

**PLANNING COMMITTEE**

7 September 2023

Minutes of the Planning Committee meeting held at the Council Chamber, Town Hall, Bexhill-on-Sea on Thursday 7 September 2023 at 9:30am.

Committee Members present: Councillors A.S. Mier (Chair), J. Barnes (MBE) (Substitute), Mrs. M.L. Barnes, C.A. Bayliss, T.J.C. Byrne, F.H. Chowdhury, Mrs V. Cook (ex-officio) (in part) (remote), C.A. Creaser, N. Gordon, P.J. Gray, T.O. Grohne, T.M. Killeen (MBE) and J. Stanger.

Other Members present: Councillor S.M. Prochak (MBE) (remote).

Advisory Officers in attendance: Development Manager, Development Management Team Leader, Principal Planner, Principal Solicitor – Planning and Democratic Services Officer.

Also Present: Heather Twizell – Senior Adviser Sustainable Development (in part), Natural England, Claire Warwick – Assistant Manager, Transport Development Control, East Sussex County Council (in part), Ben Kimpton – Ecology Officer, East Sussex County Council (in part), 18 members of the public in the Council Chamber and 55 via the live webcast.

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PL23/35. **MINUTES**

(1)

The Chair was authorised to sign the Minutes of the meeting held on 20 July 2023 as a correct record of the proceedings.

PL23/36. **APOLOGIES FOR ABSENCE AND SUBSTITUTES**

(2)

Apologies for absence were received from Councillors B.J. Drayson, A.E. Ganly and C. Pearce.

It was noted that Councillor J. Barnes was present as a substitute for Councillor Ganly.

PL23/37. **DISCLOSURE OF INTEREST**

(5)

There were no declarations of interest made.

**PART II – DECISIONS TAKEN UNDER DELEGATED POWERS**

PL23/38. **PLANNING APPLICATIONS - INDEX**

(6)

Outline planning permissions are granted subject to approval by the Council of reserved matters before any development is commenced,

which are layout, scale, appearance, access and landscaping. Unless otherwise stated, every planning permission or outline planning permission is granted subject to the development beginning within three years from the date of the permission. In regard to outline permissions, reserved matters application for approval must be made within three years from the date of the grant of outline permission; and the development to which the permission relates must begin no later than whichever is the later of the following dates: the expiration of three years from the date of the grant of outline permission or, the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matters to be approved.

In certain circumstances the Planning Committee will indicate that it is only prepared to grant or refuse planning permission if, or unless, certain amendments to a proposal are undertaken or subject to completion of outstanding consultations. In these circumstances the Director – Place and Climate Change can be given delegated 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 are not satisfactorily concluded, then the application will have to 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. Any applications which are considered prior to the expiry of the consultation reply period are automatically delegated for a decision.

**RESOLVED:** That the Planning Applications be determined as detailed below.

PL23/39.  
(7)

**RR/2023/217/P - THE NORMANHURST ESTATE, CATSFIELD**

The Planning Committee considered the Planning Case Officer's report incorporating responses from statutory and non-statutory bodies, heard from speakers for and against the application, including a representative from Catsfield Parish Council, and sought additional information and clarification from the speakers. After discussion and consideration of the above, the Planning Committee while noting an in-principle support for a high-end tourism facility that would enable investment in the local economy and enable local job creation, felt that the sheer scale of the proposal as such located within a designated Area of Outstanding Natural Beauty (AONB) was counter to local and national planning policy. The Applicant noted in their response to questions that they did recognise the harm that the application would cause to the character and setting of the AONB and the 1066 County Walk and stated that the beauty of the landscape was the very reason why they had pursued this application within this setting. They argued that they had moderated the harm and felt that the benefits as tabled

by the application outweighed that harm (as required by National Planning Policy Framework (NPPF) paragraph 177).

The Planning Committee noted that this was an outline application, and that the development would come forward through reserved matters as tabled by third-parties as yet unknown. They noted the overall size and massing of the proposal and questioned how such a substantial development could be integrated into this complex and sensitive landscape setting recognising that the application presented short to long-term irreversible harm to the character and setting of the High Weald AONB. The Planning Committee felt that on balance, the harm outweighed the potential benefits (as assessed in accordance with NPPF paragraph 177 in the officer report) and the Council's Local Plan and voted unanimously with the officer's recommendation to refuse the application.

