

## Planning Committee

- Date and Time - **Thursday 7 September 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.

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## AGENDA

### 1. **MINUTES**

To authorise the Chair to sign the minutes of the meeting of the Planning Committee held on 20 July 2023 as a correct record of the proceedings.

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

The Chair to ask if any Member present is substituting for another Member and, if so, to declare their name as substitute Member and the name of the absent Member.

### 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 **WITHDRAWN APPLICATIONS**

The Director – Place and Climate Change to advise Members of those planning applications on the agenda which have been withdrawn.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

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

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**For all enquiries – please contact [julie.hollands@rother.gov.uk](mailto:julie.hollands@rother.gov.uk)**

**Tel: 01424 787811**

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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.

6. **PLANNING APPLICATIONS - INDEX** (Pages 3 - 4)
7. **RR/2023/217/P - THE NORMANHURST ESTATE, CATSFIELD** (Pages 5 - 102)
8. **PERFORMANCE REPORT FOR DEVELOPMENT MANAGEMENT** (Pages 103 - 112)
9. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**  
Tuesday 10 October 2023 at 9:30am departing from the Town Hall, Bexhill.

Lorna Ford  
Chief Executive

Agenda Despatch Date: 30 August 2023

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

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

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**Rother District Council**

Report to	-	Planning Committee
Date	-	7 September 2023
Report of the	-	Director - Place and Climate Change
Subject	-	Planning Applications – Index

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**Director: Ben Hook**

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**Planning Committee Procedures****Background Papers**

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

**Planning Committee Reports**

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

**Consultations**

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

**Late Representations**

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

**Delegated Applications**

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

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

**Order of Presentation**

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

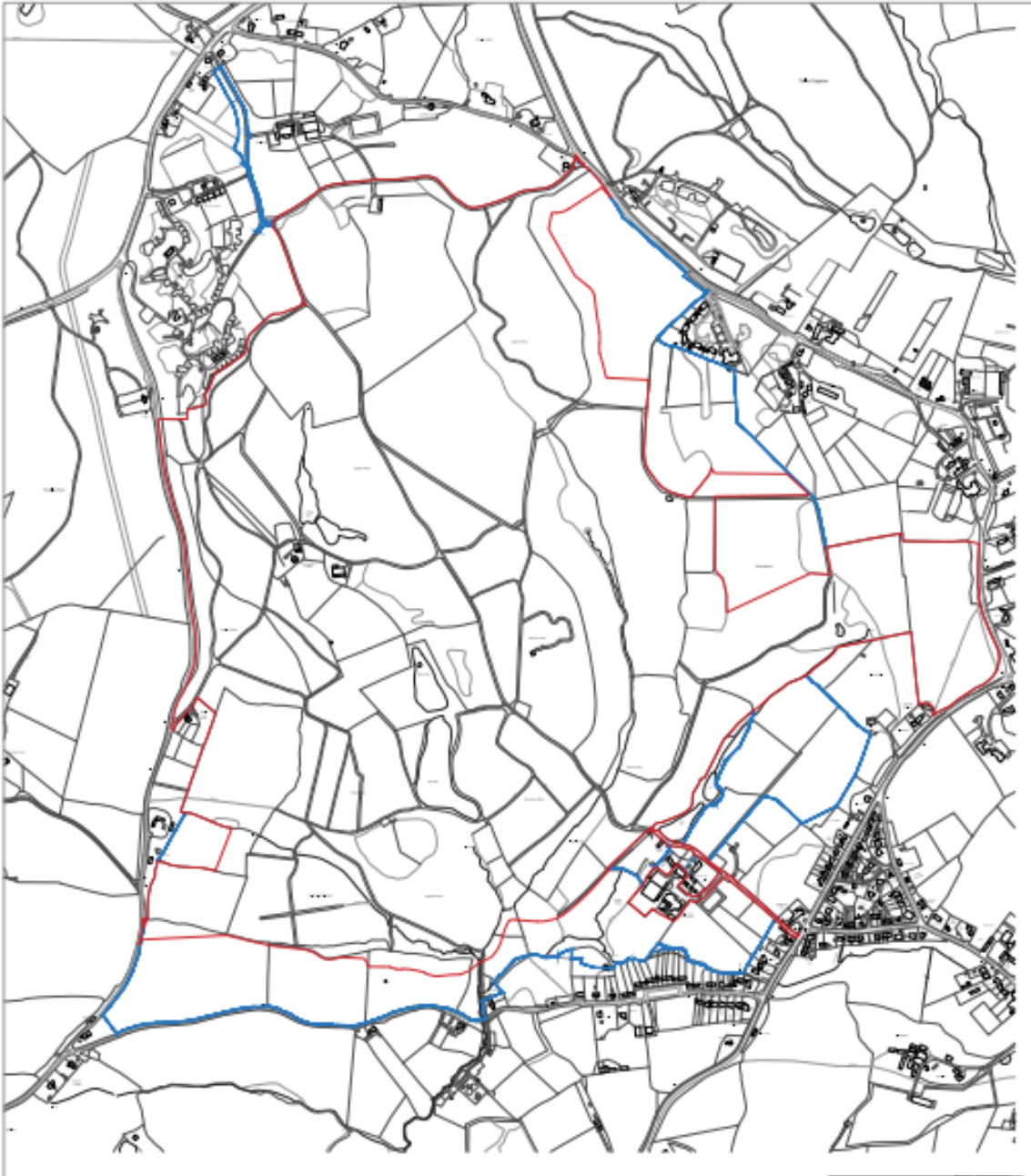
<b>AGENDA ITEM</b>	<b>REFERENCE</b>	<b>PARISH</b>	<b>SITE ADDRESS</b>	<b>PAGE NO.</b>
7	<a href="#">RR/2023/217/P</a>	CATSFIELD	The Normanhurst Estate Catsfield TN33 9LL	5

**SITE PLAN**

**CATSFIELD**

**RR/2023/217/P**

The Normanhurst Estate,  
Catsfield



## Rother District Council

- Report to: - Planning Committee
- Date: - 7 September 2023
- Report of the: - Director – Place and Climate Change
- Application No.: - RR/2023/217/P
- Site Address: - The Normanhurst Estate, Catsfield, TN339LL
- Proposal: - **OUTLINE PLANNING APPLICATION** – Outline planning application with all matters reserved apart from principal points of access and Parameter Plans and Detailed Design Guide for the development of up to 211 holiday lodges, associated amenity buildings (including reception, leisure uses, resort retail and restaurant, maintenance and refuse storage buildings), affordable workspace, associated buildings and structures, new and secondary access roads, up to 350 car parking spaces, pedestrian and cycle routes, public open space, along with landscaping and biodiversity enhancements and sustainable urban drainage including the creation of new lakes and ecological ponds and other associated engineering works.

[View application/correspondence](#)

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

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**Director:** Ben Hook

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**Applicant:** Greystoke Land Limited  
**Agent:** Mr Ashley Collins (Jones Lang LaSalle Limited)  
**Case Officers:** Mrs Sarah Shepherd and Mr Peter Dijkhuis  
(Email: [sarah.shepherd@rother.gov.uk](mailto:sarah.shepherd@rother.gov.uk) and [Peter.Dijkhuis@rother.gov.uk](mailto:Peter.Dijkhuis@rother.gov.uk))

**Parish:** CATSFIELD

**Ward Members:** Councillor Pearce

**Reason for Committee consideration:** Director – Place and Climate Change referral - an Outline planning application within an Area of Outstanding Natural Beauty (AONB) which in accordance with National Planning Policy Framework paragraph 177 and Footnote 60, the Council has deemed major development. The nature of the application is such that it is recommended that it is determined at Planning Committee.

**Statutory 13-week date**

**Extension of time agreed to: 7 September 2023**

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## 1.0 SUMMARY

- 1.1 This is an Outline planning application with all matters reserved apart from principal points of access and Parameter Plans and Detailed Design Guide for the development of up to 211 holiday lodges, associated amenity buildings (including reception, leisure uses, resort retail and restaurant, maintenance and refuse storage buildings), affordable workspace, associated buildings and structures, new and secondary access roads, up to 350 car parking spaces, pedestrian and cycle routes, public open space, along with landscaping and biodiversity enhancements and sustainable urban drainage including the creation of new lakes and ecological ponds and other associated engineering works.
- 1.2 All other matters will be contingent of a Reserved Matters application. The Applicant has stated that this is a land promotion agreement with the intent that they will sell on any consented application, with such third-parties being responsible for submitting the Reserved Matters application and delivering the development. In light of the sensitive landscape setting and AONB designation, all parties are required to apply due rigor to ensure absolute clarity of intent and identification to address arising harm and mitigation.
- 1.3 The key considerations in this application are a) The principle of development (planning policy); b) Socio-economic assessment; c) Highways, accessibility, and parking; d) Heritage and conservation (impact on the setting of listed buildings and heritage assets); e) Design (impact on the character of the area and design of the proposal: layout; appearance -scale and massing; landscape); f) Environmental matters; g) Sustainability and energy (carbon) strategy; and, h) Impact on neighbouring amenity (noise and air quality).
- 1.4 The Applicant has agreed that this application should be considered 'major development', in this regard NPPF paragraph 177 refers '*when considering applications for development within ...Areas of Outstanding Natural Beauty, permission should be refused for major development<sup>60</sup> other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest*'. Footnote 60 states "*major development*' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'.
- 1.5 The Officer Report sets out an assessment of the supporting material submitted by the Applicant, detailed statutory consultation undertaken, and the review of planning policy. In this instance the report will set out that the public benefit of the scheme (as identified by the Applicant – potentially socio-economic benefit) does not demonstrably outweigh the substantial harm identified to the environment. The harm of this application is considered short to long-term, irreversible, and **substantial**.
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## 2.0 SITE DESCRIPTION

- 2.1 The Normanhurst Estate as currently existing comprises an area in excess of the application site, covering some 140ha (345acres). The Estate extends from Freckley Hollow in the west to Catsfield Road in the east, and from the village of Catsfield and Skinners Lane in the south to the Normanhurst Caravan Park and Model Farm in the north. Historically the caravan park, model farm, and the

converted listed cottages of the former kitchen gardens 'Normanhurst Gardens', were all part of the Estate which extended up to North Trade Road.

- 2.2 The whole Estate lies outside any Development Boundary as defined within the local development plan and wholly within the landscape of the High Weald Area of Outstanding Natural Beauty (AONB). The site forms part of the countryside surrounding Catsfield Village.
- 2.3 The High Weald AONB is one of the best-preserved medieval landscapes in Northern Europe. Despite its large size, and proximity to London, its landscape has remained relatively unchanged since the 14<sup>th</sup> Century, surviving major historical events and social and technological changes. Its beauty stems from the high proportion of natural surfaces and its distinctive and human-scale character, with the story of its past visible throughout. The extensive survival of woodland and traditional mixed farming supports an exceptionally well-connected green and blue infrastructure with a high proportion of semi-natural habitat in a structurally diverse, permeable, and complex mosaic supporting a rich diversity of wildlife (Ref. High Weald Statement of Significance).
- 2.4 The High Weald AONB Management Plan 2019-2024 (2019) builds on Natural England's National Character Areas:122 High Weald (2013) in describing the landscape and setting, contextual to this application. Both note that the High Weald consists of a mixture of fields, small woodlands and farmsteads connected by historic routeways, tracks and paths. Wildflower meadows are now rare but prominent medieval patterns of small pasture fields enclosed by thick treed hedgerows and shaws (narrow woodlands) remain fundamental to the character of this landscape. The Management Plan outlines its five defining components of character:
- a) Geology, landform, and water systems: a deeply incised, ridged and faulted landform of clays and sandstone with numerous gill streams.
  - b) Settlement: dispersed historic settlement including high densities of isolated farmsteads and late medieval villages founded on trade and non-agricultural rural industries.
  - c) Routeways: a dense network of historic routeways (now roads, tracks, and paths) [Officer Note: in Policy EN1(viii) the designated term *ancient routeways* is used].
  - d) Woodland: abundance of Ancient Woodland, highly interconnected and in small holdings.
  - e) Field and Heath: small, irregular and productive fields, bounded by hedgerows and woods, and typically used for livestock grazing; with distinctive zones of lowland heaths, and inned river valleys.
- 2.5 The Normanhurst Estate is typical of this AONB landscape. It has ridgelines to its west and east with a third ridgeline running more centrally through the site and denoted by the 1066 County Walk, with views out to both sides over the valleys and through the trees. The valley to the east side is predominantly more open with pasture and scattered woodland, including Ancient Woodland areas and ghyll woodland, before rising up again to Catsfield Road along its eastern boundary, which itself is an historic Routeway. The valley to the west of the 1066 County Walk contains a series of lakes with woodland and some open fields, enclosed by woodland and hedgerows and is the main location for the lodges and amenity buildings. Freckley Hollow is historic Routeway bordering the western boundary of the Estate. It is a narrow and winding lane bordered by steep banks, overhanging



trees, and rocky outcrops. The Estate contains a wealth of inter-related habitats and landscape types and a high proportion of protected species among its extensive flora and fauna. The Estate has a tranquil and verdant character, again typical of the High Weald rural landscape.

