

Planning Committee

- Date and Time - **Thursday 22 June 2023**
9:30am – 1:00pm and 2:00pm until close of business
(At the discretion of the Chair, the timing of lunch may be varied)
- Venue - **Council Chamber, Town Hall, Bexhill-on-Sea**
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Councillors appointed to the Committee:

A.S. Mier (Chair), B.J. Drayson (Vice-Chair), Mrs M.L. Barnes, C.A. Bayliss, T.J.C. Byrne, F.H. Chowdhury, Mrs V. Cook (ex-officio), C.A. Creaser, A.E. Ganly, N. Gordon, P.J. Gray, T.O. Grohne, T.M. Killeen (MBE), C. Pearce and J. Stanger.

Substitute Members: Councillors J. Barnes (MBE), S.J. Coleman, K.M. Field, A. Rathbone Ariel and H.L. Timpe.

AGENDA

1. **MINUTES**

To authorise the Chair to sign the minutes of the meeting of the Committee held on 1 June 2023 as a correct record of the proceedings.

2. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

3. **ADDITIONAL AGENDA ITEMS**

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

4. **WITHDRAWN APPLICATIONS**

The Director – Place and Climate Change to advise Members of those planning applications on the agenda which have been withdrawn.

5. **DISCLOSURE OF INTEREST**

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

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

This agenda can be made available in large print, Braille, audiotape/CD or in another language upon request.

For all enquiries – please contact julie.hollands@rother.gov.uk

Tel: 01424 787811

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6. **PLANNING APPLICATIONS - INDEX** (Pages 3 - 4)
7. **RR/2022/3018/P - BROOKLANDS ROAD – LAND AT BEXHILL** (Pages 5 - 32)
8. **RR/2022/2619/P - THE PADDOCK, BREDE LANE, SEDLESCOMBE**
(Pages 33 - 58)
9. **RR/2022/2791/P - FIRTREE COTTAGE - LAND ADJACENT TO
NETHERFIELD HILL, BATTLE** (Pages 59 - 82)
10. **RR/2023/272/P - THE OLD VINEYARD - LAND AT BIRCHENWOOD
FARM, PASHLEY ROAD, TICEHURST** (Pages 83 - 102)
11. **APPEALS** (Pages 103 - 112)
12. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**
Tuesday 18 July 2023 at 9:00am departing from the Town Hall, Bexhill.

Lorna Ford
Interim Chief Executive

Agenda Despatch Date: 14 June 2023

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

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

Rother District Council

Report to	-	Planning Committee
Date	-	22 June 2023
Report of the	-	Director - Place and Climate Change
Subject	-	Planning Applications – Index

Director: Ben Hook

Planning Committee Procedures**Background Papers**

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

Planning Committee Reports

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

Consultations

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

Late Representations

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

Delegated Applications

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

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

Order of Presentation

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

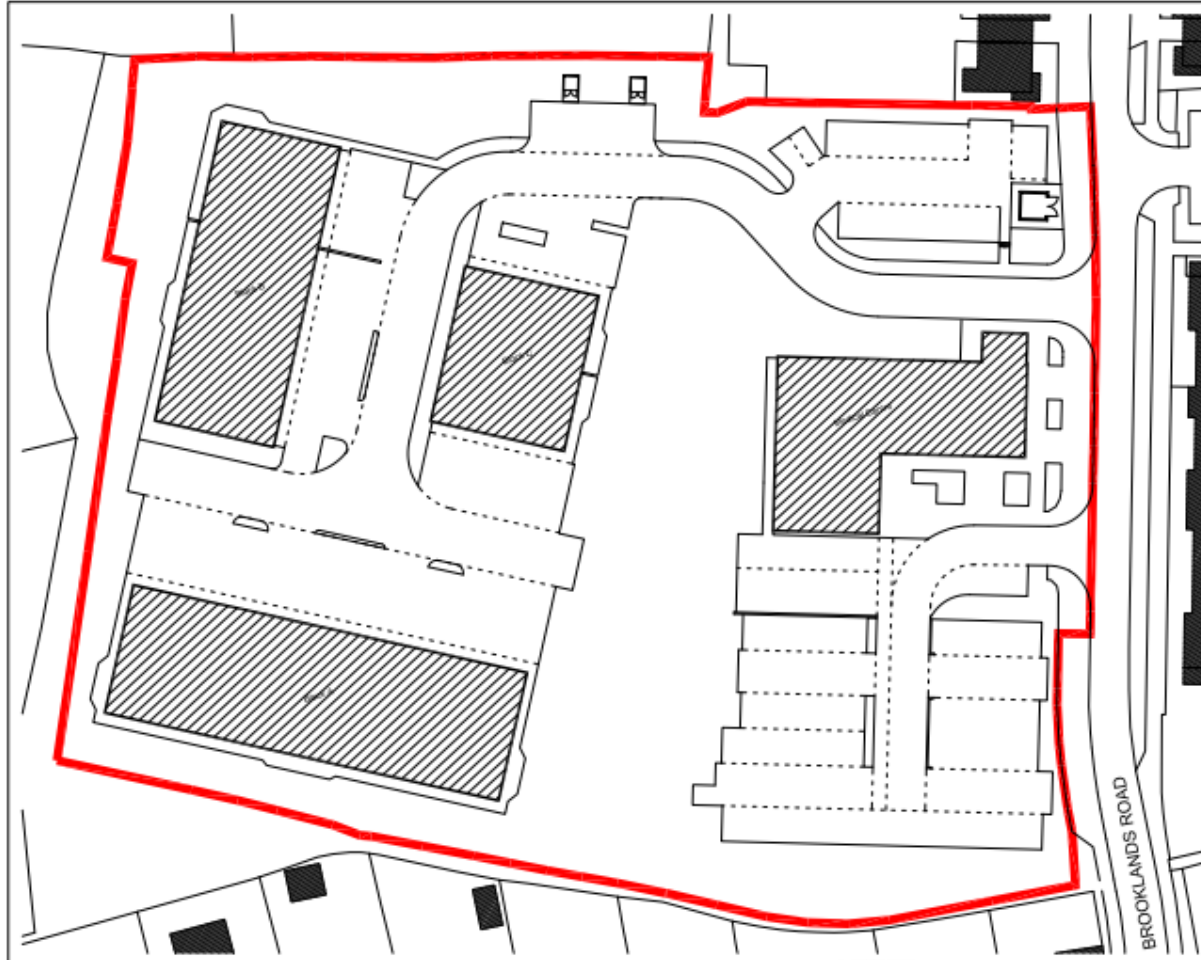
Agenda Item	Reference	Parish	Site Address	Page No.
7	RR/2022/3018/P	BEXHILL	Brooklands Road – Land at Bexhill TN39	5
8	RR/2022/2619/P	SEDLSCOMBE	The Paddock Brede Lane Sedlescombe TN33 0PW	33
9	RR/2022/2791/P	BATTLE	Fir Tree Cottage – Land adjacent to Netherfield Road Netherfield Hill Battle TN33 9PP	59
10	RR/2023/272/P	TICEHURST	The Old Vineyard – Land at Birchenwood Farm Pashley Road Ticehurst TN5 7HE	83

SITE PLAN

BEXHILL

RR/2022/3018/P

Brooklands Road – Land at, Bexhill.



Rother District Council

Report to: Planning Committee
Date: 22 June 2023
Report of the: Director – Place and Climate Change
Subject: Application RR/2022/3018/P
Address: Brooklands Road – Land at BEXHILL
Proposal: Construction of a new 3-storey medical centre with associated landscaping, parking and cycle parking. Proposals also include the construction of three light industrial buildings offering flexible business space and a new site entrance from Brooklands Road.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (FULL PLANNING) DELEGATED [SECTION 106 TO SECURE 1) TRANSPORT CONTRIBUTIONS AND OFF-SITE WORKS; 2) LOCAL EMPLOYMENT AND SKILLS PLAN; AND 3) OFF-SITE ENVIRONMENTAL MITIGATION WORKS]**

Director: Ben Hook

Applicant: Rother District Council
Agent: RH Partnership Architects
Case Officers: Rossella De Tommaso
(Email: Rossella.DeTommaso@rother.gov.uk)

Parish: BEXHILL ST. MARKS
Ward Members: Councillors J. Stanger and C.J. Winter

Reason for Committee consideration: Council Own Development.

Statutory 10 - week date: 7 April 2023
Extension of time agreed to: 30 June 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 Full planning permission is sought for a three-storey medical centre fronting Brooklands Road and three light industrial buildings behind containing nine units to the rear of the site.
- 1.2 The key points raised by the proposal is the impact of the development on European Protected Sites (SAC) and Ramsar Site (Pevensy Levels), the reduction of employment floor space deliverable compared to outline

permission RR/2012/1978/P, the principle of the development and land use established by the site being within the development boundaries for Bexhill and from outline permission RR/2012/1978/P. The layout and design of the development and its impact on neighbouring residential amenities and lastly the impact on highways safety.

- 1.3 Each of these points are assessed in detail in this report and on balance it was concluded that the proposal is considered acceptable subject to the recommended planning conditions and Section 106 obligations to require transport works and contributions, training and skills provision and off-site ecological mitigation.
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2.0 SITE

- 2.1 The site is located on the west side of Brooklands Road within the development boundary for Bexhill. It comprises 1.54 hectares of sloping grassland dissected by a belt of mature trees with hedgerows and trees intermittently around the edge, including two trees subject to a Tree Preservation Order just to the north of the site. There is currently hoarding along the Brooklands Road frontage.
- 2.2 Historically, the site formed part of a larger mixed use development site (RR/2012/1978/P) now known as 'Rosewood Park'. The application site lies opposite the three-storey nursing home (Earlsfield Court) and to the south of a three-storey block of flats that have been recently constructed as part of the approved development. To the south of the application site runs a public footway beyond which are two storey detached residential properties fronting Barnhorn Road (A259). To the west are the rear of properties in Sandhurst Lane, including the Grade II listed Sandhurst Lodge.
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3.0 PROPOSAL

- 3.1 Planning permission is sought for a medical centre (1,775sqm) and nine light industrial units (2,025sqm) with landscaping, parking and associated infrastructure, including an electric sub-station and electric kiosks. The Medical Centre would be accessed from an existing bell mouth on Brooklands Road and the light industrial units from a newly created entrance further north within the site. The two main elements of the proposed development can be described as follows.

Medical Centre:

- 3.2 The proposed new three storey medical centre (Use Class E (e)) would provide General Medical Service (GMS) and Primary Care Network (PCN) services to the patient population of Little Common and Old Town Surgery. The proposed medical centre would be a modern facility to provide medical care for the patients for these local surgeries with the Old Town Surgery continuing to have a satellite presence from the existing surgery.
- 3.3. The proposed accommodation would have 19 consulting rooms, eight treatment rooms, practice officers and related facilities as follows:

Ground floor: Main entrance with waiting area and reception, staff facilities, six treatment rooms, one consultation room, phlebotomy rooms, WC facilities, plant room and waste/recycling facilities within an addition in the north-west corner of the building.

First floor: Thirteen consultation rooms, two treatment rooms, WC facilities, patient room and waiting area.

Second floor: Five consultation rooms, open plan office, GP meeting room, offices, staff rest room and waiting area.

Overall, there would be 63 full-time employment positions provided in the Medical Centre.

3.4 The roof would be used for a mechanical plant along areas for a 'green roof' and PV system. The north and west elevations would be predominantly red facing brickwork. The south elevation would comprise a mix of red facing brickwork and curtain walling. The east elevation that would front Brooklands Road would be predominantly curtain walling with red facing brick work.

3.5 The Medical Centre is proposed to provide the following level of parking: - 85 vehicle parking spaces including 50 standard spaces and 21 staff - spaces, six disabled, eight drop off/taxi. Of the 85 vehicle spaces there will be nine active and 17 passive electric car spaces. Four motorcycle, one ambulance and one delivery space. 26 cycle spaces.

3.6 A lockable refuse/waste enclosure that could accommodate 8 x 770 litre 'Euro bins' would be provided on the north side of the Medical Centre.

Light Industrial Units:

3.7 The industrial units (Use Class E (g) (iii)) would be accessed from a newly created bell mouth and access road running along the northern part of the site and providing access to seven car parking spaces and electric kiosks, as well as staff parking for the Medical Centre. These units are indicated as shells to be adapted by future occupiers with only WC facilities shown inside. The size of the proposed units would be as follows:

- Block A Unit 1 – 240sqm
- Block A Unit 2 – 240sqm
- Block A Unit 3 – 240sqm
- Block A Unit 4 – 240sqm
- Block B Unit 5 – 225sqm
- Block B Unit 6 – 225sqm
- Block B Unit 7 – 225sqm
- Block C Unit 8 – 195sqm
- Block C Unit 9 – 195sqm

3.8 These units have been designed to reflect their function with limited fenestration (a high level window), access door at ground floor front, roller shutter and door to the rear. Roller shutters are shown to the front of the units with access doors. Doors are also indicated in the rear elevations. The roof would contain roof lights and areas for PV units.

- 3.9 Overall, it is anticipated that there would be 43 employment positions in the light industrial estate. Seven car parking spaces are indicated for each of the five larger units and five spaces for each of the two smaller units. Overall, 50 car parking spaces are proposed. Nine spaces are shown for larger vehicles. Three motorcycle bays and eight covered cycle parking space are proposed.
- 3.10 Waste storage areas have been allocated outside each light industrial unit that would be suitable for 2 x 1,100 litre 'Euro bins'.
- 3.11 A schedule of all the planning documents that is accompanying this application can be found on the [Council's website](#). The document is titled "Schedule of Planning Documents" and it is dated 6 June 2023.
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4.0 HISTORY

- 4.1 The site forms part of a larger development site now known as 'Rosewood Park' and following is the relevant planning history:
- 4.2 RR/2012/1978/P Mixed use development comprising 275 dwellings, up to 3,500sqm of employment floor space comprising up to 2,750sqm of B1(a) office and up to 750sqm of B1(c) light industrial, a nursing home (use class C2) of up to 60 beds, a doctors surgery (use class D1) for up to 10 GPs and a one form entry primary school, together with associated landscaping, drainage and highway infrastructure works (Outline) – CONDITIONAL APPROVAL
-

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1: Presumption in favour of sustainable development
 - OSS1: Overall Spatial Development Strategy
 - OSS2: Use of Development Boundaries
 - OSS3: Location of development
 - OSS4: General Development Considerations
 - BX1: Overall Strategy for Bexhill
 - BX3: Development Strategy
 - SRM1: Towards a low carbon future
 - SRM2: Water Supply and Wastewater Management
 - CO2: Provision and Improvement of Healthcare Facilities
 - EC1: Fostering Economic Activity and Growth
 - EC2: Business Land and Premises
 - EC3: Existing Employment Sites
 - EC5: Support for Key Sectors
 - EN1: Landscape Stewardship
 - EN3: Design Quality
 - EN5: Biodiversity and Green Space
 - TR3: Access and New Development
 - TR4: Car Parking

- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DRM1: Water Efficiency
 - DRM3: Energy requirements
 - DOC1: Retention of Sites of Social or Economic Value
 - DEC3: Existing Employment Sites and Premises
 - DEN1: Maintaining Landscape Character
 - Den4: Biodiversity and Green Space
 - DEN5: Sustainable Drainage
 - DEN7: Environmental Pollution
 - DIM1: Comprehensive Development
 - DIM2: Development Boundaries
- 5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
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6.0 CONSULTATIONS

- 6.1 National Highways – **NO OBJECTION**
- 6.2 ESCC Highways – **NO OBJECTION** subject to conditions and the completion of a legal agreement for transport works and highway improvements.
- 6.3 County Landscape Architect – No comments received.
- 6.4 Pevensey and Cuckmere Water Level Management Board and the Local Lead Flood Authority – **NO OBJECTION** subject to conditions.
- 6.5 Southern Water Services – **NO OBJECTION** subject to a condition requiring the submission of details of foul sewerage and surface water disposal.
- 6.6 South East Water Ltd – No comments received.
- 6.7 ESCC Planning – No comments received.
- 6.8 Natural England – **NO OBJECTION** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 6.9 County Ecologist – **NO OBJECTION** subject to a condition requiring a mitigation strategy.
- 6.10 Sussex Newt Officer – **NO OBJECTION** subject to a condition requiring a mitigation strategy.
- 6.11 Tree Officer – **NO OBJECTION**
- 6.12 County Archaeologist – **NO OBJECTION**
- 6.13 Environment Agency – **NO COMMENT**

- 6.14 Head of Environmental Health – **NO OBJECTION** but have commented that the plant (condenser unit) on the roof of the Medical Centre shall be enclosed and the hours of operation of the light industrial units should be limited to 8am-6pm.
- 6.15 East Sussex Fire & Rescue Service – No comments received.
- 6.16 Sussex Police – **NO OBJECTION** but have identified site-specific design measures that should be considered and suggest that due to the proximity to existing dwellings consideration should be given to restricting the hours of operation.
- 6.17 Ambulance service – No comments received.
- 6.18 Planning Notice
- 6.18.1 Eight representations of **OBJECTION**, which raise concerns that can be summarised as follows:
- Generate more traffic on the already congested Barnhorn Road.
 - Already significant traffic as a result of the construction of 342 houses and 72 bed care home in Rosewood Park and this will be made worse by the Spindlewood development of 160 houses and 29 houses next to Ashridge Court Care home.
 - Queuing traffic increases air pollution, particularly from the brakes and tyres of stop-start vehicles.
 - Reference is made to the Planning Inspector's decision for RR/2016/3206/P that commented the road was heavily trafficked and the traffic was often relentless.
 - Surprised that National Highways has raised no objection to the proposal
 - Impact existing residents by way of loss of views and noise.
 - Industrial units will impact the rear of properties in Sandhurst Lane and Barnhorn Road.
 - There is potential for the industrial units to have a mezzanine floor that will raise visual, security and privacy issues.
 - Site is not easy to access if you do not drive.
 - Inadequate access.
- 6.18.2 Five representations of **SUPPORT** and express comments which can be summarised as follows:
- Good access to bus services.
 - Parking on site, which is better than existing facility in Little Common.
 - Required to meet need generated by new development.
 - Perhaps a pharmacy facility can be incorporated by way of a planning condition.
- 6.18.3 Three representations making **GENERAL COMMENTS**, including querying how the increased congestion along Barnhorn Road will be dealt with, whether a pre-school could be provided instead of the industrial units and closeness of the properties on Barnhorn Road.
- 6.18.4 Bexhill-on-Sea Town Council – **NO OBJECTION** but raise concerns about the traffic congestion already being experienced on the road and the size of the industrial units overlooking neighbouring properties.

7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The total amount of Community Infrastructure Levy money to be received is subject to change but the development could generate approximately £646,000.
- 7.2 The proposal is not one that would provide New Homes Bonus.
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8.0 APPRAISAL

8.1 The key issues for consideration are as follows:

- Designated Sites
- Principle of development and land use
- Design and layout
- Impact on residential amenity
- Environmental Matters
- Access, Transportation and Highways Safety

8.2 Designated Sites

- 8.2.1 The site is not designated for its nature conservation interest and is outside the High Weald Area of Outstanding Natural Beauty (AONB) which lies c. 4.7km north east. The Pevensey Levels Site of Special Scientific Interest (SSSI) lies c. 495m south, High Woods SSSI lies c. 1.66km north east, Combe Haven SSSI lies c. 5.3km north east and Ashdown Brickworks, Bexhill Local Geological Site (LGS) lies c. 1.8km north east. There are four Local Wildlife Site (LWS) with a 2km radius; Little Common LWS 1.18km east, Gilham Wood LWS 1.35km south east, High Peartree, Smiths & High Woods LWS 1.37km north east and Cooden Cliffs LWS 1.52km south east. Given the nature of the proposed development and its distance from these sites, there are unlikely to be any significant effects on the nature conservation interest of the AONB, or the SSSIs, LGS or LWSs.
- 8.2.2 Pevensey Levels Special Area of Conservation (SAC) and Ramsar site lies c. 495m south. Natural England has raised no objection and considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 8.2.3 Policy SRM2 of the Rother Local Plan Core Strategy requires Sustainable Drainage Schemes (SuDS) for all developments that would create impermeable surfaces in the catchment area. Policy DEN5 of the DaSA states that within the Pevensey Levels Hydrological Catchment Area, SuDS should be designed to incorporate at least two stages of suitable treatment.
- 8.2.4 A shadow 'Habitats Regulations Assessment' (sHRA) accompanies the application and informs the Council's assessment of the impact of the development on the hydrological catchment of the Pevensey Levels. The sHRA states that the proposed development would be served by existing off site foul and surface water sewers that have been constructed to serve 'Rosewood Park' and so would not have any hydrological connection to the Pevensey levels. The Drainage Strategy accompanying the application also sets out that the foul drainage infrastructure would be provided and connect

to the existing offsite sewers and there would be a dedicated below ground surface water drainage network to serve the buildings and hardstanding areas that would connect into the existing surface water sewer serving 'Rosewood Park'. Both networks are operated and maintained by 'Icosa Water'. Also permeable paving would be used into parking areas that are not subject to 'heavy traffic loading'.

- 8.2.5 The sHRA concludes that the proposed development is unlikely to have a significant effect on Pevensey Levels SAC/Ramsar site, either alone or in combination. The county Ecologist agrees with this conclusion, and it is therefore recommended that RDC adopts the sHRA.

8.3 Principle of development and land use

- 8.3.1 The site is not allocated in the 2019 DaSA, however, it does fall within the development boundary for Bexhill. Rother Local Plan Core Strategy Policies OSS2 and OSS3 and DaSA Policy DIM2 set the spatial strategy for the district and collectively set out that development should be focussed within the development boundaries. Accordingly, the development is acceptable in principle subject to meeting relevant planning policies.

- 8.3.2 It is relevant that a mix of medical and employment floorspace (including 2,750sqm of B1 office and up to 750sqm of B1 light industrial) was approved on the application site as part of an outline planning permission (RR/2012/1978/P) for a wider site that also included 275 dwellings, a nursing home and primary school with associated landscaping, drainage and highway infrastructure works. A subsequent permission on the larger site omitted the primary school and replaced it with 83 additional dwellings. The residential development, known as 'Rosewood Park' has largely been constructed. Reserved matters for the employment floorspace and doctors' surgery were not submitted, and this permission has expired. Hence the submission of this full planning application.

- 8.3.3 The current proposal would involve 1,475sqm less employment floorspace than compared with the outline permission (RR/2012/1978/P). This reduction in proposed employment floorspace needs to be considered in relation to the Rother Local Plan Core Strategy target of an additional 60,000sqm of employment floorspace in Bexhill for the plan period up to 2028. Figure 12 in the Council's latest Employment Land Supply Position Statement (April 2022)¹ records completions, development that is currently being built out, permitted development, lapsed permissions and allocations, which amount to a total of 64,554sqm of potential employment floorspace. Within this context, the loss of 1,475sqm against RR/2012/1978/P is acceptable and would still leave a figure of 63,079sqm for Bexhill as per the Employment Land Supply Position Statement, which exceeds the Rother Local Plan Core Strategy target. Also, the latest version of the Housing and Economic Development Needs Assessment (HEDNA) indicates that the employment land need for the whole of Rother up to 2039 is 87,000sqm and that the existing commitments (permission and allocations) for 100,000sqm are adequate to meet that need. Overall, the provision of employment floorspace is welcomed and only represents a marginal decrease on that approved as part of the outline permission. A condition is proposed to accompany this recommendation that

¹ [Employment-Land-Supply_2022_Final.pdf \(windows.net\)](#)

limits the use of the units to light industrial only as specified within the application form i.e., light industrial buildings (CLASS E) (as opposed to retail etc), of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and removes any rights contained within Class E of the same Order (as amended) that would result in a change to non-industrial use.