Following the vote, the Chair, echoing comments made during discussion, thanked officers and the applicant for their courteous and helpful presentations.

### **DECISION: REFUSE (OUTLINE PLANNING PERMISSION)**

#### **Reasons for Refusal:**

1. While acknowledging that the proposed development represents investment in the rural economy and tourism sector, which has policy support, the proposals by reason of the significant quantum of development (c. 70,825sqm of GIA and resident population of c.800 people) would be akin to the development of a new village within the Area of Outstanding Natural Beauty (AONB). Its location does not support sustainable growth, nor does it represent the expansion of an existing, agricultural business / diversification of a land-based rural business. By reason of the scale of development it would result in direct, indirect, and long-term harm to the countryside which would not conserve or enhance the landscape habitat(s), nor the landscape character and scenic beauty of the High Weald AONB. As such the proposals have not been demonstrated to represent 'exceptional circumstances' nor have they 'demonstrated that the development is in the public interest' when weighed against the three tests set in National Planning Policy Framework (NPPF) paragraph 177 and hence would be contrary to NPPF paragraphs 84, 176, 177 and 180; Local Plan Policies OSS1, OSS2, OSS3, RA1, RA2, RA3, EC6, EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEC2, DEN1, DEN2, DEN4, DEN7 and DIM2 of the Development and Site Allocations Plan and Objectives G2, G3, S2, S3, R1, R2, W1, W2 and W3 (in part), FH3 and FH4 (in part), and OQ4 of the High Weald AONB Management Plan.
2. It is considered that insufficient information has been provided to demonstrably assess the potential impacts on environmental and biodiversity matters to inform appropriate mitigation,

compensation, and enhancement for an application in such a complex and within a multi-layered Area of Outstanding Natural Beauty (AONB) setting. The scale of development, the extent of its distribution across the site, the density of the lodge sittings, the massing and size of the lodges themselves, along with the accompanying infrastructure including a large car parking area for 350 cars, would create a prominent and incongruous intrusion into the rural setting, appearing as an intensive overdevelopment of the site and out of keeping with the surrounding, not reflecting the historic pattern and character of settlement, and harming the landscape character and scenic beauty of the High Weald AONB. As such the proposal would be contrary to National Planning Policy Framework paragraphs 176, 177 and 180; Rother Local Plan Policies OSS1(e), OSS4(iii), EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1, DEN2, DEN4 and DEN7 of the Development and Site Allocations and Objectives G2, G3, S2, S3, R1, R2, W1, W2, FH3 and OQ4 of the High Weald AONB Management Plan.

3. It has not been demonstrated that the intensification in use of the sub-standard access to the south from the B2204 in the centre of Catsfield village, (an access which includes third party ownership) and proposed to serve the affordable workspace, can provide acceptable access without the introduction of hazards by the slowing, stopping, turning and reversing traffic which would be created. In addition, there are a number of matters regarding the new access to the east and the improvements to the northeast access which the Applicant wishes to resolve at reserved matters stage. Access is, however, a matter to be determined as part of this outline application. Noting in particular the objection regarding the sub-standard access to the south and in the absence of resolution of all highway access matters to be determined at this stage, the proposals would therefore trigger paragraph 111 of the National Planning Policy Framework 2021 and be contrary to Policy CO6(ii) and TR3 of the Rother Local Plan Core Strategy.

**NOTE:**

- (i) This refusal relates to the following plans:

*Principal points of access*

- 1) Existing North East Gate Plan (Drawing No. 890/P150/Rev January 2023)
- 2) Existing North East Gate Elevation (Drawing No. 890/P151/Rev January 2023)
- 3) Proposed North East Gate Plan (Drawing No. 890/P152/Rev January 2023)
- 4) Proposed North East Gate Elevation (Drawing No. 890/P153/Rev January 2023)
- 5) Existing East Gate Plan (Drawing No. 890/P154/Rev January 2023)
- 6) Proposed East Gate Plan (Drawing No. 890/P155/Rev January 2023)