- 2.6 Normanhurst Estate is a prime example of a Valued Landscape (NPPF 174(a)) recognised both locally and nationally; typical of the High Weald landscape and AONB designation; and, reflective of the landscape described in the National Character Area Profile 122 High Weald.
- 2.7 The Estate exhibits elements of its historic layout dating from the 1870's when Lord Brassey created the main lakes and planted some of the individual and more unusual trees. The manor house that existed to the north was demolished back in the 1950's. Today there is a pair of small cottages to the northern part of the application site with an old kennel building and a couple of small barns, creating a small farmstead. To the south lies a complex of barns and grazing paddocks used for equestrian purposes, adjacent the listed asset of Broomham House (Grade II), and neighbouring properties of Broomham Barn and Broomham Cottage.
- 2.8 Vehicular access to the site is currently via the track from Catsfield village between the White Hart Inn pub and Village Stores, part of the 1066 County Walk. Secondary access points exist via the original driveway adjacent Battle Gate Lodge to the northeast corner of the site off the Catsfield Road (B2204), and a track from Freckley Hollow adjacent Ninfield Gate Cottages. As well as the 1066 County Walk, there are several public footpaths (PROW) through the site, most notably in the southern section linking Freckley Hollow with Skinners Lane and the playing field and Catsfield Road, and running northwards to Warren Close.
- 2.9 The Estate is mostly surrounded by countryside, with Catsfield Village the only build settlement of scale on the southern boundary. Battle and Battle railway station lie 2.5 miles to the east, and Bexhill and Bexhill railway station lie 5.4 miles to the south.

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### **3.0 PROPOSAL**

- 3.1 This application seeks Outline planning with all matters reserved apart from principal points of access and Parameter Plans and Detailed Design Guide for the development of up to 211 holiday lodges, associated amenity buildings (including reception, leisure uses, resort retail and restaurant, maintenance and refuse storage buildings), affordable workspace, associated buildings and structures, new and secondary access roads, up to 350 car parking spaces, pedestrian and cycle routes, public open space, along with landscaping and biodiversity enhancements and sustainable urban drainage including the creation of new lakes and ecological ponds and other associated engineering works.
- 3.2 [Officer Note: for clarity, Outline planning application with all matters reserved apart from:
- a) Principal points of access (new and secondary access roads, up to 350 car parking spaces, pedestrian, and cycle routes);
  - b) Parameter Plans (location, scale and massing, landscape); and,
  - c) Detailed Design Guide (for the development of up to 211 holiday lodges, associated amenity buildings (including reception, leisure uses, resort retail and restaurant, maintenance, and refuse storage buildings), affordable workspace,

associated structures, biodiversity enhancements and sustainable urban drainage including the creation of new lakes and ecological ponds and other associated engineering works)].

3.3 This application is submitted as an Outline application with only access to be determined, alongside Parameter Plans and a Design Guide. While the application is in outline, a considerable volume of supporting material has been submitted by the Applicant as either illustrative and/or 'for information' to indicate the nature of the development proposed. While the supporting material is not for determination, it informs the reading of the Parameter Plans and Design Guide and has therefore been reviewed to inform the consideration of the Outline application.

3.4 The application is accompanied by the following documents:

- a) **Drawings:** Principal points of access and vehicle tracking (list as set out in Condition 2);
- b) **Reports:** Parameter Plans and Detailed Design Guide (list as set out in Condition 2); and,
- c) Supporting information (not for determination): Air Quality Assessment; Block Plan; CIL form; Design and Access Statement (Amended); Draft Construction Traffic Management Plan; Ecological Impact Assessment; Economic Benefits Report; Environmental Impact Assessment; EIA Screening Opinion; Energy and Sustainability Report; Flood Risk Assessment and Drainage Strategy; Heritage Statement; Hierarchy Access Plan; Hydraulic Modelling Report; Illustrative Landscape Strategy; LVIA Methodology; Noise Impact Assessment; Planning Statement; Proposed Illustrative Masterplan; Statement of Community Involvement; Site Location Plan; Transport Assessment; Travel Plan; and, Tree Survey and Arboricultural Impact Assessment.
- d) Minor amendments and additional Addendums have been submitted in response to consultation comments.

**TABLE 1: APPLICATION DETAILS** (pending legal)

Land Use Class	Description*	Floorspace GIS (sqm)
Sui-generis**	Lodges 211No. proposed***	26,462sqm****
xxx	Site amenities	1,261sqm
xxx	Existing buildings repurposed for Affordable workspace (E(c), E(g), B8)	2,199sqm
F2(c)	Outdoor leisure F2(c) and shooting	Assume external landscape areas
Car parking	346No.***	
Site area	139,67Ha***	
	<b>Total</b>	<b>29,922sqm</b>

Note:

\* As referenced in Parameter Plan – Land Uses (dwg. 890/P005/ Rev.A; July 2023) and/ or as evidenced by Applicant.

\*\*Ref. Practice note, Town and Country Planning (Use Classes) Order 1987 (as amended).

\*\*\*Application Form (dated 24 January 2023).

\*\*\*\*This figure does not accord with Table 2: Maximum potential quantum of development.

- 3.5 The application has been the subject of considerable discussion between the Local Planning Authority, statutory consultees, and the Applicant. The Applicant has undertaken detailed consultation to inform the submitted application.
- 3.6 Initial pre-application advice was given on the 25 March 2022 which noted a number of concerns that needed to be addressed and concluded that the *'quantum of development proposed may be excessive and could result in subsequent harmful impacts upon the landscape character and scenic beauty of the High Weald AONB, its ecology and habitats. Potential highway matters and impacts to neighbours and the village of Catsfield have yet to be ascertained'*.
- 3.7 Subsequently, the Applicant and Local Planning Authority entered into a Planning Performance Agreement (PPA). As part of the PPA there has been a programme of meetings, two design workshops with Design South East, and presentation to Councillors. It is noted that the Applicant has engaged and presented to Catsfield Parish Council and the local community to understand issues raised.
- 3.8 Councillor's site visit: a site visit (13<sup>th</sup> July 2023) was arranged for Councillors and Planning Committee Members to view the site to gain a better understanding of the intent of the application and the habitat and landscape setting of the site. This was guided by the Planning Case Officer and was not attended by the Applicant.
- 3.9 The quantum of development and its subsequent impact has continued to be a point of significant concern to the LPA and statutory consultees. This central matter was raised several times with the Applicant during the PPA and submission stage. In response, the Applicant reduced the numbers of lodges from 240 to 211; a proposed open-air amphitheatre and related structures were omitted; and a sport fields were removed from the application prior to submission. Further, as part of this discussion, it was identified that the current outbuildings near Broomham House had the potential to provide local employment opportunity; the surrounding fields had the opportunity to contribute to the setting of the resort; and, that a network of pedestrian and cycle paths could potentially extend across the Estate, and were consequently included in the application submission.
- 3.10 It is noted that there appears to be some conflict between the stated generated floorspace as presented in the Application Form (Net additional 29,922sqm GIA), and the potential maximum quantum floorspace generated through an assessment of the Parameter Plans and Design Guide (c. 70,825sqm; see Table 2). This potential maximum quantum has been confirmed by the Applicant (email 14/08/2023).
- 3.11 It is noted that this is an Outline planning application where the Applicant is a land promoter with the intent that a secured permission, with related financial contributions, conditions, and informants, will be sold to be delivered by third-parties through a Reserved Matters application. As this is a unique application in an AONB, outline commitments that require resolution at detailed design, management, and delivery stage could result in significant differences of interpretation and delivery outcome. It is with this understanding that the LPA has required from the Applicant absolute clarity in their application, and have undertaken considerable scrutiny with statutory consultees accordingly.
- 3.12 The Officer is of the view that the application constitutes 'major development' taking into account its nature, scale, setting, and potential to have a significant adverse impact on the purposes for which the area has been designated or defined', and the

applicant has concurred with this view. In constituting major development in the AONB, the NPPF paragraph 177 states that the '*permission should be refused...other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest*'. It is recognised that the application is unique, and has the potential to attain the high bar set.

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#### 4.0 HISTORY

4.1 **RR/76/0264** An application was made in 1976 for a change of use of grazing land to riding centre at Broomham House. Note that this application pre-dates the current Local Plan.

4.2 **RR/2021/873/O** Certificate of Lawful Use or Development (CLEUD); Decision Notice dated 20 December 2021;

a) First Schedule: '*for existing use for planning purposes, that being the use of existing land and buildings for mixed agricultural and leisure/ recreational (clay pigeon and pheasant shooting, equestrian uses and fishing) purposes*'.

[Officer Note: activities as defined are restricted in Plan to parts of the Estate as identified on the Second Schedule].

b) Second Schedule: Site Location Plan attributes and restricts use (Note 4 & 5).

c) The permitted use of shooting which would create a loss of tranquility to the immediate area is restricted to that for Pheasant shooting, a winter activity often undertaken in compliance with the General Permitted Development Order (as amended), Part 4, Class B, which limits temporary uses to 28 days a year (no evidence presented of more). Clay pigeon occurs(occurred) in a single area centrally within the site (proposed car park) by a club and has an associated shed and couple of shipping containers. The club meets once a week.

4.3 In reading the supporting material submitted to this application:

a) The lease agreement for use of the sables (dated 14/08/2020; one-year lease) defines the Buildings '*such buildings as in existence as of the date of this Lease*'; Permitted Use '*use for offering mindfulness and relaxation sessions to young people and adults to include equine therapy and observing and interacting with horses with a view to improving mental well-being*' [Officer Note: it is noted in the Plan that only a singular building (corner south-east) is identified in this Lease; Use is restricted to Permitted Use.

b) The lease agreement for the shooting licence on the Estate allows not more than 20 persons to shoot on each shooting day.

c) Apart from a lease agreement for the fishing ponds, no further lease agreement for the other buildings on the site have been submitted.

4.4 From the above supporting material, it is suggested that these are small, restricted commercial undertakings that generate a limited volume of traffic movement.

4.5 **PE/00384/2022** EIA Screening Opinion: the Applicant made a request in accordance with Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 2017 (as amended) for a Screening Opinion from the Council. The Council prepared a Screening Matrix (November 2022) which resolved that an Environmental Impact Assessment was required for the proposed development.

REASON: Having regard to the Application as submitted for screening and the criteria listed in the Regulations, Schedule 2 Development, the proposed application as presented in terms of its size, layout, landscaping, and proposed mitigation measures, the Application is considered to result in significant issues arising and cumulative harm to a designated sensitive area, namely an Area of Outstanding Natural Beauty.

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## 5.0 POLICIES

5.1 The following policies of the Rother Local Plan Core Strategy (2014) are relevant to the application:

- PC1: Presumption in favour of sustainable development
- OSS1: Overall Spatial Development Strategy
- OSS2: Use of Development Boundaries
- OSS3: Location of development
- OSS4: General development considerations
- RA1: Villages
- RA2: General strategy for the countryside
- RA3: Development in the countryside
- SRM1: Towards a low carbon future
- SRM2: Water supply and wastewater management
- CO3: Improving Sports and Recreation Provision
- EC1: Fostering economic activity and growth
- EC2: Business land and premises
- EC4: Business Activities Elsewhere Within the District
- EC5: Support for Key Sectors
- EC6: Tourism Activities and Facilities
- EC7: Retail Development
- EN1: Landscape stewardship
- EN2: Stewardship of the historic environment
- EN3: Design quality
- EN5: Biodiversity and green space
- EN6: Flood risk management
- EN7: Flood risk and development
- TR1: Management and Investment in Strategic Accessibility
- TR2: Integrated transport
- TR3: Access and new development
- TR4: Car parking

5.2 The following policies of the Development and Site Allocations Local Plan (2019) (DaSA) are relevant to the application:

- DRM1: Water efficiency
- DRM3: Energy requirements
- DHG12: Access and drives
- DEC2: Holiday sites
- DEN1: Maintaining landscape character
- DEN2: The High Weald AONB
- DEN4: Biodiversity and green space
- DEN5: Sustainable drainage
- DEN7: Environmental pollution
- DIM1: Comprehensive development

- DIM2: Development Boundaries
- CAT1: Land west of the B2204, Catsfield

- 5.3 The application site does not form part of any Conservation Area.
- 5.4 The application site is not part of any Neighbourhood Plan (but sits in close proximity to the Battle Neighbourhood Plan 2019-2028 (2021) to the north-east).
- 5.5 The Applicant, under the Town and County Planning (Environmental Impact Assessment) Regulations 2017, made a request for a Screening Opinion (25 October 2022); an EIA Reg. 2017 Screening Matrix was prepared by the Local Planning Authority (November 2022) with the outcome '*In light that this Application represents Major Development within an AONB sensitive landscape, where the Applicant is submitting an Outline Planning Application (rather than a Full Planning Application with detail), [the Local Planning Authority] would require an EIA*'; and, it was RESOLVED that an Environmental Impact Assessment was required (letter to Applicant 7 November 2022). An EIA has been submitted as part of this application.
- [Officer Note: in light of a point of clarification by an Objector, it is noted that in preparing the Screening Matrix, the LPA made reference to the selection criteria in Schedule 3 as required by the Regulations].
- 5.6 Habitat Regulation Assessment has been undertaken by the Council and forwarded to Natural England for their comment on 4<sup>th</sup> August 2023. NE response is awaited.
- 5.7 The National Planning Policy Framework (NPPF)(2021) and policy guidance apply.
- 5.8 The above individually and cumulatively form a material consideration.

