

## Planning Committee

- Date and Time - **Thursday 10 November 2022**  
**9:30am – 1:00pm and 2:00pm until close of business**  
(At the discretion of the Chairman, the timing of lunch may be varied)
- Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**
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### **Councillors appointed to the Committee:**

J. Vine-Hall (Chair), S.M. Prochak, MBE (Vice-Chair), Mrs M.L. Barnes, T.J.C. Byrne, G.C. Curtis, 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, 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 13 October 2022 as a correct record of the proceedings.

### 2. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

### 3. **ADDITIONAL AGENDA ITEMS**

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

### 4. **WITHDRAWN APPLICATIONS**

The Director – Place and Climate Change to advise Members of those planning applications on the agenda which have been withdrawn.

### 5. **DISCLOSURE OF INTEREST**

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the

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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/2020/1613/P - KINGWOOD HILL - LAND ON EAST SIDE OF, BREDE**  
(Pages 5 - 24)
8. **RR/2022/2069/P - FORMER MARKET GARDEN, LOWER WAITES LANE, FAIRLIGHT** (Pages 25 - 36)
9. **RR/2022/736/P - LEA FARM - LAND AT, PEASMARSH** (Pages 37 - 46)
10. **RR/2022/2230/P - QUARRIES, TICEHURST ROAD, HURST GREEN**  
(Pages 47 - 58)
11. **RR/2022/1538/P - OAKLEIGH, 6 WOODLAND WAY, CROWHURST**  
(Pages 59 - 72)
12. **PLANNING STATISTICS FOR THE QUARTER JULY – SEPTEMBER 2022 (2ND QTR) INCLUDING SUMMARY OF PLANNING STATISTICS FOR 2020-2023** (Pages 73 - 82)
13. **APPEALS** (Pages 83 - 96)
14. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**  
Tuesday 13 December 2022 at 9:00am departing from the Town Hall, Bexhill.

Malcolm Johnston  
Chief Executive

Agenda Despatch Date: 2 November 2022

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

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

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## Rother District Council

Report to	-	Planning Committee
Date	-	10 November 2022
Report of the	-	Director – Place and Climate Change
Subject	-	Planning Applications – Index

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**Director: Ben Hook**

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## Planning Committee Procedures

### Background Papers

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

### Planning Committee Reports

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

### Consultations

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

### Late Representations

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

### Delegated Applications

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

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

### Order of Presentation

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

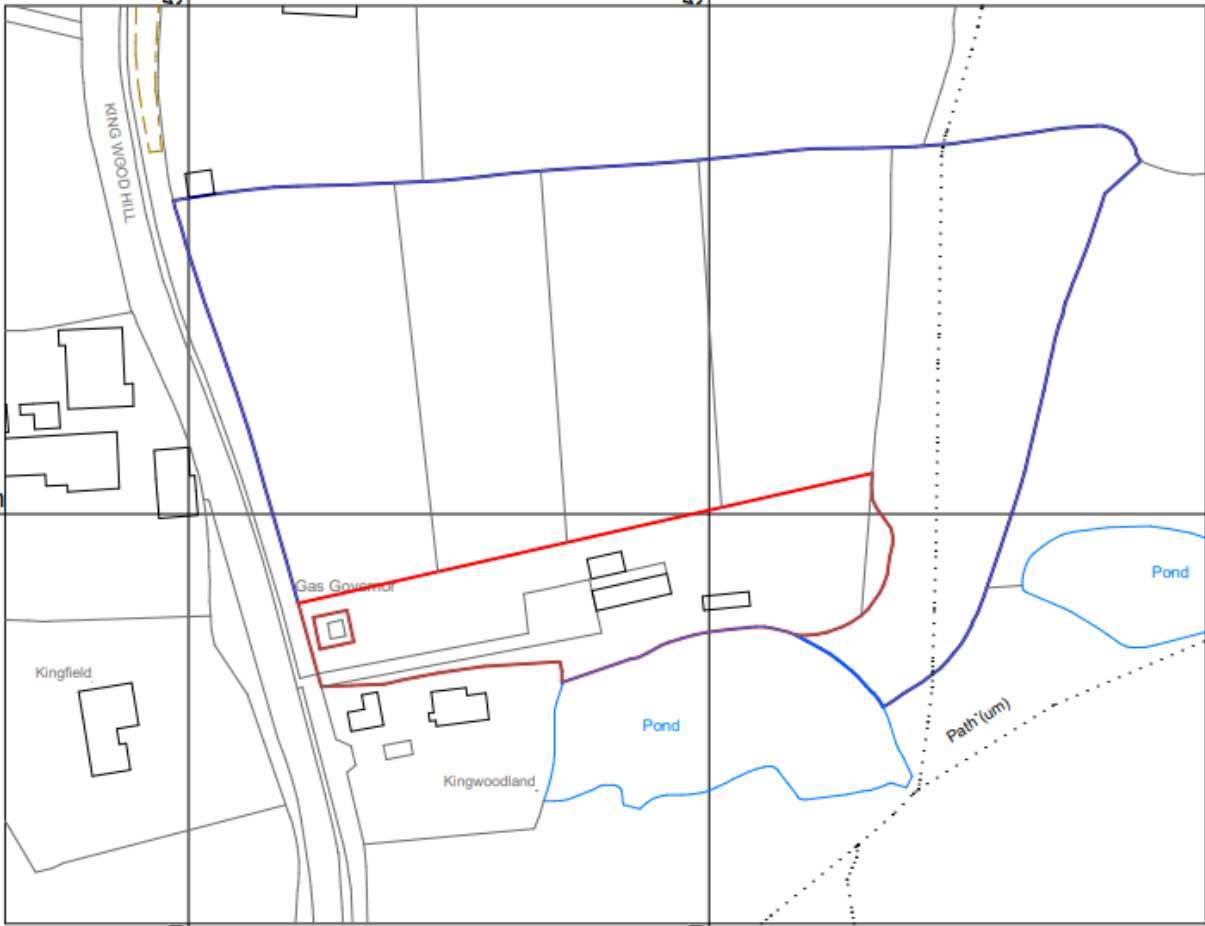
Agenda Item	Reference	Parish	Site Address	Page No.
7	<a href="#">RR/2020/1613/P</a>	BREDE	Kingwood Hill – Land on the East side of Brede	5
8	<a href="#">RR/2022/2069/P</a>	FAIRLIGHT	Former Market Garden Lower Waites Lane Fairlight TN35 4D	25
9	<a href="#">RR/2022/736/P</a>	PEASMARSH	Lea Farm – Land at Peasmarsch TN31 7ST	37
10	<a href="#">RR/2022/2230/P</a>	HURST GREEN	Quarries Ticehurst Road Hurst Green TN19 7QT	47
11	<a href="#">RR/2022/1538/P</a>	CROWHURST	Oakleigh 6 Woodland Way Crowhurst TN33 9AP	59

SITE PLAN

BREDE

RR/2020/1613/P

Kingwood Hill -  
Land on East side of



## Rother District Council

Report to - Planning Committee  
Date - 10 November 2022  
Report of the - Director – Place and Climate Change  
Subject - RR/2020/1613/P  
Address - Land on the East side of; Kingwood Hill,  
Broad Oak, Brede  
Proposal - Change of use of the land for the stationing of one mobile home and one touring caravan for Gypsy / Traveller occupation. Removal of existing mobile home. Associated hard and soft landscaping and proposed erection of a 'Day Room'. (Part retrospective)

[View application/correspondence](#)

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

**Reason for Committee consideration: Member referral: Councillor Vine-Hall**

**Statutory 8-week date: 19 May 2021**

**Extension of time agreed to: 18 November 2022**

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This application was deferred at the July 2022 Committee Meeting for the consideration of whether the site was deliverable and further information regarding education provision for the Applicant's children.

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### 1.0 SUMMARY

1.1 Since consideration at the Planning Committee in July of this year, the Applicant has submitted additional information that shows that the children have attended school locally. To support the Council's new Local Plan, Rother has worked with East Sussex local authorities to commission a joint [Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment \(GTAA, 2022\)](#). This document strengthens the position that was adopted by the Inspector at the appeal for two gypsy and traveller pitches at Highviews, Battle in 2021 (RR/2019/1656/P) that the Council may

not currently have a deliverable five year supply of pitches and that the locally set targets contained within the Rother Local Plan Core Strategy are out of date. The need for the proposed accommodation is identified in the GTAA.

- 1.2 Since the last committee meeting, the Applicant has submitted an Ecological Report. This report concludes that there would be a minimal impact on biodiversity due to the low ecological value of the site. The site is identified as falling within a 'red impact risk zone' for great crested newts (GCN). Naturespace has been consulted on the application and they consider that the impacts to GCN are considered to be very low. They have commented that the reasonable avoidance measures should be carried out to minimise impacts to GCN and common amphibians. A planning condition is recommended to secure this and the other mitigation measures contained within the Ecological Report. Also a note is suggested to remind the Applicant about the obligations in respect of GCN.
- 1.3 Based on the information submitted the occupants of the site fall within the definition of Gypsy and Travellers (G&T) contained within the National Planning Policy Framework for Traveller Sites (PPTS). Hence their personal circumstances are material considerations. However, the site is outside any development boundary, as defined in the Development and Site Allocations (DaSA). The application has been assessed against the Council's policies for G&T; together with the National PPTS. The Council's requirement (under Policy LHN5 of the Rother Local Plan Core Strategy) is to identify six permanent pitches between 2016 and 2028 and sites are allocated under Policies GYP1 and BEX3 of the DaSA. There is however doubt on the deliverability of these sites, as concluded within the recent Loose Farm Lane appeal decision (RR/2019/1565/P). The application site is not an allocated site and being outside areas allocated in the development plan, does not accord with paragraph 25 of the PPTS. Determining the application on its planning merits, the use of the site as a G&T site causes some limited harm to the character and appearance of the rural area.
- 1.4 The development represents a visual intrusion of caravans which harms the character and appearance of the Area of Outstanding Natural Beauty (AONB), however the site has a history of development including polytunnels and stable buildings that remain on site. The presence of external domestic paraphernalia such as vehicles, play equipment, washing and lighting at night from inside the caravans add to the harmful impact that the development has, but the harm is reduced by the natural screening of the site provided by existing vegetation and topography and the fact the mobile home and day room are well set back from the road. Although the harm identified is considered to be limited in these specific circumstances, the development still conflicts with development plan policies and national policies which seek to protect the intrinsic character and appearance of the countryside and the landscape and scenic beauty of the AONB.
- 1.5 At the end of paragraph 24 of the PPTS it is explained that "*as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh.....any other harm so as to establish very special circumstances*". In this case the best interests of the children living on the site do fall to be considered. They are a primary consideration. The children are attending local schools, and if

the family are required to move to another location this would cause disruption to the children's education. In addition to this potential disruption, it is unclear whether there is an appropriate allocated site for them to move to. This weighs heavily in favour of the application.

- 1.6 The location of the site is considered sustainable. The development is not at odds with the aims of local and national planning policies, which seek to direct development, and that of residential accommodation in particular, to settlements where there is ready access to facilities; as well as local and national policies on moving to a low carbon future.
- 1.7 Overall, significant weight can be attributed to the personal circumstances of the family, including the best interests of the children. Significant weight can also be attributed to the uncertainty regarding the deliverability of the allocated DaSA sites. The limited harm to the AONB does not in this specific case outweigh these considerations and therefore it is recommended that the application is, on balance, supported.
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## **2.0 SITE**

- 2.1 The application site lies to the eastern side of Kingwood Hill. It is positioned between Hillcrest to the north and Kingwoodland to the south, which is a Grade II listed building. The site comprises of an area of open grassland with an existing stable building used for the keeping of horses in the past. To the east of the site and within the ownership of the Applicant lies an area of woodland with a Public Right of Way running from south to north.
- 2.2 The site is served by a vehicular access onto Kingwood Hill measuring around 17m in length and 6m in width. There is a screen of trees and vegetation across the frontage, either side of the access. The remainder of the site measures around 80m in width and 37m in depth. The field to the north is owned by the Applicant and is being used to keep horses.
- 2.3 The site is located within the countryside outside of a recognised development boundary. It is within the High Weald AONB and is within the Brede Valley Landscape Character Area.
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## **3.0 PROPOSAL**

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



information considered to be pertinent to the application has been explained in general terms only.

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#### **4.0 HISTORY**

- |     |                |   |
|-----|----------------|---|
| 4.1 | RR/2009/1763/P | Replacement of existing building to be used as stable/tack room. Approved conditional                     |
| 4.2 | RR/98/1754/P   | Agricultural polytunnels. Approved (temporary)  |
| 4.3 | RR/87/1645     | Outline: Erect four dwellings with garages served by proposed new access road off Kingswood Hill. Refused |
| 4.4 | A/62/511       | Outline application: residential development Refused. Appeal dismissed                                    |
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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)
- RA2 (general strategy for the countryside)
- RA3 (development in the countryside)
- SRM1 (towards a low carbon future) (Note that part (i) was superseded by the Rother District Council Development and Site Allocations Local Plan)
- SRM2 (water supply and wastewater management)
- CO6 (community safety)
- LHN5 (sites for the needs of Gypsies and Travellers)
- LHN6 (Gypsies, Travellers and Travelling Showpeople criteria)
- EN1 (landscape stewardship)
- EN2 (stewardship of the historic built environment)
- EN3 (design quality)
- EN5 (biodiversity and green space)
- TR3 (access and new development)
- TR4 (car parking)

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

- DEN1 (maintaining landscape character)
- DEN2 (AONB)
- DEN4 (biodiversity and green space)
- DEN5 (sustainable drainage)
- DEN7 (environmental pollution)
- DIM2 (development boundaries)
- BEX3 (land at North Bexhill – infrastructure)
- BEX3c (land east of Watermill Lane)

- GYP1 (land adjacent to High Views, Loose Farm Lane, Battle)

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

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## 6.0 CONSULTATIONS

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

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

### 6.2 Environmental Health – **NO OBJECTION**

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

6.2.2 There is adequate and well-maintained provision for drainage and waste water storage and removal on site and there are no nuisance issues evidenced from the keeping of any animals.

6.2.3 If planning permission is granted a licence would be required under the Caravan Sites Control of Development Act 1960, to which conditions would be attached.

6.2.4 Details should be submitted to show how surface and foul water will be adequately disposed of, without impacting on neighbouring properties. Foul water must not enter the pond.

### 6.3 Pollution Control – **GENERAL COMMENTS**

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

### 6.4 Planning Notice

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

#### *Gypsy and Traveller status and current local provision*

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

#### *Location*

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

## *AONB*

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

## *Highway safety*

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

## *Other*

- A precedent would be set if this development is allowed.
- The site has a lawful use for agriculture.
- Site has little by way of established infrastructure.
- Enforcement action must be taken immediately to stop any further work.
- Lack of detail on drainage and waste disposal.
- Foul drainage discharge and surface water would be harmful to the surrounding environment.
- Inaccurate statements and information provided within the application.
- Permission has previously been refused on the site for a single dwelling – same reasons for refusal should apply for this development.
- Risk of noise pollution to settled community.
- Council should require details of size and appearance of the caravans and impose a condition requiring prior consent to the design of any future replacement.
- The development would unreasonably harm the amenities of neighbouring properties.

## 6.5 Brede Parish Council – **OBJECTION**

6.5.1 The site is in the High Weald AONB.

6.5.2 It is too close to a Grade II listed building and will have an adverse impact.

6.5.3 There is provision for travellers' sites within Rother. The site does not meet the criteria for assessing suitability for a traveller's site. A mobile home does not meet the national standards for sound insulation and should not be considered suitable for this site.

6.5.4 There should be no adverse effect to environment and residential amenities. The site is behind other properties and access is between them, which will affect them. There is currently no foul water drainage on site which will affect the environment.

6.5.5 Vehicular access should accommodate larger vehicles. The access is not suitable.

6.5.6 It is outside the development boundary.

6.5.7 To allow this application in light of the reasons stated above may set a precedent for future applications.

6.5.8 Sussex Newt Officer – **NO REPRESENTATIONS RECEIVED**

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## **7.0 LOCAL FINANCE CONSIDERATIONS**

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

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## **8.0 APPRAISAL**

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

### 8.2 Planning history of the site

8.2.1 In 1987 under planning application reference RR/87/1645, planning permission was refused for four residential dwellings and garages, due to impacts on visual amenities, AONB and traffic.

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

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

### 8.3 Policy considerations

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

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

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

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

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

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

- 8.3.2 Policy LHN6 of the Rother Local Plan Core Strategy, against which all planning applications for G&T sites will be assessed, states:  
*Site allocations will be made and/or planning permission granted for Gypsy, Traveller and Travelling Showpeople sites, when all of the following criteria are met:*
- (i) *The site is not located in a nature conservation designated area, in an area at risk of flooding (flood zones 3a & 3b or a functional floodplain), in close proximity to a Source Protection Zone or significantly contaminated land;*
  - (ii) *The site should not result in an unacceptable visual or landscape impact, especially within the High Weald AONB taking account of proposed landscaping or screening;*
  - (iii) *The site is located within or close to an existing settlement and is accessible to local services by foot, by cycle or by public transport;*
  - (iv) *The site can be adequately accessed by vehicles towing caravans and provides adequate provision for parking, turning, and access for emergency vehicles;*
  - (v) *The site is not disproportionate in scale to the existing settlement;*
  - (vi) *Mixed use sites should not unreasonably harm the amenity of adjoining properties;*
  - (vii) *In the case of sites for Travelling Showpeople, the site must also be suitable for the storage of large items of mobile equipment;*
- Where planning permission is granted, appropriate conditions or planning obligations will be imposed to ensure occupation of the site is restricted to those persons genuinely falling into the definitions of Gypsies, Travellers and Travelling Showpeople.*
- 8.3.3 Turning to national policy, which is a material planning consideration, Paragraph 23 of the PPTS (2015) sets out that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and the PPTS.
- 8.3.4 When considering planning applications for Traveller sites, paragraph 24 of the PPTS explains the following issues amongst other relevant matters should be considered:
- a) The existing level of local provision and need for sites.
  - b) The availability (or lack) of alternative accommodation for the Applicants.
  - c) Other personal circumstances of the Applicant.
  - d) That the locally specific criteria used to guide the allocations of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.
  - e) That they should determine applications for sites from any travellers and not just those with local connections.
- 8.3.5 At the end of paragraph 24 of the PPTS it is explained that *“as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances” (emphasis added)*. Clearly Green Belt is not relevant in this case, but *“any other harm”* could include, for example, harm to the AONB, highway safety, sustainability of location, etc.

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

#### 8.4 Main issues

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

#### 8.5 G&T Status

- 8.5.1 It is important to establish the G&T status of the occupiers of the site to determine whether the policies of the PPTS and those relevant policies in the Development Plan apply to them.
- 8.5.2 Within the glossary of the PPTS, paragraph 1 states that for the purposes of the PPTS “gypsies and travellers” means:  
*‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.’*
- 8.5.3 Paragraph 2 of the glossary in the PPTS explains that in determining whether persons are “gypsies and travellers” for the purposes of the PPTS, consideration should be given to the following issues amongst other relevant matters:
- a) whether they previously led a nomadic habit of life;
  - b) the reasons for ceasing their nomadic habit of life; and
  - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.
- 8.5.4 The definition provided in the 2015 PPTS is a departure from the previous definition as it now no longer includes those who have ceased travelling permanently for any reason.
- 8.5.5 By way of background, the Equality and Human Rights Commission recently (September 2019) published a research report on the impact that the revised planning definition of G&T has had in terms of assessing accommodation need. It sets out a useful summary of the history behind how G&T have been defined in planning policy. It explains that for the past 50 years aspects of law and policy in England have sought to address a shortage of G&T sites to compensate for the closure of traditional stopping places on common land since 1960 (Caravan Sites and Control of Development Act, section 23). To restrict the use of such sites to those who have a genuine need for them, a definition of G&T as ‘persons of a nomadic habit of life, whatever their race or origin’ was introduced (Caravan Sites Act 1968, section 6).
- 8.5.6 The research report explains that ‘nomadic habit of life’ has been subject to significant interpretation in the higher courts. For instance, there needs to be a recognisable connection between travelling and how someone makes their living and that nomadism can be held in abeyance for a considerable amount of time. It also explains that the definition has been through several iterations since it was introduced but it has consistently focused on individuals’ nomadic habit of life, rather than race.
- 8.5.7 The supporting information confirms that the Applicants have school age children attending school locally. The submission from the East Sussex County Council Traveller Liaison Manager (dated 14-5-21) confirms that the family are Romany Gypsies and that when they do travel, they do so independently. The appendix to the letter from the Applicant’s agent (5 March 2021) provides details of the Applicants’ personal circumstances including that they all travel as a way of life and for work, having never lived in a house before.