- 8.3.4 The new medical centre is in line with Policy CO2 of the Rother Local Plan Core Strategy that supports the provision of primary healthcare facilities and would realise the intention of the outline permission (RR/2012/1978/P).

8.4 **Design and Layout**

- 8.4.1 Policy EN1 (v) (Landscape Stewardship) of the Rother Local Plan Core Strategy expects protection and wherever possible enhancement of the open landscape between clearly defined settlements, including settlement edges and their rural fringes. Policy DEN1 (Maintaining Landscape Character) of the DaSA requires the siting layout and design development to maintain and reinforce the natural and built landscape.

- 8.4.2 Policy EN3 (Design Quality) of the Rother Local Plan Core Strategy requires new development to be of high design quality. This is echoed in Chapter 12 of the National Planning Policy Framework and in particular paragraph 126 expects '*high quality, beautiful and sustainable buildings and places*'. Paragraph 130 sets out the criteria that developments should meet including that they are '*visually attractive as a result of good architecture, layout and appropriate and effective landscaping*' and paragraph 131 suggests that existing trees are retained wherever possible, and decisions should ensure that new streets are tree lined.

- 8.4.3 The site under consideration exhibits an interesting and distinct context, defined by a contrast between its eastern and western boundaries. To the west, the site exudes a rural ambiance, reflecting the surrounding countryside with its open fields and scattered residential properties. On the other hand, the eastern side of the site experiences a completely different atmosphere, shaped by new residential development. Here, modern housing estates and commercial buildings have emerged, catering to the growing demand for urban living.

- 8.4.4 Several discussions have taken place between the Applicant and the Local Planning Authority in relation to the design, layout, and appearance of the development. One of the key points of this scheme was the retention of the existing trees on the site. These trees (in combination with those that sit immediately outside the site boundary) enclose the site to the north (which are also protected by a TPO), west and part south. Particularly important is the retention of the tree band that runs centrally, south to north, dividing the site into two parcels (the two fields). This is important for a number of reasons. Firstly, this tree belt forms an historic field boundary, they also create an opportunity to maintain some of the rural feeling of this area as well as creating a good amenity space for the end users of the development and a wildlife corridor between gardens and the surrounding countryside. Therefore, the layout of the development amongst other things was determined by the retention of these trees.

- 8.4.5 The proposed plans indicate a three storey medical centre as an 'L'-shaped form with the long arm of the 'L' running east/west and the short arm of the 'L' running north/south. It sits back from the road and there is approximately 61 m of distance between the care home (opposite building) and the proposed medical centre. Due to the nature of the building, this is slightly higher than the opposite care home and block of flats to the north. However, in setting the building back into the site, the perception of any differences in scale are mitigated.
- 8.4.6 The majority of the plant required to support the building's mechanical systems has been located centrally on the building roof top plan. These plants are mainly screened by the parapet wall and can only be partially seen by distance.
- 8.4.7 The Medical Centre is predominantly brick-faced building in keeping with the language of the newly built Rosewood Park development. However, a significant feature of the building is the living wall systems provided on three sections of the principal elevations.
- 8.4.8 The light industrial units will achieve a 6.3m clear internal height to allow for the installation of mezzanines by future tenants if required.
- 8.4.9 The units will be faced in a combination of brickwork and insulated metal-faced cladding typical of this type of unit. Specifically, it was indicated that Kingspan wall panel (AWP) louvre range would be used. The primary colour of these cladding panels is proposed as mid/dark grey.
- 8.4.10 It is considered that the overall scale, mass and siting of the structures proposed on this site is appropriately proportioned, ensuring that they do not overpower the site or impose a sense of heaviness. Instead, the design embraces the site's natural features and topography, allowing the buildings to blend into the existing context. The massing of the proposed buildings takes into account the site's capacity and purposefully creates a cohesive ensemble that feels organic and purposeful. By achieving this balance between maximizing site potential and avoiding an artificial aesthetic, the proposed development positively contributes to the overall character and quality of the site.

8.5 Impact on residential amenity

- 8.5.1 Policy OSS4 (ii) (General Development Considerations) of the Rother Local Plan Core Strategy requires development not to unreasonably harm the amenities of adjoining properties. Policy DEN7 (Environmental Pollution) of the DaSA states that development will only be permitted where it is demonstrated that there will be no significant adverse impacts on health, local amenities, biodiversity or environmental character as a result of lighting, noise, odour, land contamination, hazardous and non-hazardous substances and/or airborne particulates.
- 8.5.2 Conditions attached to the outline permission sought to safeguard the amenity of neighbouring residential occupiers by requiring an acoustic survey and any associated mitigation measures (condition 20), restricting the hours of construction (condition 21) and restricting the hours of operation (condition 22). As well as the existing neighbouring residential occupiers along Barnhorn

Road, clearly since these conditions were imposed, the 'Rosewood Park' development has been constructed and there is the nursing home opposite the site and residential properties immediately to the north.

- 8.5.3 The application is accompanied by a Noise Assessment that recommends that screening is installed around the condenser unit of the Medical Centre.
- 8.5.4 Within the submitted information it is indicated that the Medical Centre will be open from 08.00 to 18.30 three days a week and 08.00 to 20.00 two days a week, 08.00 to 13.00 on Saturday and not open on Sunday or Bank Holidays. It is also indicated that the light industrial units would be open 8.00 to 18.00 from Monday to Saturdays and Bank Holidays and not on Sundays. These opening hours are considered to be reasonable, and a planning condition is recommended to restrict the hours of operation to those hours indicated. Environmental Health conclusion align with the proposed opening hours.
- 8.5.5 The relationship between the proposed development and the neighbouring properties, particularly those on Barnhorn Road, is a crucial aspect to consider. Properties Nos. 116, 118 and 120 would be closest to the new medical centre, however, the separation distance between these buildings would be approximately 55m and as such would not negatively impact on the residential amenities of these properties. Furthermore, there is a footpath separating the site from these properties to the south, and the presence of tall and mature trees and vegetation effectively screens the site from both the footpath and the rear gardens of the neighbouring properties, including properties numbered 128,130, 132, 134 and 136.
- 8.5.6 However, the introduction of the light industrial unit, Block A, positioned towards the eastern-southern boundaries of the site, raises concerns regarding its potential impact on the closest neighbouring properties. Block A has been designed to achieve a 6.3m clear internal height, allowing for future tenants to install mezzanines. The external height of Block A measures approximately 7.2m to the eaves and approximately 8.6m to the ridge, not dissimilar to the height of a house. Furthermore, it is worth noting that the proposed Block A will be located approximately 11.5m away from the end of the rear garden of the nearest property, specifically property number 132, which features a long rear garden.
- 8.5.7 Upon careful consideration, it is determined that the impact of the proposed development, primarily the impact from Block A, on the neighbouring properties, in terms of loss of light, overshadowing, or overbearing, would not significantly harm the residential amenities to the extent that would warrant a refusal. Although there will be a closer proximity between Block A and property number 132, the height and distance from the rear garden are within reasonable limits. The presence of existing vegetation and the screening effect provided by the mature trees further mitigate any potential negative effects. No overlooking issues are envisaged either. Properties on Sandhurst Lane are separated by much greater distances and planting. Therefore, based on the assessment of the impact on neighbouring properties, it is concluded that the proposed development does not pose a significant detriment to the residential amenities, and there are no justifiable grounds for refusal on these grounds.

8.5.8 It is not considered that any harm would arise either with regard to the residential amenities of the new care home and flats to the north on Brooklands Road.

8.6 Environmental Matters

Biodiversity and Ecology

8.6.1 Paragraph 174 of the National Planning Policy Framework requires planning decision should enhance the natural and local environment by minimising impact and providing net gains for biodiversity and paragraph 180 (d) states that in determining planning applications '*opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate*'. It should be borne in mind that the Environment Act 2021, which is not yet enforceable but expected to come into force later this year, will require planning permissions to deliver at least a 10% biodiversity net gain according to DEFRA's biodiversity metric.

8.6.2 Policy EN5 (Biodiversity and Green Space) of the Rother Local Plan Core Strategy requires (viii) that development protects and enhances habitats of ecological interest, including hedgerows and (ix) requires developers to avoid adverse impacts on biodiversity and its integration into development, and where unavoidable, appropriate mitigation or compensation. In addition, developers are expected to consider opportunities for the creation and/or restoration of habitats appropriate to local context. Policy DEN4 of the DaSA in criterion (ii) that proposals should seek to conserve and enhance irreplaceable habitats, including veteran trees (also protected through National Planning Policy Framework paragraph 180c) and states that proposals should include measures for prevention and (in the last resort) compensation.

8.6.3 The central tree belt would be retained on site and an additional 78 trees are proposed to be planted across the site along with other ecological enhancements, including bird and bat integrated nesting bricks (covered within the EDS condition) within the development. In addition to the above, a second area at Broad Oak Park will be used to deliver off-site BNG. This BNG area is c. 1.5km east of the scheme, c. 0.5ha in size and comprises modified grassland. The land is owned by Rother District Council, scheduled to remain free from any development impacts and its proposed enhancement and maintenance will be undertaken by the Council's Parks Management Team. The revised LEMP and Metric confirm that the modified grassland (in poor condition) will be enhanced to 'other neutral grassland' (with medium condition) by seeding with Emorsgate EM3F - Special General Purpose Wildflower seed mix. This site will also be used as a receptor site for Great Crested Newts and reptiles.

The provision of biosolar green roofs in 'Good' condition under the BNG Assessment is welcomed and the LEMP has confirmed the outline specification.

Overall, the County Ecology Team has indicated that the BNG Assessment shows that development could deliver -16.01% in on-site habitat units, but

when the off-site habitat units are factored in the overall net change is +9.04% in habitat units. A +40.29% in on-site hedgerow units will also be delivered.

Trees

- 8.6.4 An Arboricultural Impact Assessment and Method Statement with tree surveys accompany the application. These documents identify the trees to be retained and protected, the trees to be removed. It sets out the impacts/potential impact of the proposed works associated with the development on the existing trees and identifies mitigation measures to minimise these impacts.
- 8.6.5 The notes on the Tree Retention and Protection Plan Drawing No. LLD2158-ARB-DWG-010 Rev 03 state 'Tree Protection Zone - Manual Excavation. A limited Manual Excavation method shall be implemented with due care with hand held tools under Arboricultural Supervision only, in accordance with BS 5837:2012 - 'Trees in Relation to Design, Demolition and Construction - Recommendations'
- 8.6.6 BS 5837 : 2012 states, that limited manual excavation within the RPA might be acceptable, subject to justification. Such excavation should be undertaken carefully, using hand-held tools and preferably by compressed air soil displacement. In this case the incursion into the root protection zone is limited. If all other tree protection measures are properly implemented and maintained throughout the period of construction, it is expected that the trees will be retained in good condition.

Sustainability

- 8.6.7 Policy SRM1 (ii) of the Rother Local Plan Core Strategy requires that all developments meet prevailing energy efficiency standards and higher standards where practicable, including through the use of low carbon and renewable energy generation.
- 8.6.8 The application is accompanied by a Sustainability Statement that sets out the Medical Centre would achieve a BREEAM level of 'Excellent' and the proposed development would include the following features:
- 18 active electric vehicle charging bays (with a further 29 equipped for future installation).
 - All heating and hot water production would be created by high efficiency air source heat pumps (electrically driven).
 - Solar and photovoltaic panels will be included on all proposed buildings.
 - The Medical Centre supply and extract ventilation would utilise smart control systems and heat recovery devices to reduce energy demand.
 - Bio-diverse living wall systems will be installed on the main elevations of the Medical Centre.
 - Other energy efficient components include efficient thermal fabric performance and LED light fittings.

These measures are welcomed.

8.7 **Archaeology**

- 8.7.1 Policy EN3 (vi) of the Rother Local Plan Core Strategy requires appropriate archaeological research and investigation of both above and below-ground archaeology, and retention where required.
- 8.7.2 The Archaeological Desk Based Assessment accompanying the application indicates that the previous phase of trial trenching (as part of the wider application) found only limited archaeological evidence. The County Archaeologist has been consulted on this application and has commented:
- 'Our records show that this site has already been subject to an initial programme of archaeological works in the form of an archaeological evaluation carried out under permission RR/2012/1978/P. This has shown that the site contains only very limited archaeological evidence in the form of three linear features that are likely to represent post-medieval field boundaries. On this basis, we do not feel that further stages of archaeological work are required.'*
- Although this application is situated within an archaeological Notification Area, therefore, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposed. For this reason I have no further recommendations to make in this instance'.*
- 8.7.3 Accordingly, in this instance, planning conditions in relation to archaeology are not necessary.
- 8.8 Flood Risk and Drainage**
- 8.8.1 Policy EN7 of the Rother Local Plan Core Strategy sets out that flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk from flooding.
- 8.8.2 The application site falls within Flood Zone 1 and so there is a low risk of flooding. A Flood Risk Assessment accompanies the application and concludes that the proposed development is unlikely to increase the risk of flooding.
- 8.8.3 The Pevensey and Cuckmere Water Level Management Board and the Lead Local Flood Authority initially raised objection to the proposal but following further information from the Applicant, they have raised no objection to the proposed development subject to the imposition of conditions that are recommended.
- 8.9 Access, Transportation and Highways Safety**
- 8.9.1 Policy TR3 (Access and New Development) of the Rother Local Plan Core Strategy requires new development to minimise the need to travel and support good access to employment, services and community facilities as well as ensure adequate, safe access arrangements.
- 8.9.2 The proposed medical centre would involve providing a combined facility for Old Town and Little Common surgeries in close proximity to the residents it serves. No end users have currently been identified for the light industrial units. Representations have expressed concern about the traffic generation produced by the proposal. The Transport Assessment that accompanies the

application sets out the methodology used and the predicted traffic flows and concludes that there would be a reduction in vehicle trips generated by this scheme compared with the originally intended development of the site (table 4.9 on page 39 of the Applicant's Transport Assessment).

8.9.3 National Highways has raised no objection to the proposed development and commented that they consider that there would not be an unacceptable impact on the safety, reliability and/or operational efficiency of the Strategic Road Network. Representations do express concerns about the impact on Barnhorn Road (A259) but National Highways has commented that the impacts of the proposal have already been mitigated as a result of highway works completed as a result of the planning application (RR/2012/1978/P).

8.9.4 East Sussex County Council as local highway authority (ESCC Highways) has also raised no objection subject to conditions. They have commented in terms of the location that:

'The site is located approximately 1km west of Little Common village centre, Footway and road access is provided at the site access on Brooklands Road in a north/south direction. Connections to all local facilities are accessible from the A259 Barnhorn Road or through the Rosewood Park estate including local amenities, public transport, leisure and employment.

As part of the Rosewood Park estate, transport improvements including signalised, zebra and pedestrian crossing points, bus stop improvements and an extended 30mph speed limit have been provided. Contributions for bus improvements were sought though the s106 agreement with trigger of first occupation of residential development.

The regular bus services are available between Silverhill and Eastbourne which are through the day. The bus stops are available within 250m of the site access and both formal and informal crossing points are available.

The sustainable infrastructure for the entire development was considered at outline stage under RR/2012/1978. The s106 associated with the original planning consent sets out the triggers for development contributions for the development approved; however, as part of the development proposal real time passenger information board will be required within the medical reception waiting area to promote sustainable transport and provide patients who rely on bus travel with live travel information. This has been requested and agreed at several medical centre proposals in Hastings and Wealden.

A robust travel plan would also need to be put in place for staff for both the Medical Centre and employment proposals.'

8.9.5 A planning condition is recommended to require the submission of a travel plan for approval and in their response ESCC Highways have suggested some measures that could be included.

Access and internal layout

8.9.6 The proposed development involves two access points for vehicles; one which is existing (constructed as part of the main application) and one in the

north serving the light industrial estate and the staff parking for the Medical Centre.

- 8.9.7 The access into the Medical Centre via the existing bell mouth would be 5.5m in width with a 6m radii and 2m wide footway provision on Brooklands Road. The submitted site plan shows dropped kerbs at the crossing point and tactile paving in situ. Street lighting is present and accommodates this junction point. ESCC Highways consider that this access point is acceptable in terms of visibility for the 30mph speed limit. An ambulance bay is provided at the main entrance and delivery bay to the south of the access. Disabled spaces are provided west of the main access and the main car parking area would be accessed on the continuation of the access road that bears left. A pedestrian walkway would be provided on one side of the car park to access the Medical Centre safely.
- 8.9.8 A new access would be created that would mainly serve the light industrial units. This proposed access would be located approximately 25m north of the Medical Centre access, with 6m width and 6m radii and staggered with the care home access on the opposite site of Brooklands Road. ESCC highways has commented that on the basis that the direction demand is to/from Brooklands Road/A259T, it is not considered that there is likely to be conflict between the care home related traffic and the proposed industrial use as the peak traffic periods for each are during different times of the day and the light industrial related traffic would not pass the care home access. Given the 30mph speed limit, the proposed new access is considered acceptable.
- 8.9.9 Overall, ESCC Highways are satisfied with the access arrangements and associated off site works in principle, but the northern access would need to be subject to detailed design and part of a Section 278 legal agreement with ESCC.

Parking provision

- 8.9.10 Policy TR4 (Car parking) requires amongst other things that development meets *'the residual needs of the development for off-street parking taking into consideration localised circumstances and having full regard to the potential for access by means other than the car'*. ESCC 'Guidance for Parking for Non-Residential Development' is also relevant to the proposed development.
- 8.9.11 The parking provision for the Medical Centre would comprise: 85 vehicle spaces (including 50 standard spaces, 21 staff spaces, six disabled and eight drop-off/taxi with nine active and 17 passive electric car spaces), four motorcycle, one ambulance, one delivery space and 26 cycle spaces.
- 8.9.12 The number of car parking spaces falls short of the 99 spaces required by the ESCC guidelines however, the number of disabled spaces exceeds the guidelines and the number of cycle spaces is exceeded by six spaces. The number of motorcycle spaces meets the guidelines. In terms of the guidelines, it is recognised that they can be applied flexibility depending on the local characteristics, level of accessibility, travel plans and parking restrictions. ESCC highways have accepted that there are a number of positive measures to reduce car use and identified these as follows:
- The location is within walking distance of local services and a frequent bus route.

- As part of the planning requirement a travel plan will be implemented reducing use of car bound journeys.
- Car Clubs/Pool Cars – Access to a vehicle that can be shared by users/employees of the development, as well as a designated parking bay at convenient and accessible location to help promote the use (existing staff car share and other have indicated that this would be considered in the future).
- Cycle parking is to be provided in accordance with minimum requirements. Space is available to provide additional cycle space as required. Shower facilities will be provided for staff use.
- A high proportion of patients are within walking or cycling distance to the site.

8.9.13 Also the Transport Assessment accompanying the application sets out that surveys were undertaken with staff that demonstrate the level of proposed parking would meet the demands associated with the proposed medical centre. Given the above, along with the accessibility of the site, it is considered that the level of car parking for the Medical Centre is acceptable.

8.9.14 The parking provision for the light industrial units would comprise: 59 vehicle spaces (41 standard spaces with nine disabled spaces and nine spaces for long wheelbase transit vans including nine active and 12 passive electric car spaces), three motorcycle spaces and eight cycle spaces. This proposed provision meets ESCC guidelines with the number of disabled spaces exceeding it. Conditions are recommended to ensure that the spaces are of an adequate size.

8.10 Section 106 planning obligations

8.10.1 The Community Infrastructure Levy Regulations 2010 introduced into law three tests for Section 106 Planning Obligations. Obligations should be:

- Necessary to make the development acceptable in planning terms.
- Directly related to the development.
- Fairly and reasonably related in scale and kind to the development.

Any matter included with a Section 106 Agreement must meet all of these tests.

8.10.2 The following matters are considered at this time for inclusion within a Section 106 Agreement and are considered to be related to the development, proportionate and necessary:

- Transport contributions and off-site works, including a new vehicular access, Traffic Regulations Order and Travel Plan audit fee of £6,000.
- Training and skills provision.
- Off-site environmental mitigation works.

9.0 PLANNING BALANCE AND CONCLUSION

9.1 This recommendation relates to a full planning application for a new medical centre and light industrial units on land at Brooklands Road, Bexhill-on-Sea. The application site covers 1.54 hectares of scrubland which is a leftover parcel from the Rosewood Park housing development. Outline planning consent for this wider development (RR/2012/1978/P) was granted in

November 2014 and identified the site as being suitable for a new medical surgery and employment uses.

- 9.2 The provision of employment floorspace at this site is welcomed and the small reduction, compared to the original outline planning permission, is acceptable in planning policy terms and complies with Policy EC2 of the Rother Local Plan Core Strategy.
- 9.3 The new medical centre is to be welcomed in the context of Rother Local Plan Core Strategy Policy CO2: Provision and Improvement of Healthcare Facilities, which supports the provision of primary healthcare facilities were identified as necessary to meeting the needs of the future population. A need for a GP surgery of around 1,700sqm was determined by the Primary Care Network and approved by Clinical Commissioning Group. Furthermore, the provision of a GP surgery as part of the larger Rosewood Park development was envisaged through the original outline planning permission (RR/2012/1978/P), and this current application would realise that intention.
- 9.4 The overall scheme regarding design, scale, layout and proposed materials of the development are considered to be acceptable and will respond positively to the character of the area being an eclectic mix of modern and more traditional architecture.
- 9.5 The development would have an acceptable impact on residential amenity, ecology, landscape, drainage, pollution and highways.
- 9.6 Therefore, on balance, the proposal is considered acceptable subject to the recommended planning conditions and Section 106 obligations to safeguard the amenities of the area and that the requisite associated infrastructure is delivered.

RECOMMENDATION: GRANT (FULL PLANNING PERMISSION) DELEGATED [SECTION 106 TO SECURE 1) TRANSPORT CONTRIBUTIONS AND OFF-SITE WORKS; 2) LOCAL EMPLOYMENT AND SKILLS PLAN; AND 3) OFF-SITE ENVIRONMENTAL MITIGATION WORKS]

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Site Block Plan - Drawing No. 1002 P1, dated 21-12-2022
Proposed Site Plan – Drawing No. 1200 P4, dated 21-12-2022
Proposed Elevations - Light Industrial Units - Block A - Drawing No. 2120 P2, dated 2022-12-21
Proposed Elevations - Light Industrial Units - Block B – Drawing No. 2130 P2, dated 2022-12-21

Proposed Elevations – Light industrial Units – Block C – Drawing No. 2140 P2, dated 2022 -12-21

Proposed Elevation – Medical Centre – Drawing No. 2110 P2, dated 2023-05-04

Proposed GA Plans - Light Industrial Units - Block A – Drawing No. 2020 P1, dated 2022- 12- 21

Proposed GA Plans -Light Industrial Units - Block B – Drawing No. 2030 P1, dated 2022-12-21

Proposed GA Plans -Light Industrial Units - Block C – Drawing No. 2040 P1, dated 2022-12-21

Proposed GA Plans -Medical Centre – Drawing No. 2010 P1, dated 2022-12-21

Proposed Site Sections (AA – BB) Drawing No. 2205 Rev P0, dated 2022-12-21

Proposed Site Sections (CC -DD) Drawing No. 2206 Rev P0, dated 2022-12-21

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

3. All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (Phlorum, May 2023, Rev2, Ref: 10078), Landscape Masterplan (Lizard, 19.12.2022, Drawing. No: LLD2158-LAN-DWG-010 Rev04) and Defra Excel Biodiversity Metric 4.0 (Phlorum, 01 June 2023, V2) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. Amongst other things, this includes the requirement for an updated badger survey to inform any further badger mitigation and/or licencing, a bat licence and a great crested newt licence.