- 7) Proposed East Gate Elevation (Drawing No. 890/P156/Rev January 2023)
- 8) Existing West Entrance Plan (Drawing No. 890/P157/Rev January 2023)
- 9) Proposed West Entrance Plan (Drawing No. 890/P158/Rev January 2023)
- 10) Amended Hierarchy Access Plan (Drawing No. 21115.113/Rev 28/07/2023)
- 11) East Access (Drawing No. 22406-06-2/Rev November 2022) (DTA Response 31 March 2023)
- 12) East Access – Large car tracking (Drawing No. 22406-06-2-TRK/Rev November 2022) (DTA Response 31 March 2023)
- 13) East Access – PROW improvements (Drawing No. 22406-07/Rev April 2023) (DTA Response 31 March 2023)
- 14) North East Access (Drawing No. 22406-06/Rev. C April 2023) (DTA Response 31 March 2023)
- 15) North East Access – Refuse vehicle tracking (Drawing No. 22406-06-TRK/Rev. C April 2023) (DTA Response 31 March 2023)
- 16) West Access (Drawing No. 22406-06-3/Rev November 2022) (DTA)
- 17) West Access – Large car tracking (Drawing No. 22406-06-3-TRK/Rev November 2022) (DTA)

*Parameter Plans*

- 18) Site Location Plan (Drawing No. 890/P001/Rev.A July 2023)
- 19) Build Zone Areas and Layout (Drawing No. 890/P002/ Rev.A July 2023)
- 20) Arboricultural (Drawing No. 890/P003/ Rev.A July 2023)
- 21) Building Heights (Drawing No. 890/P004/ Rev.A July 2023)
- 22) Land Uses (Drawing No. 890/P005/ Rev.A July 2023)
- 23) Landscaping (Drawing No. 890/P006/ Rev.A July 2023)
- 24) Existing Public Rights of Way (Drawing No. 890/P010/ Rev.A July 2023)

*Detailed Design Guide*

- 25) Proposed Illustrative Masterplan (Drawing No. 890/P101/ Rev.A July 2023)
- 26) Updated Design Guide (submitted July 2023)

*General supporting*

- 27) Illustrative Landscape Strategy (Drawing No. 21115.112/Rev.O January 2023)
- 28) Unit Schedule (submitted July 2023)
- 29) Block Plan (Drawing No. 890/P110/ Rev. A July 2023)

**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 proposal and discussing those with the Applicant. However, it has not been possible

to resolve them. It has clearly set out the reasons for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

PL23/40.  
(8)

## **PERFORMANCE REPORT FOR DEVELOPMENT MANAGEMENT**

Members noted the report of the Development Manager on the performance of the Council's planning application decisions / targets set against central Government targets, enforcement and appeals performance, as well as a summary of appeals that the Planning Inspectorate had allowed including reasons.

The Development Manager advised that during April to June 2023, the Council handled a total of 477 applications with 279 (235 within timeframe) decisions issued in that period; 88% overall. The current target of 95% had been recently revised (in agreement with the Chief Executive) to a more realistic / achievable target of 80%. Therefore, at present, the Council was operating above this target.

It was noted that recruitment issues were still a key factor, and it was suggested that comparable "competitive" salaries with other local authorities should be considered to encourage people to want to work at the Council. Software issues were also noted; it was suggested that appropriate funding opportunities be explored to upgrade the Council's antiquated system.

Concern was raised regarding the level of enforcement action taken, particularly with regard to the length of time cases were dealt with. In order to reduce the level of outstanding cases, it was suggested that external legal resources be appointed to assist with the backlog of work. The Development Manager advised that legal advice was already sought. It was considered that persistent offenders should be prosecuted. It was generally agreed that the Council relied on civic co-operation to report enforcement issues. Members were encouraged to speak to their constituents to encourage them to log enforcement complaints on the Council's website.

It was agreed that, dependent on the number of applications on an Agenda, informal training sessions be held after the Planning Committee meetings. A separate enforcement matters training session would be organised and all Members be invited to attend.

**RESOLVED:** That:

- 1) the report be noted;
- 2) informal training sessions be held after Planning Committee meetings; and
- 3) a training session on enforcement matters be organised and all Members be invited to attend.

PL23/41. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**  
(9)

The next site inspection was scheduled to be held on Tuesday 10 October 2023 at 9:30am departing from the Town Hall, Bexhill.

**CHAIR**

The meeting closed at 12:48pm