- 8.5.8 The evidence therefore supports the conclusion that the Applicants meet the definition of G&T in the PPTS. Consequently, Rother Local Plan Core Strategy Policies LHN5 and LHN6 apply to the determination of this application.
- 8.6 The need for sites for G&T, the provision of sites and the availability of alternative sites
- 8.6.1 In terms of development plan policies, Policy LHN5 of the Rother Local Plan Core Strategy (2014) requires provision to be made for five permanent pitches within Rother for G&T over the period 2011-2016, and a further six pitches between 2016 and 2028. These requirements have been met either through implemented planning permissions or through the allocation of two sites (totalling six pitches) within the DaSA (Policies BEX3, BEX3c & GYP1). The DaSA sites are currently unoccupied and do not have extant planning permission.
- 8.6.2 A recent allowed Appeal Decision at Loose Farm Lane, Battle has cast doubt over the deliverability of allocated G&T sites. The Inspector drew attention to the PPTS, which states that in order to be considered deliverable, sites should be available now, offer a suitable location for development and be achievable in the next five years. Whilst the requirements for pitches have been met in accordance with locally assessed needs, it is unclear whether all the allocated pitches have become available. The Inspector's doubts over deliverability weighed in favour of the proposal and is therefore a material consideration in this case.
- 8.6.3 To support the Council's new Local Plan, Rother has worked with the East Sussex local authorities to commission a joint [Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment \(GTAA, 2022\)](#) for the study period between 2021 and 2040. The publication of the GTAA (2022) strengthens the position that was adopted by the Inspector at the appeal for two gypsy and traveller pitches at Highviews, Battle, in 2021 (RR/2019/1565/P): that the Council may not currently have a deliverable 5 year supply of pitches, and that the locally set targets contained within the Core Strategy are out of date.
- 8.7 Character and appearance
- 8.7.1 Section 85 of the Countryside and Rights of Way Act 2000 provides that, in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The essential landscape character of the High Weald AONB that makes it special is described within the Statement of Significance within the AONB Management Plan 2019-2024. The plan also sets objectives for the management of the AONB relating to geology, landform and water systems; settlement; routeways; woodland; field and heath; land-based economy and related rural life; and other qualities.
- 8.7.2 Paragraph 174 of the National Planning Policy Framework states that decisions should contribute to and enhance the natural and local environment by a) protecting and enhancing valued landscapes and b) recognising the intrinsic character and beauty of the countryside.



- 8.7.3 Paragraph 176 of the National Planning Policy Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. It explains that the conservation and enhancement of wildlife and cultural heritage are also important considerations.
- 8.7.4 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires that all development respects and does not detract from the character and appearance of the locality.
- 8.7.5 Policy RA2 of the Rother Local Plan Core Strategy sets out the overarching strategy for the countryside outside the main confines of settlements, including: (viii) generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 8.7.6 Policy RA3 (v) of the Rother Local Plan Core Strategy requires that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.
- 8.7.7 Policy EN1 provides for the protection, and wherever possible enhancement, of the District's nationally designated and locally distinctive landscapes and landscape features including (i) the distinctive identified landscape character, ecological features and settlement pattern of the AONB and (v) open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes.
- 8.7.8 Turning to the DaSA, Policy DEN1 provides that the siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics, in accordance with Rother Local Plan Core Strategy Policy EN1. Particular care will be taken to maintain the sense of tranquillity of more remote areas, including through maintaining 'dark skies' in accordance with Policy DEN7.
- 8.7.9 In respect of the distinctive local landscape characteristics, the site is located within the Brede Valley Landscape Character Area, which the East Sussex Landscape Character Assessment describes in detail. Within the assessment the landscape evaluation of the current condition explains that Brede Valley is a largely unspoilt and tranquil rural landscape with few intrusive features. The landscape is in generally good condition and well managed as farmland with a strong historic structure. Orchards have declined and many disappeared so that associated Oast houses have been converted to residential uses. Agricultural change has led to some gentrification of the rural landscape and villages. As with most of the High Weald landscape the historic field patterns of small fields and significant hedgerows remain intact.
- 8.7.10 Policy DEN2 of the DaSA states that all development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management

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

- 8.7.11 The High Weald AONB is characterised by green rolling countryside, of a pastoral nature, punctuated by small areas of woodland, small towns, villages and hamlets. The application site lies between two residential dwellings to the north and south, with open agricultural land to the east. The development for which planning permission is sought is concentrated on the southern side of the land, adjacent to a screen of vegetation which separates it from the neighbouring dwelling.
- 8.7.12 Caravans are not characteristic of the immediate landscape; however, the site is not a previously undeveloped as an existing stable building remains on site. The mobile homes and the touring caravans cannot easily be seen from the road as they are set back from the road, screened by vegetation. The development would however be visible from the public footpath to the east of the proposal, although these views would be obscured by vegetation on the eastern boundary of the site.
- 8.7.13 Although the development is considered out of character with the area, the harm to the landscape and scenic beauty of the wider AONB are somewhat limited in these specific circumstances.
- 8.7.14 Turning to the setting of the neighbouring Grade II listed building 'Kingwoodland', it is important to note that the mobile home and day room are both sited further away than the authorised modern stable block. In addition, significant boundary screening means the development and listed building are not visible with each other. For these reasons there is no harm to the setting of the listed building.

## 8.8 Accessibility to services and facilities

- 8.8.1 The application site is just outside the Development Boundary for Cackle Street, as defined in the DaSA Local Plan. It is within 250m of Brede Village Hall and bus stops on the A28 to the south, and 500m of services in Broad Oak to the north, which can all be reached by pedestrian footway.
- 8.8.2 Policies PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3 of the Rother Local Plan Core Strategy and paragraph 8 of the National Planning Policy Framework seek to minimise the need to travel and to support the transition to a low carbon future. The development meets the aims of local and national planning policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to facilities.

## 8.9 Highway safety

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

- 8.9.2 The site access is on the eastern side of Cackle Street along a section of the road that is subject to a 30mph speed limit. The land is served by an existing access with a driveway as well as parking and turning area. No further works to the access are proposed as part of this application.
- 8.9.3 The Highway Authority has advised that visibility splays of 2.4m x 90m should be provided in each direction. The subsequently submitted drawings demonstrate that this would be achievable, and the access is set back 12m from the A28 which would allow vehicles to wait within the driveway whilst the gate is opened and shut, thus preventing the carriageway from being obstructed.
- 8.9.4 Based on the information provided by the Applicant and the advice provided by the Highway Authority, it has been satisfactorily demonstrated that adequate visibility splays in accordance with actual vehicle speeds can be provided. The access is also considered satisfactory for vehicles towing caravans to enter and egress and there is sufficient space to park and turn vehicles on site. There would be no increased risk to highway safety and therefore the development complies with policies CO6 (ii) and LHN6 (iv) of the Rother Local Plan Core Strategy.

8.10 Living conditions of occupants of nearby residential properties

- 8.10.1 The immediate neighbouring property to the south, 'Kingwoodland', is the only nearby residential property that is likely to be directly impacted by the development. Whilst other local residents may see glimpses of the development as they drive past or walk by the site, they should not be impacted in any other way.
- 8.10.2 The mobile home is around 30m from the shared boundary with Kingwoodland to the south, and the southern boundary of the application site benefits from mature screening. Given the substantial separation, no unacceptable overlooking, loss of outlook or loss of light occurs. The development comprises one residential unit which is unlikely to generate significant or harmful levels of activity or noise. There are no adverse impacts on the living conditions of the occupants of the neighbouring property 'Kingwoodland'.

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

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

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

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

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

8.11.2 The PPG contains the following guidance:

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

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

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

Revision date: 01 09 2015

- 8.11.3 The Local Planning Authority is advised that the site is occupied by a single-family unit consisting of two adults with their three children, with two of the children attending a local primary school since September 2020. The eldest child attends a local secondary school.
- 8.11.4 If planning permission is refused, and any subsequent appeal is dismissed, it is likely that the family would have to leave the site. This would result in the interference with their human rights regarding Article 8 of the European Convention on Human Rights. It encompasses respect for family life and the home. It is consistent with relevant caselaw that the best interests of children should be a primary consideration in any decision on the application, although is not necessarily the determining factor.
- 8.11.5 The best interests of the children living on the site are to remain on the site and for the proposed development to be retained as provided. An ordered and settled site would afford them the best opportunity of a stable, secure and happy family life, opportunities for education, ready access to health and other services and opportunities for play and personal development.
- 8.11.6 Further information has been provided by the Applicant regarding the education of the children. Confirmation has been received from a local primary school and secondary school that all the children are in attendance.

## 8.12 Impacts on Great Crested Newts (GCN)

- 8.12.1 A Preliminary Ecological Report (PEA) has been submitted by the Applicant following the deferral of this application in order to determine the likely significance of ecological impacts of the development.
- 8.12.2 The findings of the PEA suggest that it is unlikely that GCN are present in the adjacent pond.

### 8.13 Drainage and pollution

8.13.1 Additional information from the Applicant has been submitted, confirming that a septic tank is in place on site and is emptied monthly.

### 8.14 Intentional Unauthorised Development

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

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## 9.0 **PLANNING BALANCE AND CONCLUSION**

9.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the National Planning Policy Framework.

9.2 Based on the information submitted the occupants of the site fall within the definition of G&T contained within the PPTS. Hence their personal circumstances are material considerations. However, the site is outside any defined development boundary, as defined in the DaSA. The application has been assessed against the Council's policies for G&T; together with the Government's PPTS. The Council's requirement (under Policy LHN5 of the Rother Local Plan Core Strategy) to identify a further six permanent pitches to be provided between 2016 and 2028 to meet the identified need has been satisfied by the sites allocated under Policies GYP1 and BEX3 of the DaSA. There is however doubt on the deliverability of these sites, as concluded within the recent Loose Farm Lane appeal decision. The application site is not an allocated site and being outside areas allocated in the development plan, does not accord with paragraph 25 of the PPTS. Determining the application on its planning merits, the use of the site as a G&T site causes some limited harm to the character and appearance of the rural area, and therefore the proposal conflicts with Policies OSS4 (iii), RA2 (iii) (viii), RA3 (v), LHN6 (ii), and EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA, saved Policy DS3 of the Local Plan (2006) and paragraph 176 of the National Planning Policy Framework.

9.3 The development represents a visual intrusion of caravans which harms the character and appearance of the AONB, however the site has a history of development including polytunnels and stable buildings that remain on site. The presence of external domestic paraphernalia such as vehicles, play equipment, washing and lighting at night from inside the caravans add to the

harmful impact that the development has, but the harm is reduced by the natural screening of the site provided by existing vegetation and topography and the fact the mobile home and day room are well set back from the road, behind an existing stable block. Although the harm identified is considered to be limited in these specific circumstances, the development still conflicts with Policies OSS4 (iii), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA, paragraphs 174 and 176 of the National Planning Policy Framework and Policy H, paragraph 25 of the PPTS. In accordance with paragraph 176 of the National Planning Policy Framework, great weight must be given to the harm that the development has on the landscape and scenic beauty of the AONB.

- 9.4 At the end of paragraph 24 of the PPTS it is explained that *“as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh.....any other harm so as to establish very special circumstances”*. In this case the best interests of the children living on the site do fall to be considered. They are a primary consideration. The children are attending local schools, and if the family are required to move to another location this would cause disruption to the children’s education. In addition to this potential disruption, it is unclear whether there is an appropriate allocated site for them to move to. This weighs heavily in favour of the application.
- 9.5 The location of the site is considered sustainable. The development is not at odds with the aims of local and national planning policies, which seek to direct development, and that of residential accommodation in particular, to settlements where there is ready access to facilities; as well as local and national policies on moving to a low carbon future. The development complies with Rother Local Plan Core Strategy Policies PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3, which are broadly consistent with the National Planning Policy Framework’s aim to promote and encourage sustainable transport.
- 9.6 Overall, significant weight can be attributed to the personal circumstances of the family, including the best interests of the children. Significant weight can also be attributed to the uncertainty regarding the deliverability of the allocated DaSA sites. The limited harm to the AONB does not in this specific case outweigh these considerations and therefore it is recommended that the application is, on balance, supported.

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**RECOMMENDATION: GRANT (FULL PLANNING)**

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1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Location Plan, Drawing No. 2020-080v1-Location, dated 24/09/21  
Existing Block Plan, Drawing No. 2020-080v1-ExistBlock, dated 13/01/22  
Proposed Block Plan, Drawing No. 2020-080v1-PropBlock, dated 13/01/22  
Caravan Tracking Plan, Drawing No. 2020-080v1-Tracking, dated 24/09/21  
Reason: for the avoidance of doubt and in the interests of proper planning.

2. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of DCLG "Planning Policy for Traveller Sites" (revised version published August 2015) and restricted to only Mr Danny Penfold and Mrs Louisa Penfold and their dependants.  
When the land ceases to be occupied by those named above, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored in accordance with a scheme and timetable that has first been submitted to and approved in writing by the Local Planning Authority.  
Reason: The proposed development is only acceptable due to the personal circumstances of Mr Penfold and Mrs Penfold and their family and their habit of life, which mean that they meet the definition of a "gypsy or traveller" as detailed in Annex 1 of the Planning Policy for Traveller Sites and in accordance with Policies LHN5 and LHN6 of the Rother Local Plan Core Strategy.
3. The access shall not be used until visibility splays of 2.4m by 90m are provided in both directions and maintained thereafter.  
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
4. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans which shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be obstructed.  
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
5. No more than one static caravan and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time.  
Reason: To conserve the natural beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1(i) and LHN6 of the Rother Local Plan Core Strategy.
6. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and no commercial activities, including burning, shall take place on the land, including the storage of materials, plant or waste.  
Reason: To preserve the amenities of the locality, in accordance with Policy OSS4(ii) of the Rother Local Plan Core Strategy.
7. The development hereby approved shall be implemented in accordance with the recommendations/measures stated in section 4.2 of the supporting document, Preliminary Ecological Appraisal for the Land to the East of Kingwood Hill (Arbtech, Sept. 2022).  
Reason: To minimise the impacts of development on biodiversity, in accordance with paragraphs 174 and 180 of the National Planning Policy Framework.

**NOTE:**

1. 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: deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a rest or sheltering place. Planning consent 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.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

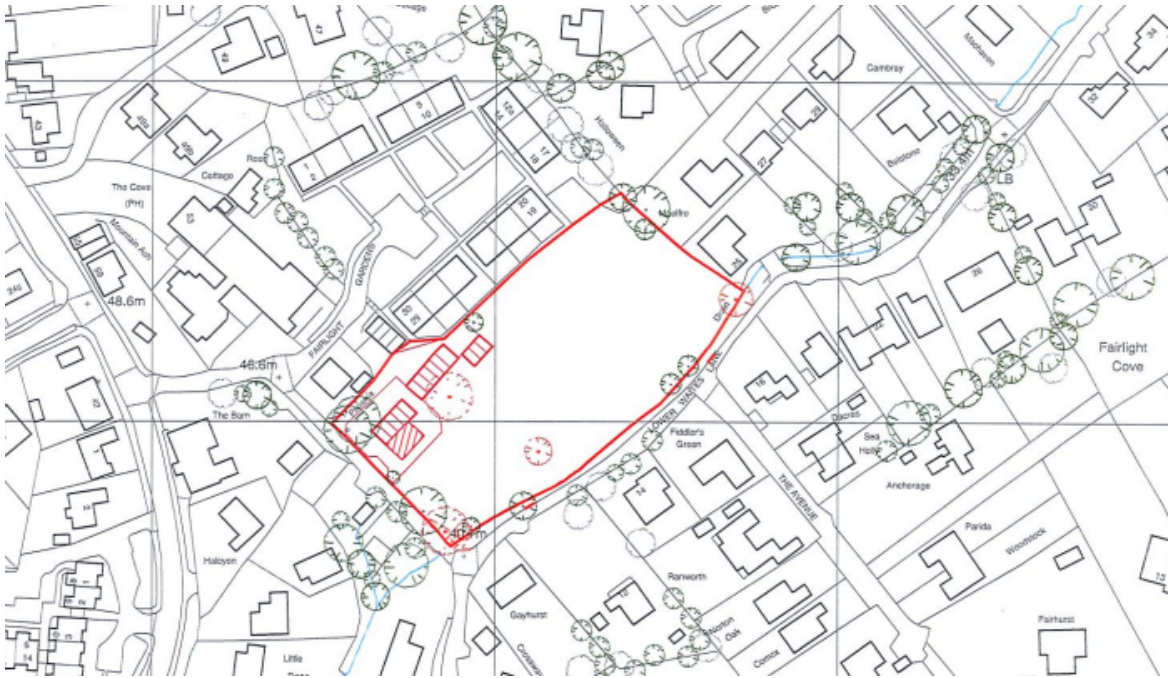


SITE PLAN

FAIRLIGHT

RR/2022/2069/P

Former Market Garden,  
Lower Waites Lane,



## Rother District Council

Report to	-	Planning Committee
Date	-	10 November 2022
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/2069/P
Address	-	Former Market Garden, Lower Waites Lane, FAIRLIGHT
Proposal	-	Variation of Conditions(s) 2, 22, 23 imposed on RR/2017/457/P. To amend site layout to accommodate enlarged wildlife area.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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<b>Applicant:</b>	<b>C/o agent</b>
<b>Agent:</b>	<b>Kember Loudon Williams</b>
<b>Case Officer:</b>	<b>Mr M Worsley</b> (Email: <a href="mailto:matthew.worsley@rother.gov.uk">matthew.worsley@rother.gov.uk</a> )

<b>Parish:</b>	<b>FAIRLIGHT</b>
<b>Ward Members:</b>	<b>Councillor R.K. Bird and A.S. Mier</b>

**Reason for Committee consideration: Councillor Mier referral: Loss of parking, reduced space for large vehicles to turn, impact on wildlife.**

**Statutory 13-week date: 17 November 2022**

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### 1.0 SUMMARY

- 1.1 The revised layout would involve relatively minor changes, with the wildlife area increased in size to provide more space to retain the habitat of protected species. The amendments would result in two of the dwellings moving around 5.5m eastwards which would reduce the garden size of one of the dwellings and result in the loss of two parking spaces. However, overall the character and appearance of the locality and living conditions of future occupiers would be preserved. In addition, there would be no material harm to highway safety and satisfactory bin and recycling facilities would be provided.
- 1.2 The proposal would comply with development plan policies together with the various provisions set out in the National Planning Policy Framework and therefore the application can be supported.

### 1.3 PROPOSAL DETAILS

PROVISION	
No of houses	16
No of affordable houses	0
CIL (approx.)	£282,971.29
New Homes Bonus (approx.)	£0

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### 2.0 SITE

2.1 The site measures around 0.6 hectares in area and comprises land previously used as a market garden (horticulture) located centrally within the village of Fairlight Cove. It is bound by Lower Waites Lane to the southeast and southwest and Fairlight Gardens to the northwest. The land slopes down from northwest to southeast. There are several mature trees on the margins of the site, including two oak trees on the southwest and northeast boundaries which are protected by a Tree Preservation Order.

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### 3.0 PROPOSAL

3.1 The current application relates to a development that was allowed at appeal for the construction of 16 houses together with associated parking, access and wildlife area. It is proposed to vary certain conditions to amend the site layout to accommodate an enlarged wildlife area. The amendments would involve enlarging the wildlife area in an eastward direction, moving a bin store, moving two of the dwellings east, reducing the total number of parking spaces by two and reducing the size of the turning head at the eastern end of the site.