Reason: To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified, and to provide a net gain for biodiversity as required by paragraphs 174 and 180 of the National Planning Policy Framework, Section 40 of the Natural Environment and Rural Communities Act 2006 and Policy EN5 of Rother's Core Strategy 2014 and Policy DEN4 of the Development and Site Allocation Local Plan.

Pre- commencement

4. No development shall commence until a scheme for the **provision of foul drainage works** has been submitted to and approved in writing by the Local Planning Authority (in consultation with Southern Water) and none of the development shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

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

5. Prior to the commencement of development, a detailed **surface water drainage** system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:

- a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water

flows can be limited to 408 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.

- b) The details of the outfall of the proposed drainage system and how it connects into the sewer shall be submitted as part of a detailed design including cross sections and invert levels.
- c) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

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 and Policy DEN5 of the Development and Site Allocations Local Plan.

6. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
 - a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
 - b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

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

7. No development shall take place, including any ground works or works of demolition, until a **Construction Management Plan** has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways). Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - the anticipated number, frequency and types of vehicles used during construction;
 - the method of access and egress and routeing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors;
 - the loading and unloading of plant, materials and waste;
 - the storage of plant and materials used in construction of the development;
 - the erection and maintenance of security hoarding;
 - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
 - details of public engagement both prior to and during construction works;
 - risk assessment of potentially damaging construction activities;
 - details of measures to manage flood risk, both on and off the site, during the construction phase;
 - the timing of the works including timings to avoid harm to environmentally sensitive area or features and the times when specialist ecologists need to be present on site to oversee works;

- practical measures (both physical measures and sensitive working practices) to be used during the development in order to minimise environmental impact of the works (considering both potential disturbance and pollution including air quality (dust and PM10) and including traffic routing to also help reduce vehicles emissions, compounds for storage of plant/machinery/materials, protective fencing, exclusion barriers and warning signs for the protection of existing hedgerows, trees and other landscape features to be retained, details of wheel washing facilities, contractor parking and facilities, detailed method statements considering construction noise, vibration and lighting effects and plant operation, storage and spillage of oil/chemicals and soil protection measures; and
- any necessary mitigation for protected species.

Reason: These details are required prior to commencement of any works to ensure highway safety and to protect the amenities of adjoining residents during construction in accordance with Policies OSS4 (iii), TR3 and CO6 (ii) of the Rother Local Plan Core Strategy.

8. Before development commences all the tree protection measures shown on the 'Tree Retention and Protection Plan' (Drawing No. LLD2158-ARB-DWG-010 Rev 3) shall be implemented and shall be retained in situ for the duration of construction works.

Reason: 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 and Policy DEN1 of the Rother Development and Site Allocations Local Plan.

9. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with the Highway Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large in accordance with Policy TR4 (i) of the Rother Local Plan Core Strategy.

10. No development shall take place until an ecological design strategy (EDS) addressing enhancement of the site to provide biodiversity net gain, including a sensitive lighting strategy for bats, reptile mitigation strategy (including precautionary work methods at the off-site BNG area), great crested newt (GCN) mitigation strategy, enhancements to the reptile/GCN off-site receptor site, hedgehog hole locations and specification for bat and bird bricks/boxes has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) purpose and conservation objectives for the proposed works;
- b) review of site potential and constraints;
- c) detailed design(s) and/or working method(s) to achieve stated objectives;
- d) extent and location /area of proposed works on appropriate scale maps and plans;
- e) type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) persons responsible for implementing the works;
- h) details of initial aftercare and long-term maintenance;

- i) details for monitoring and remedial measures; and
- j) details for disposal of any wastes arising from works. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework, and Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocation Local Plan.

11. Construction works shall only be carried out between the following times: Monday to Friday 08:00 to 18:00 hours, Saturday 08:00 to 13:00 and not at all on Sundays, Public or Bank Holidays. Deliveries shall take place between 08:00 to 18:00 Monday to Friday only and not at all on Saturdays, Sundays, Public or Bank Holidays.

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

No development above ground

12. No development above ground level shall take place until **full details of the materials** to be used in the construction of the external surfaces of the development hereby permitted (medical center and light industrial units) 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 Development and Site Allocations Plan.

13. No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan/details indicating the positions, design, height, materials and type of **boundary treatment/means of enclosure** to be erected around and within the application site. Development shall be carried out in accordance with the approved details.

Reason: To enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy and Policy DEN1 of the Development and Site Allocations Local Plan.

14. No development above ground level shall take place until the **hard and soft landscaping details** for that part of the site have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

The details should include but not limited to the following:

- a) Proposed finished levels or contours.
- b) Design, layout and appearance of green/amenity space.
- c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- d) Car parking layouts.
- e) Design of other vehicle and pedestrian access and circulation areas (including street widths, pavements and cycleways where relevant and other strategic public realm).

- f) Hard surfacing materials (including road surfaces, cycleways, footpaths, parking space and other areas of hardstanding, kerbs and tactile paving).
- g) Details of any street furniture (including benches, bollards, bins, planters, sign and signals).
- h) the extra heavy standard trees proposed to the north of the central tree line should be positioned within the new hedgerow fronting the road, so a 'hop-over' as part of the existing wildlife corridor can be created.
- i) fixing of green walls to provide a minimum 200mm gap between the supporting structure and building façade.
- j) (where possible) mixed species native hedgerows bordering the two external amenity areas should be included.

Reason: To enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy, Policy DEN1 of the Development and Site Allocations Local Plan, and the NE Bexhill SPD.

15. Prior to any above ground works taking place, full details of any mechanical plant and a reassessment of appropriate plant noise limits at the nearest existing residential properties shall be submitted to and approved by the Local Planning Authority. Works shall be completed in accordance with the subsequently approved details.

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

16. Prior to any above ground works taking place, a written scheme shall be submitted to and agreed in writing by the Local Planning Authority that specifies the provisions to be made for the level of illumination of the site and to control light pollution. The approved scheme shall be implemented and maintained for the lifetime of the development and shall not be altered without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of the locality, in terms of light pollution especially for people living and/or working nearby and local ecology, in accordance with Policies OSS4 (ii) and (iii) of the Rother Local Plan Core Strategy and Policies DEN1 and DEN7 of the Development and Site Allocations Local Plan.

Prior construction of first floor level

17. No development above first floor slab level of the building receiving the biosolar green roof (Medical Centre) shall take place until details of the green roof construction have been submitted to and approved in writing by the Local Planning Authority. The details shall include extent (with shingle perimeter included), cross section to show build-up and substrate depth, spacing of PV panels/array, plants/seed mix and a maintenance and irrigation programme. Evidence must be provided of how the four criterion to meet 'Good' condition in Technical Annex 1 (TAB 22) of Defra's Biodiversity Metric version 4 have been met. The roofs shall then be constructed in accordance with the approved details before first occupation and shall be retained, maintained and monitored as agreed thereafter.

Reason: To ensure that the measures considered necessary to compensate for the loss of habitats and enhance the site to provide a net gain for biodiversity as required by Section 40 of the Natural Environment and Rural Communities Act 2006, paragraphs 170 and 175 of the National Planning Policy Framework,

First occupation

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

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

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

Reason: To ensure the protection and enhancement of wildlife and the amenity of neighbouring residential occupiers in accordance with Policies OSS4 and EN5 of the Rother Local Plan Core Strategy, the NE Bexhill SPD and the National Planning Policy Framework.

19. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the LEMP shall include the following:

- a) description and evaluation of features to be managed;
- b) ecological trends and constraints on site that might influence management;
- c) aims and objectives of management;
- d) appropriate management options for achieving aims and objectives;
- e) prescriptions for management actions, together with a plan of management compartments;
- f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) details of the body or organisation responsible for implementation of the plan; and
- h) ongoing monitoring and remedial measures.

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

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features and the targeted condition of habitats required to deliver a

net gain in biodiversity and to ensure the enhancement of wildlife and supporting habitats in accordance with Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocation Local Plan, the NE Bexhill SPD and the National Planning Policy Framework.

20. The buildings shall not be occupied until the refuse and recycling bin storage areas have been provided and thereafter all areas shall be maintained for that use.
Reason: To safeguard the visual amenities of the locality and in the interests of providing a sustainable development in accordance with Policy OSS4 of the Rother Local Plan Core Strategy and the NE Bexhill SPD.
21. No development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing and as amended as part of the Section 278 agreement and detailed design.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy TR4 (i) of the Rother Local Plan Core Strategy and Policy DHG12 of the Development and Site Allocations Local Plan.
22. The new access points shall not be used until appropriate visibility splays are provided either side of both the new accesses and maintained thereafter.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy TR4 (i) of the Rother Local Plan Core Strategy and Policy DHG12 of the Development and Site Allocations Local Plan.
23. The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy TR4 (i) of the Rother Local Plan Core Strategy.
24. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy TR4 (i) of the Rother Local Plan Core Strategy.
25. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policy TR4 (i) of the Rother Local Plan Core Strategy.
26. The new estates roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's

standards with a view to their subsequent adoption as publicly maintained highway.

Reason: In the interest of highway safety and for this benefit and convenience of the public at large in accordance with Policy TR4 (i) of the Rother Local Plan Core Strategy.

27. No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

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

28. The buildings shall not be occupied until evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage design.

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 and Policy DEN5 of the Development and Site Allocation Local Plan.

Ongoing

29. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies (or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective) another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development in accordance with Policy EN3 of the Rother Local Plan Core Strategy and Policy DEN1 of the Development and site Allocations Local Plan.

30. No deliveries, loading or unloading or other servicing activities on any part of the site, nor any use/occupation of the industrial units, shall take place at the site other than between the hours of 08.00 and 18.00 on Mondays to Saturdays inclusive or at any time on Sundays or Public Holidays.

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

31. The doors indicated in the rear elevation of the light industrial units in Block A (indicated on drawing no. BGHES-RHP-B2-ZZ-DR-A 2020 – P1) shall be used for emergency exit purposes only.

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

32. The nine commercial units shall be used for light industrial purposes only and not for any other purpose (including any other purpose within Class E) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as

amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To retain the industrial employment floorspace required to meet the districts employment floorspace demand in accordance with Policy EC2 of the Rother Local Plan Core Strategy.

NOTES:

1. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990.
2. The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district. Therefore, the Applicant should apply for consent to discharge surface water runoff into the Water Level Management Board's area as required by the Board's Byeway 3, which is the process by which the Board agrees the proposed discharge rates. Should consent be given it will be subject to the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy. This policy is available using the following link: https://www.wlma.org.uk/uploads/WMA_Table_of_Charges_and_Fees.pdf.
3. This planning permission does not authorise any interference with animals, birds, marine life, plants, fauna and habitats in contravention of the requirements of the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 (CROW) and other legislation.
4. Highways Authority's requirements associated with this development proposal will need to be secured through a Section (106/184/171/278) Legal Agreement between the Applicant and East Sussex County Council. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
5. It is illegal to plant or otherwise cause the spread of any plants listed on Schedule 9 of the Wildlife and Countryside Act, 1981 (as amended). The PEA recorded buddleia as present onsite and whilst it is not on Schedule 9, it was considered as an invasive non-native species that should be appropriately controlled and prevented from spreading. It was recommended that a member for the Property Care Association Invasive Weed Control Group (PCA IWCG) is contacted to manage the buddleia. There is no legal requirement to undertake this, but it would be good construction practice.

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

SITE PLAN

SEDLSCOMBE

RR/2022/2619/P

The Paddock
Brede Lane



Rother District Council

Report to	-	Planning Committee
Date	-	22 June 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/2619/P
Address	-	The Paddock, Brede Lane, SEDLSCOMBE
Proposal	-	Erection of 21 No. dwellings including four affordable units with public open space, access roads, landscaping, and associated land for use as a school playing field.

[View application/correspondence](#) –

RECOMMENDATION: It be **RESOLVED** to **GRANT (FULL PLANNING) DELEGATED SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT IN RESPECT OF:** on-site affordable housing; off-site highway improvements; transfer of land for school playing fields; transfer of land for public open space with commuted sum for maintenance; management of the development area in terms of public areas and drainage.

Director: Ben Hook

Applicant: MJH Executive Homes
Agent: Smith Simmons & Partners
Case Officer: Mrs S. Shepherd
(Email: sarah.shepherd@rother.gov.uk)

Parish: SEDLSCOMBE
Ward Members: Councillors B.J. Coupar and C.R. Maynard

Reason for Committee consideration: Member referral: concerns regarding intensification of development leading to overdevelopment of the site and unnecessary additional housing for the village.

Statutory 13 week date: 26 April 2023
Extension of time agreed to: 30 June 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 This full planning application is submitted pursuant to the previous planning permission on the same site that has recently lapsed. The proposals include an uplift in numbers of units from 16 to 21, following a viability appraisal of the scheme. The uplift in numbers is accommodated within the same

development area and within the development boundary for Sedlescombe. The larger part of the site, which is also allocated as Local Green Space in the Sedlescombe Neighbourhood Plan (SNP), is also again indicated as either community open space to be transferred to the Parish or as additional land to be transferred to the school for playing field.

1.2 The proposals are again considered acceptable, it would not have harmful impact on the character or appearance of the area, highways, drainage or ecology and would conserve and enhance the Area of Outstanding Natural Beauty (AONB).

1.3 **PROPOSAL DETAILS**

PROVISION	
No of houses	21 total
No of affordable houses	4
Other developer contributions 1	Land for community use
Other developer contributions 2	Land for school
Other developer contributions 3	Additional Footpath links via Brede Lane
CIL (approx.)	£540,374
New Homes Bonus (approx.)	£119,228

2.0 SITE

2.1 The application site as in 2016 extends to comprise the whole field lying to the south side of Brede Lane between the school in Gammons Way (to west) and the housing development at East View Terrace (to east). The site slopes down to the south away from the road. The site is however, split into three parts:

- a. land at the western end adjacent to the school comprising 0.53ha, for use as school land;
- b. the large central part of 2.88ha to become public open space; and
- c. land at the eastern end, 1.14ha, for housing.

2.2 With the exception of the new access road and proposed footpath leading down from Brede Lane into the site, the area for the housing would be bounded on its northern side by the houses of Blacklands, which front Brede Lane and on its eastern side the residential estate of East View Terrace. The field would remain to the west with the Multi-Use Games Areas (MUGA), public footpath, fields and ancient semi-natural woodland to the south. Hedges form the boundary to the north and south sides, with fences and shrubs/trees to the rear of East View Terrace. Hedges form the other boundaries to Brede Lane, the school and the rest of the southern boundary.

2.3 Some views of the site as a whole may be afforded from the public footpath that runs along its southern side and, at a distance, from across the valley to the south (although this is interspersed with trees) and glimpsed from the A21 and public footpath to the west, although the main south east corner of the field (the housing part of the site) is at a lower level and drops away behind a crest in the field and the trees.

2.4 The site along with the whole of Sedlescombe village and its environs lies within the High Weald AONB. The site comprises a) the housing land within

the development boundary for Sedlescombe and b) the remaining open space allocated as 'Local Green Space' – both as identified within the adopted SNP.

3.0 PROPOSAL

- 3.1 The current application is similar to the now lapsed 2016 scheme in that it proposes to utilise the same developable area for residential development and still proposes land for the school and community open space to be passed to the parish. Two access points are noted into the community space one via a gate from Brede Lane with the other via a gate to the development. The same new access is proposed off Brede Lane with landscaping, incorporating infill planting to the north, east and south boundaries and a new woodland buffer to the west boundary with the community space. The number of units is proposed to increase from 16 to 21 with a variation of the type and size of units. Some of the previously approved large, detached bungalows are now replaced by smaller pairs of semi-detached units on similar footprints and remaining set around a central green and steeped down the hill following the site contours. Slight amendments have been requested and made with regard to some detailed points for materials, landscaping and layout.
- 3.2 The proposal also reduces the amount of affordable housing to four units on the basis of a viability appraisal which concludes that any more affordable units would not present a viable scheme. This has been independently assessed and is discussed further below.
- 3.3 New tree and hedge planting is proposed to the access and to create a new field boundary on the west of the development comprising a 10m wide belt of mixed woodland with an indication of some mounding, with reinforcement of native tree and hedgerow planting to the existing north, east and south sides. Various swept path tracking drawings have also been provided to illustrate the movement of refuse lorries.
- 3.4 The application is also supported by a suite of additional documents and surveys including Transport Statement with parking calculations and engineer construction details; refuse strategy; landscape strategy; Landscape and Visual Impact Assessment (LVIA); arboricultural assessment with retention and protection plan; levels; drainage scheme; design and access and sustainability construction statement; archaeology assessment; plans and elevations including street scenes.
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4.0 HISTORY (relevant)

- 4.1 RR/2017/2925/MA Minor variations to chimneys, bargeboards, some windows, internal layout and levels of pairs of bungalows. APPROVED.
- 4.2 RR/2016/1837/P Erection of 16 no. residential dwellings, together with the creation of a new access onto Brede Lane and provision for car parking, open space and landscaping, and the transfer of land to be used as school playing fields and public open space. APPROVED.

- 4.3 RR/2014/146/P Erection of 18 No. residential dwellings with associated access, car parking and open space together with the transfer and change of use of land to be used as school playing fields. REFUSED.

Appeal dismissed with the conclusion that *“Although the provision of new homes, including affordable housing, would be an important social and economic benefit, the Planning Inspectorate concludes in the appeal decision that granting permission for the appeal scheme would be contrary to the plan-led approach, which demonstrates the availability of a five-year housing land supply; as well as being premature in terms of the neighbourhood plan making process.”*

5.0 POLICIES

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

- OSS3: location of development
- OSS4: general development considerations
- RA1: villages
- RA3: development in the countryside
- SRM1: towards a low carbon future
- SRM2: water supply and wastewater management
- CO1: community facilities and services
- CO3: improving sports and recreation provision
- LHN1: achieving mixed and balanced communities
- EN1: landscape stewardship
- EN3: design quality
- EN5: biodiversity and green space
- EN7: flood risk and development
- TR2: integrated transport
- TR3: access and new development
- TR4: car parking

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

- DRM1: (water efficiency)
- DHG1: (affordable housing)
- DHG3: (residential internal space standards)
- DHG4: (accessible and adaptable homes)
- DHG7: (external residential areas)
- DHG11: (boundary treatments)
- DHG12: (accesses and drives)
- DEN1: (maintaining landscape character)
- DEN2: (AONB)
- DEN4: (biodiversity and green space)
- DEN5: (sustainable drainage)
- DIM2: (development boundaries)

- 5.3 The following policies of the Sedlescombe [Neighbourhood Plan](#) (adopted in 2018) are relevant to the proposal:
- Policy 10 – Local Green Space – where development is to be resisted.
- 5.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations along with the High Weald Management Plan and the High Weald Housing Design Guide. Section 85 of the Countryside and Rights of Way Act 2000 (CROW Act 2000) as well as paragraph 176 of the National Planning Policy Framework requires local authorities to have regard to ‘the purpose of conserving and enhancing the natural beauty of AONBs’ in making decisions that affect the designated area.
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6.0 CONSULTATIONS

6.1 National Highways – **NO OBJECTION**

- 6.1.1 Note the proximity with the Strategic Road Network (SRN) namely A21. Are content that the degree of vehicular traffic generation during the operational phase of the development would be low; hence this is not a concern. However, have potential concerns during the construction phase; these may be allayed by means of a suitable planning condition to ensure submission and agreement of a Construction Management Plan.

6.2 Highway Authority – **NO OBJECTION**

- 6.2.1 Requests conditions and comments (summarised) as follows:

- 6.2.2 *It is noted that further information has come to light indicating that the pinch point above Street Farm is narrower than 1.2m wide meaning a footway of this width is not deliverable. The footway will need to be narrower for a distance of approximately 7-8m. At detailed design stage, it will need to be determined whether the footway will continue at a narrower distance or whether a crossing point to the other side of the road where there is an existing footway on the north side of Brede Lane will need to be provided. However, it is noted that the existing footway to the north of Brede Lane is also narrow. Although there is only a very small section where the footway will be narrowed and the chance of conflict between two pedestrians crossing at this point is unlikely, it is acknowledged that the footway may not be accessible for wheelchair/ mobility scooters users which is far from ideal. However, on balance, the provision of a new footway will offer a significant benefit to both future occupiers of the site and existing residents of Brede Lane. The best solution can therefore be determined at the detailed Section 278 design stage in consultation with the East Sussex Implementation Team.*

- 6.2.3 The new access is considered acceptable and appropriate visibility splays can be secured. East Sussex Parking Demand Calculator would suggest that 48 spaces are required for the development meaning the likely demand can be met on site and the risk of overspill onto the public highway is minimal. Vehicles can turn and manoeuvre within the site in order to egress in a forward gear. Electric vehicle charging points are recommended. If internal road is for adoption, then it will need to meet adoptable standards. Cycle parking is required. Refuse and recycling storage is required, and tracking has been provided for an 11.2m long refuse vehicle.

- 6.2.4 A robust assessment of the level of traffic likely to be generated by the development has been provided and us agreed. Previous concerns regarding busy times relating to the school are noted but expected additional traffic movements at those times from the development is very low. Considering a similar number of trips has already been deemed to not have a significant impact, it is unlikely the level of traffic generated by the development proposal would result in a severe impact on the local highway network from a capacity perspective.
- 6.2.5 Bus services are located in the village with other services and facilities and an improvement to footpaths to link with the village is required off-site. A construction management plan is required. The off-site works and financial contribution are to be secured as part of this development via a Section 106/278 agreement are:
- A new vehicular access with a footway on the west side leading into the site.
 - Dropped kerbs and tactile paving on either side of the site access.
 - Improvements to the existing footway on the south side of Brede Lane. These improvements will include the widening and upgrading of the existing footway on the south side of Brede Lane and also provide an extension of the footway up to the existing pedestrian facilities on Gammon Way. The footway to the east of the site access will also be widened to 1.8m for a short distance.