## 6.0 CONSULTATION

### Statutory consultee

- 6.1 Natural England: **OBJECTION**  
 Comment: the development will have a significant impact on the purposes of designation of the High Weald Area of Outstanding Natural Beauty (AONB).
- 6.2 Forestry Commission England: **GENERAL COMMENTS**  
 Comment:
- a) They are not in a statutory position to support/ object to applications. However, they refer to planning policy/ guidance in terms Ancient Woodlands, woodlands, retention of valued trees and related habitat, BNG, need for a felling licence.
  - b) Ask to be consulted at further stages if proposal is approved.
  - c) Present strong environmental policy grounds for objection (these are included in the Officer Report).
- 6.3 Environment Agency: **NO OBJECTION**  
 Comment: subject to 'the proposed development will only meet the NPPF's requirements in relation to flood risk if the following planning condition is included. Condition is related to the Applicant's submitted Flood Risk Assessment and Drainage Strategy (ref 22-0501.01 / 87511.544720, dated 20/01/2023) and proposed mitigation measures'.

Required Conditions and Agreements: suggested conditions relating to the Outline application and any Reserved Matters application set-out for discussion but not concluded. Legal agreement and financial contributions not concluded.

#### 6.4 ESCC Highways: **OBJECTION** due to insufficient information

Comment (31/03/2023):

- a) Main site access (eastern access): Tracking drawings would be needed for a larger vehicle such as emergency services or mini-bus; and,
- b) The proposed eastern access would potentially be hazardous to those using the 1066 County Walk (footpath CAT/6/1). Improvement to the safety of this crossing point needs to be considered.
- c) Northeast access (service access): The tracking shows an 11.3m refuse vehicle however a 12m tracking is required;
- d) *'However, extensive vegetation removal is required to the south in order to achieve the required splay due to the bend in the road'*
- e) Crowders Lane may be negatively affected due to *'limited intervisibility'* by the north-eastern access as identified by the ESCC Road Safety Team.
- f) West access (Freckley Hollow): visibility splays are acceptable; drainage would need to be resolved; and,
- g) *'The Road Safety Team have also highlighted an issue regarding the lane itself which is unsuitable to accommodate and further intensification of traffic ...'unacceptable impact on the highway'*.
- h) Affordable workspace access: insufficient information relating to the trip rates associated with the affordable workspace compared to previous use;
- i) The access to the affordable workspace is sub-standard; and,
- j) Car parking provision for the affordable workspace cannot be calculated as the use has not been specified.

General:

- k) Tracking drawings to demonstrate the layout will enable refuse/emergency
- l) vehicles to access all dwellings within 45m will need to be provided at reserved matters.
- m) Cycle parking and electric charge points should be added in line with ESCC guidance.
- n) Accessibility: *'The site is currently relatively poorly connected to public transport with no train station located within an acceptable walking distance'*.
- o) A s278 agreement would need to be made to upgrade the bus services and a centrally located bus stop should be provided.
- p) Demand responsive transport contribution of £105,000.
- q) Noted that a draft Construction Management Plan and travel plan submitted.
- r) (07/08/2023) Concern expressed regarding a dedicated shuttle bus *'as catering solely for their demand would likely stand in the way of fulfilling other demand elsewhere in the wider Battle area (there being only one DRT bus in each geographical area)'*.

Required Conditions and s106/ 278/ other Agreements: suggested conditions relating to the Outline application and any Reserved Matters application set-out for discussion but not concluded. Legal agreement and financial contributions not concluded.

Reasons for refusal: This application therefore attracts highway **OBJECTION** for the following reasons:

1. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access trip rates and would

therefore give rise to increased hazards to highway users and would be contrary to paragraph 111 of the NPPF.

2. The approach road U6202 (Freckley Hollow) is unsuitable to serve the proposed development by reason of its narrow width and poor alignment and would therefore be contrary to paragraph 106 and 111 of the NPPF.
3. Increase in use of a sub-standard access.

Comment (05/06/2023): **OBJECTION** due to insufficient information

- a) Additional information received to address matters raised above.
- b) Removes objection regarding 'unacceptable' impact on highway safety regarding Freckley Hollow.
- c) Affordable workspace still attracts highway objection.

Comment (11/08/2023): **OBJECTION** due to insufficient information

- d) Affordable workspace: intensification of use on (Broomham House) lane – access is sub-standard; and,
- e) PROW concern relating to walkers and cyclists.
- f) *'The access arrangements for the service access (northeastern access), the principle point of access (east access) and the access from Freckley Hollow are acceptable in principle. However, some alterations are likely to be required at detailed design stage and as part of the s278 process. Furthermore, any further issues raised in subsequent RSA's would also need to be addressed in a satisfactory manner. It should be noted that while the land required to achieve visibility splays does fall within control of the applicant, **an extensive amount of vegetation would require removal**' [Officer Note: emphasis added].*
- g) Highway objection for the following reason: *'The intensification of the access proposed to serve the affordable workspace from the B2204 would introduce hazards by the slowing, stopping, turning and reversing traffic which would be created and would therefore trigger para 111 of the National Planning Policy Framework 2021'.*

[Officer Note: the Applicant has not at this stage prepared fire tender access drawings for the entire development, nor consulted with ESCC Highways or East Sussex Fire and Rescue Service for comment in this specific regard].

## 6.5 ESCC Landscape Architect: OBJECTION

Comment:

- a) It is recommended that the application is not supported as it would have unacceptable effects on landscape character and visual amenity in this part of the High Weald AONB. The development would also have significant adverse effects on several of the key components of the AONB.
- b) Impact on dark nights skies from such a large number of buildings regardless of measures to minimise light pollution. Impact on dark night skies would be significant.
- c) Significant loss of category B trees and ground flora.
- d) Proposed new tree planting would not replace or mitigate for the loss of mature category B trees or the disturbance to the woodland floor.
- e) Proposal does not demonstrate adequately how this major development in the designated landscape could represent an overall enhancement of the AONB.
- f) Proposal would be visible from a considerable area including from public rights of way.
- g) Increase in visitors would impact the quiet enjoyment and nature based educational value of local area.



- h) It is not clear how the area of the development would be maintained under traditional land management practices.
- i) It is not clear how the proposal would encourage active participation by any significant number of local people or how it could conserve the area as the change would be of a scale that is harmful to the local landscape.
- j) The quality of experience of the site and surrounding area for local residents and visitors would be undermined by the proposed development.
- k) Local distinctiveness, sense of place and tranquillity have not been assessed as key characteristics in the LVIA.
- l) The proposals would represent a permanent change to the character of this landscape which would prevent any long-term restoration or enhancement of the character of the developed area.

6.6 ESCC Ecologist: **OBJECTION**

Comment: Insufficient information has been provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation, and enhancement. Further advice will be provided upon receipt of additional information. Concerns raised regarding:

- a) Policy context – issues raised.
- b) Further information required.
- c) Interim ecology comments raised: a) Focussed study area; b) Woodland baseline; c) Impact of access; d) Bird surveys; e) Bat surveys; f) Transects; g) Statics; h) Buildings; i) Trees; j) Bat impact assessment; and, k) BNG metrics.

[Officer Note: the Applicant has, at the time of writing, commissioned another Bat Survey. The results of the survey have not been reviewed by statutory consultees. As such, without evidence to the contrary, the application has not satisfactorily demonstrated that there would be no harm resulting to the setting of the AONB in totality].

6.7 ESCC Archaeologist: **NO OBJECTION**

Following submission of version 3 of the Heritage Desk-Based Assessment comment:

- a) The information provided is satisfactory and identifies that there is a risk that archaeological remains will be damaged. Nonetheless it is acceptable that the risk of damage to archaeology is mitigated by the application of planning conditions which are outlined in this response.
- b) The proposed development is of archaeological interest due to its location in a landscape with evidence of past human activity from the prehistoric period onwards. However, it should be stressed here that there is a striking lack of recorded Historic Environment Record data within this very large land-parcel that probably represents a lack of prior archaeological investigation. As a result, it is difficult to gauge the archaeological potential of the site with any confidence.
- c) In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, the area affected by the proposals should be the subject of a programme of archaeological works.

Required Conditions: suggested conditions relating to the Outline application and any Reserved Matters application set-out for discussion but not concluded.

6.8 NatureSpace (GCN): **NO OBJECTION**, licence recommended

Following the submission of further survey data comment:

*We are in agreement with the ecological report that a licence is recommended due to the number of ponds, local great crested newt records and suitable habitat found on and surrounding the site.*

*In regard to the proposed works to P1 and P2, it was concluded that alongside the need for a licence, conditions have been recommended to reduce further long-term impacts to great crested newts. The aim of the conditions is to ensure the nature of the works to the ponds, do not prohibit their recolonisation by great crested newts and also to ensure that educational materials aid in understanding why the waterbodies must be kept fish-free.*

*If works are carried out to the principal points of access prior to the reserved matters application being determined/ a licence being obtained, then a precautionary approach is required.*

Required Conditions: suggested conditions relating to the Outline application and any Reserved Matters application.

#### 6.9 ESCC Rights-of-Way: **OBJECTION**

Comment:

- a) This application would impact on several public Rights-of-Ways over the Normanhurst Estate.
- b) Public Footpaths Catsfield 4a/b, 3a: concern over cycles using the path making to a change of use. Currently path is not used by cyclist with 'no cycling' signs at either end. Outlook from path would be affected by the application.
- c) Public Footpath Catsfield 2b: detrimentally impacted if re-routed. There is currently no discernible path through the wood and to create one would require ground levelling and clearance of vegetation. It is also an area which becomes badly waterlogged.
- d) Public Footpath Catsfield 6: crossing point on path may be affected by increased traffic.
- e) Based on the existing plans we object on grounds that a) The application is likely to be detrimental to the safety and enjoyment of the 1066 Country Walk (Public Footpaths Catsfield 4a/b); and, b) Further details are needed to show how the route of Public Footpath Catsfield 2b is to be accommodated.

Required Conditions and Agreements: suggested conditions relating to the Outline application and any Reserved Matters application set-out for discussion but not concluded. Legal agreement and financial contributions not concluded.

#### 6.10 High Weald AONB Unit: **OBJECTION**

Comment:

- a) Principle of the development - proposal would be major development with no exceptional circumstances demonstrated.
- b) Not compliant when assessed against the High Weald AONB Management Plan.
- c) Ecological impact and effect/ harm to protected species.
- d) Proposed mitigation measures and limited BNG enhancements from site baseline.
- e) Impact of lighting in relation to dark skies policy.
- f) Scale of application's development would be an intensive overdevelopment and incongruous intrusion onto the landscape harming the character and scenic beauty of the AONB.

Extensive response submitted substantiating the above statements is on the planning portal for review.

- 6.11 Pevensey and Cuckmere Water Level Management Board and the Lead Local Flood Authority and ESCC SUDs: **NO OBJECTION** subject to Reserved Matters  
Comment: *'We have requested some updates to the model before submission of a Reserved Matters application, but we do not expect that these will result in major changes to the flood extents. As permission would be outline permission with all matters reserved, recommended conditions to overcome objection.*

*Our response is based on the understanding that the applicant is seeking outline planning permission with matters reserved. We understand that whilst the broad areas of development are to be fixed as shown on submitted parameter plans, the exact siting of the proposed holiday lodges, buildings and drainage features are to be confirmed at the Reserved Matters stage. We therefore request that we are re-consulted if and when the applicant seeks to fix the location of the proposed buildings and drainage features'.*

*(04/08/23) 'Both the LLFA and the County's Ecology Officer have concluded that there are unlikely to be any direct impacts on the Pevensey Levels given the distance and lack of hydrological connection'.*

Required Conditions and Agreements: suggested conditions relating to the Outline application and any Reserved Matters application set-out for discussion but not concluded. Legal agreement and financial contributions not concluded.

- 6.12 Southern Water: **GENERAL COMMENT**

Comment: Proposal would be 220m from Catsfield Wastewater Treatments Works, a precautionary buffer zone of 500m around the Works has been set.

Required Conditions and Agreements: suggested conditions relating to the Outline application and any Reserved Matters application set-out for discussion but not concluded. Legal agreement and financial contributions not concluded.

#### Town/Parish Councils

- 6.13 Ashburnham and Penhurst Parish Council: **OBJECTION**

Comment:

- a) Harm to Ancient Semi Natural Woodland.
- b) Harm to AONB.
- c) Impact on 1066 Country Walk.
- d) The Applicant states that there will be economic benefit to the local area, but this is unsubstantiated in the documentation.

- 6.14 Battle Town Council: **OBJECTION**

Comment: The Council feel that the development would not be to the advantage of Catsfield or neighbouring villages.

- 6.15 Brightling Parish Council: **OBJECTION**

Comment:

- a) The size of the development in an area within the High Weald AONB.
- b) The increased traffic and population on the local infrastructure.
- c) The destruction of natural habitats and bio-diversity that would result from the building of cycle tracks, paths, and the lodges themselves.
- d) The precedent it could set for similar size developments in the AONB.