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### 4.0 HISTORY

4.1 RR/2017/457/P Construction of 16 houses together with associated parking, access and wildlife area.  
Refused – Appeal Allowed.

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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)
- OSS4 (general development considerations)
- RA1 (villages)
- SRM1 (towards a low carbon future) (part (i) superseded)
- SRM2 (water supply and wastewater management)
- CO6 (community safety)
- LHN1 (achieving mixed and balanced communities)
- EN3 (design quality)
- EN4 (management of the public realm)
- EN5 (biodiversity and green space)
- EN7 (flood risk and development)
- TR3 (access and new development)

- TR4 (car parking)
- 5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) 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 (accesses and drives)
  - DEN1 (maintaining landscape character)
  - DEN4 (biodiversity and green space)
  - DEN5 (sustainable drainage)
  - DEN7 (environmental pollution)
  - DIM2 (development boundaries)
  - FAC1 (land at Former Market Garden, Lower Waites Lane, Fairlight Cove)
- 5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
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## 6.0 CONSULTATIONS

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

#### *Condition 22 (parking)*

- 6.1.1 The East Sussex County Council (ESCC) Parking Demand Calculator indicates that the parking requirement for the mix of dwellings proposed is 32 car parking spaces. This presumes that larger dwellings will be allocated a minimum of two parking spaces and smaller dwellings one.
- 6.1.2 The submitted plan indicates that the proposed development will be served by 28 open parking spaces plus 6 garages. Regardless of their size garages are less likely to be used for parking and therefore it would be preferred for the full parking requirement to be met with open parking spaces or car ports; however, as the garages meet the 6m x 3m minimum internal measurements required the parking provision is considered to be acceptable.
- 6.1.3 It is noted that some of the parking spaces within the site are located quite remotely from the dwellings, and as a result on-street parking is likely to occur in front of these dwellings. This could potentially restrict access for larger vehicles (refuse/emergency) and with this in mind measures should be introduced to discourage on-street parking on this stretch of road.
- 6.1.4 Overall, the parking provision and distribution of spaces within the site is considered to be less than ideal; however, as the parking provision only falls one space short of the requirement based on the ESCC Parking Demand Calculator an objection on this basis would be difficult to justify.

#### *Condition 23 (vehicle turning space)*

- 6.1.5 Tracking drawings have been submitted to demonstrate that a large refuse vehicle is able to turn and manoeuvre within the site in a safe and convenient manner. The turning area provided is therefore acceptable.
- 6.2 Lead Local Flood Authority (LLFA) – NO OBJECTION
- 6.2.1 The proposed changes will have no bearing on local flood risk and will not affect the proposed surface water management for the site. Therefore, the County Council as the LLFA has no objection to the proposed variation of Conditions 2, 22 and 23.
- 6.3 Southern Water (SW) – GENERAL COMMENTS
- 6.3.1 The developer is currently in consultation with SW with regards to entering a sewer diversion agreement. The details of the proposed diversion need to be agreed and approved by SW before implementing on site. The comments in our response dated 31/05/2017 remain unchanged and valid for the above variation of conditions, which advised their initial investigations indicate that SW can provide foul sewage disposal to service the proposed development, which requires a formal application for a connection to the public sewer to be made by the Applicant or the developer.
- 6.4 County Archaeologist – NO OBJECTION
- 6.4.1 All archaeological works required by condition have now been completed and therefore we have no additional comments to make, further to our recommendation letter submitted on 12 August 2022 which recommended that Conditions 8 and 9 may be discharged in full.
- 6.5 County Ecologist – NO OBJECTION
- 6.5.1 Enlargement of wildlife area would be beneficial to protected species but would be subject to a licence application.
- 6.6 Planning Notice
- 6.6.1 18 objections have been received (from 15 representatives). The comments are summarised as follows:
- Highway safety concerns.
  - Lack of parking.
  - Ecological concerns.
  - Gardens too small.
  - Infrastructure cannot handle more surface and foul water drainage.
  - Development more cramped.
  - Number of houses should be reduced.
  - Inadequate bin and recycling storage.
  - Land is unstable.
- 6.6.2 Three general comments received (summarised):
- Parking concerns.
  - Loss of privacy.
  - Ground levels have been raised – development towers over everything.
  - Branches on their oak tree removed.

- Request that a tall fence or evergreen trees are planted on their boundary to give them privacy.
- Too many houses proposed.

6.6.3 One supportive set of comments received (summarised):

- Extension to wildlife area welcomed but protected species present on another part of the site.

## 6.7 Parish Council – **OBJECTION**

6.7.1 Significant reduction in turning space; removal of two parking spaces; reduction in size of the bin storage and the distance from the properties; removal of bike store; impact on attenuation tank size; ecological concerns; request comments from neighbours are considered.

## 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 £282,971.29.

## 8.0 **APPRAISAL**

8.1 The principle of providing 16 dwellings on this site has been established through the appeal that was allowed in September 2021. It is also the case that this site is allocated under Policy FAC1 of the DaSA to provide 16 dwellings.

8.2 The main issues to consider with this variation of conditions application include the impact of the layout changes on:

- The character and appearance of the locality.
- Ecology.
- Highway safety, including parking.
- Living conditions of future occupiers.
- Bin and recycling storage.

### 8.3 Character and appearance

8.3.1 In allowing the appeal, the Inspector recognised that the site is in an area of diverse building types, ages and styles, with fluctuations in density across the village. The spread of the proposal was considered well thought-out and a relatively spacious development with individual gardens that would not look out of place in the diverse built form surrounding the site. The Inspector also commented that the development would be sufficiently spacious to accommodate not only gardens to each dwelling, but also a generous wildlife area which would be likely to be enjoyed by younger and older age-groups alike.

8.3.2 The revised layout would increase the size of the wildlife area around 5.5m to the east and thus reduce the amount of space to construct the dwellings and associated infrastructure. A bin store would also be moved southwards. The

changes have most impact at the east end of the site where two parking spaces would be deleted from the north end of 'The Courtyard'. The garden serving Plot 16 would also be reduced in size.

8.3.3 Whilst the revised layout would create less space at the eastern end of the site, this would be compensated for by the increase in size to the wildlife area in the centre of the site. The changes proposed are relatively minor and therefore it can be concluded that the spread of the revised layout can still be considered well thought-out and a relatively spacious development. Compared to the scheme that was allowed at appeal, there would be no material difference to the impact that the development will have on the character and appearance of the locality.

#### 8.4 Ecology

8.4.1 The amended site layout would provide an enlarged wildlife area to reduce disturbance to protected species. The amendments would allow the retention of habitat in situ and should therefore be supported. As stated in the supporting ecological reports, works will require a licence from Natural England. In respect of the presence of protected species on the remainder of the site, works in these areas may also require licence applications, which will be informed by ongoing monitoring. The ESCC Ecologist has reviewed all the revised submitted evidence and documentation and raises no objection to the revised layout.

#### 8.5 Highway safety

8.5.1 The revised layout has two main impacts in relation to highway safety and parking. This includes the reduction in size of the turning head at the eastern end of the site and the loss of two parking spaces, meaning that 28 open parking spaces are now proposed compared to the approved 30. Six garages measuring 6m x 3m internally would remain.

8.5.2 The Highway Authority has commented on the revised layout and whilst they advise the loss of two parking spaces is less than ideal, it does only fall one space short of the requirement based on the ESCC Parking Demand Calculator and therefore an objection on this basis would be difficult for them to justify. It should also be noted that a condition was attached to the appeal decision requiring garages to be retained for such purposes and not to be converted to habitable accommodation.

8.5.3 Turning to the turning head, the submitted plans include tracking drawings to demonstrate that a large refuse vehicle would be able to turn and manoeuvre within the site in a safe and convenient manner. The turning area provided is therefore acceptable, as confirmed by the Highway Authority.

#### 8.6 Living conditions of future occupiers

8.6.1 The revised layout would result in the reduction in size of the private garden serving Plot 16 in the northeast corner of the site. However, this is a corner plot and arguably had one of the more generously sized gardens in the scheme allowed at appeal. Occupiers of Plot 16 would still have appropriate and proportionate levels of private usable external space, which would align with Policy DHG7 (i) of the DaSA.

8.6.2 In allowing the appeal scheme, the Inspector commented on the ‘...*generous wildlife area which would be likely to be enjoyed by younger and older age-groups alike...*’ The wildlife area was to be surrounded by ‘pedestrian proof fencing’ which means the public would not have access to it. The Inspector’s use of the term ‘enjoyed’ could be interpreted in different ways, but for the avoidance of doubt, the area would not be useable as an amenity space by residents. Any benefits would be visual, which could be limited given the lie of the land. Nevertheless, given the wildlife area is proposed to be enlarged, any visual benefits it brings can only be increased by the revised layout.

## 8.7 Bin and recycling storage

8.7.1 For the approved scheme, a bin and recycling store was proposed in the centre of the site, on the southern edge of the wildlife area which measured 4.8m x 2.3m. On the revised layout, the bin and recycling store has been moved further south, but still on the edge of the wildlife area, and slightly to the east. It measures 4.7m x 2.8m. The revised location would be more convenient for residents to use as it would not be contained behind parking spaces. It would also be slightly greater in size, thus providing more storage capacity.

## 8.8 Other issues

8.8.1 Issues relating to neighbouring amenity, Japanese Knotweed, drainage, unstable land and tree works have been raised by interested parties, as they were at appeal. However, the Inspector concluded that given the submitted technical evidence, the DaSA, and the suggested conditions, they found no justification to dismiss the appeal. The same reasons apply to this variation of conditions application.

8.8.2 Planning obligations related to off-site road improvements at the junction of Lower Waites Lane and Smugglers Way and a reptile relocation site were agreed at appeal and still stand.

8.8.3 The Applicant has previously submitted viability evidence demonstrating that it was not possible to provide affordable housing. This issue was not a reason for refusing the original scheme and was not raised by the Inspector in allowing the appeal.

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## 9.0 **PLANNING BALANCE AND CONCLUSION**

9.1 The revised layout would involve relatively minor changes, with the wildlife area increased in size resulting in two of the dwellings moving around 5.5m eastwards. This would reduce the garden size of one of the dwellings and result in the loss of two parking spaces. However, overall the character and appearance of the locality and living conditions of future occupiers would be preserved. In addition, there would be no material harm to highway safety, ecology would be better protected, and satisfactory bin and recycling facilities would be provided.

9.2 For the reasons explained the proposal would comply with development plan policies together with the various provisions set out in the National Planning Policy Framework and therefore the application can be supported.



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

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### **CONDITIONS:**

#### **Condition 2 is varied as follows:**

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

662/002 P7 - Proposed Site Plan, dated 07/07/22

662/003 P6 – Proposed Site Plan, dated 18/06/21

662/004 P6 – Roof Plan, dated 07/07/22

662/006 P5 – Site Sections 1-4, dated 07/07/22

662/007 P4 – Site Sections 5-8, dated 07/07/22

662/008 P4 – Site Sections 9-12, dated July 2022

662/021 P3 – House Types 1,3,5,7,9 & 11, dated 07/07/22

662/022 P2 – House Types 13 & 15, dated 6 July 2017

662/023 P2 – House Types 2,4,8 & 10, dated 6 July 2017

662/024 P2 – House Type 6, dated 6 July 2017

662/025 P2 – House Type 12, date 6 July 2017

662/026 P2 – House Type 14, dated 6 July 2017

662/027 P2 – House Types 16, dated 6 July 2017

662/028 P4 – Bin Store 1, dated 07/07/22

662/029 P2 – Bin Store 2, dated 6 July 2017

662/030 P3 – Detailed Section/Elevation, dated 07/07/22

662/031 P2 – 3D View, dated 8 August 2017

662/303 P2 – Location Plan, dated 26 April 2017

662/304 P5 – Site Location Plan, dated 07/07/22

8330P/301B – Surface Water Drainage Layout, dated 11 July 2017

8330P/302B – Foul Water Drainage, dated 11 July 2017

100 P2 – Proposed Carriageway and Access Alignment, 5 November 2007

Written Scheme of Archaeological Investigation (Chris Butler), dated June 2015

Drainage Strategy and Sustainable Drainage Management and Maintenance Plan (Issue B) – Monson, dated 11 July 2017

Arboricultural Report (Sylvan Arb) Ref SA/91/14, dated 27 June 2014

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

#### **Condition 22 is varied as follows:**

22. No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with Drawing No 662/003 P6 – Proposed Site Plan, dated 18/06/21. 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 provision of adequate on-site parking that does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6, TR4 and TR3 of the Rother Local Plan Core Strategy.

#### **Condition 23 is varied as follows:**

23. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with Drawing No 662/003 P6 – Proposed Site Plan, dated 18/06/21. The space shall thereafter be retained at all times for this use only and shall not be obstructed.  
Reason: To ensure the provision of adequate turning facilities that do not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6 and TR3 of the Rother Local Plan Core Strategy.

**The following conditions of RR/2017/457/P remain extant:**

10. No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. Before any details are submitted to the Local Planning Authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to DEFRA's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii) include a timetable for its implementation; and, iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.  
Reason: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy.
11. None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.  
Reason: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy.
17. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority, including indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.  
Reason: To ensure the creation of a high-quality public realm and landscape setting that enhances the character and appearance of the development and its locality in accordance with Policies OSS4 and EN3 of the Rother Local Plan Core Strategy.

18. Prior to the occupation of the development, a landscape management plan, including management responsibilities and maintenance schedules for the communal hard and soft landscape areas including any street furniture and minor artefacts therein, shall be submitted to and approved by the Local Planning Authority.  
Reason: To ensure a high-quality public realm taking account of the characteristics of the locality in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.
19. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees, or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
Reason: To enhance the appearance of the development and the character and appearance of the locality in accordance with Policies OSS4 and EN3 of the Rother Local Plan Core Strategy.
24. No part of the development shall be occupied until the road, footways and parking areas serving the development have been constructed, drained and lit in accordance with plans and details that have first been submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure the provision of adequate pedestrian and vehicular access and on-site parking so as not to prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6, TR4 and TR3 of the Rother Local Plan Core Strategy.
26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), the garages hereby approved shall retained for such use and shall not be altered internally or externally for use as habitable accommodation.  
Reason: To ensure a satisfactory level of off-road parking facilities so as not to prejudice the free flow of traffic and conditions of general safety along the highway and to accord with Policy TR4 of the Rother Local Plan Core Strategy.
27. Notwithstanding the provisions of Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), no fences, gates or walls, buildings or structures of any kind, shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.  
Reason: To safeguard the open and green character and appearance of the development and area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.
28. The dwelling(s) hereby permitted shall not be occupied until it 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 dwelling(s) in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Rother Development and Site Allocations Local Plan.

**The following conditions of RR/2017/457/P require amended details to be agreed:**

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.

Reason: To ensure a high-quality development taking account of the semi-rural characteristics of the locality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

25. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

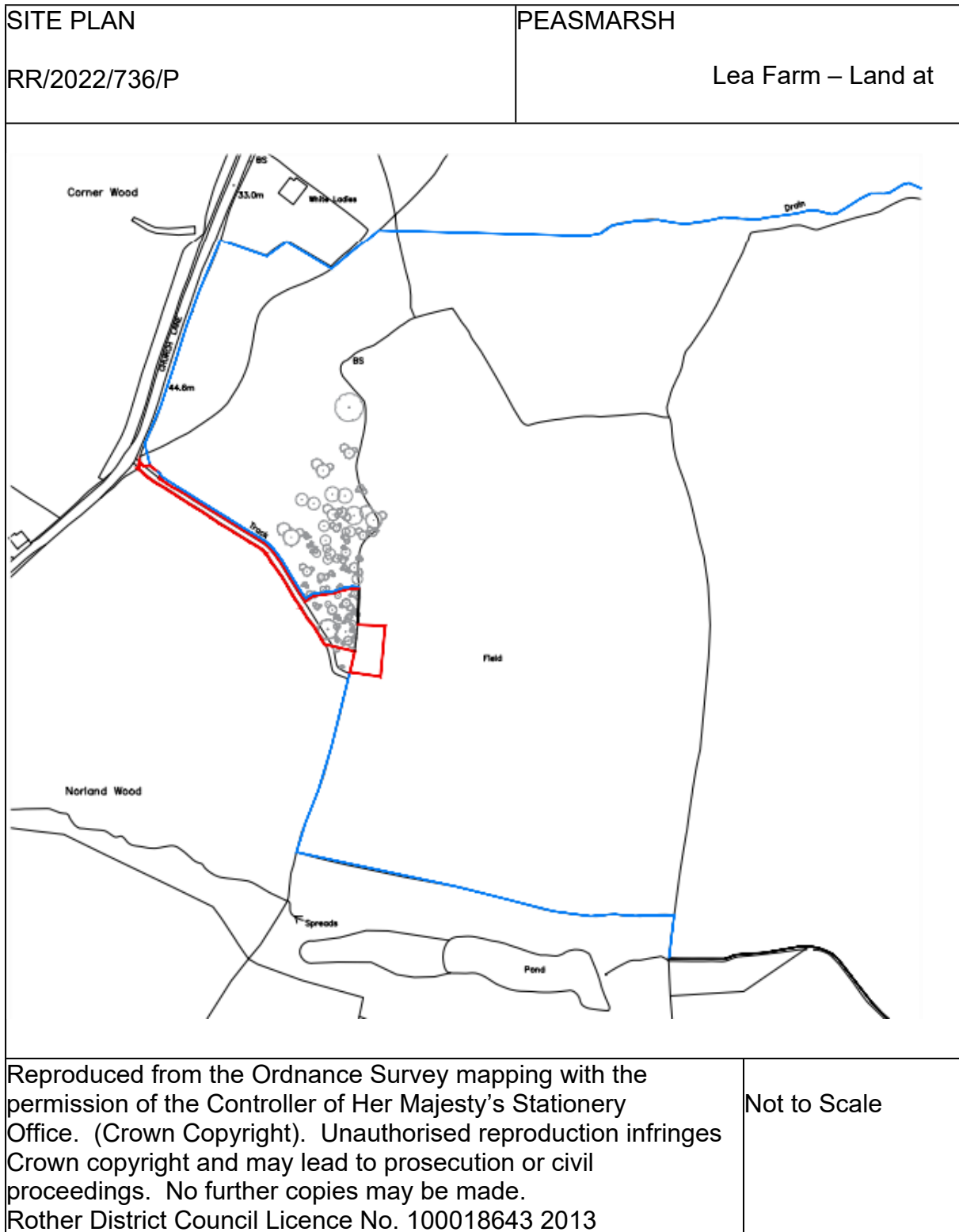
Reason: in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

**Conditions 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 20 and 21 have been approved.**

**Condition 1 has been complied with.**

**Condition 3 has been complied with in part.**

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



## Rother District Council

Report to - Planning Committee  
Date - 10 November 2022  
Report of the - Director - Place and Climate Change  
Subject - Application RR/2022/736/P  
Address - Lea Farm, Land at,  
Peasmarsh  
Proposal - Erection of single storey semi-permanent timber frame holiday cabin.

[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:** Mrs Charlotte Pack  
**Agent:** Mr Rob Pollard  
**Case Officer:** Miss Katie Edwards  
(Email: [katie.edwards@rother.gov.uk](mailto:katie.edwards@rother.gov.uk))

**Parish:** PEASMARSH  
**Ward Members:** Councillors L. Hacking and P.N. Osborne

**Reason for Committee consideration:** Call-in by Councillor Hacking - wants to support tourism in the district

**Statutory 8-week date: 21 September 2022**  
**Extension of time agreed to: 15 November 2022**

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This application is included in the Committee site inspection list and was deferred from the last Committee Meeting to enable Members to fully view the application site.

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### 1.0 SUMMARY

1.1 The proposed holiday let would be situated in an unsuitable and unsustainable location within the countryside and High Weald Area of Outstanding Natural Beauty (AONB). The introduction of a new man-made and modern feature in the landscape would be harmful to the character of open fields and ancient woodland in this location with further harm created with impacts to dark night skies. The proposal would lead to increased traffic hazards on Church Street, by reason of the inadequate visibility at the proposed access. There has been no evidence provided showing consideration for the biodiversity and wildlife on site and in the adjoining

ancient woodland. As such this application is contrary to local and national planning policies and is recommended for refusal.