6.3 Lead Local Flood Authority (ESCC) – NO OBJECTION

- 6.3.1 *The application is supported by a Flood Risk Assessment and drainage strategy together with topographic survey and proposed levels design, ground investigation including ground water monitoring and infiltration testing.*
- 6.3.2 *ESCC as the LLFA provided an initial objection due to insufficient information on the 21 February 2023 with details of issues in the design assumptions / calculations that needed to be addressed to ensure the plan layout and levels and drainage design was feasible.*
- 6.3.3 *In response, the Applicant submitted a Drainage Technical Note to address these comments. The Drainage technical Note included additional ground water monitoring and infiltration testing, as well as an updated drainage strategy plan and calculations based on these results. The Applicant also provided an updated exceedance routing plan.*
- 6.3.4 *Based on this information, we can conclude that the proposals will present a low risk in terms of Surface Water Management and Local Flood Risk and provide a feasible drainage strategy. Conditions are recommended.*

6.4 Southern Water – NO OBJECTION

- 6.4.1 Connection to the public sewer requires consent from Southern Water. A new on-site drainage and pumping station for adoption as part of the foul public sewerage system, would have to be designed and constructed to the specification of Southern Water Services Ltd. Any surface water scheme should be acceptable to the LLFA if not to be adopted by Southern Water. Drainage condition recommended.

6.5 Environment Agency – **NO COMMENTS TO MAKE**

6.6 County Landscape Architect – **NO OBJECTION**

6.6.1 As revised the landscape scheme is acceptable. Noted that the proposed development can be supported as it could have an acceptable effect on local landscape character and views subject to conditions.

6.6.2 Additionally comments that the LVIA provides an accurate description of the baseline landscape and visual context for the site and surrounding area. agrees with the conclusions that *the proposed development could have an overall minor – moderate beneficial effect on local landscape character. This would be subject to the implementation of the onsite planting and the proposed woodland planting in the public open space to the west of the development. The visual effects are assessed to be minor adverse on completion of the development reducing to negligible once the planting matures. The proposed development would provide an opportunity to soften the ‘hard’ edge and currently open views to East View Terrace. These conclusions are not disputed, and the proposed development would be viewed against the background of existing houses along Brede Lane and East view Terrace.*

6.6.3 The landscape masterplan would help to mitigate for and integrate the proposed development into the AONB landscape. There are some aspects of the masterplan that have been amended to introduce sections of post and rail fencing with hedges to rear gardens and provide tree planting outside of private gardens.

6.7 Housing and Enabling Officer – **NO OBJECTION**

6.7.1 The viability appraisal and independent assessment are noted and there is no objection to the Applicant’s proposal to provide four affordable units. It is noted that the Affordable Housing units are 2-bed 4-person NDSS compliant and constructed to M4(2) standards. They also appear to have two allocated parking spaces each and suitable external garden/amenity space. The four properties are suitably distributed throughout the scheme in line with Policy DHG1 regarding pepper-potting. The exact tenure mix of the four affordable units is under discussion and will be finalised as part of the Section 106 agreement.

6.8 Sussex Newt Officer – **NO OBJECTION**

6.8.1 Comments:

- The site falls partially within the amber impact risk zone for great crested newts. However, construction will be restricted to the green impact risk zone. There is moderate habitat and low likelihood of great crested newt presence.
- There are six ponds within 500m of the development proposal. Only one of these ponds falls within 250m of the development.
- There is one recent and one historical great crested newt record within 500m.
- There is limited connectivity between the development and surrounding features in the landscape.
- Recommend use of an informative.

- 6.9 Sussex Ramblers – **OBJECT**
- Unnecessary and unsympathetic development damaging to AONB.
 - Public right of way – footpath Sedlescombe 2/2 is along the southern boundary and needs to be respected.
 - Land falls away to south and east and will be highly visible.
 - If approved should enhance surrounding footpaths and encourage access to wider footpath network and include screening to reduce visual impacts.
- 6.10 Sussex Police – **NO OBJECTION**
- 6.10.1 Comments from Secure by Design perspective. Generally, well received but makes some comments regarding potential further improvements to reduce potential for crime but this is in a low crime risk area.
- 6.11 County Ecologist – no comments.
- 6.12 High Weald Unit – no comments.
- 6.13 Planning Notice
- 6.13.1 31 letters of objection have been received (from 23 representatives). The reasons are summarised as follows:
- Increase in dwellings opposed – overdevelopment.
 - 18 previously refused.
 - Why only four affordable units? Should be more.
 - Should be bungalows not houses to rear of Brede Lane.
 - Don't need more housing.
 - Potential overlooking of existing dwellings and gardens and loss of light.
 - Traffic increase.
 - New access dangerous.
 - Inadequate parking.
 - Harm to AONB.
 - Harm to wildlife.
 - Impacts to dark skies.
 - Ancient woodland to south.
 - Object to tree planting along the boundary with East View Terrace could affect properties in the future.
 - Footpath proposed may extend outside highway land and damage trees, hedgerow and neighbouring property.
 - Lack of local facilities.
 - Loss of dog walking field.
 - Already 'The Paddock' in Sedlescombe.
 - Disruption to village during construction.
 - Not part of neighbourhood plan (NP).
 - Proposed development compromises the Green Space in the NP.
 - Impacts to drainage.
 - Object to use of flint.
 - Should reuse empty properties before build on green sites.
 - Poor local utilities – already have regular power cuts.
- 6.13.2 Three letters with general comments have been received (from three representatives). The comments are summarised as follows:

- Naming suggestion unsuitable.
- Too many units in small area.
- Flooding at lower end of the field.
- For most part support but should be more social housing and will impact slow worms in field.

6.14 Sedlescombe Parish Council – **OBJECTION/COMMENT**

6.14.1 Summarised as follows:

- accepts that this site has been given planning permission for 16 houses (now expired) and that the site is within the development boundary and therefore there is an assumption in favour of development;
- questions increase in numbers of units and concerned is overdevelopment;
- questions reduction in number of affordable units – notes viability submissions;
- should seek permission for 16 units again with policy compliant level of affordable housing;
- consider there is no reason for increase in numbers given that three of the four neighbourhood plan sites have applications recommended for approval subject to Section 106 so believe there is no shortfall for the village; and
- proposal would harm the AONB and is a reason for refusal.

6.14.2 If to be approved requests the following be addressed:

- appear to have higher ridge heights, and those two storeys to Blacklands should sit further away from the boundary to sit well in the landscape;
- condition required to preclude street lighting in dark sky area and PIR to houses to be sides only and down lights;
- mounding to the open space area may be unnatural feature and should be removed;
- can footway to Brede Lane be provided as required by ESCC? Provision for village is critical;
- request highways require granite setts to entrance and sympathetic materials for footpath;
- the Applicant's willingness to give the balance of the field to the Parish Council which is a Local Green Space in the Sedlescombe Neighbourhood Plan is very much appreciated but access should be from Brede Lane and not just from the residential side of the site;
- the Local Green Space should be noted in the Section 106 to be transferred to Sedlescombe Parish Council as freehold plus a maintenance fund as specified by the Applicant;
- no other development works should occur outside the red edge of the residential development within the Local Green Space;
- proposed school area should not be levelled and if not required by ESCC then it should be added land given to the Parish Council now or when any option expires;
- ecology condition requested in relation to dormice and slow worms;
- gifted field to be drilled with wildflower mix as High Weald specification and provenance;
- use native trees and hedges;
- a margin between the properties at the southern edge bordering the East View 'kick about' area be left to protect the Hazel hedge and to allow the

maintenance of the hedge as required by the Covenant set by the previous owners to maintain both the hedge and the fence. In addition, a Hazel Dormouse Method Statement should be required for this area and development restricted accordingly;

- BNG assessment to be done; and
- ‘The Paddock’ is a name already in use elsewhere in Sedlescombe.

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 £540,374.
- 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 £119,228 over four years.

8.0 APPRAISAL

- 8.1 The primary issues previously considered still apply with particular emphasis on the principle of development including the position regarding housing supply. Associated matters include viability and affordable housing, impact upon the AONB, layout and design, highway matters, ecology, drainage and other matters.

8.2 Principle of development and housing supply

- 8.2.1 This site has previously been granted planning permission for development with 16 dwellings and the developable part of the site lies ‘within’ the development boundary for Sedlescombe as set out in the SNP. As such there is no objection in principle to the proposed development subject to other policy considerations.

- 8.2.2 A primary change in the proposal comprises the increase in number of units from 16 to 21. The comments of the Parish and objectors are noted. However, the Council is only able to identify 2.79 years of housing supply, in April 2022. Paragraph 11 of the National Planning Policy Framework states:

“For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

- 8.2.3 This means that the Development Boundaries contained within the DaSA Local Plan, SNP and other policies that relate to the supply of housing must be viewed at present as being “out-of-date” and that, as a consequence, planning applications fall to be considered in the context of paragraph 11 of the National Planning Policy Framework. Contrary to the contentions of the Parish Council, none of its allocated sites have been delivered and hence housing delivery has also not been met. However, that does not mean that housing schemes which are unacceptable for other sound planning grounds must be allowed; but it does add weight to the benefits that the contribution to boosting housing supply would bring when determining planning applications.
- 8.2.4 There is thus a potential to consider an uplift in housing numbers but subject to considering all other relevant policy considerations including potential impacts on the AONB, as also referenced paragraph 11 of the National Planning Policy Framework which states that permission should be granted unless the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposal. In this respect, Footnote 7 of the National Planning Policy Framework lists the relevant policies, including those relating to AONB.

8.3 Viability and Affordable Housing

- 8.3.1 The application proposes a reduction in the number of affordable housing units within the development on the basis of viability. To be policy compliant a scheme for 21 units in a rural area should be providing 8.4 affordable units. However, the submitted viability appraisal concludes that the proposed development is not viable with a 40% affordable housing provision but could be viable with a lesser 20% provision of four units of affordable housing. The Applicant's submission by BNP Paribas has been independently assessed by Savills. Savills have in summary concluded that:
- we have adopted the Site Value Benchmark (SVB) provided by BNPP of £785,000, which represents a reasonable Existing Use Value (EUV) and landowner's premium. The figure is also consistent with the Local Plan Viability Assessment;
 - we have adopted a market residential GDV of £8,385,000 equivalent to £437 psf which is considered reasonable and reflective of market evidence;
 - we have adopted an affordable GDV of £838,444 subject to confirmation, and would note the impact of introducing an LHA cap to rents;
 - we have adopted an equivalent construction cost estimate of £5,532,145, inclusive of contingency and external works, which has been reviewed by external cost consultants PSP;
 - timings proposed by the Applicant are considered over-stated for the purposes of viability assessment and have been reduced accordingly resulting in a total development period of 23 months;
 - the proposals include an affordable housing contribution equivalent to c.20% of dwellings alongside further planning obligations in the form of both s106 and CIL payments. We understand the proposals also include the transfer of non-developable land into public ownership, effectively in the form of additional planning gain; and
 - based upon the assumptions detailed herein, our appraisal concludes a residual land value of £600,000 which falls marginally below the adopted SVB. On this basis the proposed scheme is marginally unviable and

technically unable to deliver additional planning obligations beyond those currently proposed.

- 8.3.2 The application proposes the provision of four affordable units and as such the application falls to be determined on this basis. The viability independent assessment concludes that there is no scope for any increase on this number.
- 8.3.3 The Housing Enabling and Development Officer highlighted that the viability appraisal states though that this is based upon 2x units for Affordable Rent at up to 80% rent and 2x Shared Ownership units. This would not be a policy compliant mix of affordable housing. Taking into account Policy LHN1 of the Rother Local Plan Core Strategy and the recent TAN on First Homes (published January 2023), we would look to secure three units for Affordable Rent and 1 as a First Homes unit. The final detail of the tenure mix remains under discussion and to be agreed as part of the proposed Section 106 agreement.
- 8.3.4 It is noted that the Affordable Housing units are 2-bed 4-person NDSS compliant and constructed to M4(2) standards. They also appear to have two allocated parking spaces each and suitable external garden/amenity space. The four properties are suitably distributed throughout the scheme in line with Policy DHG1 regarding pepper-potting. As such there are no objections to the details of the affordable units.
- 8.3.5 The overall mix and type of units is acceptable and proposes:
6 x 2 bed units, 13 x 3 bed units and 2 x 4 bed units.

8.4 Impact upon the Area of Outstanding Natural Beauty

- 8.4.1 Local and national policy as well as Section 85 of the CROW Act 2000 afford protection to the countryside of the AONB giving 'great weight' to its conservation and enhancement. While noting the references to the previous refusal in 2014 in respect of 18 dwellings, it was concluded that the development set within the southeast corner of the site would have only limited and local impacts. This was Agreed by the appeal Inspector and the Secretary of State who concluded that "*the proposal would have a limited adverse effect on the character and appearance of the area and there would be limited conflict with policies relating to the protection of the countryside and character and setting of villages.*" The High Weald Unit in respect of the 2016 application for 16 units also did not taken issue with this conclusion.
- 8.4.2 The proposal this time also includes the use of the central larger part of the field as public open space with maintenance monies proposed to support the future management and improvement of the area for biodiversity and ecology. Landscaping of the development site is also detailed to enhance the rural setting of the village and includes many trees to reflect the nature of the surrounding countryside. These points could be considered to represent a positive enhancement of the landscape and scenic beauty of the AONB. Indeed, the County Landscape Architect has no objections to the proposals subject to conditions.
- 8.4.3 The area proposed for school use has no detailed proposals and would have to be the subject of future applications should any development be proposed on this site, which immediately adjoins the village along its western side. While

it is envisaged that use would be for outdoor play space and thus it may not change in its character or appearance, it is noted that should ESCC not require the land for school place, the Parish have requested an option to also have this land as part of the community open space as it is part of the Local Green Space allocation in the SNP.

8.4.4 It is acknowledged that a section of the roadside hedge to Brede Lane would be lost to create the access and visibility. However, a new area of trees would be planted around the entrance to replace the hedge thus maintaining wider views of the site within the AONB. Although located within the AONB, development of the site is not considered to represent a change to the wider quality or character of the landscape. Any effects would be local, and the national designation of the AONB would be conserved and, enhanced with planting as proposed.

8.5 Layout and design

8.5.1 The proposed layout follows the same pattern as previously approved in 2016 with access off Brede Lane running south down the hill into the southeast corner of the field, with a loop to the road and the dwellings fronting onto the central green. Additional units are accommodated by providing smaller footprints to the units, with an additional bungalow facing west onto the entrance road to the rear of 1 Blacklands, changing a single bungalow to pairs of semi-detached units to rear of 8-9 Blacklands and 81-83 East View Terrace and an additional pair of semi-detached units along the southern boundary, (five in all). The units remain stepping down the hill and are set well below the properties at Blacklands which front Brede Lane, with more comparable ground levels to those in East View Terrace. The existing hedge and fenced boundaries are to be infilled with native species hedges and some tree planting to add to screening but also to aid the biodiversity and habitats around the site boundaries.

8.5.2 All units meet the policy requirements (DHG3 and 7) with regard to internal space standards and external amenity space. The distances to the north between the rear of dwellings on plots 3-9 and 4-11 Blacklands is in excess of 48m (as well as noting the considerable change in ground levels), with distances to the east between the rear of dwellings on plots 10-15 and 77-99 (six units) East View Terrace between 21 and 27m, with dwellings here slightly offset in orientation and spacing. Amended plans were submitted for the siting of dwellings along the east side, to relocate them further away from the boundary. These separation distances are acceptable. Bungalows are still proposed to plots 1, 2 and 9 (northwest and northeast corners). The design of the dwellings complies with the High Weald Housing Design Guide and utilises red brick to the ground floor with tile hanging/cladding at first floor and clay tiles for the roofs. As first submitted flint was proposed to the ground floor but this is not a local material and as requested has been replaced by brick. Hipped roofs with gable detailing are also proposed. Parking is on plot with some garages and sheds for cycle parking and bin storage to the rear gardens which all have external access. Front gardens are defined with hedge planting. Visitor parking is located around the green.

8.5.3 While it is noted that five additional units are proposed, the development area remains as previously approved and within the development boundary for Sedlescombe. The density of development is 25 dph and cannot be

considered an overdevelopment of the site. The increase in units does not have wider impacts outside the site in terms of character or appearance and does not change any AONB impacts. Landscaping remains as before. As per the previously approved scheme, the current layout and design are considered acceptable.

8.6 Highway Matters

8.6.1 There are no objections, subject to conditions, from either National Highways or the local Highway Authority. The access remains as previously approved and the increase in number of units does not result in any significant change to proposed trips. Parking is compliant and the access road within the site can accommodate large refuse vehicles.

8.6.2 The comments regarding the proposed new footway connections to link with the village are noted. Those works, required to improve accessibility and promote modes other than car use in compliance with policy, are to take place outside the site boundary on highway land. The works are required by ESCC as Highway Authority and would be undertaken in accordance with their requirements and standards. As Local Planning Authority Rother does not have control over those details. While noting that the footway would be narrower in places than usual, the Highway Authority confirms that this is acceptable to them and would be unlikely to raise any safety issues. The off-site works would be sought via a Section 106 agreement.

8.7 Ecology

8.7.1 There have been no changes to the site since the 2016 application. The presence of ancient woodland to the south of the site is noted on the plans as before and a buffer zone outside the garden plots is proposed to further reinforce a non-development area, reflecting the Natural England guidance for a 15m development free zone. The dwellings themselves are set some 20m away from the boundary of the ancient woodland which lies to the south side of the existing hedge and public footpath.

8.7.2 Ecological surveys and an Impact Assessment and mitigation have been provided. It is noted that *Most of the site is regularly mown modified grassland and dominated by common and widespread species indicative of improvement. The site is c. 4.6 hectares in area and bordered by trees, hedgerows, woodland edge, arable fields and residential properties. Proposals are concentrated within a 1.4 hectare section at the eastern extremity of the site.*

8.7.3 *As well as modified grassland, habitats on site include hedgerows and bramble scrub, offering moderate ecological value. The site has some potential to support nesting birds, widespread reptiles and foraging and commuting bats. Much of the more ecologically valuable boundary vegetation will be retained and extensive native planting throughout the project will compensate for losses. Ancient woodland exists adjacent to the south of the site and new native planting will be introduced (as a semi natural buffer) where the 15m buffer of this habitat encroaches on the site.*

8.7.4 *Further survey revealed 'low' populations of slow worms and common lizards on site. These reptiles will be translocated to a receptor area located outside*

of the construction zone but within the wider site boundary. A mitigation strategy is provided.

8.7.5 *Once avoidance, mitigation and compensation measures have been considered, the impacts of the planned development upon biodiversity will be negligible and non-significant with proposed ecological enhancements resulting in a Biodiversity Net Gain.*

8.7.6 There are no reasons to disagree with the submissions. It is also noted that the Sussex Newt Officer, with regard to great crested newts, has no objections. Subject to conditions to ensure the mitigation and enhancement measures proposed, the proposals are acceptable.

8.8 Drainage

8.8.1 The comments of both Southern Water with regard to foul drainage and the LLFA for the surface water scheme are both noted. Both in principle can be provided but subject to finalisation and agreement of specifics and connections. As such there are no objections on drainage grounds but conditions are proposed with regard to the details.

8.8.2 Objections have referenced potential flooding, but this does not occur within the site. Localised flooding can be seen on the footpath at the lower level along the southern boundary of the site and to the areas further south along the River Brede.

8.9 Other Matters

8.9.1 As with the previous application, an archaeological desk-based assessment has been submitted and concludes that a condition be imposed if required. The County Archaeologist commented previously that *'The geophysical survey has revealed some evidence for anomalies, and it is argued that the anomalies are likely to be of geological and/or relatively recent origin. This may be the case but without evaluation trial trenching it is not possible to be certain. However, as I understand that the main central area will be kept as open space and residential development would be limited to the eastern area where some of the geophysical anomalies are clearly related to post-medieval field boundaries, I would recommend that further archaeological evaluation and mitigation could be secured by appropriate conditions on any forthcoming planning permission'*. A condition can therefore again be included in any decision.

8.9.2 With regard to sustainable construction, climate change and energy efficiencies, the proposed details include the provision of some electric charging points. The Design and Access Statement also confirms a fabric first approach, to be achieved *using high levels of insulation in the different elements of construction together with the selective choice in appliances, fittings and ventilation and the design of the buildings all contribute to reduce energy and demand for resources.* With regard to water consumption, *it is proposed consumption will be reduced through Water reducing fittings to limit daily water consumption per person to less than 105 litres ... and water metres will also be fitted.* Additional details can also be secured via condition.

- 8.9.3 The designers have also considered dark skies and have noted that there is little requirement for external lighting other than domestic low level entrance lighting to the houses and motion detection security lighting, which can be conditioned to accord with the Institute of lighting standards for this rural location.
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9.0 SECTION 106 MATTERS

- 9.1 The CIL Regulations 2010 introduced into law three tests for Section 106 Planning Obligations. Obligations should be:
- Necessary to make the development acceptable in planning terms.
 - Directly related to the development.
 - Fairly and reasonably related in scale and kind to the development.

Any matter included with a Section 106 Agreement must meet all of these tests.

- 9.2 The following matters are considered at this time for inclusion within a Section 106 Agreement and are considered to be related to the development, proportionate and necessary:
- To secure the affordable housing provision for on-site delivery of four units.
 - Provision of off-site highway improvements (to provide a footway to the south side of Brede Lane to Gammons Way and crossing points).
 - Transfer of land for school playing fields.
 - Transfer of land for public open space with commuted sum for maintenance.
 - Details for the future management of the development area in terms of public areas and drainage.
 - RDC's Legal fees.
-

10.0 PLANNING BALANCE AND CONCLUSION

- 10.1 With regard to sustainable development there are three overarching objectives, namely economic, social and environmental (paragraph 8 of the National Planning Policy Framework). The three dimensions of sustainable development have been considered. The economic dimension of sustainable development with particular regard to construction work and the housing provision, weighs heavily in favour of the scheme.
- 10.2 The aspects that make up the social dimension are given considerable weight as these include the provision of affordable housing and land to meet identified community objectives (in accordance with the SNP) being supported.
- 10.3 The environmental factors in themselves are regarded as somewhat in favour, especially in the context of the villages and wider District housing targets, and this scheme's limited development in landscape terms, which is restricted to the southeast corner and noting the accepted limited landscape impacts by the County Council's Landscape Architect. The majority part of the wider site is promoted as a local green space to be passed to the Parish and providing local access. (It is noted that while local access has not been precluded by

the owners over the last seven years, there is no public right of access currently).

- 10.4 The proposed development is considered to have only a limited impact on the local setting and not to have any impact on the wider landscape character or quality of the AONB. Given the landscaping and biodiversity enhancements proposed, the proposal is considered on balance to conserve and enhance the AONB.
- 10.5 The proposal is considered acceptable in principle in highway and drainage terms.
- 10.6 The housing type and mix proposed, including the provision of affordable housing, albeit not policy compliant, having regard to the viability assessment and independent appraisal is considered acceptable. There are no design or layout issues in respect of the proposed scheme.
- 10.7 There are components of the scheme that would be attractive to some residents in terms of public access, wildlife conservation, school playing area provision and public control over the central, more exposed parts of the site.

RECOMMENDATION: GRANT (FULL PLANNING) DELEGATED SUBJECT TO COMPLETION OF A SECTION 106 AGREEMENT IN RESPECT OF: on-site affordable housing; off-site highway improvements; transfer of land for school playing fields; transfer of land for public open space with commuted sum for maintenance; management of the development area in terms of public areas and drainage.