6.16 Catsfield Parish Council (The local Parish Council with regards to the application):

**OBJECTION**

Comment:

- a) Tourism: The Core Strategy notes that the nearest larger settlement of Battle does attract tourists however only a low number stay overnight, whilst some accommodation is needed in Battle, this location would not address this. It has not been proven that there is a local need for tourism in this area. Policy allows for small-scale provision, which this is not.
- b) Highway safety: Nearest bus stops are not within walking distance (over 500m) and the footway is sporadic. There are limited facilities within the village. Private car use would be the most used form of travel for users. Traffic generation would overload local roads. At full capacity there could be 100s of daily trips. Transport statement is incomplete, the use of Freckley Hollow is not appropriate as this is a single lane highway with no passing points.
- c) Character and Appearance: The site would drastically, negatively affect the landscape, particularly when in view from the 1066 County Walk. The open landscape would be diminished by the application, replacing the natural environment with an urbanising impact. Access drives would further urbanise the landscape appearing incongruous. Noise and light pollution would affect the local area.
- d) Ecology, trees and the environment: protected species will be affected by the scale of the development. Wider woodland would be affected by lodge residents. Transitory animals' routes will be affected and blocked by the proposal. This could lead to deaths of deer, birds, and bats. Cleaning materials may cause toxic chemicals to leach out into the soil. Ancient Woodland is an irreplaceable habitat, there are veteran trees on the site.
- e) Utilities: Catsfield has frequent power outages, the additional load of development would cause increased strain. Internet and phone signals are also poor in the area.
- f) Construction and Community: It has not been proven how the application would benefit the local community. The majority of holiday makers spend would be within the resort. Loss of Normanhurst Stables would be a great loss as facility is used locally. There is no need for tourism in the area so the benefits would be mainly to the developer.
- g) In summary any benefits in the form of tourism provision, which has not been proven and are not encouraged by the Development Plan policy, would be outweighed by the substantial harm to the AONB and countryside in general, and the impacts on the character and appearance of the Estate itself, ecology, trees, utilities and other local infrastructure.

6.17 Crowhurst Parish Council: **OBJECTION**

Comment:

- a) If a similar development was proposed in Crowhurst it would go against our Neighbourhood Plan policies, particularly our environmental policies.
- b) Crowhurst as an adjoining parish would be affected by the increased traffic.
- c) Crowhurst lies in the watershed of Catsfield and therefore any water pollution would affect the residents.
- d) The proposed development goes against many of Rother's own bio-diversity policies which we strongly support in Crowhurst.
- e) We didn't see any details about lighting in the whole development (in the lodges and along paths), but we are concerned that light pollution levels would likely be greatly increased and go against the dark skies policy.
- f) We fear that it would set a precedent for a development of this size in the HWAONB, and more could follow.

6.18 Herstmonceux Parish Council: **OBJECTION**

Comment: Herstmonceux Parish Council agreed that this is a large site that will have an impact on traffic, and therefore emissions, through the surrounding countryside, including the parish of Herstmonceux. Furthermore, the site of the application lies in an AONB which to approve this application would set a worrying precedent, especially with a development of that magnitude, for areas of AONB in all districts in our County.

6.19 Ninfield Parish Council: **OBJECTION**

Comment: Ninfield Parish Council consider that the proposed development conflicts with the overall aims of the NPPF, does not constitute sustainable development, and conflicts with the local planning authorities' policies.

6.20 Northern Parishes Group: **OBJECTION**

The Northern Parishes Group consists of chairmen of parish councils in the northern part of the Rother District Council, clerks of parish councils, district councillors, and others. The aim of the group is to take issues of common interest and pursue them collectively for greater impact. Six parish councils are involved in the group. Objection on the basis of:

- a) Impact on the High Weald AONB.
- b) The impact on Ancient Woodland and woodland.
- c) Ornithological impact.
- d) Landscape stewardship.
- e) Design.
- f) Dark skies policy.
- g) Development outside development boundary.
- h) Ecological impact.
- i) Achieving sustainable development.

Extensive response submitted substantiating the above statements is on the planning portal for review.

6.21 Catsfield Tree Warden: **OBJECTION**

Comment: note that numerous submissions have been made. Objection relates to:

- a) The proposal does not recognise the effect of development on Priority Habitats; namely, their potential issues being i) irreplaceable loss; ii) deterioration of habitat; iii) loss of continuity between remaining parcels of Priority Woodlands, iv) effect of air pollution from cars.
- b) The presence of two Natura 2000 sites important wetland sites (Pevensy RAMSAR, and Pevensy SAC) which triggers the requirements under the Habitats Regulations for a Habitats Regulations Assessment (HRA) – which the Applicant has not done.
- c) Freckley Hollow is recognised by the HWAONB for its characteristic sunken lane and ghyll features which are highly typical of the HWAONB and is designated accordingly. It is against Rother's nature conservation policies to permit any loss of the habitat and flora which were the reasons for the original designation in the first place. I would also trust that you will seek to designate these trees along the Hollow within the new TPO when the current temporary one expires in July 2023.
- d) The project is within a blanket TPO but huge implications for protected wildlife from the gross habitat loss that will occur.
- e) What is also missing is ANY evidence that this is a proper EIA (Environmental Impact Assessment), following CIEEMA Guidelines (para 4.3). The EIA is ...weak, lacks scientific vigour and does not demonstrate 'survey effort' which is an essential criterion for sound survey work. It should be thrown out, and the application refused

Non-statutory consultee

- 6.22 Sussex Wildlife Trust: **OBJECTION**  
Comment: harm to/ effect a) Major development within the High Weald AONB; b) Direct impacts; c) Indirect impacts; d) Protected species; and, e) BNG to be reviewed.
- 6.23 Woodland Trust: **OBJECTION**  
Comment:  
a) Potential loss and deterioration of Ancient Woodland.  
b) 'Regardless of the size of the buffer proposed, the size and scale of the development appears to be inappropriate to the setting and therefore, while other forms of mitigation could feasibly be considered in this case, they are unlikely to sufficiently reduce the indirect impacts of the development and prevent deterioration of the Ancient Woodland areas'.
- 6.24 The Countryside Charity Sussex (CPRE): **OBJECTION**  
Comment: Object on the grounds of landscape preservation, protection of Ancient Woodlands, traffic, and light pollution.
- 6.25 Sussex Ramblers (East Sussex Countryside Office): **OBJECTION**  
Comment: Object on the grounds of  
a) Visual impact;  
b) Pedestrian safety;  
c) Special landscape preservation (AONB);  
d) Woodland protection (NE and FC);  
e) Traffic impact and pollution;  
f) Broader setting considerations;  
g) Disruption of PROW;  
h) Rerouting Public Footpath; and,  
i) Visual and physical impact on 1066 County Walk.
- 6.26 Ramblers Sussex Area Council: **OBJECTION**  
Summarised in Sussex Ramblers above.
- 6.27 Battle Ramblers: **OBJECTION**  
Summarised in Sussex Ramblers above.
- 6.28 Royal Society for the Protection of Birds (RSPB): **OBJECTION**  
Comment:  
a) Potential impact upon Ancient Woodlands, an irreplaceable habitat;  
b) Loss of lowland mixed deciduous woodland and wet woodland, and, Priority Habitats/Habitats of Principal Importance (HPI);  
c) A lack of sufficient bird surveys; and,  
d) Large scale development within the High Weald AONB.
- 6.29 Sussex Ornithological Society: **OBJECTION**  
Comment:  
a) Development within the AONB;  
b) The Countryside and Rights of Way Act 2000 makes clear in Section 92 that the conservation of natural beauty in AONBs includes the conservation of "fauna and flora...". The landscape scale aspect of this requirement is key and no planning proposal can be considered in isolation from its wider physical context; and,

- c) The lack of winter surveys.
- d) Present strong environmental policy grounds for objection.

6.30 Sussex Police: **GENERAL COMMENTS**

Comment:

- a) Applicant should contact police before making plans for licenced premises serving alcohol.
- b) Recommendation that entrances are gated and controlled to prevent entrance for opportunist thieves.

6.31 East Sussex Fire and Rescue Service: **HOLDING COMMENTS**

Comment:

- a) We would like to highlight the need for planning to consider proper access and water supplies for Fire & Rescue Service Purposes, and as such please see attached an Information Sheet specifying requirements for access.
- b) Consideration should be given to fire breaks within the proposed wooded development.
- c) Consideration should be given to the weight of fire appliances currently in use in East Sussex which exceed the minimum carrying capacity for vehicle access routes.

[Officer Note: the Applicant has reverted (email 212/07/2023) to state that they will address these issues at Reserved Matters and are acceptable to appropriately worded Condition(s). However, the issues raised materially affect matters of access, layout, and effect on setting under this determination].

6.32 RDC Conservation & Design: Comments incorporated into report.

6.33 RDC Planning Policy: Comments incorporated into report.

6.34 Environmental Health: **holding OBJECTION**

Comment: suggest holding objection due to technical nature of conditions requested that may affect environment.

Required Conditions and Agreements: suggested conditions relating to the Outline application and any Reserved Matters application set-out for discussion but not concluded. Legal agreement and financial contributions not concluded.

6.35 RDC Waste & Recycling: subject to Reserved Matters application.

6.36 The Ashburnham Estate (as immediate neighbouring Estate): **OBJECTION**

Concern:

- a) Major development within the AONB;
- b) Alternative site search not compatible.

6.37 Planning Notice:

Numerous responses to the application have been received; circa in excess of 734 letters of objection. This is not a verbatim report and full copies of all representations received are available on the project planning portal. Responses are summarised as follows:

**Planning**

- a) Concern that this is an Outline application with numerous issues either unresolved, or to be determined through Reserved Matters.

- b) The proposal is for a large-scale development outside of the Development Boundary of Catsfield.
- c) Merging the boundaries of Penhurst and Catsfield, by virtue of the ribbon development of the site creates an urbanised link between rural developments in the locality.
- d) The whole site is within the High Weald Area of Outstanding Natural Beauty and should be protected as such.
- e) The position of this whole development does not comply with Core Strategy Policy OSS4 as it detracts from the character and appearance of the locality, turning mature green areas of Ancient Woodland, arboretum, and agricultural land in a rural landscape into an urban development.
- f) Overbearing development - twice the size of current Catsfield.
- g) Location, the scale of the site seems unfit for the proposed location based on the road network and surrounding topography and land uses. The area is fundamentally a busy rural community interspersed with pockets of residential development; the application would flood the area with an over-scaled holiday park within the rural setting of the Area of Outstanding Natural Beauty.
- h) Quite clearly JLL's interpretation of NPPF paragraph 176 is at odds with all other experts. This proposal is in no way sensitively located, its population will be greater than the village it will overrun, nor can it possibly have minimal adverse effect on the local environment.
- i) The Applicant states that the proposals will not be used for the purpose of permanent housing. Because of the remoteness of the site and proposed locations of the holiday lodges, who will check and monitor its use? and/or ensure that this does not happen? Is the site to be closed down during the winter months?
- j) Layout and density of buildings are not in line with High Weald Design Guide and far too many lodges for a rural environment to be preserved.
- k) Application Form as completed by the applicant is inaccurate and misleading.

### ***Environment***

- l) Insufficient surveys undertaken to inform effect and mitigation measures of the development.
- m) Destruction and loss of existing habitat and related biodiversity [Officer Note: this issue is raised in considerable detail in numerous objections].
- n) Irreversible impact and harm to protected and/or designated international, national, and local habitats and landscapes.
- o) As a result of the imprecision of the TPO data, it is impossible to correlate the TPO extent and boundaries that apply to the Normanhurst Estate, which would thus impact the Outline Planning Application (OPA). It is for this reason that I am objecting to the OPA, since I cannot - nor could any other member of the public - make a judgement about the impact of the proposed development access roads in proximity to protected trees and immediately adjacent to wider areas of designated Ancient Woodland.

### ***Socio-economic/ commercial***

- p) This type of business in other UK locations has proved that little benefit occurs for the local residents.
- q) There is no economic case for this plan. There is no requirement for affordable workspaces, we do not need a large 600 bed development competing with our local accommodation businesses and here is no requirement for extra high-quality accommodation. It will not create any meaningful employment or bring a significant uplift to the local economy – despite the Applicant's claims.



- r) The heavily-laden word 'shortfall' is a misrepresentation of EC6 but is repeatedly used to reinforce justification of the proposal with the erroneous idea that this major development is an exceptional circumstance. Having carefully read Policy EC6, I can find no mention of a 'shortfall' or a need for high-end visitor accommodation.
- s) The income benefits claimed in the application are not proven and highly sensitive to realistic changes to the variables used in the predictive model. The model used to justify the application is unsafe.
- t) Agree that the Estate needs to make an income and be properly managed, opening up areas of the Estate for walkers and cycle routes as well as horse riding can all work beautifully together but the location and sizable spread and floorplan of these lodges and infrastructure needed to support this is taking the heart out of the Normanhurst Estate and it needs to be re-thought out in a much more sympathetic way that works for everyone including the animals and wildlife that it is home too.