- 1.2 This application was deferred at the 13 October 2022 Committee Meeting as Members were unable to visit the site.
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## **2.0 SITE**

- 2.1 This planning application relates to land within a field situated to the eastern side of Church lane, a country lane situated between Peasmarsh and Rye Foreign.
- 2.2 The site has ancient woodland to the immediate western boundary with further woodland to the north. It is not within any defined development boundary and is within the High Weald AONB.
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## **3.0 PROPOSAL**

- 3.1 This application seeks permission for a single storey detached holiday let and associated access, car parking and landscaping.
- 3.2 The holiday let cabin would include two bedrooms, a shared bathroom and an open plan kitchen, dining and living area. The maximum length of the building would be 16.35m with a maximum depth of 9.2m. Including the decking and covered seating areas, it would have a footprint of around 120sqm. The roof would be modular with a mix of flat and lean-to roof forms with a maximum ridge height of 4.5m. The walls would be faced with charred timber cladding and the roof would be covered with seamed zinc.
- 3.3 The site would be accessed from Church Lane and two parking spaces are proposed to be provided near the start of a new access track, with a footpath to the unit. Landscape planting, including trees and vegetation is proposed surrounding the proposed building.
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## **4.0 HISTORY**

- 4.1 None relevant.
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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
  - 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 New Development
- TR3: Access and new development
- TR4: Car parking
- SRM2: Water Supply and Wastewater Management

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

- DEN1: Maintaining landscape character
- DEN2: The High Weald Area of Outstanding Natural Beauty
- DEN4: Biodiversity and green space
- DEN5: Sustainable drainage
- DEC2: Holiday sites
- DHG11: Boundary treatments
- DHG12: Accesses and drives
- DIM2: Development boundaries

5.3 The High Weald AONB Management Plan 2019-2024 is also a material consideration with particular reference to the following objectives:

- Objective S2: To protect the historic pattern and character of settlement
- Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

5.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.

## 6.0 CONSULTATIONS

### 6.1 Rother District Council - Waste & Recycling – **GENERAL COMMENT**

6.1.1 “As this is a holiday cabin they will need to arrange a commercial collection of waste and recycling.”

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

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

6.2.2 The proposal would lead to increased traffic hazards on the U6416 by reason of the inadequate visibility at the proposed access and would therefore be contrary to paragraph 111 of the National Planning Policy Framework 2021.

### 6.3 Planning Notice

6.3.1 One letter of objection was received however this comment is not valid due to the name and address of the objector not being given.



## 6.4 Peasmarsh Parish Council – **GENERAL COMMENT**

- 6.4.1 “Concerns about a development in an isolated, rural location when there is no mention of supporting infrastructure, e.g. utilities, sewerage.”
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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 £12,712.
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## **8.0 APPRAISAL**

### 8.1 Principle of development

- 8.1.1 Policies OSS1, OSS2 and OSS3 of the Rother Local Plan Core Strategy and Policy DIM2 of the DaSA are concerned with the distribution of development, the use of development boundaries and the location of development. Collectively they encourage sustainable patterns of development with most development directed within existing Development Boundaries around settlements.

- 8.1.2 However, there is recognition (both in local and national planning policies) that diversification within the countryside, for employment uses, is beneficial. Therefore, some development, such as tourism (an employment use and income generator), can be considered in a rural location.

- 8.1.3 Policies RA2 (iii) (vii), RA3 (ii) and EC6 (v) of the Rother Local Plan Core Strategy expand on this further and offer support for tourism related development, including in rural locations subject to other considerations.

- 8.1.4 Paragraph 84 of the National Planning Policy Framework relating to ‘supporting a prosperous rural economy’ states that planning decisions should enable a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; and c) sustainable rural tourism and leisure developments which respect the character of the countryside.

- 8.1.5 Therefore, the principle of rural tourism development in this location can be considered subject to all relevant policies as identified in the below matters.

### 8.2 The effect on the character and appearance of the locality within the countryside and AONB

- 8.2.1 Paragraph 176 of the National Planning Policy Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.

- 8.2.2 Policy EC6 of the Rother Local Plan Core Strategy sets out that proposals relating to tourism activities and facilities will be encouraged where they accord with the considerations listed, as appropriate. This includes where it (v) increases the supply of quality serviced and self-catering accommodation and is (vii) compatible with other Rother Local Plan Core Strategy policies (including those relating to the AONB)
- 8.2.3 Policy DEC2 of the DaSA Local Plan reflects this and includes the requirement that proposals for 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 be supported by landscaping proposals appropriate to the local landscape character and (vi) accord with other relevant policies of the Plan.
- 8.2.4 Policy OSS4 (iii) of the Rother Local Plan Core Strategy states that development should respect and not detract from the character and appearance of the locality. Policy RA2 of the Rother Local Plan Core Strategy states that the overarching strategy for the countryside is to (viii) conserve the intrinsic value, locally distinctive rural character and landscape features of the countryside. Policy RA3 of the Rother Local Plan Core Strategy states that (v) all development should be of an appropriate scale and will not adversely impact on the landscape character of the countryside.
- 8.2.5 Policy DEN2 of the DaSA Local Plan states that all development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, and that development within the High Weald AONB should be small-scale.
- 8.2.6 Within the DaSA there is a chapter on development within Peasmarsch which states that: *'The development boundary generally tightly encloses the existing built form of the village, together with the residential area identified in the allocation, preventing the expansion of the village into the woodland and fields beyond. The development boundary also largely follows existing residential curtilages to prevent inappropriate backland development from encroaching into the countryside and harming the rural setting of the village'*.
- 8.2.7 The High Weald AONB is characterised by green rolling countryside, of a pastoral nature, punctuated by small areas of woodland, small towns, villages and hamlets. The site itself is situated between open fields and ancient woodland with the closest other property 'White Ladies' sited 240m away, making the site an isolated countryside location. With the recent felling of a section of the woodland to the west of the site the area has become more open.
- 8.2.8 The building as proposed is of a considerable size, larger than many dwelling houses, with a footprint of around 120sqm. By reason of its size, design and detail, it is considered tantamount to the creation of a new dwelling in the countryside. The introduction of a new man-made and modern structure would be a domestication and encroachment in this countryside location which would cause harm to the locality and the AONB. In addition, the building is proposed immediately adjacent ancient woodland. Natural England identify that no development should take place within a minimum of 15m from ancient woodland. That criteria has clearly not been adhered to in this instance. Creating a man-made feature in the landscape

where there is currently unspoilt fields and woodland would result in a harmful urbanising effect on the countryside landscape and scenic beauty of the AONB. There is no real access track currently with a dirt clearing leading towards the site when viewed from Church Street. The creation of a more useable track with parking for visitors would have an urbanising impact to the country lane.

- 8.2.9 Dark night skies are a valued characteristic of the AONB with sections of the DaSA stating: *'Particular care will be taken to maintain the sense of tranquillity of more remote areas, including through maintaining 'dark skies'' and 'Dark night skies are a valued characteristic of the district's countryside and contribute in particular to the special landscape qualities and natural beauty of the High Weald AONB'*. The proposed holiday let building is of a modern design with large amounts of glazing. The light emitted from the building would create a new level of light pollution in a relatively unspoilt landscape. This is also of particular concern in the proximity to the ancient woodland where lighting at night may disturb the wildlife living there.
- 8.2.10 The development would represent an intrusion of urbanising development in an isolated rural, countryside setting which would considerably harm the landscape and scenic beauty of the AONB.

### 8.3 Sustainability

- 8.3.1 Paragraph 11 of the National Planning Policy Framework sets out a presumption in favour of sustainable development, which is at the heart of the National Planning Policy Framework.
- 8.3.2 The application site would be situated down an access track leading from Church Lane, a country road with the national speed limit and no public walkway or verge and no lighting, so would not be safe for pedestrians or cyclists. The holiday let would be situated 0.4km from Main Street. There are pubs on Main Street with the large Jempson's supermarket a further 1.6km away.
- 8.3.3 Comments from ESCC Highways state that *'The site has some accessibility connections including a PROW that runs to the south of the site. There are some bus services and a public house located to the northwest of the site 730m away. They are not fully accessible by footway, however, making them not the most realistic travel option'*.
- 8.3.4 While paragraph 84 of the National Planning Policy Framework gives conditional support to sustainable rural tourism, the site in this case is located some distance from any settlement with a development boundary and visitors/guests staying at the proposed development would be likely to be heavily reliant on private motor vehicles - the least sustainable mode of transport.

### 8.4 The impact upon neighbouring amenities

- 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 site benefits from mature screening in the form of ancient woodland in the direction of the nearest neighbour and is isolated from other dwellings. It is not considered that the application proposal would harm neighbouring amenities.

## 8.5 Highway safety

8.5.1 Policy TR3 of the Rother Local Plan Core Strategy requires new development to have adequate, safe access arrangements and Policy TR4 requires adequate on-site parking to be provided. Policy CO6 states that a safe physical environment will be facilitated by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.

8.5.2 Policy DHG12 (i) of the DaSA 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.

8.5.3 The site is located a distance from any settlement with a development boundary and visitors staying at the proposed development would be likely to be heavily reliant on private motor vehicles.

8.5.4 ESCC Highway Authority was consulted on this application and provided the following comments:

### **Access/Location**

*The site will be accessed from the U6416 via what appears to be an existing access. It is unclear whether the access benefits from any planning history. Upon inspection of Google Maps Historical Street View, the access does not appear usable by vehicles in 2009 or 2011 nor benefit from hardstanding. Nevertheless, this application presents an opportunity to establish and formalise this access with hardstanding.*

*The U6416 is subject to a derestricted speed limit at the point of access meaning visibility splays of 2.4m X 215m are required either side of the access point in accordance with Design Manual for Roads and Bridges. It is noted that visibility falls below the required standard either side of the access point particularly to the southwest. Because the proposal would result in an intensification of this access regardless, visibility needs to be to standard. No speed data has been provided in order to justify the reduction in driver sightlines. If the Applicant believes speeds are low enough to justify a reduction in driver sightlines, a speed survey should be commissioned. It is also noted that vegetation will require removing within control of the Applicant/the highway extent in order to achieve the appropriate sightlines. This should be demonstrated on a plan.*

8.5.5 The current proposal does not include sufficient visibility either side of the access point and so would lead to an increased traffic hazard on the U6416, contrary to Policy TR3 of the Rother Local Plan Core Strategy, Policy DHG12 (i) of the DaSA and paragraph 111 of the National Planning Policy Framework. Any proposal to improve visibility would result in further erosion of the natural vegetation and character of the lane with further harm to the landscape of the AONB.

## 8.6 Ecology

- 8.6.1 Policy EN5 of the Rother Local Plan Core Strategy and DEN4 of the DaSA requires biodiversity to be protected and enhanced.
- 8.6.2 The site is undeveloped land which has the potential to contain protected species. The site is also in close proximity to ancient woodland. No ecological surveys or habitat assessment have been submitted in relation to the site or proposed use. The Council is unable to assess any impacts on biodiversity or harm to native species or the ancient woodland given the lack of surveys.

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## 9.0 **PLANNING BALANCE AND CONCLUSION**

- 9.1 The proposed holiday let would result in an urbanisation of an isolated rural location and thus be harmful to the countryside and the landscape and scenic beauty of the High Weald AONB.
- 9.2 It is not considered to be a sustainable location for this development, and it would lead to increased traffic hazards on Church Street, by reason of the inadequate visibility at the proposed access.
- 9.3 There has been no evidence submitted to assess impact on biodiversity, ancient woodland or protected species on this undeveloped land adjacent to ancient woodland. Given the location of the building within the required 15m buffer zone of no development with ancient woodland, harmful impacts on ecology and biodiversity cannot be ruled out.

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

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### **REASONS FOR REFUSAL:**

1. The proposed holiday let, in terms of size, design and siting, would be detrimental to the character and appearance of the locality creating a new urbanising feature in the open landscape. The proposed holiday let would be tantamount to the creation of a new dwelling in the countryside. The new building and glazing would cause harm to the protected dark night skies of the Area of Outstanding Natural Beauty and adjoining ancient woodland. The holiday let would cause harm to the landscape and scenic beauty of the Area of Outstanding Natural Beauty and it would not conserve the intrinsic value and locally distinctive rural character and landscape features of the countryside. It is contrary to Policies OSS4, RA2, RA3 and EN3 of the Rother Local Plan Core Strategy, Policies DEC2 and DEN2 of the Development and Site Allocations Local Plan, objectives S2 and S3 of the High Weald Management Plan and paragraphs 130 and 176 of the National Planning Policy Framework.
2. The proposed development would result in the creation of a holiday let on a site that is considered to be in an unsustainable location as future occupiers would be reliant on the use of private vehicles to access the site and local facilities. This would be contrary to Policy TR3 of the Rother Local Plan Core

Strategy and paragraphs 8 and 105 of the National Planning Policy Framework.

3. The proposal would lead to increased traffic hazards on Church Street by reason of the inadequate visibility at the proposed access and would therefore be contrary to policies TR3 of the Rother Local Plan Core Strategy, Policy DHG12 of the Development and Site Allocations Local Plan and paragraph 111 of the National Planning Policy Framework.
4. In the absence of any ecology or biodiversity surveys, the potential impacts on ancient woodland and protected species – and whether such impacts can be avoided, mitigated or compensated – cannot be properly considered. It has not been demonstrated that it is unlikely that the development will have an adverse effect on the species and no biodiversity mitigation or enhancement proposals are presented. Therefore, the proposal would conflict with Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan and paragraph 180 of the National Planning Policy Framework.

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

SITE PLAN RR/2022/2230/P	HURST GREEN  Quarries, - Ticehurst Road
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Rother District Council

Report to - Planning Committee  
Date - 10 November 2022  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2022/2230/P  
Address - Quarries, Ticehurst Road, Hurst Green  
Proposal - Demolition of existing agricultural dwelling and construction of replacement agricultural dwelling

[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 C. Ellis  
**Agent:** Julian Bluck Design LTD  
**Case Officer:** Matthew Jenner  
(Email: [matthew.jenner@rother.gov.uk](mailto:matthew.jenner@rother.gov.uk))

**Parish:** HURST GREEN  
**Ward Members:** Councillors Mrs M.L. Barnes and G.S. Browne

**Reason for Committee consideration:** Director - Place and Climate Change referral: The Applicant is related to a member of the Council

**Extension of time agreed to: 18 November 2022**

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## **1.0 SUMMARY**

1.1 The proposal is for the demolition of an existing agricultural dwelling and the construction of a replacement dwelling. It is a resubmission of the previously refused application RR/2022/728/P. Other than the removal of a previously proposed garage, the plans for the new dwelling remain identical. The main issues for consideration are the principle of the development, the impact of the proposal on the character and appearance of the locality and the Area of Outstanding Natural Beauty (AONB), the impact of the proposal on neighbouring amenities and highway safety. The reasons for refusing the previous application have been overcome and it is therefore recommended to approve this application.

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## **2.0 SITE**

2.1 The application site is on the north side of Ticehurst Road. The existing dwelling within the site is a 1960's pre-fabricated bungalow which is currently unoccupied and appears in a bad state of repair. The site forms part of Little



Boarzell Farms. It is within the High Weald AONB and it not within a defined development boundary. It is therefore within the countryside for policy purposes.

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### **3.0 PROPOSAL**

3.1 This application is a resubmission of a previous application that was refused for the following reasons;

*“1. It has not been demonstrated that there is justification for a new replacement agricultural dwelling with regards to a clearly established functional need, relating to a full-time worker or why the functional need cannot be fulfilled by other existing accommodation as well as demonstrating the unit and the agricultural activity concerned are financially sound and have a clear prospect of remaining so. As such, the proposal would result in an unjustified new dwelling in the countryside, in conflict with Policy RA3 (iii) (a) of the Rother Local Plan Core Strategy and paragraph 80 of the National Planning Policy Framework.*

*2. In the absence of justification for a replacement dwelling, the proposal would have a harmful impact on the landscape and scenic beauty of the High Weald AONB. The dwelling and double garage would be significantly larger in floorspace, height and overall scale, and would be more than double the size of the existing modest agricultural workers dwelling. As such the proposal would be in conflict policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan and Policies RA3 (iii) (c) and EN1 of the Rother Local Plan Core Strategy.”*

3.2 The current proposal is for a replacement agricultural workers dwelling. The previous application included a double garage which has now been excluded. The replacement dwelling would have three bedrooms and would be built in the style of a chalet bungalow.

3.3 The dwelling would have a pitched roof with each of its gable ends on the side elevations. There would be a pitched roof dormer in the centre of the rear elevation. The front elevation would mirror this design with the addition of two dormer windows on either side.

3.4 The proposed materials would consist of plain clay tiles to be hung at first floor level and across all of the roofs. Stock brickwork would be used at ground floor level. White uPVC is proposed for the doors and windows throughout.

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### **4.0 HISTORY**

4.1 A/58/127- Outline Application: Agricultural Workers Bungalow. (Approved Conditional)

4.2 RR/2022/728/P Demolition of existing agricultural workers dwelling and construction of replacement agricultural dwelling and detached garage. (Refused)

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## 5.0 POLICIES

- 5.1 The following policies of the adopted Rother Local Plan Core Strategy are relevant to the proposal:
- PC1: Presumption in Favour of Sustainable Development
  - OSS2: Use of Development Boundaries
  - OSS3: Location of Development
  - OSS4: General Development Considerations
  - 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 Greenspace
  - TR3: Access and New Development
  - TR4: Car Parking
- 5.2 The following policies of the adopted Development and Site Allocations Local Plan (DaSA) are relevant to the proposal:
- DRM1: Water Efficiency
  - DHG3: Residential Internal Space Standards
  - DGH4: Accessible and Adaptable Homes
  - DGH7: 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
  - DEN7: Environmental Pollution
  - DIM2: Development Boundaries
- 5.3 Paragraphs 11, 12, 80 and 176 of the National Planning Policy Framework are relevant to this proposal.
- 5.4 Planning Practice Guidance, The High Weald Management Plan and The High Weald Design Guide are also material considerations.
- 

## 6.0 CONSULTATIONS

- 6.1 Rural Estates Surveyor (Reading Agricultural) – **NO OBJECTION meets the tests for the** provision of an agricultural worker's dwelling.
- 6.2 Sussex Newt Officer – **NO COMMENTS**
- 6.2.1 Comments from the Sussex Newt Officer were received in relation to the previous application at this site (RR/2022/728/P). These comments advised conditions that will be taken into consideration in respect of this application.
- 6.3 Planning Notice – **NO COMMENTS**

## **7.0 LOCAL FINANCE CONSIDERATIONS**

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £13,400.
- 7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £6,684 over four years.
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## **8.0 APPRAISAL**

- 8.1 The main issues to consider in the determination of this application include:
- the Policy and Principle of Development;
  - the impact of the proposal on the character and appearance of the locality and the AONB;
  - the impact of the proposal on neighbouring amenities; and
  - highway safety.

### **8.2 Principle of Development**

- 8.2.1 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.”

- 8.2.2 The site lies outside of a development boundary and is in a countryside location. Policy RA3 (iii) of the Rother Core Strategy Local Plan states that the creation of new dwellings would be allowed in extremely limited circumstances including;

- (a) Dwellings to support farming and other land-based industries. Normally, accommodation will initially be provided on a temporary basis for a period of three years. Both temporary and permanent dwellings will be

subject to appropriate occupancy conditions, and all applications should comply with the following criteria:

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

(c) The one-to-one replacement of an existing dwelling of similar landscape impact.

8.2.3 The Design and Access Statement that accompanies this application states that;

*'The current farm manager who has work on the farm for decades and lives in another tied cottage on the farm. He is due for retirement soon and has expressed a wish to remain in his current dwelling after this time, which has been agreed in principle. Therefore, in the near future a new younger farm manager will be required to run the farms and suitable accommodation will be required to attract the right candidate and provide accommodation for his/her family or future family. It is expected that the same agricultural occupancy clause will be applied to the replacement dwelling'.*

8.2.4 Having regard to Policy RA3 (iii) (a) it is acknowledged that the site forms part of an agricultural holding. An appraisal has been carried out by the rural estates surveyor that notes that the new dwelling would;

- provide modern, appropriate accommodation for an agricultural worker;
- the scale of the sheep business (taken from the farm accounts) will require the input of a full-time worker; and
- the accounts are indicative of a viable and sustainable agricultural business, capable of financing the cost of construction.