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:
 - 200529_LP-01 Rev.B dated 03/03/23 (location plan)
 - 200529_SL-01 Rev.U dated 03/03/23 (site layout)
 - 200529_SL-PS Rev.C dated 03/03/23 (parking strategy)
 - 200529_SS-01 Rev.E dated 05/04/23 (street scene/sections A-A & B-B)
 - 200529_SS-02 Rev.B dated 6/10/22 (street scenes/sections C-C & D-D)
 - LLD2587-ARB-DWG-002 rev.04, dated 13/10/22 (tree retention and protection)
 - 200529_HT-A-EL Rev.A dated 05/04/23 (house type A elevations)
 - 200529_HT-C-EL1 Rev.A dated 05/04/23 (house type C1 elevations)
 - 200529_HT-D-EL Rev.A dated 05/04/23 (house type D elevations)
 - 200529_HT-F-EL Rev.A dated 05/04/23 (house type F elevations)
 - 200529_HT-A-FP dated 08/10/22 (house type A floor plans)
 - 200529_HT-B-EL dated 08/10/22 (house type B elevations)
 - 200529_HT-B-FP dated 08/10/22 (house type B floor plans)
 - 200529_HT-C-EL2 dated 08/10/22 (house type C2 elevations)
 - 200529_HT-C-FP2 dated 08/10/22 (house type C2 floor plans)

200529_HT-C-FP1 dated 08/10/22 (house type C1 floor plans)
200529_HT-D-FP dated 08/10/22 (house type D floor plans)
200529_HT-E-EL dated 08/10/22 (house type E elevations)
200529_HT-E-FP dated 08/10/22 (house type E floor plans)
200529_HT-Ea-EL1 & 2 dated 08/10/22 (house type Ea elevations)
200529_HT-Ea-FP dated 08/10/22 (house type Ea floor plans)
200529_HT-F-FP dated 08/10/22 (house type F floor plans)
200529_HT-G-EL1, 2 & 3 dated 08/10/22 (house type G elevations)
200529_HT-G-FP dated 10/11/22 (house type G floor plans)
200529_AB-SG-01 dated 10/11/22 (garages plans and elevations)
Reason: For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until the Applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
Reason: The site is located in an area where archaeology has already been found and hence a pre-commencement condition is required to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and in accordance with Policy EN2 (vi) of the Rother Local Plan Core Strategy.
4. No development shall commence until details (including a technical design) of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority. (With regard to the technical detail for a surface water drainage system to serve the site during construction and the subsequent development, the developer is referred to the comments of the Lead Local Flood Authority in their response dated 30 May 2023. In addition, the scheme shall ensure that no drainage is connected to or discharges onto the highway.)
Reason: Drainage is an integral necessary requirement for the development and at the present time the full details have yet to be approved and to ensure that the development functions efficiently and effectively without resulting in flooding or other harmful impacts to the local area, wildlife or habitats in this rural location within the High Weald Area of Outstanding Natural Beauty, in accordance with Policy SRM2 of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and Site Allocations Local Plan and paragraph 169 and 174 of the National Planning Policy Framework.
5. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval and the works shall be completed in accordance with the approved details.
Reason: To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding, having regard to having regard to Policy CO6 of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and site Allocations Local Plan.
6. No development shall take place and no equipment, machinery or materials shall be brought on to the site for the purposes of the development until the erection of fencing for the protection of any retained trees and hedges (and including the ancient woodland buffer zone) has been undertaken in

accordance with approved plan LLD2587-ARB-DWG-002 rev.04, dated 13.10.22. The fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure that trees and hedges are not damaged or otherwise adversely affected by building operations and soil compaction to conserve and enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty and mitigate and enhance the appearance of the development, in accordance with Policies OSS4 (iii), EN1 and EN3 (ii) (e) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan and Paragraphs 174 and 176 of the National Planning Policy Framework.

7. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and egress and routeing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); and
- details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area having regard to Policies CO6 and TR3 of the Rother Local Plan Core Strategy.

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

- a) 1:10 scale drawings of proposed details including fenestration, eaves details and porches.
- b) Samples of the materials to be used in the construction of all external faces of the buildings, including bricks, cladding and the clay tiles to be used for the roof tiles and tile hanging and fenestration.
- c) The proposed site levels and finished floor levels of all buildings in relation to existing site levels, and to adjacent highways and properties (including levels of paths, drives, steps and ramps).
- d) Details for the provision of renewable energy generation on the site.
- e) Details for the provision of EV charging points to serve each plot.

Reason: To ensure a high building appearance and architectural quality, to provide renewable energy on site having regard to climate change and net zero carbon and to protect the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies PC1, OSS4, EN1,

EN3 and TR3 of the Rother Local Plan Core Strategy and Policies DRM3, DEN1 and DEN2 of the Development and Site Allocations Local Plan.

9. No above ground works shall commence until the following public realm and hard landscaping details have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out as approved:
- a) Boundary treatments (plot and other, including the ancient woodland buffer zone) and any other means of enclosure (fences, railings and walls) indicating the locations, type, design, height, and materials of such.
 - b) Hard surfacing materials (including road surfaces, footpaths, parking spaces and other areas of hardstanding).
 - c) Public access gates and benches to serve the community open space.
- Reason: To ensure the creation of a high-quality public realm, design quality, and landscape setting, in accordance with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.
10. No above ground works shall commence until the following soft landscaping details have been submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme:
- a) Planting plans, including landscape and ecological mitigation (buffer planting and green buffers).
 - b) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - c) Details for implementation, including written specifications for cultivation and other operations associated with plant and grass establishment.
- Reason: To ensure the creation of a high-quality public realm and landscape setting, that enhances the landscape and scenic quality of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.
11. No spoil shall be placed into the field/area of community open space west of the development site nor levels changed within this area, unless a scheme has first been submitted to and approved in writing by the Local Planning Authority. Subsequent changes in level shall only be undertaken in accordance with the approved scheme.
- Reason: To ensure that an unnatural feature is not created and that the proposals conserve and enhance the landscape and scenic quality of the High Weald AONB, in accordance with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.
12. The development hereby approved shall be implemented strictly in accordance with the recommendations/measures stated in the supporting document, "Ecological Impact Assessment by Lizard Landscape Design and Ecology, dated 13/10/22" and those details shall be incorporated within the landscape management plan to be submitted in accordance with the associated Section 106 agreement.
- Reason: To minimise the impacts of development on biodiversity, specifically reptiles, in accordance with paragraphs 174 and 180 of the National Planning

13. Prior to above ground works, specific details of biodiversity enhancements within the site, including in the ancient woodland buffer zone to reduce predation, are to be submitted to and approved in writing by the Local Planning Authority and works shall be completed and maintained in accordance with the approved details.
Reason: To ensure protection of protected species and provide biodiversity enhancements in accordance with Policy EN5 of the Rother Local Plan Core Strategy, Policy DEN4 of the Development and Site Allocations Local Plan and paragraphs 174 and 180 of the National Planning Policy Framework.
14. No development shall be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing [Ref: 200529 SL-01].
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policies CO6 and TR3 of the Rother Local Plan Core Strategy.
15. The access shall not be used until visibility splays of 2.4m X 50m are provided to the east and 2.4m X 54m are provided to the west and maintained thereafter.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policies CO6 and TR3 of the Rother Local Plan Core Strategy.
16. The development shall not be occupied until the parking areas and electric charging points have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policies TR4 of the Rother Local Plan Core Strategy.
17. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
18. The proposed garage[s] shall measure at least 3m by 6m (internally) incorporating space for cycle storage.
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy TR4 of the Rother Local Plan Core Strategy.
19. The development shall not be occupied until a cycle parking area has been provided for each unit in accordance with the approved plans, (via use of the garage/shed to be provided for each unit) and the area[s] shall thereafter be retained for that use.
Reason: In order that the development site is accessible by non- car modes and to meet the objectives of sustainable development having regard to Policy TR4 of the Rother Local Plan Core Strategy.

20. No lighting shall be provided on the site unless a scheme has first been submitted to and approved in writing by the Local Planning Authority. The lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Illuminated area m ²	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000
Over 10.00	n/a	300	600	600

Environmental Zones

Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc.
E2	Rural	Low brightness	districtVillage or relatively dark outer suburban locations
E3	Suburban	Medium brightness	districtSmall town centres or suburban locations
E4	Urban	High brightness	districtTown/city centres with high levels of night-time activity

The guidance advises that, where an area to be lit lies on the boundary of two zones or can be observed from another zone, the limits used should be those applicable to the most rigorous zone.

Reason: To prevent light pollution/overspill/obtrusive lighting in the interests of the amenities of adjoining residents, to protect the dark sky environment and local biodiversity within the countryside of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (ii) (iii) RA3 (v) EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2, DEN4 and DEN7 of the Development and Site allocations Local Plan.

21. The dwellings 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 dwellings hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwellings have been constructed to achieve water consumption of no more than 110 litres per person per day.

Reason: To ensure that the dwellings 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.

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

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

23. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under condition.

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

24. If within a period of 10 years from the date of the planting of any tree, that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development and the landscape of the High Weald Area of Outstanding Natural Beauty in accordance with policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.

NOTES:

1. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990.
2. 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.
3. Authority's requirements associated with the development proposal will need to be secured through a section 278/106 Legal Agreement between the Applicant and East Sussex County Council. The Applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The Applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
4. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.
5. The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning permission for a development does not provide a defence against prosecution under European and UK wildlife

protection legislation. Separate licences and consents may be required to undertake work on the site where protected species are found, and these should be sought before development commences.

6. Southern Water require a formal application for connection to the public sewerage system in order to service this development. Their initial assessment of the application does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
7. 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/or Accessibility and Wheelchair Housing Standards 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.
5. The Highway Authority would wish to see roads within the site that are not to be offered for adoption, laid out and constructed to standards at, or at least close to, adoption standards.
(Attach Highway Form HT401 to decision)

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

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<p>SITE PLAN</p> <p>RR/2022/2791/P</p>	<p>BATTLE</p> <p>Fir Tree Cottage – Land adjacent to, Netherfield Road Netherfield Hill</p>
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Rother District Council

Report to - Planning Committee
Date - 22 June 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2022/2791/P
Address - Firtree Cottage – land adjacent to, Netherfield Hill, Battle
Proposal - Change of use of the land from agricultural use to mixed use of agriculture and the stationing of caravans for residential purposes for a temporary period of 3 years (part retrospective)

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Ms S. Smith
Agent: Mr S. McKay
Case Officer: Mr M. Worsley
(Email: matthew.worsley@rother.gov.uk)

Parish: NORTH BATTLE, NETHERFIELD & WHATLINGTON
Ward Members: Councillors S. Burton and K.M. Field

Reason for Committee consideration: Councillor call-in (Councillor Field): Detrimental to Area of Outstanding Natural Beauty and ancient woodland. Development not on a designated traveller site.

Statutory 8-week date: 15 February 2023
Extension of time agreed to: 30 June 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 The proposed development would result in harm to the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB) which must be given great weight. The unsustainable location of the site also attracts moderate weight. In addition, intentional unauthorised development has taken place, but this only carries limited weight against the scheme. However, significant weight in favour of the development must be given to the fact that there is a current lack of local provision of Gypsy and Traveller (G&T) sites. There is also no alternative accommodation for the occupiers to move to, which is another significant factor in favour of the development. On top of this

are the personal circumstances of the occupiers of the site, including the best interests of the children, which attract significant weight.

- 1.2 Overall there is conflict between the issues weighing for and against the development. The main factor against the development is the harm to the landscape and scenic beauty of the AONB. In time, once a new Local Plan is adopted with G&T allocations, there is a real possibility of more suitable alternative sites being available. With this in mind, it is important to consider the proposal is for a temporary three-year period. Given the significant issues highlighted weighing in favour of the proposal, in the circumstances, and on balance, the application should be supported.

2.0 SITE

- 2.1 The application site lies to the southern side of Netherfield Hill. It is positioned between Firtree Cottage to the east and Ashes Wood to the west, which is designated as ancient woodland and is also covered by a 'Right to Roam'. There is a Public Right of Way around 200m east of the site linking Netherfield Hill to Ashes Wood to the south.
- 2.2 The site is served by a vehicular access onto Netherfield 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 south is owned by the Applicant.
- 2.3 The site is located within the countryside outside of a recognised development boundary. It is within the High Weald AONB and is within the Brede Valley Landscape Character Area.

3.0 PROPOSAL

- 3.1 Permission is sought to change the use of the land from agricultural use to a mixed use of agriculture and the stationing of caravans for residential purposes for a temporary period of three years (part retrospective).
- 3.2 The current proposal follows the refusal of a 2020 planning application (RR/2020/599/P) and subsequent Enforcement Notice which was upheld in November 2021 for the material change in use of the land from agricultural use to a mixed use of agriculture and the stationing of caravans for residential purposes together with associated works. As of November 2022, up until the present, the unauthorised use remains, which is in breach of the Enforcement Notice.
- 3.3 The proposed development differs to the unauthorised use in that the caravans would be moved further away from the ancient woodland adjoining the west boundary of the site, with a separation of approximately 25m detailed on the submitted proposed block plan. A parking area would remain around 15m from the boundary with the ancient woodland. In the area between the parking area and the ancient woodland the proposed block plan shows a meadow would be planted together with a post and rail fence and mixed native hedge on the edge of the parking area.

- 3.4 The site is occupied by two families. One plot is occupied by a female adult with five dependent children and the second plot is occupied by a female adult and two adult sons.
- 3.5 The application is accompanied by a planning statement, a tree report dated June 2020 and confidential information explaining the occupiers' personal circumstances.
- 3.6 In relation to sensitive confidential personal data, the Council is required to comply with the Data Protection Legislation and must not publish any personal information which would breach this legislation. To ensure compliance, information considered to be pertinent to the application has been explained in general terms only.

4.0 HISTORY

- 4.1 ENF/58/20/BAT Material change of use of land from agricultural use to a mixed use of agriculture and the stationing of caravans for residential purposes together with associated works – Enforcement Notice issued 10 September 2020 – Enforcement Notice upheld at appeal 10 November 2021, with the period of compliance set at 12 months. As of the 10 November 2022, the unauthorised change of use and associated works remain on the site and therefore are in breach of the Enforcement Notice.
- 4.2 RR/2020/599/P Change of Use of land for the stationing of 2 No. mobiles and 2 No. tourers and associated operational development including widening of access, for residential use by Gypsy & Traveller family. (Retrospective) – REFUSED.

Reasons for refusal:

1. The site is within the countryside outside any defined development boundary, as defined in saved Policy DS3 of the Rother District Local Plan (2006). The application has been assessed against the Council's policies for G&Ts; together with the Government's Planning Policy for Traveller Sites (PPTS). The Council's requirement (under Policy LHN5 of the Rother Local Plan Core Strategy) to identify a further six permanent pitches to be provided between 2016 and 2028 to meet the identified need has been satisfied by the sites allocated under Policies GYP1 and BEX3 of the Development and Site Allocations (DaSA) Plan. 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 harm to the character and appearance of the rural area, and 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 Local Plan, saved Policy DS3 of the Rother District Local Plan (2006) and paragraph 172 of the National Planning Policy Framework.

2. The development represents a visual intrusion of caravans, vehicles and other external domestic paraphernalia in a rural, countryside setting which considerably harms the character and appearance of the High Weald AONB, contrary to Policies OSS4 (iii), BA1 (i), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA Local Plan, paragraphs 170 and 172 of the National Planning Policy Framework and Policy H, paragraph 25 of the Planning Policy for Traveller Sites.
3. The site lies within an unsustainable countryside location where occupiers of the development are highly reliant on private motor vehicles and are not able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development is contrary to Policies PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3 of the Rother Local Plan Core Strategy and paragraph 8 of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.
4. The development is located within 15m of an ancient woodland, contrary to standing advice produced by the Forestry Commission and Natural England. The development would result in the deterioration of an irreplaceable habitat, an ancient woodland, by way of increased disturbance, lighting from the caravans, compaction of the ground where the touring caravans would be stored and the uncertainty surrounding how foul and surface water drainage would be dealt with. Additionally, the impact of the development on protected species has not been assessed and therefore it has not been satisfactorily demonstrated that the development would not be harmful to them. Paragraph 175 of the National Planning Policy Framework directs that permission should be refused, given that no wholly exceptional reasons or a suitable compensation strategy has been provided. The development also conflicts with Policies EN1 (vi) and EN5 (viii) (ix) of the Rother Local Plan Core Strategy, Policy DEN4 (ii) of the DaSA Local Plan together with standing advice produced by the Forestry Commission and Natural England relating to ancient woodlands.

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|-----|----------------|---|
| 4.3 | RR/2006/3158/P | Erection of detached two storey dwelling house including dormer windows and rooflights – REFUSED. |
| 4.4 | RR/2005/1001/P | Erection of private stable block of three stables and a hay store – APPROVED CONDITIONAL. |
| 4.5 | A/56/304 | Outline: permission to erect an agricultural dwelling – REFUSED. |

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1: Presumption in favour of sustainable development
 - OSS1: Overall spatial development strategy
 - OSS2: Use of development boundaries
 - OSS3: Location of development

- OSS4: General development considerations
- BA1: Policy framework for Battle
- 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 DaSA Local Plan)
- SRM2: Water supply and wastewater management
- CO6: Community safety
- LHN5: Sites for the needs of Gypsies and Travellers
- LHN6: Gypsies, Travellers and Travelling Showpeople criteria
- EN1: Landscape stewardship
- 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 following policies of the ‘made’ Battle [Neighbourhood Plan](#) are relevant to the proposal:

- HD1: Development boundaries
- HD4: Quality of design
- HD5: Protection of landscape character
- HD6: Integration of new housing
- IN2: Maintain and improve existing infrastructure
- IN3: Parking and new development
- IN4: Pedestrian provision and safety
- EN2: Conservation of the natural environment, ecosystems and biodiversity
- EN3: The High Weald AONB and countryside protection

5.4 The National Planning Policy Framework, Planning Practice Guidance (PPG), PPTS and High Weald AONB Management Plan 2019 - 2024 are also material considerations, together with Section 85 of the Countryside and Rights of Way Act 2000, relating to conservation and enhancement of the AONB.

6.0 CONSULTATIONS

6.1 [Highway Authority](#) – **NO COMMENTS RECEIVED**

6.2 Environment Agency – **NO COMMENTS RECEIVED**

6.3 ESCC Gypsy and Traveller Liaison Officer – **NO COMMENTS RECEIVED**

6.4 Planning Notice

6.4.1 20 letters of objection have been received. The concerns raised are summarised as follows:

- Adverse impact on countryside and AONB.
- Highway and pedestrian safety.
- Harm to biodiversity and the environment.
- Breach of enforcement notice.
- Previous permission refused.
- Contrary to Neighbourhood Plan and Local Plan.

6.4.2 One letter general comment has been received. The comment is summarised as follows:

- Tree survey is out-of-date.

6.5 Battle Town Council – **OBJECTION**

6.5.1 *'Council opposes this application which fails to comply with the Battle CP Neighbourhood Plan Policies: IN1 Traffic Mitigation; IN2 Maintain and Improve Existing Infrastructure; IN4 Pedestrian Provision and Safety; EN2 Conservation of the Natural Environment, Ecosystems and Biodiversity and; EN3 The High Weald AONB and Countryside Protection.'*

7.0 LOCAL FINANCE CONSIDERATIONS

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

8.0 APPRAISAL

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

8.2 Planning history of the site

8.2.1 Under planning application reference RR/2005/1001/P a stable block 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.

8.2.2 In 2007, under planning application reference RR/2006/3158/P, planning permission was refused for a two-storey dwelling on the site. There were three reasons for refusal which are summarised as follows:

1. The site is within the AONB where policies at the time indicated that development would be carefully controlled to protect the character of the area. The proposal was considered to have a harmful effect on the rural character of the area.
2. The site lies outside of a recognised development boundary where policies at the time restricted the creation of new dwellings.

3. *'By reason of the introduction of a new dwelling utilising the existing access point the additional development would give rise to an increase in vehicular traffic hazards and would be detrimental to the free flow and safety of persons and vehicles by reason of the slowing, stopping, turning and reversing traffic. The access point does not have adequate visibility in either direction for the classification of road...'*

8.2.3 In February 2020, the Applicant purchased the site. In March/April 2020, the stable block building granted under reference RR/2005/1001/P was demolished and replaced with caravans used for residential occupation, which was and remains unauthorised. The retrospective planning application was submitted on the 9 April 2020. At the 13 August 2020 Planning Committee meeting it was resolved to refuse planning permission and issue an Enforcement Notice. The Enforcement Notice was issued on the 10 September 2020, which was subsequently upheld at appeal on the 10 November 2021, with the period of compliance set at 12 months. As of the 10 November 2022, the unauthorised change of use and associated works remain on the site and therefore are in breach of the Enforcement Notice.

8.2.4 Since the Enforcement Notice appeal was determined, the Applicant has employed a new planning agent, who is responsible for submitting the current scheme. They explain that additional information regarding the personal circumstances of the Applicant has now been provided, which was not set out in the planning appeal. They explain that the Applicant failed to be represented by their former planning agent who did not turn up to the virtual written representations appeal. As a result, the agent states the Applicant was not well represented and was not able to fully present their case. This application has been submitted with additional information in an attempt for the Applicant to justify their case.

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 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 G&T 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 G&Ts 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, ancient woodland, 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 definition of G&Ts, 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 families occupying the site meet the definition of a “G&T”.
 - ii) The need for sites for G&Ts, 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.
 - iv) Accessibility to services and facilities.
 - v) Highway safety.
 - vi) The effect on the adjacent ancient woodland and protected species.
 - vii) The impact on the living conditions of occupants of nearby residential properties.
 - viii) Personal circumstances, human rights and best interests of the children.
 - ix) Intentional unauthorised development.
 - x) The overall balance and whether any harm identified would be clearly outweighed by other considerations. If so, whether this would amount to very special circumstances which would justify the proposal.

8.5 G&T Status

- 8.5.1 The Planning Policy for Traveller Sites (PPTS) defines G&Ts at Annex 1, as:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their 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.

The PPTS, and Rother Local Plan Core Strategy Policies LHN5 and LHN6, only apply to G&Ts who meet this definition.

- 8.5.2 It should be noted that prior to 2015, the PPTS definition included additional wording, to also include persons who have ceased to travel permanently for the reasons set out in the definition, which is set out within the glossary of the Rother Local Plan Core Strategy (p.187). However, “or permanently” was removed in the 2015 version of the PPTS. This means that when the Rother Local Plan Core Strategy was adopted in 2014, the PPTS and Policies LHN5 and LHN6 of the Rother Local Plan Core Strategy would have applied to persons who had ceased to travel *temporarily or permanently* for the reasons detailed in the PPTS definition.
- 8.5.3 In respect of the 2015 PPTS definition of a G&T, the recent Court of Appeal judgement in *Smith v. SoS for Levelling Up, Housing and Communities* (31 October 2022) ruled that removing “or permanently” is discriminatory towards G&Ts who had permanently ceased to travel due to old age or illness, but who lived or wanted to live in a caravan. The discrimination was found to be inextricably linked to their ethnic identity (see paragraph 66 of the ruling).
- 6.5.4 At the time of considering the previous planning application in 2020, it was accepted by officers that the occupiers of the site met the 2015 PPTS definition of a G&T, which was helped in part by corroboration by a G&T Liaison Officer at a separate County Council. The Inspector for the subsequently upheld enforcement appeal, determined in November 2021, agreed that the occupiers were G&Ts. The same individuals still occupy the site and therefore, given the short passage of time that has passed, the occupiers of the site can be considered as G&Ts.
- 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 High Views, 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 Rother Local Plan Core Strategy are out of date. These factors will need to be given weight in determining planning applications for new gypsy and traveller pitches on unallocated sites, meaning that a lack of need for pitches could not be the sole reason for refusing a planning application for a PPTS-compliant gypsy or traveller site.