### **Highway and access**

- u) The surrounding roads are relatively narrow and existing connections to public transport cannot be considered good; safety concerns.
- v) Traffic problems on local roads and the broader network accessing the development.
- w) The Catsfield entrance is a blind, hazardous, exit, Horne's Corner is a ludicrous suggestion causing secondary traffic issues on all the roads leading to it, Frickley Hollow/Lane is too narrow, and the north-east entrance is too narrow unless you knock down a listed structure and obscure the access of the residents at that entrance.
- x) Limited available public transport links to the site resulting in a significant potential carbon footprint and long-term impact.
- y) There would be frequent crossing of the 1066 Country Walk by service vehicle movements including HGVs along a new access road on the north-east of the site to the old "Gatehouse area".
- z) Access to the site both during construction and after completion will rely on the use of the North Trade Road, which is often heavily congested, with narrow sections, both in and outside school times. Battle itself, the Estate's closest town consists mainly of one narrow high street. There is little parking. An influx of holiday-makers will greatly affect the residents' ability to travel in and out of the town, bound as it is by roundabouts both north and south and a dearth of safe crossing places for pedestrians. Changeover days will bring heavy traffic to the area on a weekly basis.
- aa) It will become dangerous on the country lanes for daily use for cycling, running, walking and general car use. These lanes are regularly used by horse riders, another group who will be endangered by the inevitable increase in traffic on these lanes.
- bb) The site is not within walking distance of main residential areas or external attractions so significant additional motorised traffic would be generated for staff and visitors.
- cc) 'We farm at Burnt Barns Farm. We have enormous difficulty getting sheep and cattle hauliers plus other important farm deliveries down Frickley Hollow and Marlpits Lane. Some drivers have refused to deliver to us. On occasions we have had to unload them at the end of Frickley Hollow. Due to the geography of Frickley Hollow, I cannot see how the road will put up with the increased impact of construction vehicles. The other major environmental point for us is the runoff of water down Frickley Hollow into our ditch which feeds our lake. The council has visited this situation a number of times and

has not been able to come up with a solution even though it is their responsibility. Every year, our ditch fills up with waste from the road. Any additional traffic will increase the environmental impact this causes (Ref. ID 111)'.  
dd) Loss of mature woodlands for car parking.

### **Local setting**

- ee) Impact on character, setting and amenity value of 1066 County Walk. No regard to the views of residents or the organisations who have objected to this proposal. The AONB is land protected by the Countryside and Rights of Way Act 2000 (CROW Act). It protects the land to conserve and enhance its natural beauty. This application should be rejected as it does not conform in any way to this legislation.
- ff) At present, walking these footpaths is a peaceful and pleasant experience and the 1066 Country Walk is a popular route. The proposed layout of development in places appears to have little regard for these historic Routeways. Furthermore, it is unacceptable to have the main access road crossing a PROW footpath (Catsfield 5).
- gg) The Normanshurst Estate is full of history, trees that are hundreds of years old, let alone the hundreds of species of animals that we are subject to lose.
- hh) Impact on Catsfield Village: how will 1,200 visitors be kept quiet to ensure noise pollution is not increased; loss of amenity; increased local traffic.
  - ii) The proposed development will increase traffic to poorly maintained roads, leading to increased air pollution, noise pollution, and safety concerns for both pedestrians and motorists. This will not only have a negative impact on the environment but also on the quality of life for local residents.
- jj) Within the Applicant's response it states that the electric vehicular buggies will be locked away at night. Does this mean that guests staying on the site will have a curfew? or will they just have to walk back to their lodge if they return late at night?
- kk) Impact on Dark Sky policy.
- ll) No to very limited local spend generated by visitors to the development within Catsfield and surrounds. The application site has a farm shop and cafe/restaurant all of which would have a negative impact on the businesses which operate within a 5-mile radius of the development.
- mm) Changes the whole character of Catsfield Village, a lovely little country village, to the detriment of its people.
- nn) The report submitted by the Applicant detailing the effect on air quality cannot disguise the fact that having greatly increased traffic flow in the village during construction and whilst operating as a leisure site and having twice as many residences in the village can only have a detrimental effect on air quality.
- oo) Loss of equestrian facility.

### **Infrastructure and Delivery**

- pp) The impact on the local community with the increased call on limited infrastructure e.g. water, sewage, medical provision, lighting, and WiFi.
- qq) The infrastructure is not available to cater for this increase in power demand and would therefore cause the village possible power outages and more disruption.
- rr) Reference to SouthEast Water's Notice regarding insufficient mains water (not substantiated).
- ss) In order to construct the proposed conurbation, thousands of mature trees and natural vegetation will be destroyed.

- tt) Concern that this is a land promotion agreement with no route to actual delivery of commitments.

Consultation: conclusion

- 6.38 In terms of NPPF paragraph 177 *'When considering applications for development within ...Areas of Outstanding Natural Beauty, permission should be refused for **major development other than in exceptional circumstances**, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*
- a) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
  - b) *the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
  - c) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*
- 6.39 In light of the fact that the Local Planning Authority and Applicant has deemed this application to be 'major development' (in accordance with NPPF Footnote 60) where the need is for the Applicant to demonstrate 'exceptional circumstance', additional weight is attributed to the consultee comments as set out above.
- 6.40 Certificate B (Ownership): it is noted that the Applicant has issued a Notice Letter under the Town and Country Planning (Development Management Procedure) Order 2015 under Article 13 (dated 16/08/2023) to interested parties.
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## 7.0 PLANNING CONTRIBUTIONS AND LEGAL TEST

- 7.1 The Local Planning Authority has been working with the Applicant to prepare a DRAFT s106 Agreement, however, the final Agreement is subject to review by binding statutory consultees prior to engrossing the final agreement. This has not been concluded.
- 7.2 The three tests as set out in Community Infrastructure Levy (2010) Regulation 122(2) requires s106 agreements to be a) necessary to make the development acceptable in planning terms; b) directly related to the development; and, c) fairly and reasonably related in scale and kind of the development. If all other matters of the application were deemed to be acceptable, then based on the working draft of the Agreement, it is anticipated that the following contributions are to be secured by way of a s106 agreement.
- 7.3 Public Art (Voluntary contribution): £20,000 for the commissioning, design engagement with Rother District Council and statutory consultee (AONB Unit), installation, and, legal agreements; and, an annual contribution in perpetuity to the Service-Level Agreement (SLA) the Council has with ESCC Rights-of-Way team who maintain the 1066 County Walk and will maintain the public art on behalf of the Council, a sum of £1k a year in line with inflation (RPI) has been agreed.
- 7.4 Normanhurst Estate Management Scheme: 1) The management of PROWs, bridleway, cycle routes and permissive paths: £17,793 per annum; 2) Estate management, woodland management, Biodiversity Net Gain: £33,000 per annum.

Outstanding issues:

- a) No evidence of sum breakdown, unclear if this includes staffing cost, Capital Works, funding to address route/ landscape deterioration with intensification of use, investment to enable enhancement, etc.
- b) Applicant's response '*This figure has been calculated utilising our understanding of the existing management of the Estate, together with comparable tender awards for ground maintenance services in Hertfordshire, Essex, and London. The infrastructure will be installed as part of the scheme, and therefore this fund is the ongoing management of the PROWs etc and would include all costs. Part 6 Paragraph 100 of the Environment Act 2021 is relevant to Biodiversity Net Gain in Planning and requires that a site is required to maintain the enhancement for at least 30-years, hence this timeframe*'.

7.5 It is noted that no detailed discussions by the Applicant have been concluded with the LPA, ESCC Highways, and other infrastructure service providers regarding s106 financial contribution. This has not been concluded in part by third-party' position of OBJECTION. It is stated that they reserve the right to request s106 contributions as so required to make the application acceptable should the application be consented. The s106 Agreement should therefore be considered as draft.

7.6 ESCC Highways have provisionally noted s106 agreement matters as:

- a) Highway improvements at all access points.
- b) Bus improvement: provision of improved local bus stops and bus stop clearway markings identified, two bus stops, and a s278 Agreement (Ref. ESCC Highways letter dated March 2023).
- c) Diversion of PROW Footpaths: cost to divert and re-instate PROW including landscaping. A PROW management, maintenance and annual investment plan and programme of works (s106 legal agreement and financial sum).
- d) Demand Responsive Transport Provision: £105,000 (£35,000 per annum for three years). Applicant: '*The wording is within the draft section 106 and states that the DRT scheme is "a scheme setting out the details of Demand Responsive Transport which will serve the Development (being a flexible service that provides shared transport to users who specify their desired location and time of pick-up and drop-off) and which may include: (i) flexible bus services (registered bus services that are able to deviate from fixed routes); and or ii) (ii) community transport minibuses licensed taxis or private hire vehicles ; and/or (iii) social services transport; and/or (iv) non-emergency patient transport". This reflect the response from ESCC and their request*'.
- e) Travel Plan Monitoring: £3,000 per review for years 1, 3 and 5 (not agreed).
- f) Construction Workplace Travel Plan Monitoring: £3,000 per review for years 1, 3 and 5 (not agreed).
- g) Delivery and Servicing Management Plan: £3,000 per review for years 1, 3 and 5 (not agreed).
- h) Other.

7.7 Planning Performance Agreement with Council: sum of £30,000 per annum for Reserved Matters application upto engrossing the final s106 Agreement/ discharging all conditions (not concluded).

7.8 Jobs, Skills, and Training (Voluntary contribution): £1,000,000 (nature of agreement not concluded).

7.9 The application 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 final

development area consented. The LPA will engage with the Applicant to table financial contributions as part of the Reserved Matter application(s).

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## 8.0 APPRAISAL

8.1 The key issues for consideration are as follows:

- a) The principle of development (planning policy)
- b) Socio-economic assessment
- c) Highways, accessibility, and parking
- d) Heritage and conservation (impact on the setting of listed buildings and heritage assets)
- e) Design (Impact on the character of the area and design of the proposal: layout; appearance -scale and massing; landscape)
- f) Environmental matters:
  - Land contamination
  - Biodiversity Net Gain (BNG)
  - Impact on woodlands (Arboriculture)
  - Impact on landscape and vegetation
  - Impact on flooding and drainage
  - Dark Skies
- g) Sustainability and energy (carbon) strategy
- h) Impact on neighbouring amenity (noise and air quality)

8.2 **THE PRINCIPLE OF DEVELOPMENT** (planning policy)

### Planning Policy

8.2.1 National Planning Policy Framework (NPPF)(2021) requires application to, at a principle level, to accord with paragraph 7 '*The purpose of the planning system is to contribute to the achievement of **sustainable development***'; and, Paragraph 8 '*three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways a) an **economic** objective; b) a **social** objective; and, c) an **environmental** objective*'.

8.2.2 Paragraph 177: '*When considering applications for development within ...Areas of Outstanding Natural Beauty, permission should be refused for **major development**<sup>60</sup> other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) *the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and,*
- c) *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated*'.

Footnote 60 – '*For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined*'. [Officer Note: in this case, the decision maker would be the Local Planning Authority].

8.2.3 NPPF paragraph 84 relating to 'supporting a prosperous rural economy' states that:  
*'Planning decisions should enable:*

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses; and,*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside'.*

8.2.4 In terms of Rother's Local Plan, the main policies relating to the principle of development are Core Strategy Policies OSS1, OSS2, OSS3 and Development and Site Allocations (DaSA) Policy DIM2, which seek to encourage sustainable development by directing most forms of development to within existing development boundaries.

8.2.5 Outside of existing Development Boundaries, within the countryside, the Core Strategy advises:

- c) Policy RA2 (iii) *'Strictly limit new development to that which supports local agricultural, economic or tourism needs and maintains or improves the rural character';*
- d) Policy RA2 (v) *'Support enjoyment of the countryside ....through improving access and supporting recreational and leisure facilities that cannot reasonably be located within development boundaries, such as equestrian facilities, compatible with the rural character of the area;*
- e) Policy RA2 (vii) *'Support tourism facilities, including touring caravan and camp sites, which respond to identified local needs and are of a scale and location in keeping with the rural character of the countryside';*
- f) Policy RA3 (ii) *'Supporting suitable employment and tourism opportunities in the countryside, including by the conversion, for employment use, of farm buildings generally in keeping with the rural character, and by the sensitive, normally small-scale growth of existing business sites and premises;*
- g) Policy RA3 (v) *'Ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management;*
- h) Paragraph 12.63 confirms an approach that favours small-scale growth of existing sites, advising that consideration should be given to new small-scale provision to respond to 'modern expectations', recognising environmental factors.

8.2.6 The key planning environmental consideration is the application site's location in the High Weald AONB. Core Strategy Policy EN1(i) advises that the distinctive landscape of the AONB will be protected and wherever possible enhanced. DaSA Policy DEN2 advises that development within the High Weald AONB should be '*small-scale*', in keeping with the landscape and settlement pattern, stating that major development will be inappropriate except in exceptional circumstances. Footnote 32 states that *"Major development' will be defined taking account of the nature, scale and setting of a proposal and whether it could have a significant adverse impact on the purposes for which the AONB was designated'.*

8.2.7 DaSA Policy DEC2 sets out specific policy for holiday sites that the proposal should accord with, which are considered below. The supporting text to the policy, at paragraph 5.14, gives a useful summary of the Core Strategy policies, advising that

*'Tourism contributes significantly to the local economy. The overarching policy approach set by the Core Strategy, at Policy EC6, is to support tourism activities and facilities, including by increasing the supply of quality serviced and self-contained accommodation, while ensuring compatibility with other policies, especially those that protect environmental character and amenities'*. The paragraph advises that for the Rural Areas, priority be given to the conversion of redundant traditional farm buildings for tourism uses.