It concludes that the application does meet the National Planning Policy Framework and Local Plan tests for the provision of an agricultural workers dwelling.

8.2.5 It is therefore considered that, in principal the replacement of an agricultural workers dwelling at this site is justified.

### **8.3 The impact of the proposal on the character and appearance of the locality and the AONB**

8.3.1 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. Policy EN1 of the Rother Core Strategy states that; 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.

8.3.2 The pitched roof form of the dwelling, the utilisation of rooms within the roof and the proposed materials are considered to be sympathetic to the AONB. It would be in keeping with the general guidelines that are set out within the High Weald AONB Design Guide. The dwelling would be reasonably well screened by trees and hedges along the southern and eastern boundaries of the site. The replacement dwelling would be sited slightly north of the footprint of the existing dwelling and views would be possible from the wider landscape to the north of the site.

8.3.3 It is acknowledged that the previous application was refused in part because of its impact on the landscape and scenic beauty of the AONB. The replacement dwelling would have a larger footprint and accommodation in the roof space that the existing pre-fab concrete bungalow does not have. However, the appearance of the proposed house would have more traditional elements that can be found in the AONB, including a steeply pitched roof with clay tiles. The previously proposed garage has now been excluded from the current proposal. This is considered to be a significant improvement and reduces the impact of the proposal on the landscape.

8.3.4 As it has now been demonstrated that a replacement agricultural workers dwelling is justified and a detached garage is no longer proposed, it is now considered that the current proposal would not have an unreasonable impact on the High Weald AONB or on the locality as a whole.

#### **8.4 The impact of the proposal on neighbouring amenities**

8.4.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy requires development to not unreasonably harm the amenities of adjoining properties in terms of loss of light, massing or overlooking.

8.4.2 There are no neighbouring properties within the locality that would be directly impacted by the proposal.

#### **8.5 Highway safety**

8.5.1 Policy CO6 (ii) of the Rother Local Plan Core Strategy requires all development not to prejudice road and/or pedestrian safety. Policy TR3 of the Rother Local Plan Core Strategy requires new development to have adequate, safe access arrangements and Policy TR4 (i) of the Rother Local Plan Core Strategy requires adequate on-site parking to be provided.

8.5.2 The existing driveway is accessed directly from Ticehurst Road which has previously been in used to serve the existing dwelling. It is therefore considered that the proposal is acceptable in terms of highway safety.

#### **8.6 Other issues**

8.6.1 The proposal would be required to meet the minimum standards for water efficiently that are set out in Policy DRM1 of the DaSA Local Plan and Policy SRM2 of the Rother Local Plan Core Strategy. This would be secured via a

planning condition to ensure that the proposal was compliant with these policies.

- 8.6.2 Policy DHG3 of the DaSA adopts the Government's "Technical Housing Standards" (2015) which set minimum standards for the sizes of rooms, floor to ceiling heights and the amount of built-in storage to be provided for new development.
- 8.6.3 Overall, the proposed dwelling would provide accommodation significantly above the required standard for a two storey three-bedroom house of 93m<sup>2</sup>, having a floorspace of approximately 142m<sup>2</sup>
- 8.6.4 Policy DHG7 (i) of the DaSA states that appropriate and proportionate levels of private usable external space will be expected. For dwellings, private rear garden spaces of at least 10m in length will normally be required and sufficient bin storage and collection points must be provided on all new residential developments. Their siting and design should be considered at the outset, be integral to the development, respect the visual amenities and streetscape character of the dwelling and area and be fully accessible for collection.
- 8.6.5 The replacement dwelling would have a level of external space that is well in excess of the requirements set out in Policy DHG7.
- 8.6.6 Provisions for waste a recycling storage have not been indicated on the submitted plans. These details could however be secured by a condition upon approval of the application.
- 8.6.7 The application site falls within the amber impact risk zone for the protection of Great Crested Newts (GCN) and there are a number of ponds within the vicinity. The submitted ecological report states that although much of the terrestrial habitat on-site is bare earth or maintained grassland, the possibility of GCN on-site cannot be ruled out due to the ponds surrounding the development site. The Sussex Newt Officer advised on the previous application that approval should only be granted if it can be demonstrated that the development would not have an impact on the population of GCN. This could be secured by conditions upon approval of the application.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 The proposal meets the policy requirements for the replacement of an agricultural workers dwelling, and as such would not have an unreasonable impact on the character of the locality or the AONB. The proposal is suitable in terms of highway safety, would not have an impact on the amenities of neighbouring properties and provides a good level of accommodation.
- 9.2 The application is therefore recommended for approval.

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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 plan:  
Site and Location Plans- 03 Rev C, dated January 2022  
Proposed Floor Plans and Elevations- 02 Rev B, dated January 2022  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure that the development reflects the character and/or appearance of the existing building and to preserve the visual amenities of the area in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy and Policy HG9(ii) of the Rother Development and Site Allocations Local Plan.
4. No development above ground level of the site shall take place until hard and soft landscaping details have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.  
Reason: To enhance the appearance of the development, and to ensure the conservation and enhancement of the characteristics of the area and the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (iii), EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan.
5. The dwelling hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part 3 of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwelling has been constructed to achieve water consumption of no more than 110 litres per person per day.  
Reason: To ensure that the development is built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2(v) of the Rother District Council Core Strategy 2014 and Policy DRM1 of the Rother Development and Site Allocations Local Plan.
6. Before occupation of the dwelling hereby approved, the siting and form of bins for the storage and recycling of refuse within the site (internally or externally), and a collection point, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented and thereafter continued, with all bins and containers available for use, maintained and replaced as need be.

Reason: To safeguard the visual amenities of the locality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Core Strategy and Policy DEN1 of the Rother Development and Site Allocations Local Plan.

7. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the area in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents.

Reason: To reserve suitable residential accommodation for persons employed locally in agriculture and to ensure that the need which led to the grant of permission remains satisfied in accordance with Policy RA3 (iii) (a) of the Rother Local Plan Core Strategy.

8. Before any works commence on site, including demolition or vegetation clearance, either of the following shall be provided to the Local Planning Authority:

a) a Nature Space Report or Certificate to demonstrate that the impacts of the development can be addressed through Rother Councils District Licence; or

b) further information in the form of eDNA or population assessments for the ponds within 500m of the development site in line with Natural England's Standing Advice, to rule out impacts to great crested newts and demonstrate how any impacts can be addressed through appropriate mitigation/ compensation proposals. No development shall commence until these details have been approved and the development shall be undertaken in accordance with the approved details.

Reason: To ensure the protection of great crested newts and their habitats in line with Natural England Guidance, and in accordance with Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), no garages, building, structure or erection of any kind (including wall, fences or other means of enclosure) shall be erected and no caravan or mobile home shall be kept or stationed on the land.

Reason: To safeguard the visual character and appearance of the development and the area in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

10. The dwelling(s) hereby permitted shall not be occupied until it has/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 dwelling(s) in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Rother Development and Site Allocations Local Plan.

#### **NOTES:**

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to



<http://www.rother.gov.uk/CIL> for further information and the charging schedule.

2. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency and Accessibility are attached to this planning permission and that development should be built accordingly. Enforcement action may be taken without further notice if the relevant standards are not achieved.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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SITE PLAN RR/2022/1538/P	CROWHURST  Oakleigh, 6 Woodland Way
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## Rother District Council

Report to - Planning Committee  
Date - 10 November 2022  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2022/1538/P  
Address - Oakleigh, 6 Woodland Way, Crowhurst, TN33 9AP  
Proposal - Erection of bungalow and changes to ground levels within curtilage of existing dwellinghouse (part retrospective)

[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 K. Eason  
**Agent:** Mr Andrew Gerken  
**Case Officer:** Mr Michael Vladeanu  
(Email: [michael.vladeanu@rother.gov.uk](mailto:michael.vladeanu@rother.gov.uk))

**Parish:** CROWHURST  
**Ward Members:** Councillor G.C. Curtis

**Reason for Committee consideration:** Call in by Councillor Curtis – Parish Council requested and wishes to speak at the meeting as required

**Statutory 8-week date:** 15 August 2022  
**Extension of time agreed to:** 17 November 2022

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 The site lies within the development boundary as defined within the Development and Site Allocations Local Plan (DaSA) therefore, it is within an area where there is a presumption that development could be acceptable in principle subject to other policies in the Local Plan. The proposed dwelling is considered to be appropriately designed for this location, would provide a good standard of amenity for future occupiers and would not have an adverse impact on neighbouring properties, the surrounding locality or ecological designations. The application is recommended for approval subject to conditions.

## 1.2 PROPOSAL DETAILS

PROVISION	
No of houses	1
No of affordable houses	0
CIL (approx.)	£32,112
New Homes Bonus (approx.)	£6,684

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## 2.0 SITE

2.1 Oakleigh is a detached single-family dwelling located on the southern side of a private access track situated off London Road. The site is located within the Crowhurst Development Boundary and the Combe Valley Countryside Park lies directly east of the site.

2.2 The land in question is to the east of Oakleigh and has been built up by imported soil to form a flat area of land.

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## 3.0 PROPOSAL

3.1 Planning permission is sought for the erection of a 3-bedroom single storey dwelling with hipped roof. The site would be accessed off Woodland Way and would provide off-street car parking for three vehicles.

3.2 The external materials comprise of brickwork and tiles with details to be submitted to the planning authority should the application be recommended for approval. The dwelling would host three bedrooms, a bathroom, ensuite, living/dining area, a kitchen and a garage.

3.3 This application also seeks retrospective planning permission for the importation of spoil to the site and changes to the ground level.

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## 4.0 HISTORY

4.1 RR/2022/509/P Proposed extension and conversion of existing garage building to create annexe/overspill ancillary living accommodation. Approved Conditional.

4.2 RR/2021/3003/P Proposed extension and conversion of existing garage building to create annexe/overspill ancillary living accommodation. Refused.

4.3 RR/2010/2896/P Installation of velux type rooflight (conservation rooflight) to be fitted above top of stairs on east elevation of property. Approved Conditional.

4.4 RR/2006/1280/P Demolition of existing dwelling and erection of replacement detached dwelling including roof dormer windows and rooflight with provision of four parking spaces pursuant to outline planning permission RR/2004/566. Approved Conditional.

- 4.5 RR/2005/2954/P Demolition of existing dwelling and erection of replacement dwelling including roof dormer windows and rooflights and single integral garage with provision for one parking space pursuant to outline permission RR/2004/566. Approved Conditional.
- 4.6 RR/2004/566/P Outline: Demolition of existing dwelling and erection of replacement dwelling. 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
  - EN1: Landscape Stewardship
  - EN3: Design Quality
  - EN5: Biodiversity and Green Space
  - EN7: Flood Risk and Management
  - CO6: Community Safety
  - TR3: Access and New Development
  - TR4: Car Parking
  - SRM1: Towards Low Carbon Future
  - SRM2: Water Supply and Wastewater Management
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DRM1: Water Efficiency
  - DRM2: Renewable Energy Developments
  - DHG3: Residential Internal Space Standards
  - DHG4: Accessible and Adaptable Homes
  - DHG7: External Residential Areas
  - DHG11: Boundary Treatments
  - DHG12: Accesses and Drives
  - DEN1: Maintaining Landscape Character
  - DEN4: Biodiversity and Green Space
  - DEN5: Sustainable Drainage
  - DEN7: Environmental Pollution
  - DIM2: Development Boundaries
- 5.3 The following policies of the Crowhurst [Neighbourhood Plan](#) are relevant to the proposal:
- CS1: Development Boundary
  - CE1: Landscape Character of Crowhurst
  - CB1: Design
- 5.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.

- 5.5 Section 12 paragraph 126 of the National Planning Policy Framework states that *“the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.”*
- 5.6 Paragraph 134 states that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*
  - b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*
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## **6.0 CONSULTATIONS**

### **6.1 RDC Waste & Recycling – NO OBJECTION**

### **6.2 Sussex Newt Officer – NO OBJECTION**

### **6.3 Building Control – GENERAL COMMENT**

6.3.1 *“Generally drainage and structure of the building would be reviewed as part of our process once they make an application.”*

### **6.4 Planning Notice**

6.4.1 Six letters of objection have been received (from eight representatives). The concerns raised are summarised as follows:

- Inaccuracies with the planning statement
- Damage to the highway
- Damage to the roots of trees
- Drainage issues
- Safety issue regarding slope stability
- Extra traffic

6.4.2 Two letters with general comments have been received (from eight representatives). The comments are summarised as follows:

- Are the earthworks stable?
- Red line boundary not accurate
- Concerns of drainage

- Damage to the environment and wildlife
- Potential damage to trees

## 6.5 Crowhurst Parish Council – **OBJECTION**

- 6.5.1 The Council objects to both the engineering works and the application for the bungalow for the following reasons:- overlooking and loss of privacy for neighbouring properties; highway safety and the extensive movement of lorries; parking - there are no details; traffic - the additional movement of traffic down the lane and into the village; effect on the sightlines from the 1066 Country Path and the Recreation Ground; the potential effect on trees which have Tree Preservation Orders; the extensive engineering works already carried out without planning consent; and we may have had further comments to add to this list, in the event that a full set of information had been provided with the planning application, and we reserve our position in this respect.

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## 7.0 **LOCAL FINANCE CONSIDERATIONS**

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, and the Applicant has stated they wish to claim self-build exemption from the fee, however, the self-build exemption form has not been completed so would need to be done if approval is granted.
- 7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £6,684 over four years.

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## 8.0 **APPRAISAL**

- 8.1 The main issues for consideration are:
- Principle of development
  - Impact on the character and appearance of the area
  - Neighbouring residential amenities
  - Accommodation standards
  - Ecology
  - Highway safety and parking
  - Drainage

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## 9.0 **PLANNING BALANCE AND CONCLUSION**

### 9.1 Principle of development

- 9.1.1 The site falls within the development boundary for Crowhurst, where redevelopment or intensification is acceptable in principle. Policies OSS2 and OSS3 of the Rother Local Plan Core Strategy, DIM2 of the DaSA and CS1 of the Crowhurst Neighbourhood Plan all support the presumption of residential development, subject to other policies within those adopted planning documents.



- 9.2 The impact upon the character and appearance of the locality
- 9.2.1 Policy OSS4 of the Rother Local Plan Core Strategy requires new development to respect and not detract from the character and appearance of the locality.
- 9.2.2 Policy EN3 of the Rother Local Plan Core Strategy requires new development to contribute positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities.
- 9.2.3 Policy DGH11 of the DaSA expects boundary treatment to be consistent with the character of the locality.
- 9.2.4 The locality is characterised by a row of residential dwellings on the western side of a private access track, which is mostly screened by a mature trees and vegetation to the east of the track. The site and surroundings are not overly prominent from the recreation park or the 1066 footpath to the east although views of the site from these viewpoints is achievable.
- 9.2.5 The boundaries of the site itself are well screened by existing mature trees. However, there is a gap within the eastern boundary tree line of the application site.
- 9.2.6 The application site sits at a higher land level to the west and slopes sharply downwards to the east towards the recreation park. Spoil has been imported into the site in order to level the land which has created somewhat of a flat shelf in the landscape. This build-up of land however is well screened from viewpoints especially to the east by the mature vegetation seen, as such causes little wider harm to the locality and is considered acceptable.
- 9.2.7 The proposed dwelling would sit on the built-up land levels and would be visible from the 1066 pathway and recreation park. However, the dwelling would be seen in the context of the built development that forms part of the development boundary for Crowhurst. The development would not substantially change or detrimentally affect views into or out of the site and the single storey nature of the dwelling would ensure that it would not appear as a dominant addition to the landscape. Existing views from the recreation park and 1066 pathway towards the site are of a residential nature and this would not be altered through the addition of this dwelling.
- 9.2.8 A condition should be imposed to ensure that the surrounding trees are retained and protected. Additional tree planting should also be considered, and a condition will be placed on any decision notice requesting soft landscaping details for the site.
- 9.2.9 Whilst the new dwelling and increase in land levels would have a greater footprint and overall mass than existing, the design and scale is considered to be acceptable given that it would be well screened within the landscape and by existing vegetation to the east.
- 9.2.10 Conditions should also be imposed to require further details of the hard-surfacing materials to ensure that the materials are appropriate in this location.

### 9.3 Neighbouring residential amenities

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

9.3.2 The proposed dwelling would be separated from the neighbouring dwelling Oakleigh to the west by 3.8m. Due to this separation distance, single storey nature of the development and hipped roof, it is not considered that the proposed new dwelling would give rise to unacceptable levels of loss of light, outlook or appear overbearing. There are no ground floor windows on the eastern elevation of Oakleigh and hence the windows installed on the western elevation of the proposed dwelling would not lead to any harmful overlooking to Oakleigh.

9.3.3 The properties located along Woodland Way are over 20m from the proposed dwelling and it is not considered that their amenity would be adversely affected by the proposed dwelling.

### 9.4 Accommodation standards

9.4.1 The DaSA has introduced a policy requiring all new dwellings to be designed to achieve water consumption of no more than 110 litres per person per day. This can be secured via condition. A condition will also need to be added to ensure the dwelling is built to M4(2) standards in line with DaSA Policy DHG4.

9.4.2 DaSA Policy DHG7 requires rear gardens to normally measure at least 10m in length. The rear garden would measure 11.2m in length and hence no concern is raised.

9.4.3 In terms of housing standards, the proposed dwelling would exceed the nationally described space standards, providing approximately 133sqm of floor space. However, only 1sqm of built-in storage is proposed. For a 3-bedroom 6-person dwelling, there is a built-in storage requirement of 2.5sqm. There is adequate space to provide built in storage and this can be secured via condition.

### 9.5 Ecology

9.5.1 The development falls within the amber impact risk zone for great crested newts (GCN). The Sussex Newt Officer has been consulted on the application and initially raised an objection to the scheme as outlined below:

*“Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence.*

*There is one pond on-site, and three further ponds within 250m of the development site. The pond located 250 south west has GCN records associated with it.*

*There is direct connectivity with the on-site pond and further indirect connectivity between the development site and the ponds within 250m including that with the GCN record associated with it.*

*The Applicant has not provided any ecological information for the site. Therefore, it cannot be determined if there is a likely impact.*

*I am not satisfied that the Applicant has adequately demonstrated that there will no impact to GCN and/or their habitat as a result of the development being approved as no ecological information for the development has been provided.”*

9.5.2 As such, the Applicant has submitted a GCN Ecology Report prepared by The Mayhew Consultancy dated October 2022.

9.5.3 The Sussex Newt Officer has been reconsulted on the application and raises no objection subject to conditions. Their response is detailed below:

*“The Applicant has provided an Ecology Report in relation to GCN for the land at Oakleigh (The Mayhew Consultancy, Oct 2022). The report gives a summary of the ponds within 250m of the site and concludes that only one of the ponds is suitable for GCN (approximately 250m south-west of the site). The report also states that there is some suitable habitat for GCN on site. Therefore, a Reasonable Avoidance Measures statement is recommended for the proposed development to minimise the small risk of harm to GCN.*

*We are satisfied with the ecological survey and deem a RAMs statement to be acceptable for this small development. We recommend that a compliance condition is used to secure the measures and recommendations as outlined in the ecological report.”*

9.5.4 As such, no concern is raised on potential impacts on GCN.

9.5.5 The application is also accompanied by a Badger Survey by Martin Newcombe, dated 1 November 2021. The survey recommends the proposed mitigation is put in place and this requirement will be added as a condition should the application be recommended for approval.

## 9.6 Highway Safety and parking

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

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

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

9.6.4 The site would be accessed off an existing access point and there is space provided to the front of the dwelling to accommodate three parking spaces and cycle storage would be provided within the internal garage. As such, the proposal is considered acceptable in this regard.