8.6.4 The GTAA (2022) also identifies a significant accommodation need for G&T in Rother who do not meet the PPTS definition. The Council's emerging Local Plan will need to address this need, and this is likely to be through a criteria-based policy along the lines of Policy LHN6 of the Rother Local Plan Core Strategy. The emerging Local Plan is not, however, at any consultation stage, and any emerging policies can currently be given no weight. If the PPTS definition of G&Ts were to change, in response to the Lisa Smith judgement, then it is likely that (in addition to a criteria based policy for any "windfall" sites), the new Local Plan would also be required to identify land to accommodate the needs of all "cultural" G&Ts, i.e. make sufficient site allocations.

8.6.5 While the emerging Local Plan currently has no weight, the fact the East Sussex GTAA (2022) has identified a current need for pitches for both PPTS-compliant and non-PPTS compliant G&Ts, above the need identified and planned for in the Rother Local Core Strategy, is a material consideration in the determination of the current planning application which carries significant weight.

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 in an open countryside setting, away from any established settlement. Much of the application site is open

agricultural land mainly laid to grass, surrounded by ancient woodland. In terms of AONB features, the boundaries of the site and field to the south, together with the adjoining field to the east (in separate ownership), are identified as historic field boundaries. The development for which permission is sought is concentrated towards the northwest corner of the field, behind a screen of vegetation which separates it from the road.

- 8.7.12 In determining the upheld Enforcement Notice appeal, the Inspector concluded that the caravans and associated domestic paraphernalia on the site are at odds with the rural character and setting of the surroundings. It was explained that whilst screening planting would go some way to reducing the impact, that argument could be repeated too often to justify unacceptable development to the overall detriment of the AONB. The Inspector found that the development has led to unacceptable harm to the natural beauty and scenic value of the AONB.
- 8.7.13 The Applicant's planning statement accepts that the site is in a landscape sensitive area but argues the AONB is a constraint that affects the majority of the district. It explains that the only settlements which are not affected by the AONB are Bexhill, part of Rye and Camber. To meet the needs of G&Ts across the district, they say sites will need to be located within this landscape constraint.
- 8.7.14 Whilst it is acknowledged the current scheme proposes to move the caravans away from the ancient woodland and replace one of them with a smaller unit, and additional planting would be provided to soften the impact of caravans and domestic paraphernalia from public vantage points, it is still the case that caravans are not characteristic of the immediate landscape. The mobile homes and the touring caravans would still be seen from the road and the surrounding ancient woodland which is covered by a Right to Roam. Views would change with the seasons as the trees and hedgerows come in and out of leaf and for this reason the development is likely to be more visible in the winter months. Whilst a stable block has been demolished, this, together with the previous use of the site, was rural in character. The caravans, on the other hand, appear incongruous and foreign in this countryside setting and change the character of the site to one of residential use. On top of this is the inevitable presence of external domestic paraphernalia such as vehicles, play equipment, washing and lighting at night from inside the caravans which will add to the harmful impact that the development has.
- 8.7.15 For the reasons set out, the development is viewed as representing a visual intrusion of caravans in a rural, countryside setting which considerably harms the character and appearance of the AONB, contrary to Rother Local Plan Core Strategy Policies OSS4 (iii), BA1 (i), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) and DaSA Policies DEN1 and DEN2. There is also conflict with paragraph 176 of the Framework which indicates that great weight should be given to conserving landscape and scenic beauty in the AONB which is afforded the highest status of protection.

8.8 Accessibility to services and facilities

- 8.8.1 The site is within the countryside around 1.5km from the development boundary of Battle and around 2.5km from the centre of the market town, where most of the services are found. The village of Netherfield is also in

excess of 2km from the site. The occupants of the development are dependent on the use of private vehicles for day-to-day requirements, with limited alternatives being available to access any shops, transport or other facilities due to the nature of the lane and its length together with a lack of pavements.

8.8.2 Whilst it is acknowledged that some occupiers of the site have disabilities which means access to public transport is challenging, the development would still undermine the aims of local and national planning policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to facilities. The development is contrary to 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 which seek to minimise the need to travel and to support the transition to a low carbon future.

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 southern side of Netherfield Hill (C96) along a section of the road that is subject to the national speed limit (60mph). The stable block granted in 2005 was served by an access only capable of accommodating one vehicle in one direction at any given time. That access has been widened to around 6m by the current owner and forms part of the development for which permission is sought to retain.

8.9.3 The issue of securing satisfactory visibility splays at the access was discussed and considered at length during the previous application and also looked at by the Inspector in upholding the Enforcement Notice appeal. In summary, it was concluded that satisfactory visibility splays for the development could be secured via condition. There would also be more than adequate space on site to park and turn vehicles. Compliance with planning conditions would avoid harm to highway or pedestrian safety.

8.10 Ancient woodland and protected species

8.10.1 Paragraph 180 (c) of the National Planning Policy Framework states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Objective W1 of the High Weald AONB Management Plan requires the existing extent of woodland and particularly ancient woodland to be maintained.

8.10.2 Policy EN5 of the Rother Local Plan Core Strategy states that biodiversity, geodiversity and green space will be protected and enhanced, by multi-agency working where appropriate, to (viii) ensure that development retains, protects and enhances habitats of ecological interest, including ancient

woodland, water features and hedgerows, and provides for appropriate management of these features.

8.10.3 Policy DEN4 of the DaSA sets out:

Development proposals should support the conservation of biodiversity and multi-functional green spaces in accordance with Rother Local Plan Core Strategy Policy EN5 and the following criteria, as applicable: (ii) development proposals should seek to conserve and enhance:

(a) The biodiversity value of international, national, regional and local designated sites of biodiversity and geological value, and irreplaceable habitats (including ancient woodland and ancient or veteran trees).

(b) Priority Habitats and Species; and Protected Species, both within and outside designated sites.

Depending on the status of habitats and species concerned, this may require locating development on alternative sites that would cause less or no harm, incorporating measures for prevention, mitigation and (in the last resort) compensation.

8.10.4 Standing advice produced by the Forestry Commission and Natural England states that the direct impacts of development on ancient woodland or ancient and veteran trees include:

- Damaging or destroying all or part of them (including their soils, ground flora or fungi).
- Damaging roots and understorey (all the vegetation under the taller trees).
- Damaging or compacting soil around the tree roots.
- Polluting the ground around them.
- Changing the water table or drainage of woodland or individual trees.
- Damaging archaeological features or heritage assets.

8.10.5 The standing advice explains that nearby development can also have an indirect impact on ancient woodland or ancient and veteran trees and the species they support. These can include:

- Breaking up or destroying connections between woodlands and ancient or veteran trees.
- Reducing the amount of semi-natural habitats next to ancient woodland.
- Increasing the amount of pollution, including dust.
- Increasing disturbance to wildlife from additional traffic and visitors.
- Increasing light or air pollution.
- Increasing damaging activities like fly-tipping and the impact of domestic pets.
- Changing the landscape character of the area.

8.10.6 The standing advice states that local planning authorities and developers should identify ways to avoid negative effects on ancient woodland or ancient and veteran trees. This could include selecting an alternative site for development or redesigning the scheme.

8.10.7 In terms of the recommended separation of development from ancient woodland, the standing advice states that a buffer zone of at least 15m should be provided to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, a larger buffer zone is likely to be required. For example, the effect of air pollution from development that results in a significant increase in traffic.

8.10.8 The proposed development would be located 15m or more from the edge of the ancient woodland, with native planting proposed in the area between. The submitted plan shows all buildings and structures to be removed from the area between the parking spaces and ancient woodland, which would be an improvement to the historic situation of when the stables were positioned close to the ancient woodland.

8.10.9 Although no formal ecological assessment has been made concerning the effect of increased domestic activity upon the habitat, the increased separation is a significant difference to the previous scheme and a compensation strategy has now been detailed. Overall, and subject to the compliance with relevant landscape and drainage conditions, the proposed development would not adversely impact on the ancient woodland or protected species.

8.11 Living conditions of occupants of nearby residential properties

8.11.1 The immediate neighbouring property to the east, 'Firtree Cottage', is the only nearby residential property that is likely to be directly impacted by the development. Whilst other locals may see glimpses of the development as they drive past or walk by the site, they should not be impacted in any other way.

8.11.2 The proposed repositioning of the caravans would result in them being slightly closer to the shared boundary with Firtree Cottage, although there would still be a separation of more than 40m. Given the substantial separation, no unacceptable overlooking, loss of outlook or loss of light occurs. The development comprises two residential units and are 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 'Firtree Cottage'.

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

8.12.1 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.*

8.12.2 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

- 8.12.3 The Local Planning Authority is advised that the five school aged children occupying the site are currently home schooled as they do not have a permanent address to secure places. This is supported by the fact that the occupiers of the site currently utilise a "care of" address for all their correspondence.
- 8.12.4 Through the consideration of the previous planning application, together with additional confidential information received as part of the current application, the Local Planning Authority has been advised that the female adult with two adult sons and two of the children living on the site have significant medical conditions and learning difficulties. In respect of the female adult, the medical information provided suggests various ongoing health issues. They are registered at a surgery more than 30 miles away. Turning to the two adult sons, their main carer is their mother, which is evidenced by social care professionals and related correspondence. The correspondence also explains the adult sons would not be able to occupy a public site or one where another family resides due to their medical conditions and learning difficulties. Evidence has been provided to substantiate their health issues. It demonstrates that the sons have significant medical needs, and they are not able to live independently. A care arrangement for the sons is in place which has been tailored around other family members who live in close proximity to the site.
- 8.12.5 In respect of the two dependent children with medical and educational needs, no evidence has been provided by way of letters from medical or educational practitioners.
- 8.12.6 If planning permission is refused, and any subsequent appeal is dismissed, it is likely that the families 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.
- 8.12.7 At the time of determining the 2020 planning application and when the Inspector upheld the subsequent Enforcement Notice appeal, there was considered no reason why very similar benefits could not be achieved on another settled site, such as those allocated in the DaSA. On this basis there

was considered an alternative site available which, at that time, reduced the weight which could be given to the families' personal circumstances.

- 8.12.8 However, as set out earlier in the report, there are significant doubts over the deliverability of the allocated DaSA sites. In addition, the 2022 needs survey identifies that additional pitches will be needed in the district.
- 8.12.9 The best interests of the children living on the site are to remain on the site and for the 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 (albeit the site is not considered to be sustainably located) and opportunities for play and personal development.
- 8.12.10 Given there is real uncertainty over suitable alternative sites to accommodate the families in a safe and reasonable way, in the circumstances, the best interests of the children and personal circumstances of the other occupiers of the site must be given significant weight.

8.13 Intentional Unauthorised Development

- 8.13.1 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. It is also considered relevant to have regard to the specific circumstances of this matter and the challenges posed by COVID-19, which is when the occupiers first moved onto the site.
- 8.13.2 Nevertheless, in 2020 there was intentional unauthorised development, but given this was at the time of the COVID-19 lockdown and the overall circumstances, including the personal needs of occupiers of the site, this carries limited weight against the development.

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 and PPTS.
- 9.2 The development represents a visual intrusion of caravans in a rural, countryside setting which considerably harms the character and appearance of the AONB. On top of this is the presence of external domestic paraphernalia such as vehicles, play equipment, washing and lighting at night

from inside the caravans which add to the harmful impact that the development has. For these reasons the development conflicts with Policies OSS4 (iii), BA1 (i), 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. 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.

- 9.3 In addition, the location of the site is unsustainable. The development undermines 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 being contrary to local and national policies on moving to a low carbon future. The development conflicts 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. Given that the development consists of just two residential units, the harm is somewhat limited, but should still be afforded moderate weight.
- 9.4 It is acknowledged that intentional unauthorised development took place in 2020. However, given this was at the time of the COVID-19 lockdown and the overall circumstances, including the personal needs of occupiers of the site, this only carries limited weight against the development.
- 9.5 Notwithstanding the issues weighing against the development, there are significant doubts over the deliverability of allocated sites for G&Ts within the DaSA. On top of this, the East Sussex GTAA (2022) has identified a current need for pitches for both PPTS-compliant and non-PPTS compliant gypsies and travellers, above the need identified and planned for in the Rother Local Plan Core Strategy. This is a material consideration in the determination of the current planning application which carries significant weight.
- 9.6 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. As explained earlier in the report, given there is real uncertainty over suitable alternative sites to accommodate the families in a safe and reasonable way, in the circumstances, the best interests of the children and personal circumstances of the other occupiers mean it is best for them to remain on the site and this must be given significant weight.
- 9.7 Issues relating to highway safety, ancient woodland, protected species and neighbouring amenity are neutral factors provided conditions are imposed on any planning permission and these are complied with.
- 9.8 In summary, the proposed development would result in harm to the landscape and scenic beauty of the AONB which must be given great weight. The unsustainable location of the site also attracts moderate weight. In addition, intentional unauthorised development has taken place, but this only carries limited weight against the scheme. However, significant weight in favour of

the development must be given to the fact that there is a current lack of local provision of G&T sites. There is also no alternative accommodation for the occupiers to move to, which is another significant factor in favour of the development. On top of this are the personal circumstances of the occupiers of the site, including the best interests of the children, which attract significant weight.

- 9.9 Overall there is conflict between the issues weighing for and against the development. The main factor against the development is the harm to the landscape and scenic beauty of the AONB. In time, once a new Local Plan is adopted with G&T allocations, there is a real possibility of more suitable alternative sites being available. With this in mind, it is important to consider the proposal is for a temporary three-year period. Given the significant issues highlighted weighing in favour of the proposal, in the circumstances, and on balance, the application should be supported.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The use hereby permitted shall be discontinued, and the caravans removed from the site on or before 22 June 2026.
Reason: The residential use of the site is not considered suitable on a permanent basis in this location due to the harm it causes to the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty but is permitted on a temporary basis due to current lack of local provision of Gypsy and Traveller sites. There is also no alternative accommodation for the occupiers to move to and the personal circumstances of the occupiers mean it is in their best interests to remain on the site at the current time. A temporary permission will time limit the harm to the landscape and 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.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Location Plan (2022-1321v1-Location dated 4 October 2022)
Block Plan (2022-1321v1-ExistBlock dated 4 October 2022)
Block Plan (2022-1321v1-PropBlock dated 4 October 2022)
Reason: For the avoidance of doubt and in the interests of proper planning
3. Within two months of the date of the decision, the site shall be laid out in accordance with the approved block plan (2022-1321v1-PropBlock dated 4 October 2022)
Reason: To protect the ancient woodland adjacent to the site, including any protected species that may be present, from increased disturbance, lighting from the caravans and compaction of the ground where the touring caravans would be stored in accordance with Policies EN1 (vi) and EN5 (viii) (ix) of the Rother Local Plan Core Strategy, Policy DEN4 (ii) of the Development and Site Allocations Local Plan, paragraph 180 of the National Planning Policy Framework, together with standing advice produced by the Forestry Commission and Natural England relating to ancient woodlands.

4. Within two months of the date of the decision, a soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of species, planting method and a plan showing the position of the planting. The scheme shall be planted in the next planting season following written approval by the Local Planning Authority. If within a period of five years from the date of planting any tree or plant is removed, uprooted, destroyed or defective, another tree or plant of the same species and size as originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason: To enhance the setting of the development in the interests of conserving 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.
5. Within two months of the date of the decision, a scheme for the provision of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Within two months of the written approval of the Local Planning Authority, the foul and surface drainage works shall be provided and thereafter maintained in accordance with the approved details.
Reason: To ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.
6. Within two months of the date of the decision, visibility splays measuring 2.4m by 95m to the northwest and 2.4m x 155m to the southeast shall be provided. The visibility splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
7. Within six months of the date of the decision, the access shall be reconstructed in accordance with the attached HT407 diagram.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
8. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such. The occupation of the site shall also be restricted to only Ms Sherri McCallister and Ms Susan Smith 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 on a temporary 3-year basis due to the personal circumstances of the Applicant and their way of life, which mean that they meet the definition of a "gypsy or traveller".

9. There shall be no more than two pitches within the site. On each of the two pitches hereby approved no more than two caravans shall be stationed at any one time, of which no more than one shall be a mobile home or a static caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

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.

10. 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: Reason: To preserve the amenities of the locality, in accordance with Policy OSS4(ii) of the Rother Local Plan Core Strategy.

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

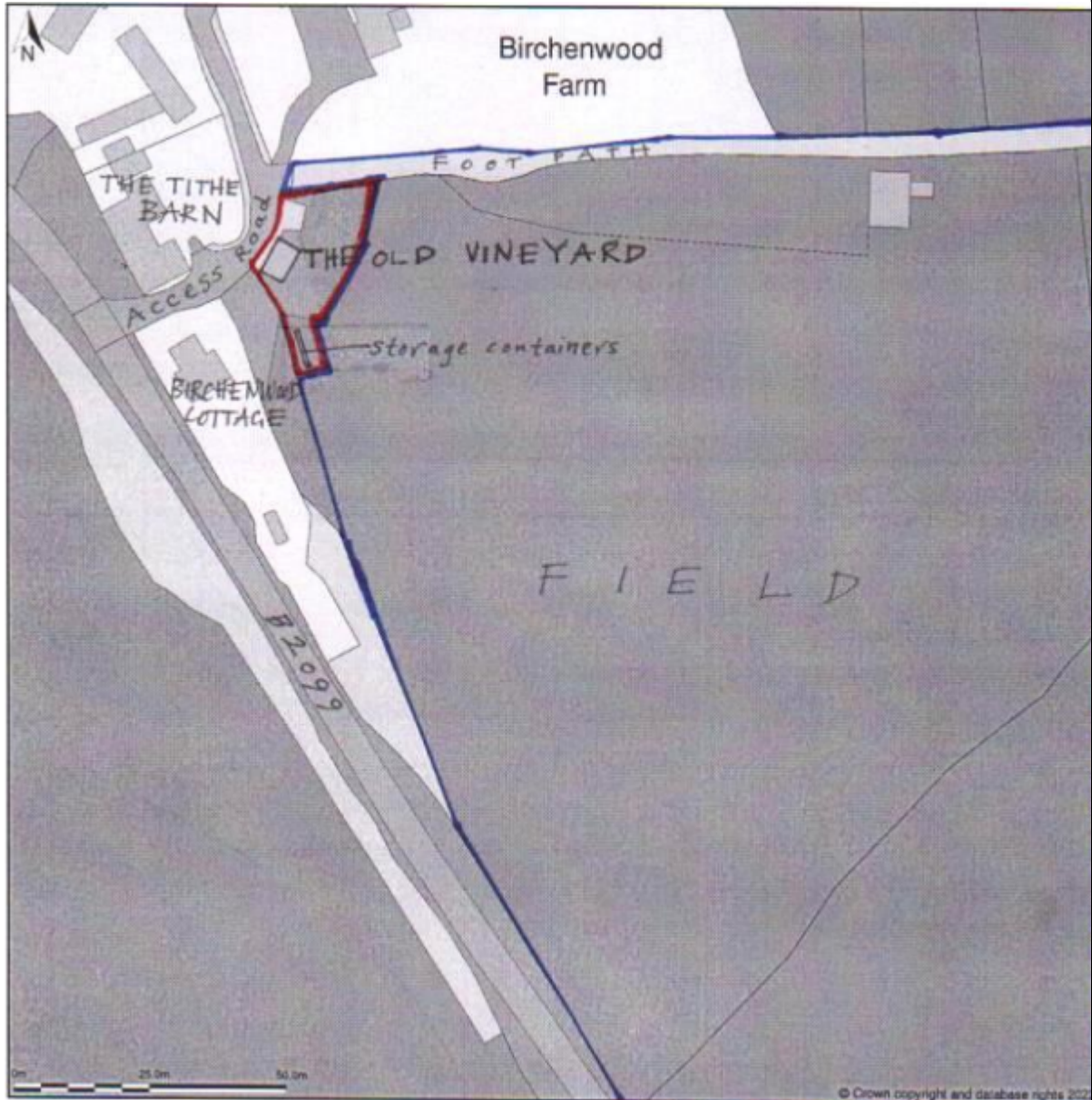
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SITE PLAN

TICEHURST

RR/2023/272/P

The Old Vineyard – Land at,
Birchenwood Farm,
Pashley Road,



Rother District Council

Report to	-	Planning Committee
Date	-	22 June 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2023/272/P
Address	-	The Old Vineyard – Land at, Birchenwood Farm, Pashley Road, Ticehurst
Proposal	-	Building operations and an extension to the existing shed building to provide residential accommodation for a gypsy and traveller, together with the removal of the storage containers.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Ms C. Stanley
Agent: Michael Hargreaves Planning
Case Officer: Mrs S. Shepherd
(Email: sarah.shepherd@rother.gov.uk)

Parish: TICEHURST
Ward Members: Councillors Mrs M.L. Barnes and T.M. Killen, MBE

Reason for Committee consideration: Member referral: Cllr Mrs Barnes for the following reasons:

- This is not a sustainable site for development, no public pavement, is a dangerous road, no public transport, no local facilities for approximately a mile in each direction.
- Site not in the Ticehurst Neighbourhood Plan and outside the permitted development boundary.
- It would be a new and permanent building in the countryside.

Statutory 8-week date: 19 April 2023
Extension of time agreed to: 26 June 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 This is a full application that seeks to convert and extend an existing shed on the site to provide a modest 1-bedroom dwelling unit for occupation by the Applicant who is a Romany Gypsy. There are some clear parallels between

the Applicant's situation and that of Lisa Smith, (Lisa Smith Judgement is detailed below) and it appears that the Applicant has been disadvantaged by the change to the Planning Policy for Traveller Sites (PPTS) definition in the same way that Lisa Smith had. Both the Human Rights Act 1998 and Equalities Act 2010 protect Gypsies and Travellers' (G&Ts) cultural and ethnic way of life. This protection applies regardless of whether G&T have permanently ceased to travel.

- 1.2 The application also proposes the removal of three old metal storage containers from the site and additional landscape planting. No caravans are proposed. Amenity space is confined to the existing hardstanding. The adjoining field is in the same ownership and is where the Applicant keeps her horse.
- 1.3 There is uncertainty regarding the deliverability of the allocated Development and Site Allocations (DaSA) sites for G&T and the recently completed East Sussex Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (GTAA) (2022), which will inform the Council's emerging Local Plan, indicates the need and shortfall for such accommodation in Rother. The proposal is considered to have limited harm to the Area of Outstanding Natural Beauty (AONB) and be in a moderately unsustainable location. Its impact on the setting of the adjacent listed building is considered to be neutral. Objections on highway grounds are not supported by the Highway Authority.