8.2.8 Policy DEC2 requires holiday site proposals to: safeguard the High Weald AONB; support the conservation of biodiversity; not significantly detract from the needs of agriculture; not unreasonably harm the amenities of nearby residents; not be in an area of flooding; and accord with other relevant policies of the Local Plan. In addition, chalet accommodation, which this application is, must be: of a modest scale; or, be within an existing site. In addition, if permitted, applications would be subject to the restriction of the site to holiday-use only.

8.2.9 The Countryside and Rights of Way Act 2000, section 89 requires local authorities with land in an AONB to prepare and publish an up-to-date plan s89(1) *'which formulates their policy for the management of the area and for the carrying out of their functions in relation to it'*. In the High Weald this requirement is met through the High Weald Joint Advisory Committee (JAC), a partnership which includes all 15 local authorities covering the area together with community, environment, and land-based sector representatives.

8.2.10 The High Weald AONB Management Plan 2019-2024, along with the High Weald AONB Housing Design Guide (2019), are statutory documents advising the Local Planning Authority's policies for the management, and design informatives, of the High Weald AONB (The HWAONB Plan is referenced in the RDC Local Plan in Chp 17 paragraph 17.13 and DEN2) *'addresses the primary purpose of an Area of Outstanding Natural Beauty - the conservation and enhancement of the special features that represent its natural beauty. In doing so it sets out key guidelines for the management of the landscape by defining "Natural Beauty" in terms of its key features'*. The HWAONB Plan states that the purpose of the Plan (pg. 15) is *'The Plan can be used to guide environmental land management and assess the impact of development or other changes on the AONB. Where the ambition is to achieve environmental net gain, or assess potential harm, the Plan provides a framework for identifying actions that may enhance or damage the AONB's natural and cultural assets. Key characteristics for each component of natural beauty identify what is special about the High Weald's landscape and beauty that should be afforded 'great weight' in planning decisions'*. The Plan is structured in terms of several Objectives relating to Geology landform, Settlement, Routeways, Woodlands, Field and Heath, Land-based economy, and, other qualities. The HWAONB Plan should be read as a central informative to Policy EN1 Landscape Stewardship. The response from the AONB Unit (see consultation) should therefore be read in this regard and carries substantial weight.

8.2.11 In local policy terms, the principle of tourism-led development in a rural location is supported, but only in the limited circumstances set out in the Core Strategy and where the proposal would meet the criteria of DaSA Policy DEC2. In all cases, policy would be supportive of small-scale development intervention *'modest scale for low key, high-quality accommodation that requires only limited ancillary facilities'*.

8.2.12 In reviewing the application against policy, it is assessed that the application is significant in scale, 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. The application therefore fails to comply with the adopted Local Plan (CS Policies OSS1, OSS2, OSS3, RA1, RA2, RA3, EC6 and EN1; and, DaSA Policies DEC2, DEN2, and DIM2), and NPPF.

8.2.13 In terms of the HW AONB Management Plan, due to the scale of development; its direct, indirect, and long-term potential effect and impact on the landscape habitat(s); and impact on the character of the AONB, the application does not accord with Objectives G2, G3, S2, S3, R1, R2, W1, W2 and W3 (in part), FH3 and FH4 (in part), and OQ4.

*Review: major development in the AONB*

8.2.14 The application proposes the development of up to 211 holiday lodges with the additional associated leisure, commercial, and maintenance buildings, up to 350 parking spaces, a network of pedestrian and cycling routes across the Estate and supporting infrastructure. Table 2 sets-out a review of maximum potential quantum of development (c. 70,825sqm) and maximum potential residential population (c. 811 people).

8.2.15 In quantum, the lodges would equate to a residential development 133% of the number of dwellings within Catsfield; and, the arising population has the potential to create a resident population to significantly exceed the c.400\* population of the village (\*based on 161No. of dwellings multiplied by the latest household data from the 2011 Census which identified an average household size of 2.5 persons per dwelling).

8.2.16 This application therefore needs to be viewed to represent major development in the High Weald AONB within the meaning of NPPF paragraph 177 and footnote 60. This position is acknowledged by the Applicant, and they have set out their motivation to address 'exceptional circumstances' in their Planning Statement accordingly. In principle, the scale of development would not accord with DaSA Policy DEN2, as supported by NPPF policy, stating that development in the High Weald AONB should be **small-scale**, in keeping with the landscape and settlement pattern and that major development will be inappropriate except in exceptional circumstances.

8.2.17 The approach of the NPPF (Chp. 15 Conserving and enhancing the natural environment) to development in protected valued landscapes is set out in the following:

a) Paragraph 176: *'Great weight should be given to conserving and enhancing landscape and scenic beauty in ...Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given **great weight** in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'*.

b) Paragraph 177: this paragraph requires the Local Planning Authority to undertake a three-point assessment which is addressed below.



- 8.2.18 In determining this application, the Local Planning Authority must consider whether there are 'exceptional circumstances' justifying the granting of planning permission, and whether granting planning permission would be 'in the public interest'.
- 8.2.19 The Applicant's Planning Statement (January 2023) seeks to pursue the argument that exceptional circumstances apply. The Statement seeks to make the case that the application is sustainable development under the economic, social, and environmental objectives of sustainability as set out in NPPF paragraph 8 and then considers this in relation to paragraph 177(a) (economic need). It also considers alternatives through an Alternative Sites Assessment in relation to 177(b) and considers the environmental impacts in relation to 177(c). The assessment below responds to the case that is set out in the Applicant's Planning Statement.

**The Need for the Development** (NPPF 177(a))

- 8.2.20 NPPF paragraph 84 states that planning policies and decisions should enable the '*sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings*' and '*sustainable rural tourism and leisure developments which respect the character of the countryside*'. Reading this with the Local Plan, both policy's emphasis is on sustainable, small-scaled growth that addresses the character of the rural built and rural landscape character. In principle, policy is not against rural tourism-led development.
- 8.2.21 The Overall Spatial Development Strategy (Policy OSS1) does allow limited residential and other development within market towns and villages; with an emphasis on small-scale. This overall Strategy reflects both the dispersed nature of the rural population and services, nature of villages, and the sensitive nature of the High Weald landscape in which development may occur. Policy recognises the fragility and inter-relationship of this rural socio-economic and natural landscape and directs major development towards more defined urban areas within Development Boundaries (Policy OSS2).
- 8.2.22 Policies RA2 and RA3 support the creation of rural employment opportunities where they are in keeping with rural character, as well as tourism facilities which respond to identified local needs and are of a scale and location in keeping with the rural character of the countryside; Policy EC6 encourages proposals that increase the supply of quality serviced and self-catering accommodation, as well as tourism development that develops markets for local produce, which this application has the capacity to do, provided that such proposals are compatible with other Core Strategy policies; and, Policy DEC2 requires that purpose-built holiday accommodation must safeguard intrinsic and distinctive landscape character and amenities, paying particular regard to the conservation of the High Weald AONB, while specifically requiring that proposals for lodge accommodation are of a modest scale and require only limited ancillary facilities.
- 8.2.23 The application constitutes major development which is contrary to Policies RA2 and RA3 which require economic development and new tourist facilities to be of a scale that is in keeping with the rural character of the area and that responds to local needs, as well as Policy DEC2 regarding purpose-built tourist accommodation. While the application may have the potential to help develop markets for local produce as per Policy EC6, it does not meet the requirements of other policies in the Local Plan.

- 8.2.24 The supporting evidence base to the Local Plan did not identify substantive need in the rural areas (attributing only 1,670 dwellings and c. 10,000sqm of employment space to all villages over the Plan period). It is however accepted that such markets remain in a state of flux, and with regards to the tourism/ leisure market they inherently identify new/ niche opportunities. Further, post Covid, the UK leisure and hospitality industry has yet to find a 'new normal' which it is suggested would require further motivation by the Applicant, in terms of both concept, actual deliverability, and in-operational economic benefit.
- 8.2.25 A review of RDC's Housing Land Supply study (April 2022) shows that housing completion in the rural villages since the start of the Plan period (2011/12) is 728No. as of end 2021/22 (i.e. 44% of Plan). The RDC's Employment Land Supply study (April 2022) shows that 11,237sqm of employment spaces has already been delivered in the rural areas and, allowing for 'in progress', 'permitted' and 'identified land', this rises to 21,950sqm for the Plan period. This would suggest that the evidence base to the Local Plan has been robust in terms of identifying development need over the Plan period within Rother. The employment study (paragraph 5.8) *'suggests that there is no quantitative requirement for additional employment floorspace in Bexhill, Rye & Rye Harbour, or the Rural Parishes'*.
- 8.2.26 Turning to the matter of tourism and leisure development over the Plan period, a review of the evidence base to the Plan (namely, Rother Hotel and Visitor Accommodation Futures; November 2013), noted (paragraph 3.6.7) *'Testing developer interest in boutique, country house and niche hotel development in a location such as Rother is very difficult as the development of such hotels will be largely opportunistic'*.
- 8.2.27 Where the application would have a significant adverse impact on the landscape of the High Weald AONB, the application has the potential to diminish Rother's overall attractiveness as a visitor destination (1066 Country) insofar as the existing quality of its distinctive rural character is integral to its existing tourism offer.
- 8.2.28 The Economic Benefits and Needs Assessment (January 2022) sets out to demonstrate that the application would have significant economic benefits for Rother. A more detailed review of this report is taken elsewhere in the Officer Report to assess impact upon the local economy.
- 8.2.1 Ancillary to the tourism function, is the proposed c.2,200sqm of affordable workspace. Paragraph 7.22 of the Planning Statement states that this workspace will be formed by re-purposing the existing buildings at the Normanhurst equestrian centre. However, there is no detail in the Planning Statement, Planning Statement - Appendix 1 Proposed Planning Conditions, or the Economic Benefits and Needs Assessment, as to how the proposed workspace is 'affordable' and how this will be guaranteed. It is also unclear whether this workspace will be linked to uses in the holiday resort or be completely separate. No business case has been put forward to understand use, market interest, or deliverability.
- 8.2.2 The development and economic benefits of the proposed employment upon the local economy are tempered by the fact that it is to be concentrated in one location, which is itself relatively isolated, i.e. the proposal does not represent sustainable growth or tourism development. It would not serve the dispersed nature of economic needs within the broader rural areas to which the development strategy set out in Policy OSS1 relates, and the employment opportunities created would necessitate a large

number of car journeys. The application therefore constitutes an unsustainable form of economic development within the rural areas.

- 8.2.3 Outside of Planning Policy, the Council's Environment Strategy 2020 – 2030 sets the priority of developing a 'green economy', which is defined in terms of being low carbon, resource efficient and socially inclusive. This objective would not be met by this application on account of its car dependency, and trip generation.

*Need for the development: concluding*

- 8.2.4 The argument made in the Planning Statement is that the need for the development, in terms of assessing the environmental impacts of the application with respect to major development in the AONB, is outweighed by the application's economic benefit and development need upon the local economy. This argument is not supported by studies undertaken to inform the Local Plan nor policy (as set-out above), nor has the Applicant demonstrably evidenced otherwise. Insofar as economic advantages are tabled, these have been reviewed (section below), and it is noted that advantages are not concluded as an end-operator's business case has not been tabled and consequently these figures need to be read with some caution.
- 8.2.5 It is worth considering that while NPPF paragraph 81 (which is quoted in 6.20 of the Planning Statement) states '*Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development*', this does not outweigh the 'great weight' afforded to the conservation and enhancement of the AONB landscape and scenic beauty as set out NPPF paragraph 176.
- 8.2.6 No local need for a tourism development of such significant scale is identified in the Local Plan. No robust national and/or local need has been put forward by the Applicant, noting that this would be tabled at Reserved Matters application. This therefore creates uncertainty in terms of deliverability and should consequently be viewed as a significant material consideration.
- 8.2.7 In assessing the application against NPPF 177(a), the application does not demonstrably evidence development need and such benefit to the local economy that it would outweigh the significant adverse impact on the purposes for which the AONB has been designated.

*Alternatives (NPPF 177(b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way)*

- 8.2.8 NPPF Paragraph 177(b) doesn't specifically refer to alternative sites. Instead, it refers to the 'cost' and 'scope' for development 'outside of the designated area' and to the possibility of meeting the **need** for the development 'in some other way'. No assessment against this criteria is made by the Applicant. Further, such need has not been identified in the Local Plan.
- 8.2.9 The Applicant's Planning Statement - Alternative Site Assessment (January 2023) reviews sites identified within RDC's DaSA (2019) and RDC's Brownfield Land Register (2022) and concludes that '*there are no sites available which are able to suitably accommodate the proposed development as a whole*'. This assessment is based on the Applicant's stated '*minimum space requirements (identified 139ha)*'.

