2022/2059/P (Delegation)	CROWHURST: St Benedicts Byre, Catsfield Road, Crowhurst Proposed detached building to be used as ancillary overspill/annexe accommodation for members of the owners of St Benedicts Byre's family (alternative to garage building approved under extant planning permission RR/2022/1236/P) Mr and Mrs A. Brodrick-Ward
RR/2022/461/P (Delegation)	DALLINGTON: Prospect House - Land Opposite, Woods Corner, Dallington Proposed new dwelling & associated parking. Woods Corner No.2 Ltd
RR/2021/2615/P (Delegation)	ETCHINGHAM: Church Hill - Land Lying to East of, Church Lane, Etchingham Change of use from agricultural to dog walking field. Miss Katie Cruttenden
RR/2022/1071/P	GUESTLING: Old Coghurst Farmhouse, Rock Lane,

(Delegation)	<p>Guestling Replacement of two existing barns with access and landscaping. Messrs D &amp; J Harris &amp; Manuell</p>
RR/2022/364/P (Delegation)	<p>NORTHIAM: Spar Stores, Clematis Cottage, Station Road, Northiam Proposed new roof over existing shop premises to create two self-contained flats with associated parking. Mr B. Khaira</p>
RR/2020/995/P (Delegation)	<p>RYE: 145 South Undercliff, Holland of Rye, Rye Outline: Proposed demolition of existing building, construction of four semi-detached four bed houses with allocated parking spaces. Construction of separate commercial building to include two retail outlets (A1) and 3 offices (B1(a)), together with allocated parking. Holland of Rye</p>
RR/2022/1610/P (Delegation)	<p>SALEHURST/RBRIDGE: The Cottage, Station Road, Salehurst / Robertsbridge Proposed alterations to a two-storey outbuilding/ garage to create a one-bedroom house. Ms J. Papafio</p>
RR/2022/2187/PN3 (Delegation)	<p>TICEHURST: The Hay Barn, Downash Farm, Rosemary Lane, Ticehurst Application to determine if prior approval is required to change the use of an agricultural building for the purpose of hotel use and holiday accommodation (commercial - Class C1 under the Class R). Nicola Roberts</p>
RR/2022/2351/P (Delegation)	<p>TICEHURST: Bryants Farm, Wards Lane, Ticehurst Conversion of barn to 4-bed dwelling. Ms Elizabeth Latchford</p>
RR/2022/1323/P (Delegation)	<p>WESTFIELD: Land adjacent to Holly Cottage, Moat Lane, Westfield Erection of single residential dwelling with associated landscaping and parking. Ms Cindy Cane</p>
RR/2021/3023/P (Delegation)	<p>WESTFIELD: Hooters, Moat Lane, Westfield Construction of storage barn (Retrospective). Mr &amp; Mrs M. Hawkins</p>
RR/2021/1490/P (Delegation)	<p>WESTFIELD: Little Down Farm, Main Road, Westfield Laying of recycled crush surface associated with the change of use from agriculture to a use for the storage and processing of timber. Mr J. Baker</p>

## **APPEALS STARTED**

RR/2022/1296/P (Delegation)	ASHBURNHAM: Honeyland, Honey Lane, Ashburnham Erection of replacement barn for agricultural use. Mr Allan Chamberlain
RR/2022/1353/P (Delegation)	BEXHILL: The Little House, Worsham Lane, Bexhill Proposed extension to dwelling involving the removal of several outbuildings. Mr N Rowe
RR/2022/1008/P (Delegation)	BREDE: Broad Oak Lodge, Chitcombe Road, Broad Oak, Brede Demolition of existing outbuildings for the provision of two new 5- bed dwellings and one new 4-bed dwelling. All with associated proposed parking and landscaping. Express Housing Group Ltd
RR/2022/746/P (Delegation)	EWHRST: 1 Forge Close, Bridle End, Staplecross, Ewhurst Proposed extensions and alterations, loft improvements with new dormers, and addition of entrance porch. Mr and Mrs C. Stevens
RR/2022/155/P (Delegation)	GUESTLING: The Olde Piggery, Eight Acre Lane, Three Oaks, Guestling Siting of 3no. storage containers including use of existing site building as a Builders store. (Retrospective) Mr Bill Coney
RR/2021/1084/P (Delegation)	NORTHIAM: The Cedars, Station Road, Northiam Demolition of existing single storey bungalow and erection of 2 dwellings with retained access. Brasseur
RR/2021/2335/P (Delegation)	TICEHURST: New Pond Farm, High Street, Wallcrouch Variation of Condition 8 of RR/2016/704/P to enable the building to be used for storage and retail in lieu of B1, B8 and retail trade counter. Mr Gurbinder Nayyar
RR/2022/1103/P (Delegation)	TICEHURST: The Oast, Birchetts Green Lane, Ticehurst Demolition of the existing single-storey garage, conservatory and annexe. Two-storey extension to the main house and internal alterations. Bay window to replace the existing conservatory. Reconstruction of the annexe in a new location further back in the site. Relocation of the existing entrance gates and driveway alterations. Mrs Phillipa Wynn-Green