2.0 SITE

- 2.1 The site, a former vineyard, lies to the northeast side of Pashley Road accessed via a shared private unmade drive, which serves a number of houses. The site lies approximately 1km east of Ticehurst. The application site consists of an area of hardstanding containing a concrete block building/shed with a corrugated roof and three storage containers, adjacent the entrance gate. The building, hardstanding and containers were already on the site when the Applicant purchased it in 2016 and are not themselves subject of the enforcement Notice on the site. The remainder of the ownership contains a field grazed by horses, with stables incorporating a covered area under trees within the field. Public footpath 24b runs along the northern boundary within the site although separately fenced. The site is contained by hedges and trees but there are views out eastwards as the ground levels fall away in that direction.
- 2.2 The grounds of Birchenwood Farmhouse adjoin to the north side of the public footpath with the Grade II listed building, Birchenwood Cottage to the southern side of the site entrance and shed building. The site is located outside the development boundary for Ticehurst, as contained in the adopted Neighbourhood Plan and lies within the countryside of the High Weald AONB.

3.0 PROPOSAL

- 3.1 The application details the proposed extension of the existing shed (outbuilding located adjacent the entrance gate), and conversion to a 1-bedroom residential dwelling for use by a G&T, together with removal of the old storage containers to the south of the hardstanding. The resultant building

would be single storey with a flat roof and clad with timber to the front and sides. The unit would provide a bedroom, bathroom and open plan kitchen/living room, with a footprint of only 43.32sqm, (internal floorspace would be slightly less). The width of the building would remain the same at 7.6m with the depth increased from 3.5 to 5.7m. With regard to the use for a G&T it has been confirmed that the proposal is not for the siting of any caravans and for occupation of the building by the existing owner and applicant who is a gypsy. Additional planting to the wider site is also proposed on a submitted amended plan.

- 3.2 The application is supported by a planning statement(s) detailing the Applicant's personal history and circumstances as a G&T, with health details and additional information with regard to traffic movements.

4.0 HISTORY

- 4.1 RR/2016/2798/P Change of use of land and outbuildings from agricultural to equestrian and alterations and extension of outbuilding to form trackroom/store/wc. REFUSED.
- 4.2 RR/2016/3033/P Siting of caravan. (Retrospective). REFUSED.
- 4.3 RR/2017/930/ENF Appeal against enforcement notice issued for Material Change of Use and Operational Development. Change of use of land to residential purposes and the siting of a residential caravan and storage of a horse trailer and other materials. Appeal dismissed. (Decision attached at Appendix 1)

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- LHN5 and LHN6 of the Core Strategy are the Council's strategic planning policies for meeting the accommodation needs of Gypsies, Travellers and Travelling Showpeople.
 - PC1 (Presumption in favour of sustainable development)
 - OSS1 (Overall Spatial Development Strategy)
 - OSS3 (Location of development)
 - OSS4 (General Development Considerations)
 - RA2 (General Strategy for the Countryside)
 - RA3 (Development in the Countryside)
 - CO6 Community safety
 - EN1 (Landscape Stewardship)
 - 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 (The High Weald AONB)
 - DEN4 (Biodiversity and Green Space)
 - DIM2 Development boundaries
- 5.3 The following policies of the adopted Ticehurst [Neighbourhood Plan](#) are relevant to the proposal:
- R1 (Conserve the AONB)
 - R5 (Support Biodiversity)
 - H1(2) (The Spatial Plan)
 - H5 (Design).
- 5.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations. With particular reference to the PPTS (2015) (including Policy H - Determining planning applications for traveller sites) and National Planning Policy Framework paragraph 176 and Section 85 of the Countryside and Rights of Way Act 2000, with regard to conservation and enhancement of the AONB.
- 5.5 The High Weald AONB Management Plan 2019 - 2024 is also a material consideration.

6.0 CONSULTATIONS

6.1 ESCC Highways – **NO OBJECTION**

6.1.1 *This application originally attracted highway objection due to the substandard access and visibility. Further information has been provided by the Applicant in order to overcome the objection. Because the shed and field are all part of the same plot and the Applicant already visits the site to tend animals, the intensification of a 1- bedroom dwelling (4 trips) would be cancelled out by the fact the Applicant already visits the site twice a day (4 trips) to tend to horses/ dogs on the field part of the plot. Clarification has also been given about the use of the site and field, which will be retained for use by the occupier/owner of the shed building to limit potential vehicle movements. On balance, despite the access being substandard, I am now confident there would be no intensification of the access based on the current use and I wish to withdraw my objection subject to the imposition of the following conditions.*

6.2 Waste and recycling – No detailed comment.

6.2.1 It is noted that other bins are collected from the roadside in this location.

6.3 Planning Notice

6.3.1 153 letters of objection have been received (from 97 properties, some different residents and several duplicates). The concerns raised are summarised as follows, with some being reiterated in response to the additional information submitted:

- Inappropriate new dwelling in AONB – caravan previously dismissed on appeal as would harm the AONB.
- Harm to AONB from domestic paraphernalia.

- Site lies outside any defined development boundary and Ticehurst has allocated housing sites.
- No exceptional circumstance for a new dwelling is identified.
- Could lead to further development in future.
- Design unsuitable and not in accordance with the HW Design Guide.
- Impacts on walkers of the footpath.
- Harm to landscape character and appearance.
- Dangerous road – a number of accidents (5) are recorded by locals since 2000.
- Poor access and lack of suitable sight lines.
- No footway or lighting to road so car reliant access to/from site.
- Unsustainable location.
- Harm to neighbours and listed buildings.
- Applicant's aversion to bricks and mortar is unsubstantiated.
- Concerns regarding ethnic definition.
- Previous disregard for planning rules.
- Lack of local facilities.
- Increased pollution.
- No need for further gypsy and traveller sites as already have allocated sites.
- Rubbish on site.
- A single dwelling has no issues but would open the way for more.
- Should stay as agricultural.
- May not comply with building regulations.
- Unsuitable for caravans.
- Hardstanding harmful.

6.4 Ticehurst Parish Council – **OBJECTION**

6.4.1 Comments summarised:

- The parish is unable to comment on the ethnicity of the Applicant or the validity of any reliance on such ethnicity to warrant a new dwelling outside the development boundary of Ticehurst, so our comments are made without reference to the ethnicity claim. We understand that both issues are the subject of a wider legal review.
- Outside development boundary and not an application under paragraph 80 of National Planning Policy Framework
- Is in an unsustainable location.
- Is on a dangerous bend of B2099 where is a high degree of speeding traffic.
- No footway to the village so is vehicle reliant.
- Substandard visibility.
- Is a free bus service for school children as road is too dangerous to walk.
- The council do not feel that the status on its own warrants the development of a dwelling outside the development boundary and in the AONB on a site not identified as suitable for development during the Neighbourhood Plan process.
- Planning status of shed is unknown.
- The site is noted by the previous appeal inspector to not qualify as isolated in terms of National Planning Policy Framework Para 80.
- Development is inappropriate in the AONB.

- Should Rother consider the ethnicity grounds qualify as special circumstances for the application, the parish would request an explicit condition be placed on any approval to limit the number of dwellings on this site (permanent or mobile), to the single dwelling that is being applied for. A restrictive covenant ensuring that no additional occupation takes place and we would further request that this be made explicit with a restriction on overnight stays from any visitors.
- The fence to the public bridleway (footpath) has collapsed.
- There may be an existing breach of the enforcement notice.
- Design and Access Statement refers to the Applicant's 'aversion to bricks and mortar', in support of the ethnicity claim, yet the application is not seeking approval for a mobile unit, but one made partially of masonry construction, raising an inconsistency in the application.

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 £11,101.

8.0 APPRAISAL

- 8.1 The main issues are: definition of G&Ts and impact of the Lisa Smith Judgement; supply of pitches; principle of development and impacts on the area including the AONB; highway matters; setting of listed buildings; enforcement notice; neighbour impacts; other matters.
- 8.2 **Whether the Applicant meets the definition of G&T, and the impact of the "Lisa Smith judgement".**
- 8.3 The PPTS defines Gypsies and Travellers at Annex 1, as:
Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their 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.
 The PPTS, and Rother Local Plan Core Strategy Policies LHN5 and LHN6, only apply to G&T who meet this definition.
- 8.4 It should be noted that prior to 2015, the PPTS definition included additional wording, to also include persons who have ceased to travel permanently for the reasons set out in the definition. However, this was removed in the 2015 version of the PPTS. This means that when the Rother Local Plan Core Strategy was adopted in 2014, the PPTS and also Policies LHN5 and LHN6 of the Rother Local Plan Core Strategy would have applied to persons who had ceased to travel *temporarily or permanently* for the reasons detailed in the PPTS definition.
- 8.5 The supporting statement submitted with the planning application confirms that the Applicant is a Romany Gypsy, and in need of culturally appropriate accommodation which meets her needs. It also contends that following the

recent “Lisa Smith judgement” in the Court of Appeal, the definition of who is a G&T for planning purposes (i.e. the PPTS definition) is in flux. It notes that the planning application is based on the Applicant coming within the terms of the definition in the light of the Lisa Smith judgement.

- 8.6 The supporting statement provides detailed information about the Applicant’s way of life, throughout her life, indicating that she formerly led a nomadic habit of life, and she temporarily ceased travelling on account of her children’s education. In more recent years she continued to live a gypsy way of life and until recently she had not permanently ceased travelling. However, she is now elderly and has been diagnosed with a health condition and is awaiting treatment. She is now in a position where she has permanently stopped travelling because of her age and health.
- 8.7 Consequently, the Applicant no longer meets the PPTS definition of G&Ts because she has permanently ceased travelling. On this basis (and setting aside the implications of the Lisa Smith judgement), neither the policies of the PPTS nor Rother Local Plan Core Strategy Policies LHN5 and LHN6 would apply to the determination of this application (note that under the previous PPTS definition (pre2015), the Applicant would have still met the definition).
- 8.8 However, the implications of the Lisa Smith judgement must be considered. In short, the judgement found that the definition of G&T contained within the PPTS was discriminatory in that case because G&T who have permanently ceased to travel due to age or disability are excluded from the definition. While it has been suggested by many sources that this will mean the PPTS definition will need to change, this has not (yet) taken place. In the absence of any guidance from the Government on this point, it is necessary to continue to determine planning applications in accordance with the development plan, unless material considerations indicate otherwise.
- 8.9 This means that the adopted version of the PPTS (2015) must be taken into account in the preparation of development plans and remains a material consideration in planning decisions. This includes its definition of G&Ts. However, the recent judgement is also a significant material consideration in planning decisions. It is necessary to consider the specifics of every proposal on its individual merit, taking into account all relevant material considerations. This approach is supported by the last paragraph of the Lisa Smith judgement (also noted at paragraph 5.2 of the submitted supporting statement):
‘139. ...The consequences ... for future decision-making on applications for planning permission and appeals in which the relevant exclusion is engaged will inevitably depend on the particular circumstances.... In every such case it will be for the decision-maker – whether a local planning authority or an inspector – to assess when striking the planning balance what weight should be given, as material considerations, to the relevant exclusion and to its discriminatory effect as obtains at the time, and also to undertake such assessment as may be required under Article 8 of the [European] Convention [on Human Rights]. As is always so, the result of that process of decision-making will emerge from the facts and circumstances of the individual case’.
- 8.10 In terms of the weight that should be given in determining the current planning application, to “the relevant exclusion” (i.e. the exclusion from the PPTS definition of G&Ts who have permanently ceased to travel) and to its discriminatory effect, it should be noted that the Applicant is: (1) a Romany

Gypsy, (2) elderly and (3) potentially disabled within the definition of the Equality Act 2010, due to the health condition. Race, age and disability are all protected characteristics under the Equality Act. The Lisa Smith judgement found that Lisa Smith, as a Romany Gypsy, had “suffered indirect discrimination, on the basis of age, race and disability, which had not been justified” (paragraph 132). Paragraph 65 of the judgement notes: *“Romany Gypsy is an ethnicity... The relevant defining feature of that ethnicity is not ‘being nomadic’:..., it is the act of living in caravans which is an integral part of the Gypsy/Traveller way of life. The aversion of G&T to “bricks and mortar” has been noted in numerous cases...”* The submitted supporting statement notes (para 5.6) that when the Applicant lived in a house surrounded by other dwellings for a period in the 1990s, *“she experienced acute feelings of claustrophobia. In explaining how she felt she compares living in the house to being like a wild bird in a cage.”*

- 8.11 As to the weight to be given to the various material considerations in this case, there are some clear parallels between the Applicant’s situation and that of Lisa Smith, and it appears that the Applicant has been disadvantaged by the change to the PPTS definition in the same way that Lisa Smith had. Both the Human Rights Act 1998 and Equalities Act 2010 protect G&Ts’ cultural and ethnic way of life, including living in a caravan. This protection applies regardless of whether G&Ts have permanently ceased to travel and is a material consideration.
- 8.12 **The need for and supply of pitches for gypsies and travellers who meet and who do not meet the PPTS definition**
- 8.13 As noted above, the adopted Local Plan only applies to those G&Ts who meet the PPTS definition (“PPTS-compliant gypsies and travellers”). However, the recently completed East Sussex Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (GTAA) (2022), which will inform the Council’s emerging Local Plan, also considered the accommodation needs of those “cultural” gypsies and travellers who have permanently ceased to travel (those who are “non-PPTS compliant”).
- 8.14 Policy LHN5 of the Rother Local Plan Core Strategy confirms that, to meet the identified need for (PPTS compliant) G&T accommodation, provision will be made for five permanent pitches within Rother over the period 2011-2016, and a further six pitches between 2016 and 2028. Paragraph 13.3 of the DaSA Local Plan confirms that five pitches were granted planning permission between 2011-2016, and that the outstanding need of six pitches (as at 2018, the base date of the DaSA Local Plan), is to be met through the allocation of two sites: Land adjacent to High Views, Loose Farm Lane, Battle (1 pitch) and Land at North Bexhill (5 pitches). Both of these sites remain undeveloped although outline planning permission has been granted for two pitches at Land at North Bexhill (RR/2020/1672/P).
- 8.15 Since 2018 (the base date of the DaSA Local Plan), four permanent pitches have been approved at Bramble Farm, Staplecross (RR/2020/1181/P), two permanent pitches have been allowed on appeal at Land adjoining High Views, Loose Farm Lane, Battle (RR/2019/1565/P), with two further pitches granted permission at High Views (RR/2023/311/P & 317/P) and one temporary pitch has been approved at Kingwood Hill, Brede (RR/2020/1613/P). Therefore, through the site allocations and (on different

sites) the planning permissions detailed, the need for six pitches between 2016-2028, as identified in the Core Strategy, has been met and exceeded. However, the allowed appeal decision for two G&T pitches at High Views, Battle, in 2021 (RR/2019/1565/P), considered the need for gypsy and traveller pitches and the allocated sites in the district, concluding:

34. ... the Council has set a local pitch target and allocated sites to meet this. It also has a five-year supply of pitches. However, there are some doubts regarding the deliverability of the allocated pitches and the locally set target was based on seriously out of date evidence. These latter factors weigh in favour of the proposal.

- 8.16 While the appeal at Land at High Views was allowed, it should be noted that another appeal at Land to the rear of Fir Tree Cottage, Netherfield Hill, Battle, was dismissed (RR/2020/599/P, Nov 2021). The Inspector in that appeal found that the need for additional sites and lack of alternative sites had not been demonstrated and that harm to the AONB, ancient woodland and the unsustainability of the location weighed against the proposal. However, the subsequent more recent East Sussex assessment of the need for pitches indicates that there is a clear lack of sites.
- 8.17 The East Sussex GTAA (2022) also considers the needs of non-PPTS compliant gypsies and travellers, in line with the National Planning Policy Framework requirement for strategic policies in Local Plans to meet local housing needs, including through addressing the needs of groups with specific housing requirements (National Planning Policy Framework paras 61-62). The GTAA (para S9) notes: *“There is an expectation that whilst calculating the level of additional accommodation need for G&Ts who meet the PPTS 2015 planning definition and identifying how that need will be met (i.e. additional land supply), that local authorities also need to identify the level of need and means by which they have considered and will address the additional accommodation needs of those who do not meet this definition. This related to all who are ethnically recognised as G&Ts (in line with the Humans Rights Act 1998 and the Equalities Act 2010).”*
- 8.18 Therefore, the GTAA identifies the accommodation needs of G&Ts in three ways:
1. *Ethnic definition* - Accommodation need figures for G&Ts based on their ethnic identity (not taking into account whether they have permanently ceased to travel or not).
 2. *PPTS 2015 definition* - Accommodation need figures for G&Ts who meet the definition set out in the PPTS (those who travel with a caravan for work or other purposes and including those who have temporarily ceased to travel).
 3. *Work definition* - A narrower interpretation of the PPTS definition with only accommodation need figures for G&Ts who travel with a caravan for work purposes, including those who have temporarily ceased to travel (but does not take account of G&Ts who travel for other purposes).
- 8.19 The accommodation need identified for Rother, in the East Sussex GTAA (2022), is as follows:

Period	Ethnic definition	PPTS 2015 definition	Work definition
Total 2021-26	12	4	2
Total 2026-31	4	3	3
Total 2031-36	5	5	4
Total 2036-40	5	4	4
Total 2021-40	26	16	13

Source: GTAA 2022

- These figures assume that the two pitches at Watermill Lane, Bexhill with outline planning permission (RR/2020/1672/P) are built during the period 2021-2026. No reserved matters application has been received for this site, and the outline permission expires in December 2023.
- If these two pitches are not delivered, then the need for that period will increase by two pitches.
- The figures do not take account of the four other pitches allocated through adopted DaSA policy but not yet permitted or delivered (three others at Watermill Lane, Bexhill and one at High Views, Battle – the deliverability of which were questioned in the High Views appeal decision).
- As the base date of the GTAA is April 2021, the figures also do not take account of the two pitches permitted in December 2021 at High Views, Battle, or the temporary permission for one pitch at Kingwood Hill, Brede.
- If all three recently permitted pitches are taken into account (although the temporary permission at Kingwood Hill is only for three years) but the two pitches at Bexhill are *not* delivered, this leaves an outstanding requirement in Rother for three pitches for 2021-2026 for PPTS-compliant G&Ts, or 11 pitches if the needs of non-PPTS compliant G&Ts are also taken into account. Clearly, the three pitches could be met through the existing DaSA allocations, but there is some doubt as to the deliverability of these pitches.

8.20 The publication of the GTAA (2022) strengthens the position that was adopted by the Inspector at the High Views appeal in 2021 (RR/2019/1565/P): that the Council may not currently have a deliverable 5-year supply of pitches for PPTS-compliant G&Ts, and that the locally set targets contained within the Rother Local Plan Core Strategy are out of date. These factors will need to be given weight in determining planning applications for new G&T pitches on unallocated sites, meaning that a lack of need for pitches could not be the sole reason for refusing a planning application for a PPTS-compliant gypsy or traveller site.

8.21 As is clear from the figures above, the GTAA (2022) also identifies a significant accommodation need for G&Ts in Rother who do not meet the PPTS definition. The Council's emerging Local Plan will need to address this need, and this is likely to be through a criteria-based policy along the lines of Policy LHN6 of the Rother Local Plan Core Strategy. The emerging Local Plan is not, however, at any consultation stage, and any emerging policies can currently be given no weight. If the PPTS definition of G&Ts were to change, in response to the Lisa Smith judgement, then it is likely that (in addition to a criteria based policy for any "windfall" sites), the new Local Plan would also be required to identify land to accommodate the needs of all "cultural" G&Ts, i.e. make sufficient site allocations.

- 8.22 While the emerging Local Plan currently has no weight, the fact the East Sussex GTAA (2022) has identified a current need for pitches for both PPTS-compliant and non-PPTS compliant G&Ts, above the need identified and planned for in the Rother Local Plan Core Strategy, is a material consideration in the determination of the current planning application.
- 8.23 There are no G&T policies within the Ticehurst Neighbourhood Plan and hence the application falls to be considered against the Local Plan policies and other material considerations as set out above.
- 8.24 The principle of development at this location and impacts on the AONB**
- 8.25 The proposal is for a new dwelling in the countryside and therefore should be assessed against Policy RA3 of the Rother Local Plan Core Strategy. The 2021 High Views appeal (RR/2019/1565/P) considered Policy RA3 in relation to G&T sites:
- 19. Policy RA3 of the Rother Local Plan Core Strategy allows the creation of new dwellings in the countryside in extremely limited circumstances. The policy includes reference to four such circumstances. The appellant and Council agreed at the hearing that this list is not closed and therefore other extremely limited circumstances not listed could occur and be consistent with Policy RA3.*
- 20. In this respect Policy LHN6 of the CS provides a potential pathway for permitting G&T sites in the countryside. It sets out several criteria and if these are met then it is reasonable to conclude that an ‘extremely limited circumstance’ for the purposes of Policy RA3 would have occurred. The criteria address several matters such as being close to a settlement, appropriate in scale and accessible by sustainable transport.*
- 8.26 However, as considered above, strictly speaking, Policy LHN6 does not apply to this planning application because the Applicant does not meet the PPTS definition of a G&T. However, given the Lisa Smith judgement, it may be appropriate to take a different view and give Policy LHN6 some weight, particularly because when it was adopted in 2014, it would have applied to those who have temporarily or permanently ceased travelling.
- 8.27 Policy LHN6 is a criteria-based policy to be used in assessing both planning applications and site allocations for GTTS sites. Permission may be granted when all of the criteria are met. Whether or not all the criteria are met is essentially a matter for the decision maker, but the criterion which potentially presents the most difficulty for this planning application is (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”*. While this does not mean that sites must be within existing settlements (as per para 15.50 of the Rother Local Plan Core Strategy), it does set a clear test that sites must be sustainably located and accessible to local services. This is in line with the Overall Spatial Strategy generally and other relevant Local Plan policies and National Planning Policy Framework paragraphs. The application seeks to address this issue at paragraph 7.10 of the Supporting Statement by pointing out that the Applicant while subject to the use of the car, given a lack of footway and bus stop, would be driving fewer miles to the village centre and its services than she currently undertakes in her daily visits to the site. It is however noted that the current proposal is probably less sustainably located compared to recently permitted G&T sites (High Views and Kingwood Hill),

which are accessible to local services by walking via footway, or public transport. It is also worth noting that the location is adjacent existing dwellings and as noted within the appeal at paragraph 34 the site does not represent an isolated site in the countryside. This is particularly pertinent with regard to paragraph 80 of the National Planning Policy Framework which seeks to avoid new isolated dwellings in the countryside but hence there is no conflict with this aspect of the proposal. Given that the proposal relates only to a single small unit of accommodation moderate weight is given to the lack of sustainability in this case.