8.2.10 The justification for the land requirement, and how the proposed development could possibly be met 'in some other way' is not substantiated. The Applicant has not addressed the NPPF paragraph 177(b) test and offers no evidence for considering whether there are exceptional circumstances to address this policy and that would be in the public interest, to justify granting permission.

**Detrimental effect** (NPPF 177(c) on the environment, the landscape, and recreational opportunities)

8.2.11 The site forms a large area of countryside and includes parcels of Ancient Woodlands, deciduous woodland, ancient and veteran trees, the 'Rother, Brede and Tillingham Woods' Biodiversity Opportunity Area, historic field boundaries within the site area, and bounded to the north-west by the historic glyst of Freckley Wood. The site is identified within the High Weald AONB, a landscape of national importance; is defined as a Valued Landscape in terms of NPPF 174(a); and, almost entirely within the Pevensey Levels Hydrological Catchment Area.

**Landscape impacts and design**

8.2.12 The NPPF 176 affords Areas of Outstanding Natural beauty (AONB) the highest level of protection as regards to conserving and enhancing landscape and scenic beauty; paragraph 174(b) requires planning decisions to '*recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services*'; i.e. national policy recognises the intrinsic socio and economic value of the landscape on its own merit.

8.2.13 In Rother, where a significant proportion of the District is within the countryside, including 82% of which is in the AONB, the protection of the rural landscape is a central objective of the Local Plan. Policy EN1 highlights the distinctive identified landscape character, ecological features, and settlement pattern of the High Weald. The particular landscape characteristics are further set out in DaSA Policies DEN1 and DEN2.

8.2.14 The Local Plan makes reference to the High Weald AONB Management Plan. The HWAONB Management Plan, "Objective S2" identifies the need to '*protect the historic pattern and character of settlement*' in respect of the High Weald's distinctive medieval settlement pattern (consisting of small, dispersed settlements that often occur around the junctions of historic Routeways and forming a key component of the landscape); and natural features such as Ancient Woodlands and sandstone outcrops. The application should consequently have consideration for the village and landscape setting of Catsfield which forms part of the reading of AONB villages.

8.2.15 In terms of scale of development, the High Weald AONB is a historic landscape, and consequently an application for 211 lodges and leisure buildings outside the existing settlement boundary should be assessed as having a significant impact on the historic natural and settlement character. While it is recognised that the existing Normanhurst Estate is a late 19thC and early 20thC development, the former and existing buildings occupy only a small area of the overall Estate, and this consideration therefore does not outweigh the broader historical origins and significance of the High Weald setting.

8.2.16 As an outline application, submitted as a series of parameter plans and illustrative Design Guide, the Applicant will need to demonstrate that key features of the High Weald, identified as objectives in the High Weald Management Plan, and a robust

understanding of the habitat sensitivities of the site are addressed, retained, and incorporated into the proposed development. Key features include but are not limited to: areas of Ancient Woodlands and deciduous woodland; the pattern of small irregularly shaped fields bounded by hedgerows and woodlands; historic field boundaries; historic routeways, which here include public rights of way; bodies of water and ponds; and, related habitat (flora and fauna) dynamics. The Parameter Plans appear in principle to have regard and address for these features. However, it is acknowledged by the Applicant that this is a folding topographic landscape with sensitive, designated landscapes dispersed across the entire site; this complexity is difficult to illustrate, let alone anticipate in terms of detailed resolution and construction deliverability. Further, the sheer impact of a resident population of (see Table 2) on this sensitive landscape will require detailed consideration and resolution. This concern regarding potential for long-term, irreversible harm which will only be identified at a detailed resolution stage is expressly noted in the various statutory and non-statutory consultees responses.

8.2.17 It needs to be expressly noted that the application falls outside the Development Boundary, its very purpose being to protect the landscape of the AONB and the setting of the High Weald villages. The Local Plan specifically identified limited growth to Catsfield to protect and maintain the landscape and village setting; the scale of the application will consequently have a significant visual, landscape, and functional impact on both the reading of the AONB landscape and on Catsfield. The scale of development, and the direct, indirect, and induced effect therefore form a material consideration in this determination.

#### Biodiversity

8.2.18 The protection and enhancement of biodiversity are central to planning policy, both in the NPPF and the Local Plan. In terms of NPPF paragraph 174, planning decisions should enhance the natural and local environment by minimising impact and providing net gains for biodiversity; paragraph 176 emphasises the importance of the conservation and enhancement of wildlife and cultural heritage within AONB; paragraph 180 states that development should be refused where it results in significant harm to biodiversity, where this cannot be avoided, adequately mitigated, or, as a last resort, compensated for, and especially where development results in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland and ancient or veteran trees); and, paragraph 180(d) states that through the determination of 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'*.

8.2.19 It is noted that the Environment Act 2021 will from November 2023 require all planning permissions to deliver at least a 10% biodiversity net gain according to Defra's biodiversity metric. This requirement is not yet in force. However, notwithstanding this, both national and local policy require major development to take account of conserving and enhancing ecology in the design approach to developments.

8.2.20 The protection and enhancement of biodiversity is required through the Local Plan, as set out in Policy EN5 (Biodiversity and Green Space) which requires the protection of biodiversity and geodiversity - (v) *'supporting opportunities for management, restoration and creation of habitats in line with the opportunities identified for the Biodiversity Opportunity Areas'*; (viii) *'ensures that development*

*protects and enhances habitats of ecological interest, including ancient woodland and water features*; and, (ix), requires developers to avoid adverse impacts on biodiversity and its integration into development, and where unavoidable, appropriate mitigation or compensation.

8.2.21 Policy DEN4 (Biodiversity and Green Space) requires that applications should support the conservation of biodiversity - (ii) states that proposals should seek to conserve and enhance irreplaceable habitats, including Ancient Woodland and veteran trees (also protected through NPPF paragraph 180(c)), and states that proposals should include measures for prevention, and (in the last resort) compensation.

8.2.22 The application sets out the following biodiversity enhancements:

- a) Biodiversity Net Gain: circa 10.09%.
- b) 7ha of new woodland planting / 'rewilding' (positioned to provide better connectivity for wildlife between existing woodland blocks within the Normanhurst Estate), and the creation of new lakes and ponds. The areas of newly proposed woodland will total more than twice the areas of woodland lost to development.
- c) The development will enhance areas of existing modified grassland (28.78ha), lowland mixed deciduous woodland (44.24ha), wet woodland (0.51ha) and ancient woodland (32.73ha).
- d) Eight new ecological ponds are proposed.

8.2.23 The Planning Statement (January 2023) Executive Summary states that the application will *'deliver exceptional environmental and ecological benefits', 'the natural beauty of the Site has been carefully considered and has formed a fundamental pillar in the design philosophy of the scheme and aspiration', and, the 'design framework establish the highest quality sustainable development'*. While it is acknowledged that the habitat areas been created and/or set-aside are considerable, this is already a multi-layered, diverse habitat where these habitat types already exist, the application proposes to retain them, while the management and maintenance strategies remain as informative to the Outline application. The implementation (funding and delivery) of the full extent of the Applicant's aspiration is contingent of a Reserved Matters application,

8.2.24 The delivery of 10% BNG responds to the 10% statutory requirement that will be a requirement from November 2023, and indicate a lack of 'exceptional' 'aspiration' as suggested above. The Applicant notes the potential to deliver far higher biodiversity gains, however given the exceptional requirements for major development within an AONB, such intent should be considered and evidenced in principle within this application rather than be left contingent of a Reserved Matters application, the reality of which may be precluded as the development, subject to detailed layout design, is to be delivered by third-parties.

8.2.25 As presented, the effect of the application on this sensitive landscape, and related retention and enhancement of the landscape and habitat, are set out in-principle. The delivery of such contingent of a Reserved Matters application, is therefore of some concern.

Dark Skies

- 8.2.26 NPPF paragraph 185(c) seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation.
- 8.2.27 The High Weald AONB Management Plan identifies dark skies as a particular perceptual quality of the High Weald as something that people value, and their preservation is highlighted in Objective OQ4.
- 8.2.28 RDC Policy EN1 with regard to Landscape Stewardship states '*Management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (vii) Tranquil and remote areas, including the dark night sky*'.
- 8.2.29 Policy DEN1 require that dark skies are maintained as a component of the landscape character and tranquillity of remote rural areas, '*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*'.
- 8.2.30 Policy DEN7 with regard to environmental pollution states '*development will only be permitted where it is demonstrated that there will be no significant adverse impacts on health, local amenities, biodiversity or environmental character as a result of lighting*'.
- 8.2.31 The issue of intrusive lighting in rural areas is further identified in the Council's Environment Strategy 2020 - 2030.
- 8.2.32 The High Weald AONB Unit is currently collecting data to support new planning policies. They note that the High Weald is home to some of the darkest skies in the South East. It is an intrinsically dark landscape largely free of interference from artificial light, with breath-taking views of the stars. However, light pollution is a growing issue in the AONB. It impacts the area's precious wildlife, increases carbon emissions, and wastes money. It also affects people's health and wellbeing, depriving them of a majestic view that has been enjoyed for millennia. The comments and concerns of the HW Unit are incorporated in the Officer Report.
- 8.2.33 Natural England note that '*whilst tranquillity and dark night skies are non-physical special qualities of the AONB they are not dealt with separately as other, physical landscape character elements are*'. This makes it harder to be clear with regard to the applicant's LVIA's conclusions. NE note '*however, it does appear to acknowledge that there will be an overall loss of tranquillity. With regards to dark night skies while we note the measures outlined that could reduce light-spill from the development (although these would not be secured through this outline permission) we again believe that the overall lighting impact from a development of this size has been downplayed*'.
- 8.2.34 Planning Statement paragraph 7.50 states – '*External lighting is proposed to be low profile and limited to lodge areas and access tracks. As much of the development is located within woodland settings, lighting will be naturally contained*'.
- 8.2.35 There is an inherent conflict regarding the need to provide adequate internal and external lighting, thus introducing an urban element into this setting, to serve the development's extensive layout across the landscape, and the impact of this 'contained' lighting on the ethology of woodland species, including protected species such as bats. Concern is expressed that the medium to long-term effects of this

impact have not been considered and could fundamentally and irreversibly change the ethology of this AONB landscape.

8.2.36 The extensive scale of development, located within AONB and countryside wholly outside of a Development Boundary, represents a significant intrusion in this regard, and is of a scale whereby the maintenance of dark skies through design considerations as set out in the Design Guide may be problematic.

8.2.37 Whilst the Applicant's Design Guide's approach to lighting the car-parking area and access tracks and paths leading to the lodges with downlighting and low level lighting in an attempt to preserve the dark skies of the AONB, nevertheless this strategy fails to acknowledge that a number of these access tracks and paths pass through areas of established woodland or buffer zones to Ancient Woodland, where any lighting would adversely affect the quality of the habitat and ecological status of the woodland.

8.2.38 With regard to light pollution from the lodges themselves (i.e. light spill from their internal lighting) the Design & Access Statement refers to Dark Skies as an important characteristic of the High Weald AONB. However, the statement in the D&A Statement that 'glazing will be restricted via the accompanying design guide' and 'continuous glazing is limited' does not seem to align with the extensive areas of glazed elevation in the building styles described in the Design Guide and shown in the Illustrative Images in the Design & Access Statement. Overall it fails to take into account the cumulative impact of light spill from such a high quantum of buildings, including the Farm shop and Welcome Centre buildings located in the more open location north of the proposed new lake (Lake Galahad). This further does not address winter car movement and use of headlights. For these reasons it is considered the light spill generated by the application would be considerable, and highly intrusive into the intrinsically dark woodland landscape of the site.

8.2.39 It is therefore considered that there **are** unacceptable environmental issues or impacts which have not been fully identified and addressed as part of this outline application. While conditions may mitigate some of these Dark Skies concerns, it is unlikely that sufficient mitigation could be achieved given the quantum of development proposed.

### Flood Risk

8.2.40 The NPPF requires Local Planning Authorities to direct development away from areas at a higher flood risk, unless the development is necessary, and no alternative locations can be identified. This forms the basis of the sequential test for flooding as set out in NPPF paragraphs 161 and 162. Where areas at a lower risk of flood risk are not available and the development is considered necessary, then the exemption test as set out in NPPF paragraph 163 to 165 applies.

8.2.41 According to NPPF paragraph 167, applications should, where appropriate, be supported by a site-specific flood risk assessment, which would identify flood risk in order to locate development accordingly and to identify any necessary measures. These requirements of national policy are incorporated in Policy EN6 and EN7.

8.2.42 The Flood Risk Assessment (FRA) (January 2023) identifies that the application's development is wholly within Flood Zone 1, with Flood Zone 2 and 3 crossing only the southeast peripheries of the site. A flood modelling exercise was undertaken, which considered a 1 in 100 year plus 45% climate change event, on which basis



flooding would generally be below 150mm, excluding the two existing lakes and two overland flow routes. As a result of the modelling, it is proposed that the lodges will be elevated to 300mm above ground levels; two amenity buildings will be elevated, while a third will require the existing flow path to be re-routed. The FRA states that the risk of flooding from surface water and groundwater is low. On this basis there does not appear to be a conflict with national or local policy.