#### 9.7 Drainage

9.7.1 Policy EN7 requires development proposals to avoid flood risk, including from surface water by including appropriate drainage.

9.7.2 The application form states that surface water will be discharged via a soakaway and foul drainage will be disposed of via the main sewer, however, no further details have been provided. Should the application be recommended for approval a condition will be placed on any decision notice requesting full details of the drainage of the site before development commences.

#### 9.8 Other matters

9.8.1 Concerns have been raised regarding the stability of the land and potential slippage. Ultimately it is the Applicants/Developer's responsibility to ensure that the development is safe. However, in this case it is thought prudent to add a condition requiring a site stability assessment be completed and submitted to the council for review before development commences.

#### 9.9 Conclusion

9.9.1 The site lies within the development boundary as defined within the DaSA therefore, it is within an area where there is a presumption that development could be acceptable in principle subject to other policies in the Local Plan.

9.9.2 The proposed dwelling is considered to be appropriately designed for this location, would provide a good standard of amenity for future occupiers and would not have an adverse impact on neighbouring properties, the surrounding locality or ecological designations.

9.9.3 The application is recommended for approval subject to conditions.

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

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#### **CONDITIONS:**

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:  
 Location Block Plan, Drawing No. 6971/100/LBP/A, dated October 2022  
 Proposed Sections, Drawing No. 6971 / 100 / 2 / A, dated September 2022  
 Proposed Elevations and Floor Plans, Drawing No. 6971/100/1, dated May 2022  
 Reason: For the avoidance of doubt and in the interests of proper planning
  
3. No development above ground level shall take place until details/samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
 Reason: To ensure that the development reflects the character and appearance of the locality within the High Weald Area of Outstanding Natural Beauty and to preserve the visual amenities of the area in accordance with Policies EN3 and OSS4 (iii) of the Rother Local Plan Core Strategy and Policy DEN2 of the Development and Site Allocations Local Plan.
  
4. No development shall commence until a scheme for the provision of foul and surface water drainage works has been submitted to and approved in writing by the Local Planning Authority and none of the dwellings 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.
  
5. No works above ground shall take place until the hard and soft landscaping details for the site have been submitted to and approved by the Local Planning Authority, which shall include:
  - a) planting plans;
  - b) written specifications (including cultivation and other operations
  - c) associated with plant and grass establishment);
  - d) schedules of plants, noting species, plant sizes and proposed
  - e) numbers/densities where appropriate;
  - f) hard surfacing materials; and
  - g) implementation programme.
 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.  
 Reason: To enhance and maintain the character and appearance of the locality within the High Weald Area of Outstanding Natural Beauty, in accordance with Policy OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy and Policy DEN1 and DEN2 of the Development and Site Allocations Local Plan.
  
6. No development shall take place until details of a full site investigation, including stability report, with a scheme for remedial/preventative works, has been submitted to and approved in writing by the Local Planning Authority and the development shall be completed in accordance with the approved details

Reason: In order to safeguard the construction of the property in accordance with Policy OSS3 (viii) of the Rother Local Plan Core Strategy.

7. No development shall commence until indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development have been submitted to and approved by the Local Planning Authority and such approved protection measures shall be retained in situ for the duration of construction works.

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

8. The development shall not be occupied until a parking and turning area has been provided to accommodate a minimum of two cars, and the area shall thereafter be retained for that use and shall not be used other than for the parking and turning of motor vehicles

Reason: To provide on-site parking and turning areas to ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the highway in accordance with Policies CO6 (ii) and TR4 (i) of the Rother Local Plan Core Strategy.

9. The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated in section 4 of the supporting document, Ecology Report in relation to Great Crested Newts for the land at Oakleigh (The Mayhew Consultancy, Oct 2022).

Reason: To minimise the impacts of development on biodiversity, in accordance with paragraphs 174 and 180 of the National Planning Policy Framework and Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

10. The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated in section 5 of the supporting document, Badger Survey (Martin Newcombe dated 1 November 2021.)

Reason: To minimise the impacts of development on biodiversity, in accordance with paragraphs 174 and 180 of the National Planning Policy Framework and Policy EN5 (ix) of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan.

11. The dwelling hereby permitted shall not be occupied until the refuse and recycling areas have been laid out within the site in accordance with drawing no. 6971/100/LBP/A. Thereafter, these areas shall be used for the storage and collection of waste only

Reason: To ensure sufficient bin storage and collection points are provided for the dwelling and in the interests of visual amenity, having regard to Policy OSS4 of the Rother Local Plan Core Strategy and Policy DHG7 (iii) of the Development and Site Allocations Local Plan.

12. The development shall not be occupied until at least 2.5m<sup>2</sup> of built-in storage has been provided within the dwelling hereby permitted.

Reason: To provide the dwelling with adequate built in storage in line with the Nationally Described Space Standards and Policy DHG3 of the Development and Site Allocations Local Plan.

13. The dwelling hereby permitted shall not be occupied until it has been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.

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

14. The dwelling hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwellings have been constructed to achieve water consumption of no more than 110 litres per person per day.

Reason: To ensure that the dwelling is built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Development and Site Allocations Local Plan.

#### **NOTES:**

1. 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: deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent 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.
2. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency and Accessibility are attached to this planning permission and that development should be built accordingly. Enforcement action may be taken without further notice if the relevant standards are not achieved.

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.





**Rother District Council**

**Report to:** Planning Committee

**Date:** 10 November 2022

**Title:** Planning Statistics for the Quarter July – September 2022 (2<sup>nd</sup> Quarter) including summary of planning statistics for 2020/2023

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

**Ward(s):** All

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

**Officer**

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

**DLUHC Statistics PS1 & PS2 Returns Jul – Sep 2022/23 (2<sup>nd</sup> Qtr)**

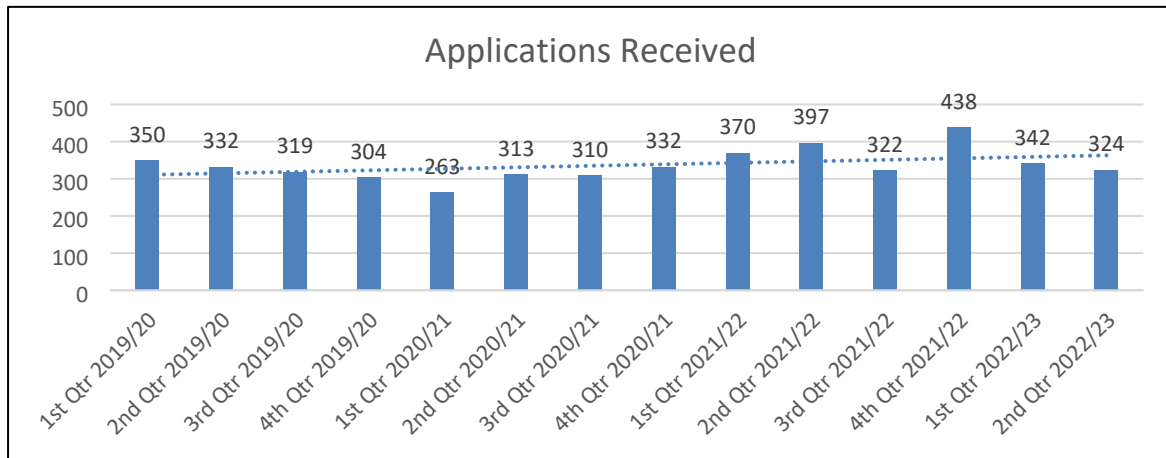
<b>1.0</b>	Total number of planning applications Received during the quarter:	324
<b>2.0</b>	Total number of planning applications Determined during the quarter:	384
	<b>% Percentage of applications determined</b>	
2.1	% of applications for major developments issued within agreed timeframe	100%
2.2	% of applications for minor developments issued within agreed timeframe	78%
2.3	%of other planning applications issued within agreed timeframe	87%
<b>3.0</b>	Total no of applications withdrawn	16
<b>4.0</b>	Number of planning applications on hand and not determined at the end of the quarter:	354
<b>5.0</b>	<b>Applications not included in DLUHC PS1 &amp; PS2 Returns (Miscellaneous applications) Jul – Sep 2022/23 (2<sup>nd</sup> Qtr)</b>	
	i.e. Prior notifications, Discharge of Condition, Lawful Development Certificates, Minor Amendments, Works to Trees, TPO Requests, Consultations from neighbouring authority or ESCC	

5.1	Total number of miscellaneous applications received during quarter	155
5.2	Total number of miscellaneous applications determined during quarter	111
5.3	*Number of miscellaneous applications on hand and not determined at the end of the quarter	91
	*Where received date from 1 April 2020	
<b>6.0</b>	<b>Total number of applications on hand at end of quarter (DLUHC PS1 &amp; PS2 &amp; Miscellaneous) Jul – Sep 2022/23 (2<sup>nd</sup> Qtr)</b>	
6.1	Total number of applications on hand	445
<b>7.0</b>	<b>Planning Application Appeals Jul – Sep 2022/23 (2<sup>nd</sup> Qtr)</b>	
7.1	Number of planning appeals on hand (no decision):	102
7.2	Number of Planning appeals lodged:	27
7.3	Planning Appeal Decisions:	
	Allowed:	11
	Allowed in part:	0
	Dismissed:	9
<b>8.0</b>	<b>Planning Enforcement Jul – Sep 2022/23 (2<sup>nd</sup> Qtr)</b>	
8.1	Number of complaints received	130
8.2	Number of complaints resolved	123
8.3	Number of active complaints on hand	256
<b>9.0</b>	<b>Pre Application Enquiries</b>	
9.1	Pre application enquires received	92
9.2	Pre application enquiries completed	79
<b>10.0</b>	<b>Local Land Charge Searches Jul – Sep 2022/23 (2<sup>nd</sup> Qtr)</b>	
10.1	No of Local Land Charge searches received:	1086
10.2	No of Local Land Charges completed	1083

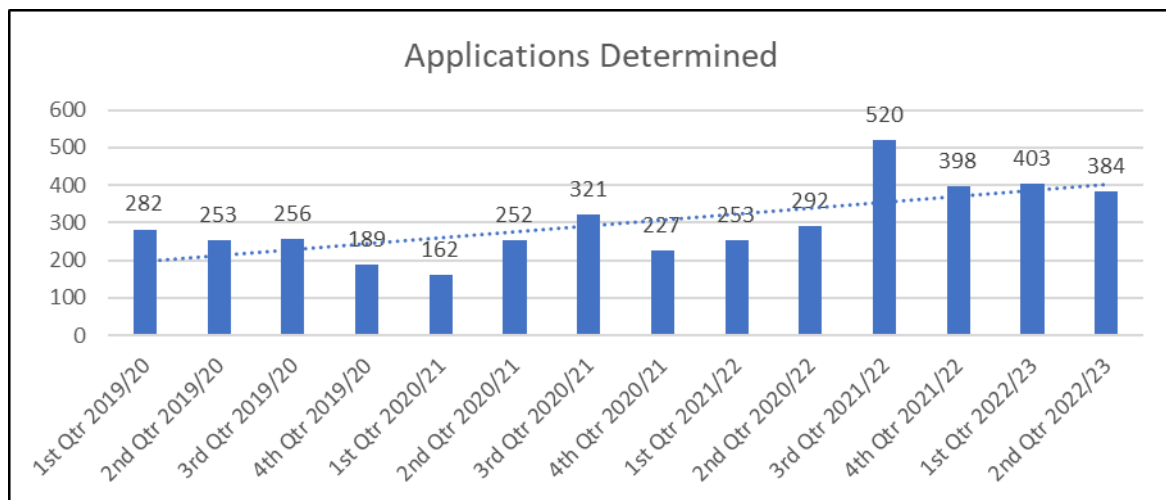
# Summary of Planning Statistics Jul – Sep 2022/23 (2<sup>nd</sup> Qtr)

## Planning Applications (DLUHC PS1/2)

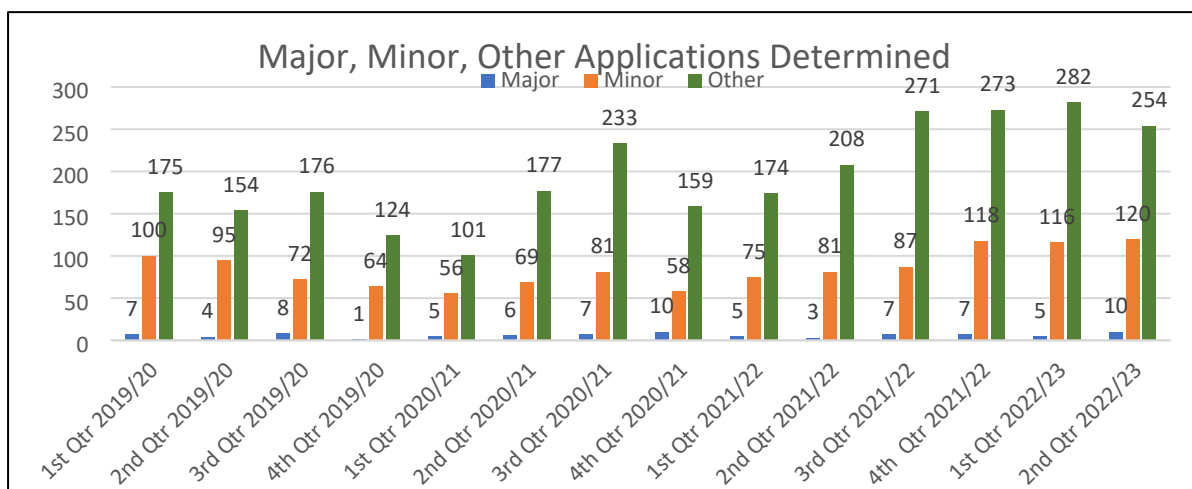
### 1.0 Applications received:



### 1.1 Total number of planning applications determined:

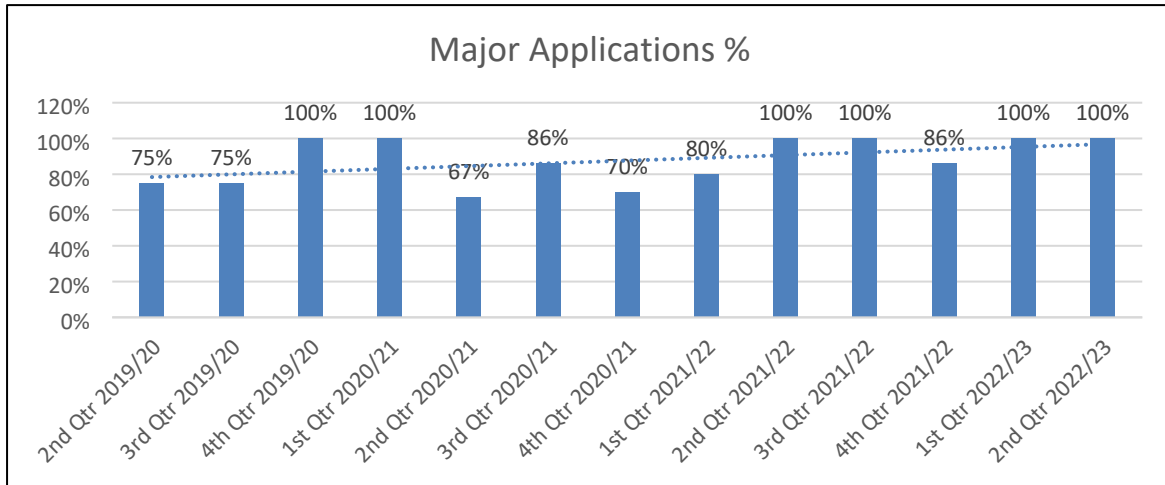


### 1.2 Category of Applications Determined:

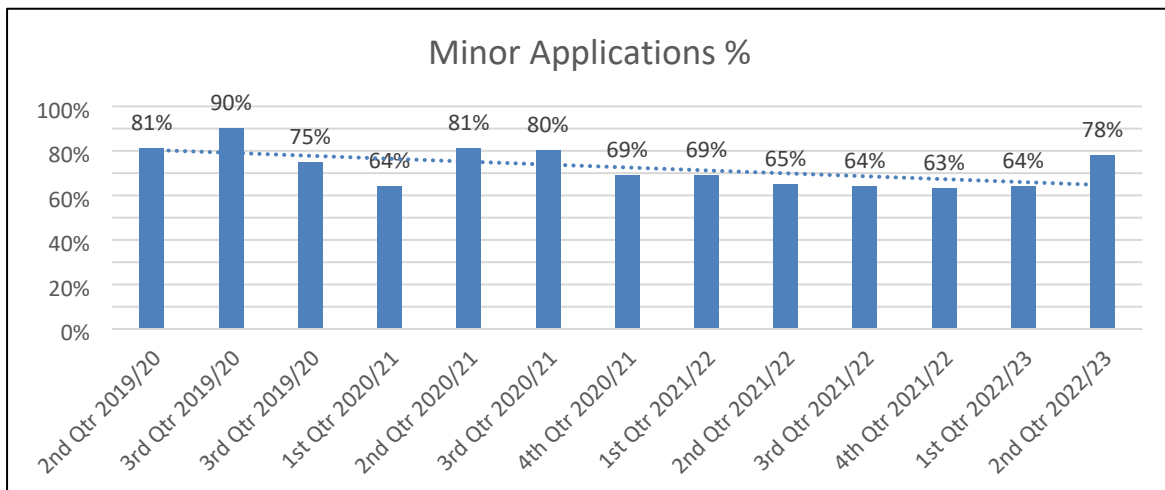


## 2.0 Percentage of planning applications determined within agreed timeframe

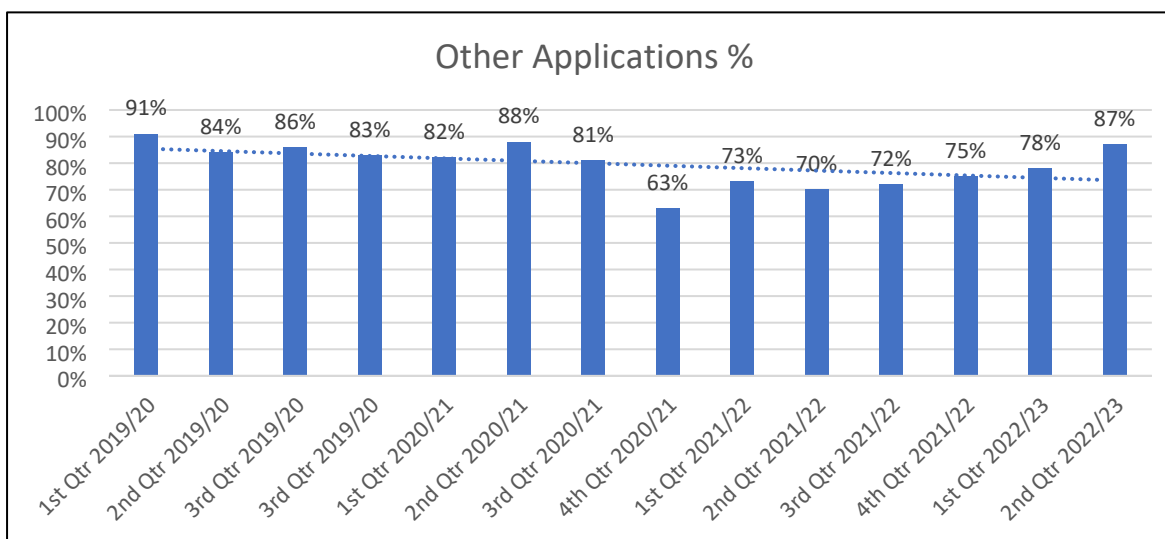
### 2.1 Major applications:



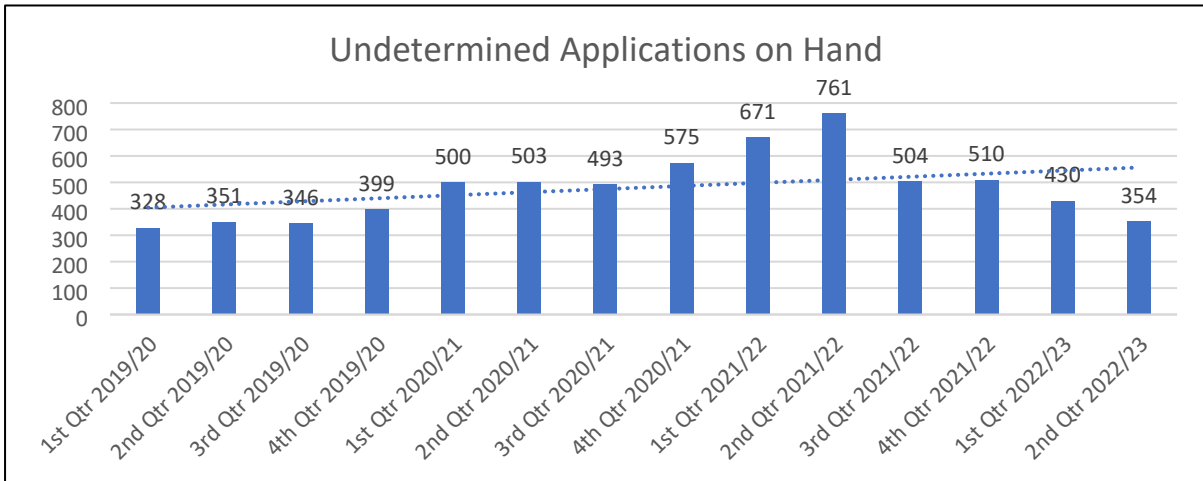
### 2.2 Minor applications:



### 2.3 Other applications:

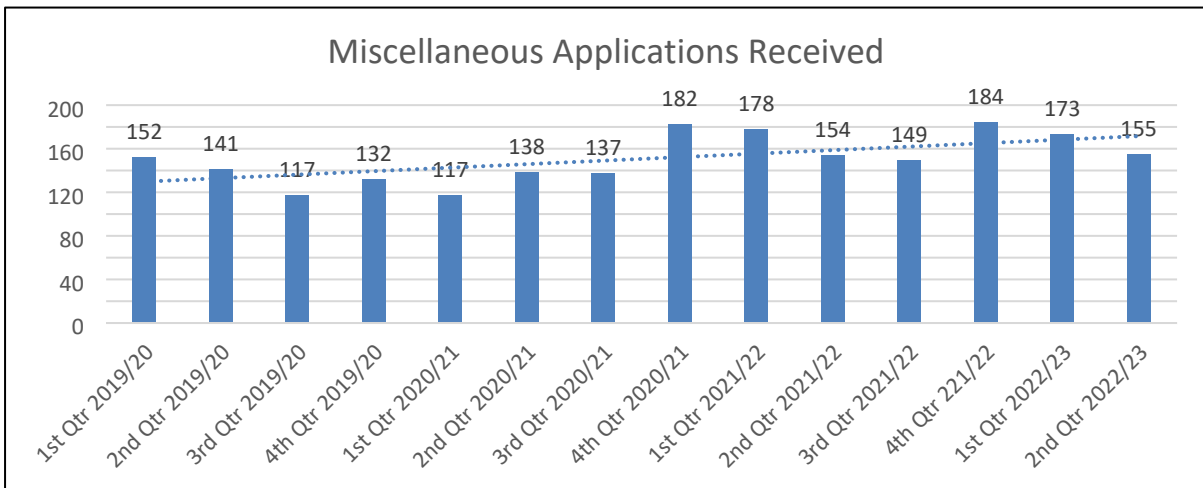


**3.0 No of applications on hand and not determined (DLUHC PS1 & PS2 Returns)**

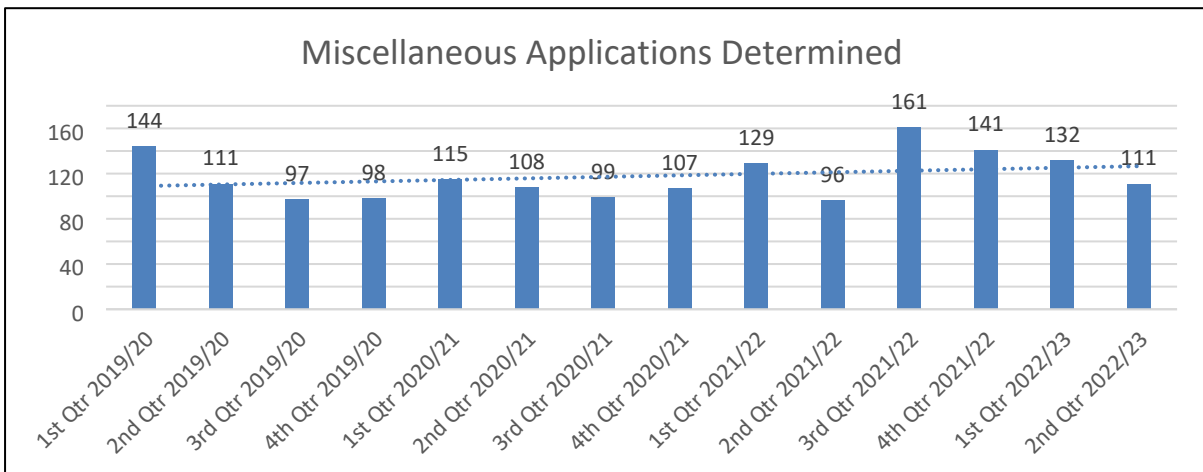


**4.0 Applications not included in DLUHC PS1 & PS2 Returns (Miscellaneous applications)**

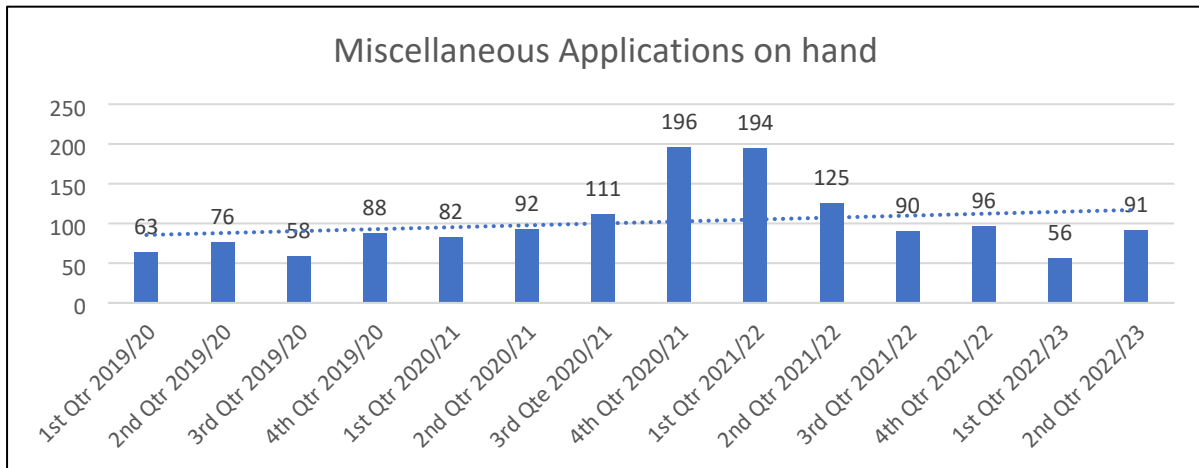
**4.1 Received:**



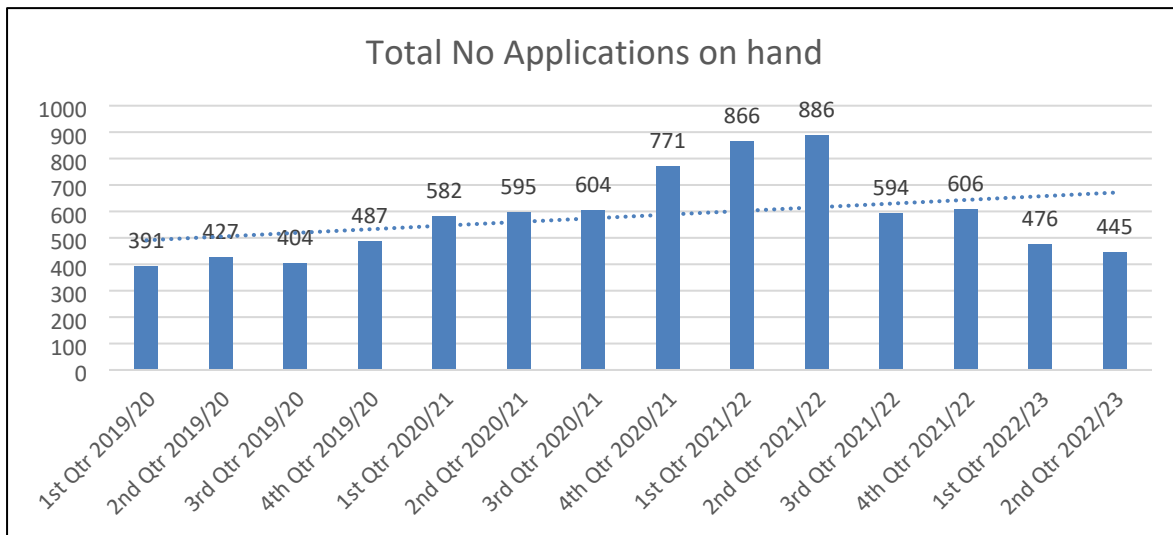
**4.2 Determined:**



### 4.3 No of miscellaneous applications on hand:

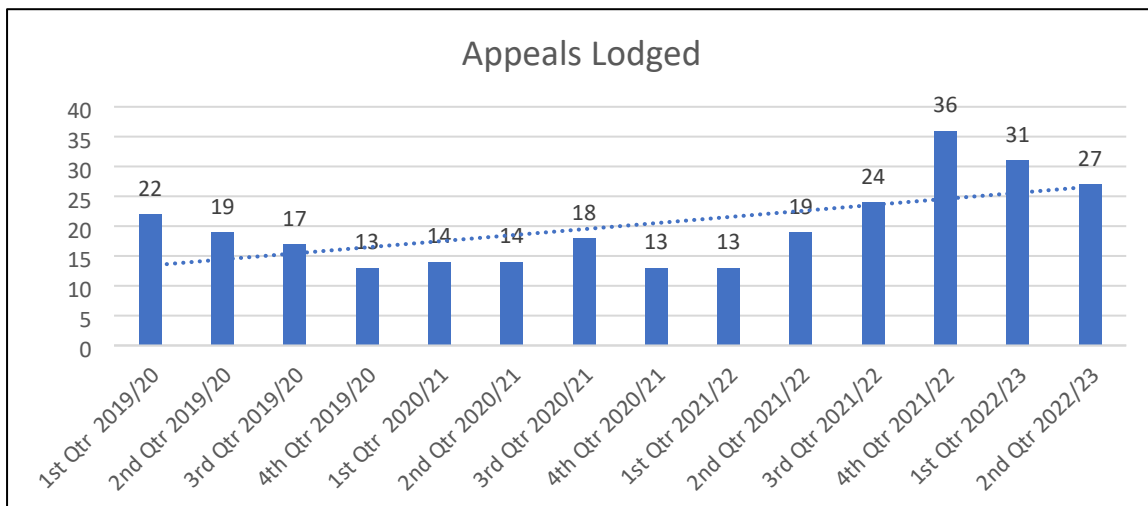


### 5.0 Total number of applications on hand (DLUHC PS1 & 2 & Miscellaneous applications)

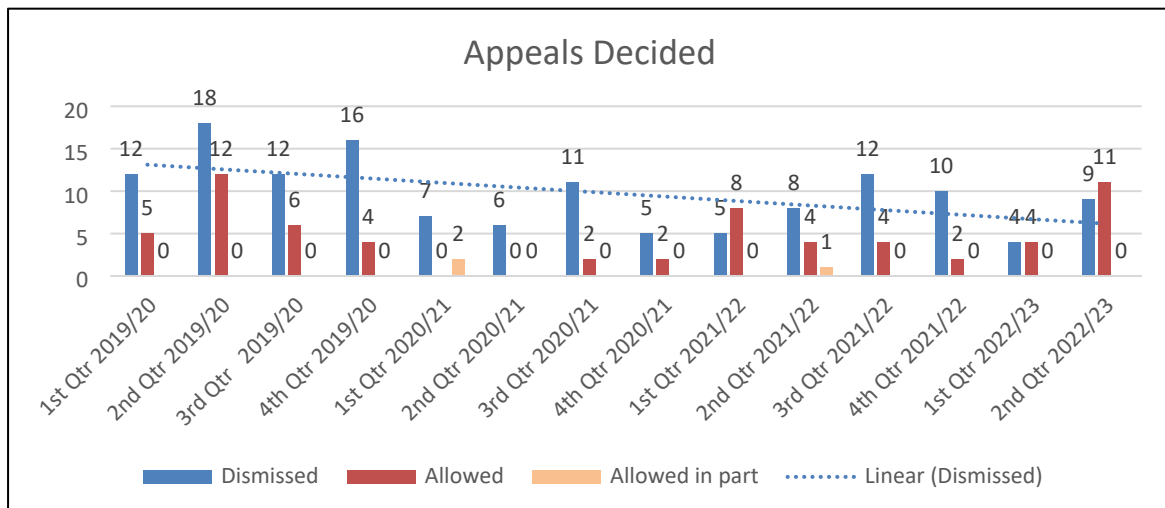


### 6.0 Planning Appeals

#### 6.1 Appeals Lodged:

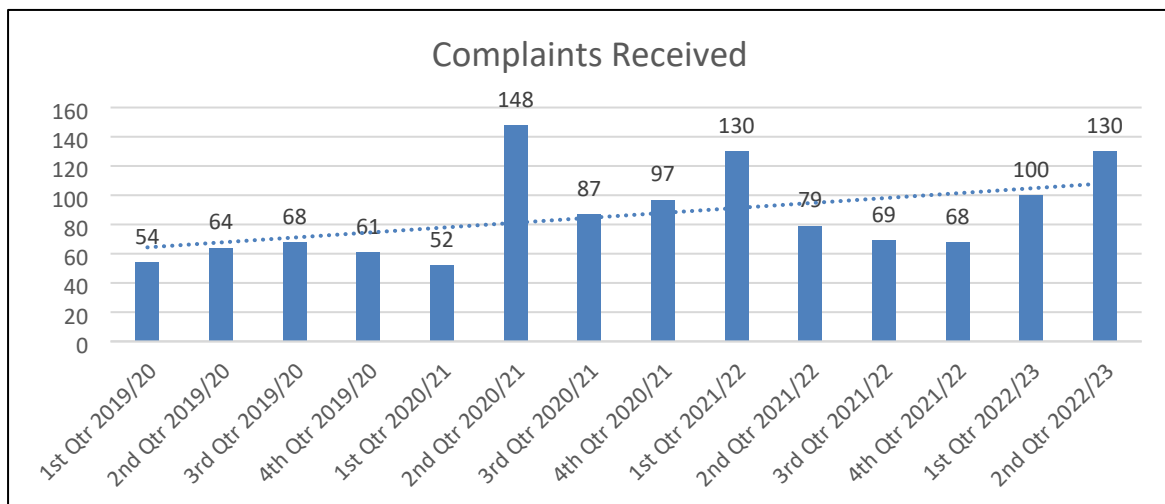


## 6.2 Appeals Decided:

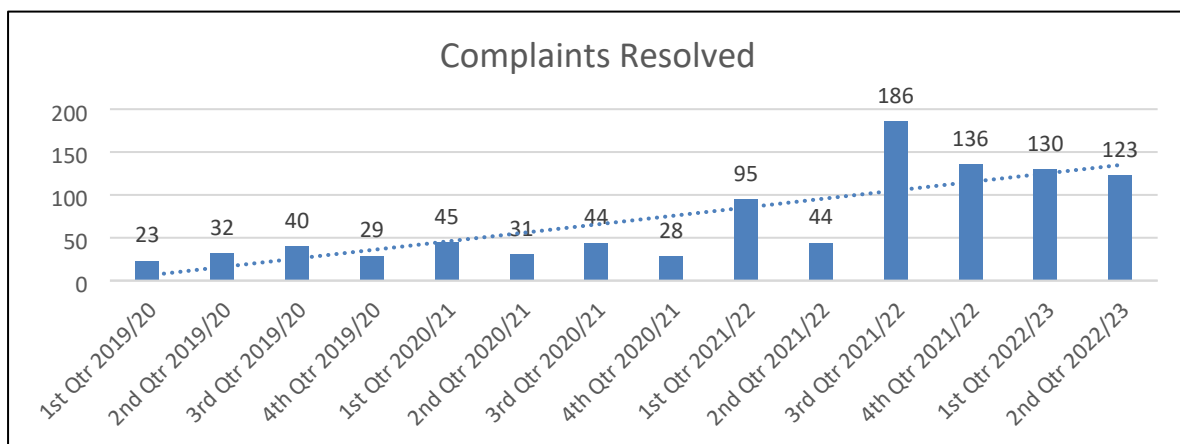


## 7.0 Planning Enforcement Complaints

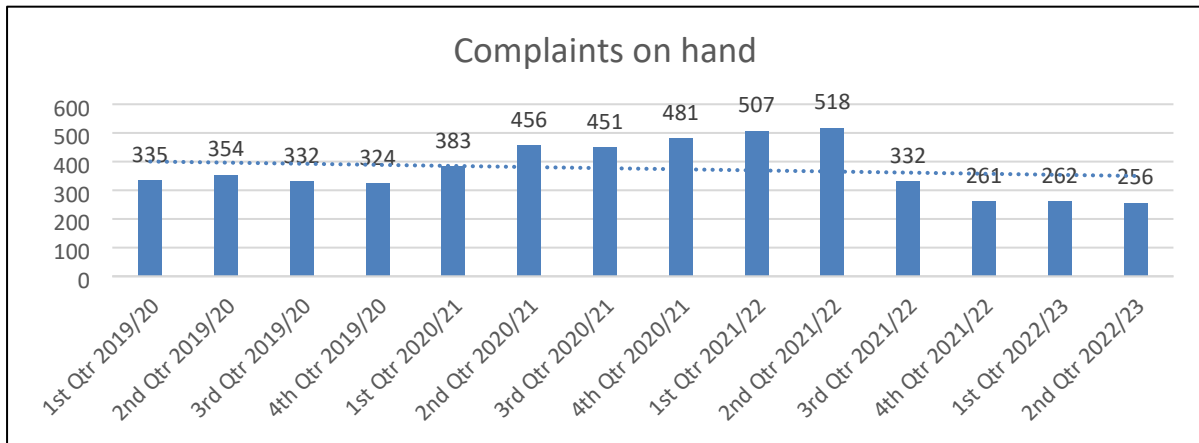
### 7.1 Complaints received:



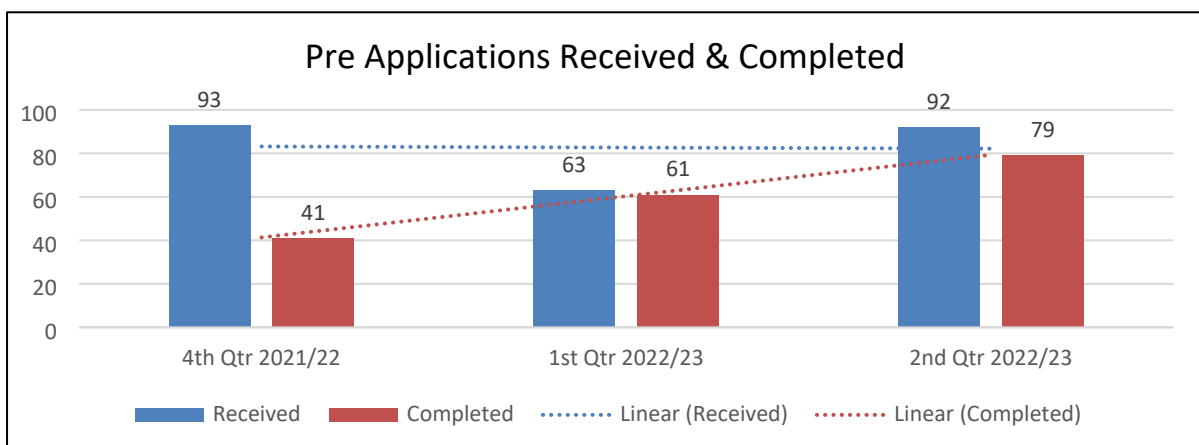
### 7.2 Complaints resolved:



### 7.3 Active complaints on hand:

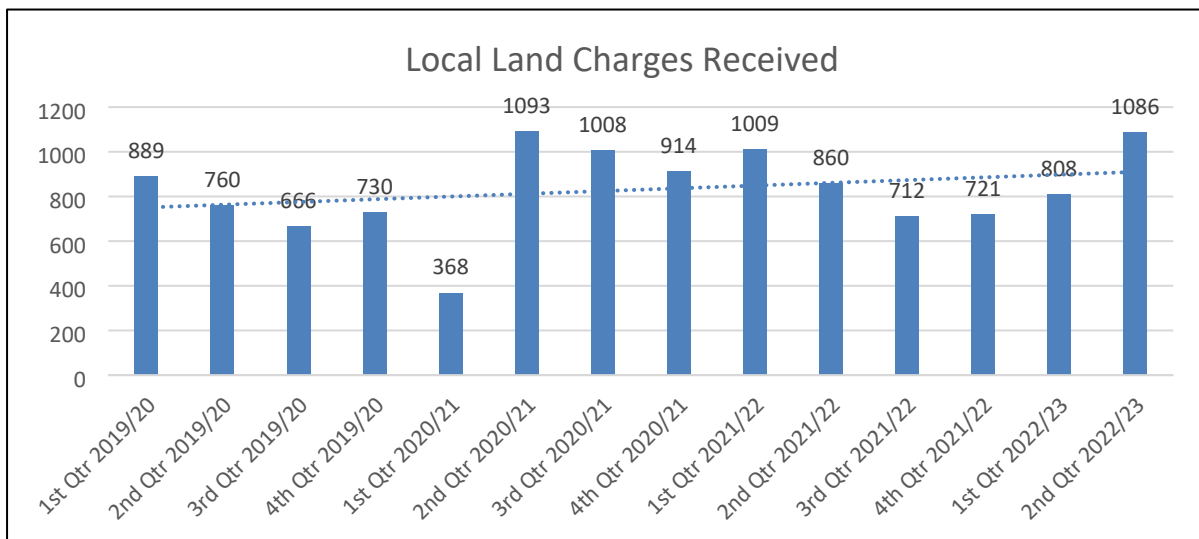


### 8.0 Pre Application Enquiries



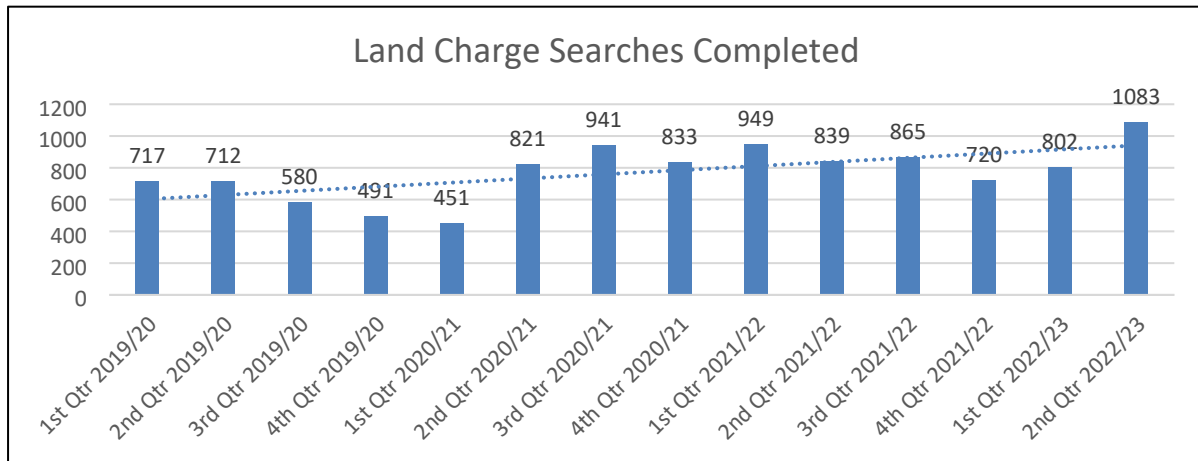
### 9.0 Local Land Charge Searches Jul – Sep 2022/23 (2<sup>nd</sup> Qtr)

#### 9.1 Local Land Charge Searches Received:





## 9.2 Local Land Charge Searches Completed:



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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**Rother District Council**

**Report to:** Planning Committee

**Date:** 10 November 2022

**Title:** Appeals

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

**Ward(s):** All

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

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

**APPEALS LODGED**

RR/2022/1296/P (Delegation)	ASHBURNHAM: Honeyland, Honey Lane, Ashburnham Erection of replacement barn for agricultural use. Mr Allan Chamberlain
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/2022/1353/P (Delegation)	BEXHILL: The Little House, Worsham Lane, Bexhill Proposed extension to dwelling involving the removal of several outbuildings. Mr N. Rowe
RR/2022/184/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/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/2021/1609/P (Delegation)	BODIAM: Bodiam Business Centre - Land at, Junction Road, Bodiam

	Erection of four No. 3-bedroom terraced dwellings together with associated car parking and landscaping. Park Lane Homes (South East) Ltd
RR/2020/70/P (Delegation)	BREDE: Barns Site, Steeplands - Land Adjacent to, Pottery Lane, Brede Erection of 4-bedroom detached dwelling and detached garage. Mrs A. Patel
RR/2021/1430/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/2022/1008/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/2022/1315/P (Delegation)	BREDE: Sant Roc, Cackle Street, Brede Demolition of existing dwelling and outbuilding. Erection of three terraced dwellings. Hawkins & Hawkins
RR/2022/814/P (Delegation)	BREDE: St Elmo, Cackle Street, Brede Erection of single storey rear extension and front porch. Mr & Mrs T. Quinn
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/2022/578/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/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/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/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/2022/746/P (Delegation)	EWHURST: 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/2022/949/P (Delegation)	EWHURST: New Morgay Farm, Cripps Corner Road, Staplecross, Ewhurst Demolition of existing stables and erection of residential annexe. Mrs F. Radermaker
RR/2022/468/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/2022/155/P (Delegation)	GUESTLING: The Olde Piggery, Eight Acre Lane, Three Oaks, Guestling Siting of 3 No. storage containers including use of existing site building as a Builders store. (Retrospective) Mr Bill Coney
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/2022/1062/P (Delegation)	HURST GREEN: 2 Silverhill Cottages, Silverhill, Hurst Green First floor rear extension Miss Karina Hymers
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
RR/2021/1084/P (Delegation)	NORTHIAM: The Cedars, Station Road, Northiam Demolition of existing single storey bungalow and erection of two dwellings with retained access. Brasseur
RR/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/2021/3084/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/2020/995/P (Delegation)	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
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/2021/2521/P (Delegation)	TICEHURST: Seacox Cocks - Land adjacent to, The Mount, Flimwell, Ticehurst Proposed residential development for two pairs of semi-detached dwelling houses (4 units in total), new access, associated parking, landscaping and biodiversity enhancements. Mr J. Waller
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

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
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/2021/2337/P (Delegation)	WESTFIELD: Little Holme, Westbrook Lane, Westfield Conversion of existing detached annexe building to create a new two bedroom dwelling, with new balcony to the rear. Associated division of plot to provide amenity space and detached outbuilding to be converted into summerhouse. Mr George Allen
RR/2022/1013/FN (Delegation)	WESTFIELD: The Old Chicken Barn, Hoads Farm, Moat Lane, Battle Application to determine if prior approval is required for modifications to a commercial/agriculture barn. Mr Warren Behling
RR/2021/1473/P (Delegation)	WESTFIELD: The Old Chicken Barn, Hoads Farm, Moat Lane, Westfield Replace existing chicken barn with 1 No. detached house on same footprint and raising to accommodate a second floor, however lowering the pitch of the roof to keep the new height to a minimum. Mr Warren Behling
RR/2021/1647/P (Delegation)	WESTFIELD: Little Hides Farm Cottage, Stonestile Lane, Westfield Change of use from land that is non-compliant with agricultural occupancy to curtilage of an existing residential property. Mr Vidmantas Jokubauskas
RR/2021/1490/P (Delegation)	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

**APPEALS STARTED**

RR/2021/102/P (Delegation)	BEXHILL: Chestnut Meadow Camping & Caravan Park, Ninfield Road, Bexhill
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Change of use of land for the siting of 50 residential caravans (park homes) to form a retirement park.  
Osborn Leisure LLP

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

### **APPEALS PENDING**

RR/2021/116/P  
(Delegation)

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

RR/2021/1102/P  
(Delegation)

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

RR/2020/357/P  
(Delegation)

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

RR/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/2021/2529/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/2021/1151/P  
(Delegation)

BEXHILL: 3 & 5 Gunters Lane, Bexhill  
Two storey rear extension to No. 3 and single storey rear extension to No. 5, existing pair of cottages. Side extension to provide an additional 3-bedroom dwelling (resubmission).  
Dale Saunders Holdings Ltd

RR/2021/2658/P

BEXHILL: Turkey Farm, St Marys Lane, Bexhill



	Erection of rear dormer, erection of rear infill extension and associated internal and external alterations. Ms Emma Farrow
RR/2022/62/P (Delegation)	BEXHILL: 8 Church Vale Road, Bexhill Erection of single storey dwelling with associated parking and landscaping. (Resubmission following refusal of application RR/2021/1696/P) The Goldeneye Group
RR/2021/1519/P (Delegation)	BEXHILL: 81 Cooden Drive, Bexhill Demolition of existing bungalow and garage, replacement with four flats and a family dwelling, parking for nine cars, stopping up of an existing driveway access on Cooden Drive and construction of a new access and highway crossover on Pages Avenue. Anomaly Consultants
RR/2021/1656/P (Non-Determination)	BEXHILL: Fryatts Way - land at, Bexhill Outline: Erection of up to 210 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation, vehicular access point and associated ancillary works. All matters to be reserved with the exception of the main site access. Gladman Developments Ltd
RR/2022/503/P (Delegation)	BEXHILL: 63-65 Cooden Sea Road, Bexhill on Sea Construction of an upward extension using the airspace above an existing residential and commercial premises in order to provide a single dwelling (Class C3). Vulcan 63-65 Ltd
RR/2021/3086/P (Delegation)	BEXHILL: 142 Pebsham Lane, Bexhill Proposed replacement detached dwelling. Mr Balwinder Singh - Khaira
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 78no. dwellinghouses (Class C3). Paramount Land and Development Ltd
RR/2021/1830/P (Delegation)	BEXHILL: 42 Ingrams Avenue, Bexhill Erect 1-bedroom semi-detached dwelling. ox1 Group
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/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/2021/234/P (Delegation)	BREDE: Brede Valley Farm, Frymans Lane, Brede Erection of agricultural dwelling. Brede Valley Farm Ltd
RR/2021/2562/P (Delegation)	BURWASH: Linkway, Vicarage Road, Burwash Common, Burwash Erection of potting shed, Polytunnels and shed for storing Bee keeping equipment. Mrs Debbie Beckley
RR/2021/1424/P (Non-determination)	BURWASH: St Giles, High Street, Burwash Proposed detached single storey annex building providing accommodation ancillary to existing dwelling house. Mrs Josephine O'Donnell
RR/2021/2450/L (Delegation)	BURWASH: White House, High Street, Burwash Replacement of existing shed and open bay garage with integrated workshop and open bay garage. Dr John O'Connor
RR/2021/2449/P (Delegation)	BURWASH: White House, High Street, Burwash Replacement of existing shed and open bay garage with integrated workshop and open bay garage. Dr John O'Connor
RR/2020/1304/P (Delegation)	CAMBER: Dorena, Wall Farm Lane, Camber Demolition of existing single storey chalet bungalow and erection of a two storey 3-bedroom detached dwelling with associated car parking. Mr Eric Moon
RR/2020/2306/P (Delegation)	CAMBER: Poundfield Farm, Farm Lane, Camber Siting of holiday lodge for seasonal tourist/holidaymakers accommodation. Mrs Michelle Bristow
RR/2021/2012/P (Delegation)	CATSFIELD: St Kitts - Site Adjacent, Church Road, Catsfield Erection of 1 No. Chalet Bungalow, together with parking and landscaping. Mr Jack Waller
RR/2021/2077/P (Delegation)	CROWHURST: Willow Pond House, Swainham Lane, Crowhurst Change of use of land for the siting of a timber cabin (caravan) for retreat holidays, re-positioned vehicular access off Swainham Lane and parking for two vehicles.

Mr Richard Warden

RR/2020/923/P  
(Delegation)

GUESTLING: The Olde Piggery, Eight Acre Lane, Three Oaks, Guestling  
Change of use from Agricultural to residential. Proposed erection of 1 No. Eco Dwelling, conversion of Piggery building into garage and workshop, along with associated parking, landscaping and general site features that promote a high level of ecological interest.  
Mr Bill Coney

RR/2022/334/P  
(Delegation)

GUESTLING: Saunders Oast, Church Lane, Guestling Green, Guestling  
Proposed oak frame conservatory on side of dwelling.  
Mr & Mrs V. Deller

RR/2020/1857/P  
(Delegation)

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

RR/2021/2348/P  
(Delegation)

GUESTLING: Wild Meadows, Chapel Lane, Guestling Green, Guestling  
Demolition of existing stables and sand arena and erection for four new dwellinghouses (Use Class C3).  
Ms Carol Adams

RR/2021/1765/P  
(Delegation)

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

RR/2021/1174/P  
(Delegation)

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

RR/2021/1907/P  
(Delegation)

MOUNTFIELD: Johns Cross Cafe - Land at, Johns Cross Road, Mountfield  
Outline: Replacement of existing self-storage containers and construction of buildings for self-storage (Class B8) along with parking, landscaping and use of existing access to the A21, with access considered.  
Mr M. Horley

RR/2021/2164/P  
(Delegation)

MOUNTFIELD: 3 Church Cottages, Church Road, Mountfield  
Construction of replacement garage/carport.  
Mr & Mrs C. Norman

RR/2020/2261/P

NORTHIAM: Mill Corner Stables, New Road, Northiam

(Delegation)	Construction of an 'Earth House' comprising an Eco-Dwelling in conjunction with associated rural business, incorporating conversion of Stables into therapy and treatment rooms and a permaculture and smallholding business. Mr & Mrs Matthew & Anneli Hukins
RR/2021/1935/P (Delegation)	NORTHIAM: Cooks Farmhouse - Land Adj, New Road, Northiam Proposed siting of a static holiday let unit and associated change of use of the land. Mrs Sarah Secker
RR/2021/2467/P (Delegation)	NORTHIAM: Torphin, Station Road, Northiam New outbuilding to provide ancillary accommodation / annexe for disabled relative (retrospective). Mr E. Hatcher and Ms K. Russell
RR/2021/1657/P	PEASMARSH: Teviot, Malthouse Lane, Peasmarsch Proposed 4 x bedroom dwelling with associated landscaping and driveway for two vehicles. Bright Develop Ltd
RR/2021/2759/P (Delegation)	PEASMARSH: Partridge Farm, Starvecrow Lane, Peasmarsch Change of use of the building and land from holiday let accommodation to permanent dwelling. Mr & Mrs A. & W. Thomas
RR/2021/2888/P (Delegation)	PEASMARSH: 1 Brickfield, Main Street, Peasmarsch Erection of a two-storey side extension over part of existing footprint to form 1-bedroom maisonette. Mr Peter Bedborough
RR/2021/879/P (Delegation)	PEASMARSH: Lyndhurst Cottage, Main Street, Peasmarsch Change of use from granny annexe/holiday let to separate residential dwelling. Mr Terry Denman
RR/2021/2587/P (Delegation)	SALEHRST/RBRIDGE: Boarsney, The Stage, Silverhill, Salehurst/Robertsbridge External alterations to include glazing to the elevations, a replacement external staircase and balcony, a new log burner and external BBQ/Pizza Oven area. Mr M. Westmoreland-Smith
RR/2021/664/P (Delegation)	SEDLSCOMBE: Little Swailes Green Farmhouse, Little Swailes Green Farm, Cripps Corner, Sedlescombe Construction of a single storey extension with a glazed link connected to existing dwelling, new enclosed porch to the North, insertion of three conservation rooflights and alterations to the existing facades with new timber

	<p>weatherboarding and re-instatement of an existing brick garden wall and minor landscaping works. Ms Tina Kennard</p>
RR/2021/665/L (Delegation)	<p>SEDLSCOMBE: Little Swailes Green Farmhouse, Little Swailes Green Farm, Cripps Corner, Sedlescombe Construction of a single storey extension with a glazed link connected to existing dwelling, new enclosed porch to the North, insertion of three conservation rooflights and alterations to the existing facades with new timber weatherboarding and re-instatement of an existing brick garden wall and minor landscaping works. Ms Tina Kennard</p>
RR/2021/2600/P (Delegation)	<p>TICEHURST: Bantham Farm, London Road, Ticehurst Change of Use of existing redundant and disused barn to residential use. Mr N. Watts</p>
RR/2020/646/P (Delegation)	<p>TICEHURST: Bantham Farm, London Road, Ticehurst Change of use of art studio to live/work unit. Mr N. Watts</p>
RR/2021/2597/P (Delegation)	<p>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</p>
RR/2021/1787/P (Delegation)	<p>TICEHURST: Slaves Dream, Lower Hazelhurst, Ticehurst Demolition of existing dwelling and replacement with new dwelling including new detached car port. Pedro and Jay Milborne</p>
RR/2022/3/P (Delegation)	<p>UDIMORE: The Lindens, Udimore Road, Udimore Erection of a single storey timber frame double garage to the front of the existing property. Mr Steven Jones</p>
RR/2021/240/P (Delegation)	<p>WESTFIELD: Summer Cottage - Land to the south west of Whitelands, Westfield Demolition of existing storage buildings and hardstanding. Construction of new dwelling with landscaping, parking and use of existing access to the A28. Creation of a new planting buffer and biodiversity enhancements. Mr &amp; Mrs W. Cornish</p>
RR/2021/1094/O (Delegation)	<p>WESTFIELD: Holland House, Hoads Farm, Moat Lane, Westfield Certificate of Lawfulness for an existing residential mobile home. Mrs S.A. Hawkins</p>

RR/2020/1416/P  
(Delegation)

WESTFIELD: Whitelands Kennels, Westfield Lane,  
Westfield  
Demolition of existing kennels. Proposed new dwelling  
comprising of 5 bedrooms. New driveway, parking area  
and associated landscaping.  
Mr Damon Robinson

RR/2021/2337/P  
(Delegation)

WESTFIELD: Little Holme, Westbrook Lane, Westfield  
Conversion of existing detached annexe building to  
create a new 2-bedroom dwelling, with new balcony to  
the rear. Associated division of plot to provide amenity  
space and detached outbuilding to be converted into  
summerhouse.  
Mr George Allen

RR/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**

NONE

### **APPEALS DISMISSED**

NONE

### **APPEALS WITHDRAWN**

NONE

### **FORTHCOMING HEARINGS/INQUIRIES**

RR/2021/1656/P  
(Non-determination)

BEXHILL: Fryatts Way – Land at, Bexhill  
Outline: Erection of up to 210 residential dwellings  
(including up to 30% affordable housing), introduction of  
structural planting and landscaping, informal public open  
space and children's play area, surface water flood  
mitigation, vehicular access point and associated  
ancillary works. All matters to be reserved with the  
exception of the main site access.  
Gladman House  
Inquiry on 29 November 2022  
Council Chamber, Town Hall, Bexhill.

RR/2020/646/P  
(Delegation)

TICEHURST: Bantham Farm, London Road, Ticehurst.  
Change of use of art studio to live/work unit.  
Mr N. Watts  
Informal Hearing on 24 January 2023  
Council Chamber, Town Hall, Bexhill

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  
Informal Hearing on 24 January 2023  
Council Chamber, Town Hall, Bexhill

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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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