- 8.28 Clearly, another consideration is the effect of the proposal on the landscape and character of the High Weald AONB, as per criteria (ii) of Policy LHN6 which states: *“The site should not result in an unacceptable visual or landscape impact, especially in the High Weald AONB taking account of proposed landscaping and screening;”*. It is noted that the effect on the AONB was a consideration in the appeal at this site in 2017 and while the Inspector references the caravan, which was particularly incongruous by reason of its colour and siting, she also references domestic paraphernalia and comments at para 35: *“The caravan, while located close to the boundary, results in encroachment of development into open countryside and the wider landscape. Furthermore, domestic paraphernalia adds to the effect of the residential use of the AONB, such as the washing line, plant pots, picnic bench and table. The caravan and its residential use increases the development on the site and, in my view, harms the landscape and natural beauty of the AONB.”*
- 8.29 The application seeks to mitigate any harm by proposing to timber clad the extended building for residential use, remove the metal containers from the land and undertake further planting to screen the development. To date a few infill native trees have been planted to the field boundaries with a collection of fruit trees to the southeast of the hardstanding and building. The block plan indicates additional tree planting to the fruit tree area and also to the northeast of the hardstanding/building. All of these changes would aid enhancement of the existing site and reflect the location within the landscape. The question remains as to whether these improvements would be sufficient to fulfil the policy requirement which clearly advises at LHN6(ii) that we must take account of proposed landscaping and screening. The building itself as proposed is not considered to be harmful in its form, material finish or siting, tucked as it is adjacent the boundary and sited with other more prominent (higher) buildings to its backdrop and reflecting materials suitable in the AONB. Residential paraphernalia may, however, be more visible but would it be to such a degree with the proposed planting such as to justify refusal of the proposal and when weighed with the other policy, Equality Act and Lisa Smith judgement issues raised in the proceeding paragraphs? Any such residential paraphernalia could be conditioned to the hardstanding area only with planting to screen.
- 8.30 If weight is to be given to gypsy and traveller policies in the determination of this application, paragraphs 16 and 24 of the PPTS are relevant: paragraph 16 notes: *“inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances... 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.”* While this area is not Green Belt, if harm is

identified to the AONB then this would fall within the meaning of “any other harm” as per the PPTS.

8.31 Some harm is identified to the AONB but landscaping is proposed and Policy LHN6(ii) indicates that landscaping should be considered in assessing whether unacceptable visual or landscape impacts will occur. The appeal decision is clear about the harm identified in the proposals in 2017 but no landscaping was proposed at that time and there were no other material considerations before the Inspector with regard to the Applicant’s age, ethnicity or health. This proposal does not include any caravan on the site and conditions can be imposed to restrict further development by way of removing permitted development rights. While limited harm to the AONB is found with regard to domestic paraphernalia, it is not considered in this instance having regard to all the pertinent material considerations, to reflect a high degree of harm as to justify a refusal for this reason.

8.32 **Highways**

8.33 The site is served from an existing access point from the B2099 that currently serves four existing dwellings. The B2099 at the point of access is subject to a 40mph speed limit, which changes to a derestricted limit a short distance to the southeast of the site access. This means visibility splays of 2.4m X 120m are required either side of the access point in accordance with Design Manual for Roads and Bridges. After conducting a site visit, the Highway Authority noted that the visibility falls short of the required standard either side of the access point with limited scope to improve it as the land falls outside of the Applicant’s control. Furthermore, because the access serves multiple dwellings, it should be at least 4.5m wide for at least 6m in order to accommodate two-way flow traffic. The access is therefore substandard for what it already serves and cannot support any further intensification without improvement.

8.34 The Highway Authority note that accident data over a 5-year period only demonstrates one accident in the immediate vicinity of the access. However, this was attributed to driver error. They are satisfied that sufficient parking can be provided on site without overspilling onto the highway and note that at least one secure accessible and covered cycle storage space should also be provided.

8.35 While a highway objection was initially noted due to the substandard access, on consideration of further submissions the recommendation was changed. It was concluded that *“the intensification of a 1- bedroom dwelling (4 trips) would be cancelled out by the fact the Applicant already visits the site twice a day (4 trips) to tend to horses/ dogs on the field part of the plot.”* Given that the use of the site by the Applicant or another landowner, would not potentially alter the number of trips and use of the access, a highway reason for refusal is not substantiated.

8.36 **Setting of listed building(s)**

8.37 The conclusions of the Inspector in the appeal decision are pertinent and reflect the site’s location adjacent the listed building of Birchenwood Cottage, on its western boundary and the converted Tythe Barn to its north. The Inspector notes that the significance of Birchenwood Cottage is derived from

its architectural interest and its historic setting having been predominantly agricultural in character. She concludes that *“The introduction of a caravan for residential use does erode the agricultural setting of the listed building, which has previously been eroded by the conversion of the Thythe barn. This additional harm to the agricultural setting is limited.”*

8.38 This current proposal does not propose a caravan and the proposed appearance and presence of the timber clad building is considered to be less harmful. It would reflect the appearance of an agrarian outbuilding and as such is considered to have a neutral impact on the setting of the listed building having regard to the setting adjoining the former farmstead. As such the setting is preserved.

8.39 **Enforcement Notice**

8.40 There is an active enforcement notice on the site which requires:

- (i) Cease the use of the land for residential purposes.
- (ii) Remove the caravan from the land.
- (iii) Restore the land to the condition before the breach took place.
- (iv) Remove the horse trailer from the land.

8.41 The caravan and horsebox have been removed from the land. Residential use is argued to have ceased also but this remains a matter with the enforcement officer.

8.42 The existence of an Enforcement Notice prohibiting use of the land for residential purposes does not prohibit the submission of, nor consideration of a planning application for such an activity. Any such application falls to be considered in the light of the current development plan and any other material considerations including the National Planning Policy Framework and High Weald Management Plan. Additionally, this application relates to part of the site only and hence the remainder of the site would still be covered by the enforcement notice with regard to any residential use, in the event that residential use of the shed and hardstanding were found to be acceptable. It is noted that the Applicant does not require a caravan on the land and has offered to accept a condition to preclude this.

8.43 **Neighbour impacts**

8.44 The proposal is for a small residential unit adjacent other residential units. The use itself, as concluded by the Inspector at the appeal, *would not be likely to result in significant harm, through noise and disturbance relating to the normal comings and goings connected with the use, to the living conditions of the occupiers of those adjacent properties.*

8.45 **Other matters**

8.46 Comments have been made with regard to the Applicant’s *‘aversion to bricks and mortar’*. This phrase is noted to have been taken out of context. The full sentence at paragraph 7.8 within the supporting statement says: *Reflecting her upbringing living in caravans in the countryside, Ms Stanley has a psychological aversion to bricks and mortar housing surrounded by other dwellings. In such situations she has experienced strong feelings of claustrophobia.* It is not merely the masonry construction but its location within

a built area that presents the aversion to the Applicant. The proposed small one-bedroom unit as proposed would not be located surrounded by other dwellings but on the edge of a group of dwellings within and looking out onto the countryside.

- 8.47 With regard to drainage, the site already contains a septic tank and additional information with regard to surface water drainage from the enlarged shed could be conditioned.

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 Assessing the application solely against Policy RA3 of the Rother Local Plan Core Strategy and other policies unrelated to gypsy and traveller accommodation is likely to result in a recommendation for refusal in principle, because none of the “extremely limited circumstances” which would allow for the creation of a new dwelling in the countryside apply, as set out in Policy RA3 (iii), and the site is in arguably an unsustainable location.
- 9.3 However, the Lisa Smith judgement, and the fact that the Applicant has protected characteristics under the Equalities Act 2010 are material considerations. The accommodation needs in Rother and the potential shortfall in supply (2021-2026) for both PPTS-compliant and non-PPTS compliant G&Ts, as identified in the East Sussex GTAA (2022), is also a material consideration.
- 9.4 These material considerations must be weighed against the harm arising from the creation of a new dwelling in the countryside, for a non-PPTS compliant gypsy or traveller, in terms of development in a moderately unsustainable location and the limited harm to the landscape and character of the AONB taking into account the proposed landscaping and the neutral impact on the setting of the listed building.
- 9.5 Overall, significant weight can be attributed to the personal circumstances of the Applicant, given there are some clear parallels between the Applicant’s situation and that of Lisa Smith, and it appears that the Applicant has been disadvantaged by the change to the PPTS definition in the same way that Lisa Smith had. Both the Human Rights Act 1998 and Equalities Act 2010 protect G&Ts’ cultural and ethnic way of life. This protection applies regardless of whether G&Ts have permanently ceased to travel. Significant weight can also be attributed to the uncertainty regarding the deliverability of the allocated DaSA sites. The limited harm to the AONB and moderate weight to unsustainability does not in this specific case outweigh these considerations and therefore it is recommended that the application is, on balance, supported.

RECOMMENDATION: GRANT (FULL PLANNING)

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:
CS01 v2, Location Plan, Dated February 2023
CS04 v3, Proposed Site Plan, dated May 2023
CS03 v2, Proposed alterations to shed building, dated February 2023
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such. The occupation of the site shall also be restricted to only Celia Stanley and her dependants.
Reason: The proposed development is only acceptable due to the personal circumstances of the Applicant and their way of life, which mean that they meet the definition of a "gypsy or traveller".
4. No development above ground level shall take place until samples/details of the materials and colour to be used in the construction of the external surfaces of the dwelling unit 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 an agrarian building and to preserve the visual amenities of the area within the countryside of the High Weald Area of Outstanding Natural Beauty, in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.
5. No development above ground level shall take place on any part of the site until the soft landscaping details for additional and new planting along the eastern edge of the hardstanding, (as indicated on the approved plan), have been submitted to and approved by the Local Planning Authority, which shall include:
 - a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
 - b) planting plans;
 - c) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and

e) implementation programme

Landscaping shall be completed in accordance with the approved details.

Reason: To ensure the creation of planting to enhance the landscape setting and provide natural screening within the landscape of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies LHN6, OSS4 (iii), EN1 and EN3 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.

6. No caravans are to be sited or stored within the site and adjoining field.
Reason: To maintain the rural landscape and to conserve and enhance the landscape character and scenic beauty of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 and EN1 of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan and paragraph 176 of the National Planning Policy Framework.
7. No floodlighting or other external means of illumination of the building hereby permitted, shall be provided, installed or operated at the site without a further planning permission.
Reason: To safeguard the special character, dark skies and ecology of the rural area within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2, DEN7 of the Development and Site Allocations Local Plan.
8. 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 extensions, alterations, buildings, structures or other installations, as defined within classes A, B, C, D and E of Part 1 of the Schedule 2 of the order, shall be carried out on the site otherwise than in accordance with a planning permission granted by the Local Planning Authority.
Reason: To ensure that the satisfactory rural appearance of the development and area is maintained and to preserve the natural landscape quality and character of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.
9. Residential paraphernalia including but not exclusively, washing line, garden seating, garden planters, shall be restricted to location within the existing hardstanding area only.
Reason: To ensure that the satisfactory rural appearance of the development and area is maintained and to preserve the natural landscape quality and character of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan.
10. The parking of vehicles shall only take place within the area of existing hardstanding and space for parking shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway, in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

11. The development shall not be occupied until a cycle parking area has been provided in accordance with the approved plans which will have been submitted to and approved in writing by the Planning Authority and the area[s] 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 TR4 of the Rother Local Plan Core Strategy.

NOTE:

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.

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

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Rother District Council

Report to: Planning Committee

Date: 22 June 2023

Title: Appeals

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

Ward(s): All

Purpose of Report: To update the Planning Committee

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

APPEALS LODGED

RR/2022/813/P
(Delegation) ASHBURNHAM: The White Cottage - Land opposite, Brownbread Street, Ashburnham
Retention of pond and associated earth works. Retention of hardstand next to pond and summer house. (Retrospective) New planting of indigenous species throughout the site.
Mr R. Williams

RR/2021/3035/P
(Delegation) BATTLE: Battle Golf Clubhouse, Netherfield Hill, Netherfield, Battle
Change of use of redundant golf clubhouse, together with minor extensions, to form a single residential dwelling, including parking and associated landscape works.
Mr David Bull

RR/2021/1707/L
(Delegation) BATTLE: Whispers Cottage, Battle Hill, Battle
Proposed replacement windows and door.
Lydia Crouch

RR/2022/2191/P
(Delegation) BECKLEY: Land at Watermill Lane, Beckley
Outline application for the proposed erection of a single dwelling (all matters reserved other than site access).
Mr W.J.R. Banister

RR/2023/560/FN
(Delegation) BECKLEY: The Cottage In The Wood - Land adjacent to, Hobbs Lane, Beckley
Agricultural Building to be used for storage of machinery, tools, feed and general farming materials. The building will also have space for a farm office and workshop.
Ms E Nicholson

RR/2023/37/T BEXHILL: 48 Wealden Way, Bexhill

(Delegation)	T1, T2, T3 and T4 - Oak Trees - Reduce the canopies/height by 6M to improve health of the tree and to prevent potential risk to neighbouring dwelling. Mr Stephen Ashley
RR/2022/1639/P (Committee - Decision)	BEXHILL: 23a Western Road, Bexhill Proposed replacement windows Miss N. Tidd and Mrs S. Ingamells
RR/2022/2992/TN (Delegation)	BEXHILL: King Offa Way - Land at, Bexhill Application to determine whether prior approval is required for a proposed new 5G telecommunications mast on site and additional ancillary equipment cabinets and associated ancillary works. Dot Surveying Ltd
RR/2022/2020/P (Delegation)	BEXHILL: 13 Marina Arcade, Bexhill Variation of Conditions(s) 4, 5 & 6 imposed on RR/2015/1136/P for conversion of self-contained holiday let to permanent residence. Mr Simon Callagan
RR/2022/963/P (Delegation)	BREDE: Old Manor House - land to the South of, Udimore Road, Broad Oak, Brede Outline: Erection of 20 dwellings and associated parking. Redwood Land Investment Ltd
RR/2022/2056/P (Delegation)	CAMBER: Dear Octopus, Farm Lane, Camber Erection of a single dwellinghouse. Mr Spicer
RR/2022/2058/P (Delegation)	CROWHURST: The Farmhouse, Lower Hill Farm, The Granary, Watermill Lane, Crowhurst Conversion of an agricultural and commercial storage building to create a detached dwelling with car parking provision - resubmission of RR/2021/2074/P Mr P. Coleman
RR/2022/2596/P (Delegation)	EWHURST: Handsel Lodge, Junction Road, Ewhurst Change of use of redundant building to dwellinghouse along with associated works, gardens and parking. Use of existing access. Mr and Mrs R Hines
RR/2023/114/P (Delegation)	EWHURST: 1 Forge Lane, Hillcrest, Staplecross, Ewhurst Creation of new two-storey extension and porch to property. Mr Jon Greenman
RR/2023/186/P (Delegation)	ICKLESHAM: Bredeside, Sea Road, Winchelsea Beach, Icklesham Erection of oak gates (retrospective). Mr Steve Powell

RR/2023/183/P (Delegation)	PETT: Amos Sunview, Marsham Brook Lane, Pett Variation of Conditions 6 and 7 imposed on previously approved scheme RR/2017/2197/P to allow permanent residential use of the wooden lodge holiday home. Mrs Kathleen Amos
RR/2023/53/L (Delegation)	SALEHRST/RBRDGE: 20 High Street, Salehurst/ Robertsbridge Rear extension and internal alterations to first floor. Mr Nigel Dumbell
RR/2023/52/P (Delegation)	SALEHRST/RBRDGE: 20 High Street, Salehurst/ Robertsbridge Rear extension and internal alterations to first floor. Mr Nigel Dumbell
RR/2022/2187/PN3 (Delegation)	TICEHURST: The Hay Barn, Downash Farm, Rosemary Lane, Ticehurst Application to determine if prior approval is required to change the use of an agricultural building for the purpose of hotel use and holiday accommodation (commercial - Class C1 under the Class R). Nicola Roberts
RR/2022/2886/P (Delegation)	TICEHURST: Land adjacent to Seacox Cockers, The Mount, Flimwell, Ticehurst Erection of a pair of Semi-Detached Dwellings, together with parking, new access and landscaping. Mr J. Waller
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
RR/2023/300/FN (Delegation)	WESTFIELD: Crowham Manor Farm - Land to the East, Main Road, Westfield Application to determine if prior approval is required for the reconstruction of a pole barn. Mrs Caroline Mason (nee Norris)
RR/2023/198/FN (Delegation)	WESTFIELD: Crowham Manor Farm, Main Road, Westfield Alteration to existing barn. Mrs Caroline Mason (nee Norris)
RR/2023/301/FN (Delegation)	WESTFIELD. Crowham Manor Farm - Land to the West, Main Road, Westfield Application to determine if prior approval is required for the erection of a dutch Barn. Mrs Caroline Mason (nee Norris)

APPEALS STARTED

RR/2022/240/P (Committee - Decision)	BATTLE: Battle Great Barn - land adj, Marley Lane, Battle Erection of new dwelling. Mr Neil Mortimer
RR/2022/539/P (Delegation)	BREDE: Broad Oak Meadow - Land at, Chitcombe Road, Brede Erection of 5 dwellings (2 x 4 bedroom and 3 x 3 bedroom), with new access, parking and landscaping. BW Homes
RR/2022/2059/P (Delegation)	CROWHURST: St Benedicts Byre, Catsfield Road, Crowhurst Proposed detached building to be used as ancillary overspill/annexe accommodation for members of the owners of St Benedicts Byre's family (alternative to garage building approved under extant planning permission RR/2022/1236/P) Mr and Mrs A Brodrick-Ward

APPEALS PENDING

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/2022/1661/P (Committee - Decision)	BATTLE: 19 Oakhurst Road, Fairlight, Battle Erection of wraparound extension and alterations, including new lower ground floor and improved off road parking area. Mr & Mrs D. Hendon
RR/2022/2492/P (Delegation)	BATTLE: Paygate, Whatlington Road, Battle Erection of extension and internal alterations. Mr & Mrs A.J. Gerken
RR/2022/2472/P (Delegation)	BATTLE: 72a High Street, Battle Change of use from office to residential, proposing a new three- bed maisonette. Mr M. Law
RR/2022/184/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/2022/64/P (Delegation)	BEXHILL: 49 & 49a Devonshire Road, Bexhill Replacement of existing timber sliding sash windows and frames with uPVC sliding sash windows and frames. Mrs V. Seng
RR/2022/1353/P (Delegation)	BEXHILL: The Little House, Worsham Lane, Bexhill Proposed extension to dwelling involving the removal of several outbuildings. Mr N. Rowe
RR/2021/3049/P (Delegation)	BEXHILL: 14 Cranfield Road, The Garage, Bexhill Proposed demolition of existing detached garage and construction of self-contained flat, vehicular parking and courtyard garden area. Mr Gary Lakin
RR/2021/1609/P (Delegation)	BODIAM: Bodiam Business Centre - Land at, Junction Road, Bodiam Erection of 4 No. 3-bedroom terraced dwellings together with associated car parking and landscaping. Park Lane Homes (South East) Ltd
RR/2022/2089/P (Delegation)	BODIAM: Ellen Archers, Castle Hill, Bodiam First floor extension to modern garage building to form home office and lift access. Mr & Mrs Michael Rafferty
RR/2022/814/P (Delegation)	BREDE: St Elmo, Cackle Street, Brede Erection of single storey rear extension & front porch. Mr & Mrs T. Quinn
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/2022/1244/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/2020/70/P (Delegation)	BREDE: Barns Site, Steeplands - Land Adjacent to, Pottery Lane, Brede Erection of 4-bedroom detached dwelling and detached garage. Mrs A. Patel
RR/2022/1008/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/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/2021/2509/P (Delegation)	BRIGHTLING: Little Worge Farm, Brightling Demolition of part of agricultural barn and erection of a holiday cottage. Brightling Properties
RR/2022/1337/P (Delegation)	BURWASH: British Red Cross Society Centre, Highfields, Burwash Demolition of an existing building and erection of dwelling with associated parking and landscaping. Matrix Claims Services Ltd
RR/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 overflow. Mr Jimmy Hyatt
RR/2021/2992/P (Delegation)	DALLINGTON: Haselden Farm, Battle Road, Dallington Change of use of stables to residential annexe, and installation of sewage treatment plant (Retrospective). Mr and Mrs Richard and Dianne Mower
RR/2022/461/P (Delegation)	DALLINGTON: Prospect House - Land Opposite, Woods Corner, Dallington Proposed new dwelling & associated parking. Woods Corner No.2 Ltd
RR/2021/2615/P (Delegation)	ETCHINGHAM: Church Hill - Land Lying to East of, Church Lane, Etchingham Change of use from agricultural to dog walking field. Miss Katie Cruttenden
RR/2022/746/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/2022/469/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/2022/468/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/2022/2250/O (Delegation)	GUESTLING: The Cottage, Stream Farm, Chapel Lane, Guestling Existing use of the garage building as a residential dwelling. Mr Colin McNulty
RR/2022/1071/P (Delegation)	GUESTLING: Old Coghurst Farmhouse, Rock Lane, Guestling Replacement of two existing barns with access and landscaping. Messrs D & J Harris & Manuell
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/2022/155/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/2022/1062/P (Delegation)	HURST GREEN: 2 Silverhill Cottages, Silverhill, Hurst Green First floor rear extension. Miss Karina Hymers
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/2022/364/P (Delegation)	NORTHIAM: Spar Stores, Clematis Cottage, Station Road, Northiam Proposed new roof over existing shop premises to create two self-contained flats with associated parking. Mr B. Khaira
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/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 2 retail outlets (A1) and 3 offices (B1(a)), together with allocated parking. Holland of Rye
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/2022/1610/P (Delegation)	SALEHRST/RBRDGE: The Cottage, Station Road, Salehurst/Robertsbridge Proposed alterations to a two storey outbuilding/ garage to create a one bedroom house. Ms J. Papafio
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/2020/646/P (Delegation)	TICEHURST: Bantham Farm, London Road, Ticehurst Change of use of art studio to live/work unit. Mr N. Watts
RR/2021/2600/P (Delegation)	TICEHURST: Bantham Farm, London Road, Ticehurst Change of Use of existing redundant and disused barn to residential use. Mr N. Watts
RR/2022/2351/P (Delegation)	TICEHURST: Bryants Farm, Wards Lane, Ticehurst Conversion of barn to four bed dwelling. Ms Elizabeth Latchford
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/2021/1647/P (Delegation)	WESTFIELD: Little Hides Farm Cottage, Stonestile Lane, Westfield

Change of use from land that is non-compliant with agricultural occupancy to curtilage of an existing residential property.

Mr Vidmantas Jokubauskas

RR/2022/1323/P
(Delegation)

WESTFIELD: Land adjacent to Holly Cottage, Moat Lane, Westfield

Erection of single residential dwelling with associated landscaping and parking.

Ms Cindy Cane

RR/2021/3023/P
(Delegation)

WESTFIELD: Hooters, Moat Lane, Westfield
Construction of storage barn (Retrospective).

Mr & Mrs M. Hawkins

RR/2022/132/O
(Delegation)

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

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

Jamie Pearson

APPEALS ALLOWED

NONE

APPEALS DISMISSED

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/2022/578/P
(Delegation)

BURWASH: Overshaw, Batemans Lane, Burwash

Removal of existing stables and derelict barn and construction of new stables (amended proposal following refusal of RR/2021/1983/P).

Mr Barclay

RR/2021/3030/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

APPEALS WITHDRAWN

NONE

FORTHCOMING HEARINGS/INQUIRIES

NONE

Chief Executive:	Lorna Ford, Interim Chief Executive
Report Contact Officer:	Ben Hook, Director – Place and Climate Change
e-mail address:	ben.hook@rother.gov.uk
Appendices:	N/A
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A