## **APPEALS PENDING**

RR/2020/357/P	BATTLE: Marley House - Outbuilding (Former Squash
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(Delegation)	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/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/2021/2447/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/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/2021/2529/T (Delegation)	BEXHILL: 44 Collington Rise, Bexhill T1 Sycamore - Reduce western spread of lower and mid crown to 9m; height by up to 1.5m; branch lengths to draw in over-extended laterals and balance with remainder of crown; reduce southern and eastern spread of crown from 4-10m height by up to 2m branch lengths; reduce crown height by maximum 2m branch lengths to balance with reduced lateral spread; remove major deadwood. Mr Peter Bennett
RR/2021/1893/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/2022/184/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/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/2021/2644/P (Delegation)	BODIAM: Oast View - Land Opposite, Bodiam Business Park, Bodiam Construction of 2 No. 2-bedroom homes and 3 No. 3-bedroom homes with associated landscaping. Westridge Bodiam Park Limited
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/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/2021/1430/P (Delegation)	BREDE: Broad Oak Lodge, Chitcombe Road, Broad Oak, Brede Demolition of existing outbuildings for the provision of four new 4 bed dwellings and one new 2 bed dwelling. All with associated proposed parking and landscaping. Express Housing Group Ltd
RR/2022/814/P (Delegation)	BREDE: St Elmo, Cackle Street, Brede Erection of single storey rear extension & front porch. Mr & Mrs T. Quinn
RR/2020/70/P (Delegation)	BREDE: Barns Site, Steeplands - Land Adjacent to, Pottery Lane, Brede Erection of 4-bedroom detached dwelling and detached garage. Mrs A. Patel
RR/2021/2509/P (Delegation)	BRIGHTLING: Little Worge Farm, Brightling Demolition of part of agricultural barn and erection of a holiday cottage. Brightling Properties
RR/2022/1337/P (Delegation)	BURWASH: British Red Cross Society Centre, Highfields, Burwash Demolition of an existing building and erection of dwelling with associated parking and landscaping. Matrix Claims Services Ltd
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/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/2020/2306/P  
(Delegation)

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

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/2022/949/P  
(Delegation)

EWHURST: New Morgay Farm, Cripps Corner Road,  
Staplecross, Ewhurst  
Demolition of existing stables and erection of residential  
annexe.  
Mrs F. Radermaker

RR/2022/37/P  
(Delegation)

GUESTLING: Milward Gardens - Land adjacent to,  
Winchelsea Road, Guestling  
Outline: Erection of 4 No. bedroom detached house.  
BBG Commercial Properties Ltd

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/2022/2250/O  
(Delegation)

GUESTLING: The Cottage, Stream Farm, Chapel  
Lane, Guestling  
Existing use of the garage building as a residential  
dwelling.  
Mr Colin McNulty

RR/2022/1062/P

HURST GREEN: 2 Silverhill Cottages, Silverhill, Hurst

(Delegation)	Green First floor rear extension Miss Karina Hymers
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/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/2021/2759/P (Delegation)	PEASMARSH: Partridge Farm, Starvecrow Lane, Peasmarsh Change of use of the building and land from holiday let accommodation to permanent dwelling. Mr and Mrs A. and W. Thomas
RR/2021/2888/P (Delegation)	PEASMARSH: 1 Brickfield, Main Street, Peasmarsh Erection of a 2-storey side extension over part of existing footprint to form 1-bedroom maisonette. Mr Peter Bedborough
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/2021/2597/P (Delegation)	TICEHURST: Fine Acres, Astricus, Tolhurst Lane, Wallcrouch, Ticehurst Occupation of Astricus as an independent dwelling and erection of single storey conservatory. (Retrospective) Mr James Lee
RR/2021/1473/P (Delegation)	WESTFIELD: The Old Chicken Barn, Hoads Farm, Moat Lane, Westfield

Replace existing chicken barn with 1 No. detached house on same footprint and raising to accommodate a second floor, however lowering the pitch of the roof to keep the new height to a minimum.

Mr Warren Behling

RR/2022/1013/FN  
(Delegation)

WESTFIELD: The Old Chicken Barn, Hoads Farm, Moat Lane, Battle

Application to determine if prior approval is required for modifications to a commercial/agriculture barn.

Mr Warren Behling

RR/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/2022/4/P  
(Delegation)

WESTFIELD: Mables Farm, Sprays Bridge, Harts Green, Westfield

Proposed mobile home for owner to remain on site to care for sick animals.

Mrs J. Sands

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

RR/2022/132/O  
(Delegation)

WHATLINGTON: Forest Lodge, Hooks Beach, Vinehall Street, Whatlington

Certificate of Lawfulness for a proposed part 2-storey, timber framed "granny" annex to the existing garage, with dormer to front.

Jamie Pearson

### **APPEALS ALLOWED**

RR/2021/1935/P  
(Delegation)

NORTHIAM: Cooks Farmhouse - Land Adj, New Road, Northiam

Proposed siting of a static holiday let unit and associated change of use of the land.

Mrs Sarah Secker

RR/2021/2804/P  
(Committee -  
Decision)

TICEHURST: Villa Flair, Union Street, Flimwell, Ticehurst  
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.

Ms L. Sutton

## **APPEALS DISMISSED**

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/2022/904/P (Delegation)	ICKLESHAM: Solpax, Morlais Ridge, Winchelsea Beach Icklesham Proposed conversion of garage including roof extension and addition of dormers to provide ancillary annexe accommodation for Solpax. Mr L. Schembri

## **APPEALS WITHDRAWN**

NONE

## **FORTHCOMING HEARINGS/INQUIRIES**

RR/2022/4/P (Delegation)	WESTFIELD: Mables Farm, Sprays Bridge, Harts Green, Westfield Proposed mobile home for owner to remain on site to care for sick animals. Mrs J. Sands Hearing to be held on 19 April 2023 at 10:00am, Council Chamber, Town Hall, Bexhill-on-Sea.
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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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