8.2.43 This position is accepted by the Environment Agency and the Lead Local Flood Authority (see consultation).

#### Sustainable Drainage

8.2.44 The site is located almost entirely within the Pevensey Levels Hydrological Catchment Area (HCA). Policy SRM2(iii) identifies the use of sustainable drainage systems (SUDs) for the control of run-off and to improve water quality, while specifically identifying the need for SUDs for all development that creates impermeable surfaces within the Pevensey Levels HCA; Policy DEN5 requires that the design for SUDs within the Pevensey Levels HCA should incorporate at least two stages of suitable treatment, unless demonstrably inappropriate.

8.2.45 The Flood Risk Assessment notes that it has been determined that while the Pevensey Levels SSSI is downstream of the site, the site is not within the watershed of the Pevensey Levels, but is within the watershed of the Combe Haven SSSI, the application will conform to the intent of Policy DEN5. The LLFA's comments are noted (see consultation).

#### Other considerations

##### *Highways, accessibility, and parking*

8.2.46 In terms of consideration of 'detrimental effect' regarding highways, accessibility, and parking, an assessment is set out in a following section of this report.

8.2.47 At this point it is noted that ESCC Highways as statutory authority have submitted response that attracts highway objection for the following reason, and it is noted that not all matters have been resolved:

a) *Increase in use of a sub-standard access to serve the affordable workspace.*

b) *Use of the approach road U6202 (Freckley Hollow) is still of concern but not such as to justify a refusal.*

[Officer Note: the proposed new east access, improvement to the northeast access, and changes to Freckley Hollow have in principle been accepted by ESCC Highways subject to detailed design resolution of issues as identified. However, they do note that this will require the removal of treed hedgerow to enable the accesses and visibility splays. They have not commented on the adverse impact of such landscape removal on the character of these Routeways nor to the setting of the AONB].

8.2.48 NPPF paragraph 111 states '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*'.

8.2.49 ESCC Highway' objection should be viewed as a significant material consideration in determining 'detrimental effect'.

Renewable and low carbon energy (sustainable design and construction)

- 8.2.50 At the very heart of the NPPF is paragraph 7 *'the purpose of the planning system is to contribute to the achievement of **sustainable development**'*. This is the central premise to all planning policy.
- 8.2.51 Policy DRM3, requires that *'developments of more than 100 dwellings or over 10,000sqm of non-residential floorspace should demonstrate that due regard has been had to energy efficiency, including through the use of renewable and low carbon energy technologies, as part of their Design and Access Statement'*. [Officer Note: the application represents up to 211 holiday lodges, and a total of development as set out in Table 2, and it is therefore considered that this policy would apply].
- 8.2.52 Policy SRM1 seeks to (ii) *'ensure that all developments meet prevailing energy efficiency standards, and encourage them to meet higher standards and pursue low carbon or renewable energy generation, where practicable'*; (vi), *'adaptation through building in resilience to anticipated climatic changes, including through green infrastructure'*; and, (vii), *'promoting more sustainable travel patterns in accordance with transport policy TR2'*.
- 8.2.53 The Design and Access Statement (nd) Chp 10 Construction Ethos refers to the need to ensure that the development has embodied carbon/ a low carbon footprint; the use of air source heat pump/electric heating, PV panels/ battery, etc. However, paragraph 10.3 states *'these technologies and their application will be defined with clarity during the Reserved Matters' application*.
- 8.2.54 The Energy and Sustainability Statement (January 2023), Executive Summary states *'This Energy and Sustainability Statement sets a framework for the energy and sustainable design strategy for the development Site and outlines the Site's approach to energy efficiency, renewable energy generation and sustainable development incorporating climate change resilience and carbon management measures. It summarises the key planning policy which is pertinent at the time of writing and is aimed at satisfying both energy and sustainable design related requirements. The development will follow the new Part L (2021) standard to ensure the Proposed Development is future proofed for the longer term and ready to meet the Future Buildings Standard from 2025'*.
- 8.2.55 The Energy Statement states, development will be specified in accordance with Part L (2001) of the Building Regulations, while design will consider the use of passive solar; it was determined that there were no existing or proposed district heat networks within 500 metres of the site, although it was proposed that the suitability of a "new site-wide heat network such as a Centralised Air Source Heat Pump Energy Centre" will be evaluated as a Reserved Matter; and, in terms of renewable energy generation, the Statement identifies that there are "high to medium opportunities for the proposed development Site are solar photovoltaic (PV), air source heat pump, solar hot water, wind turbine, biomass, and ground source heat pump"; and, that the resulting reduction in emissions will be in line with national and local authority targets.
- 8.2.56 The Energy Statement paragraph 7.7 states *'The specified technology/ technologies in line with the recommendations of the feasibility study [to be assumed/ submitted as part of the Reserved Matters\*] will be confirmed at the Reserved Matters stage and via Part L (2021) energy modelling of the [Reserved Matters layout and development scheme\*] proposal. The exact percentage reduction in terms of energy*

*and/or CO2 emissions will be in accordance with the National and the Local Authority (Rother District Council's) policy requirement/target. Energy storage will also be considered as part of the renewable energy technologies for optimising system performance and balancing surplus electrical/thermal energy production' [\*Officer Note interpretation].*

8.2.57 Several matters cause concern, namely:

- a) This is a visually sensitive AONB landscape setting and some of the proposed technologies, say wind turbines and PVs, may not be appropriate in such a location and may not attain consent.
- b) The majority of development, expressly part of the design philosophy, is set within a very mature treed woodland and folding landscape with deep shade, shadows and canopy. In such, a location solar photovoltaic panels and solar hot water may not attain desired energy outcomes.
- c) The Statement notes that there is no district heat network in the area, and it is unlikely that Catsfield village is of sufficient scale to warrant retrofit of such technologies. The scale of the development has not been tested in principle to see if it is of sufficient scale, as a stand-alone development, to warrant a centralised air source heat pump energy centre, biomass, and/or ground heat source pumps.
- d) The impact of underground/ network infrastructure systems to enable such technologies on the extensive tree root protection zones/area is not tabled.
- e) Of note, no specific measures have been confirmed in this application. The Applicant notes that this will all be contingent of a Reserved Matters application.

8.2.58 Given the application's scale, the sensitivity of its location in terms of designation and actual habitat dynamics, the potential significant adverse environmental impacts of inserting these technologies physically into this landscape are not tabled; nor, if any of the technologies tabled will in fact attain the required energy outcomes required of national through to local planning policy. In terms of demonstrating exceptional circumstance, it is considered that the determination of the principle of development requires confirmation of the matters as set out in the Energy and Sustainability Statement which the Applicant currently proposes to be contingent of a Reserved Matters application.

### General Matters

8.2.59 Statement of Community Involvement (December 2022) sets out a detailed list of events regarding statutory consultee, community interest group, community, and in-person public, Parish, and Council meetings/workshop/ presentations and related comments received to inform the design development of the proposal. The Applicant notes that key issues that repeatedly came up were: 'Infrastructure (primarily traffic/roads but also power, water, sewage, and public services); impact on the local road network; construction logistics; woodland and trees; wildlife; scale of development; access to leisure facilities; opposition to Village Green; and, Dark Skies and light pollution.

8.2.60 For the record, it is noted that the Applicant undertook a pre-application engagement with the Council (PE/00013/2022). The Council's PreApp letter (March 2022) notes *'While there may be potential for holiday lets at the site, as currently presented there are a number of concerns as laid out [in the letter]. At this stage the quantum of development proposed may be excessive and could result in subsequent harmful impacts upon the landscape character and scenic beauty of the High Weald AONB,*

*its ecology and habitats. Potential highway matters and impacts to neighbours and the village of Catsfield have yet to be ascertained*'.

- 8.2.61 The Applicant also undertook a Design Review process with the Council (PE/00283/2022) to inform their emerging strategy and layout. Design South-East noted (Final report, September 2022) '*This is an exceptional site, but much more work is required to deliver an exceptional proposal that is an appropriate response to this high-quality setting. More analysis needs to be undertaken of the existing context and how the proposal will impact it, to underpin design decisions and ensure that the impact on the setting is a positive one*'. Further, more detailed recommendations and discussion is set out in the body of the report. [Officer Note: while the Applicant did address some of the comments made, it is suggested that the amendments made were minor and did not fundamentally change the approach nor layout and did not address the central issue raised by DSE that this is an exceptional site that warrants a sensitive, exceptional response to an AONB setting] [Ref. Illustrative Landscape Strategy dwg. 21115.112, 20 September 2022].
- 8.2.62 As noted by the ESCC Principal Rights of Way Officer (August 2022; March 2023), the direct impact would be to the change in character of setting to public footpath Catsfield 4a/b (CAT/4/1 & 2) and Catsfield 6 (CAT/6/1) – 1066 Country Walk - it '*would need careful consideration*'; and, public footpath Catsfield 2b (CAT/2/2) which would require a diversion to enable the existing layout position of the Hamlets. Prior to development commencing an application for the diversion of Public Footpath Catsfield 2b would need to be made under Section 257 of the Town and Country Planning Act 1990. It is noted that if this is not consented, the current layout to the Hamet lodges will not be enabled.
- 8.2.63 In terms of NPPF 177(c), an assessment of detrimental effect on the environment and the extent to which this could be moderated verse demonstrated public benefit, the application does not discharge this exceptional circumstance.

*Principle of development: conclusion*

- 8.2.64 In terms of the Principle of Development (planning policy), NPPF Chp 15 (Conserving and enhancing the natural environment) paragraphs 174 – 182 should be as read against this application in totality; of particular note, paragraph 176 '*Great weight should be given to conserving and enhancing the landscape and scenic beauty ...of Areas of Outstanding Natural Beauty*', and paragraph 177 '*When considering applications for development within ...Areas of Outstanding Natural Beauty, permission should be refused for major development other than in **exceptional circumstances**, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an [three-point] assessment*'. The three-point assessment to address the requirement of the NPPF 177 is set out above.
- 8.2.65 It is noted that there is agreement that this application represents major development within the AONB, and that the requirement of NPPF 177 of *exceptional circumstance* is enacted. Footnote 60 with regards to major development gives direction '*whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined*'.
- 8.2.66 It is noted that '*There is no definition of the policy concept of "exceptional circumstances". This itself is a deliberate policy decision, demonstrating that there is*

*a planning judgment to be made in all the circumstances of any particular case; Calverton Parish Council v Nottingham City Council [2015] EWHC 1078 at [20], Jay J. It is deliberately broad, and not susceptible to dictionary definition’ (High Court, Sir Duncan Ouseley, Compton Parish Council et al vs Guildford Borough Council et al (2019); paragraph 68). Furthermore, Sir Ouseley ruled that no more than one individual circumstance was needed, paragraph (71) ‘exceptional circumstances’ can be found in the accumulation or combination of circumstances, of varying natures, which entitle the decision-maker, in the rational exercise of a planning judgement, to say that the circumstances are sufficiently exceptional to warrant altering the green belt boundary’.*

8.2.67 Planning Inspectorate (Ref. APP/B1605/W/21/3273053; March 2022) Land at Oakley Farm, Cheltenham: paragraph (32) a *‘major / moderate, adverse and permanent effect’ on the landscape character of the site* - paragraph (33) *‘would fundamentally and permanently alter the character of the site itself, in that there would be a loss of rural character and a much more suburban character created. Although extensive structural tree planting and landscaping is proposed, a significant part of the existing field pattern would be lost, as well as the visible open ground especially appreciable in longer distant views from the Cotswold escarpment. The access road, whatever its final precise route, would adversely affect the character of the upper escarpment, creating an engineered landform somewhat at odds with the current gently sloping pastures, and a rather incongruous change to the immediate landscape’.* Paragraph (116) *‘There is no definition of what constitutes ‘exceptional circumstances’ and there is a danger of the term being judicially over-analysed. Ultimately, it must be a planning judgement’.*

8.2.68 In reviewing this application, the Local Planning Authority have therefore assessed the application as a major development where *‘permission should be refused for major development other than in exceptional circumstance’.* Exceptional circumstance has been assessed as both a singular, combination, and cumulative effect, including mitigation and enhancement, on the AONB that is to be in the public interest.

8.2.69 The application is read against Section 85(1) of the Countryside and Rights of Way Act 2000 which places a duty on the Local Planning Authorities to have regard to the purpose of conserving and enhancing the natural beauty of the area of the AONB.

8.2.70 The application is read against the High Weald AONB Management Plan and Design Guide, and the response from the HWAONB Officer, which carries substantial weight.

8.2.71 It is considered in policy that:

- a) The application does not meet national or local planning policy for the reason that the application constitutes major development within the High Weald Area of Outstanding Natural Beauty (AONB), without the Applicant demonstrating that there are ‘exceptional circumstances’ justifying the grant of planning permission or that granting permission would be in the ‘public interest’, as per NPPF paragraph 177;
- b) In particular, any economic or social advantages of the need for the development, as set out by the Applicant, is significantly outweighed by the adverse impact that the development would have on the landscape character of the High Weald AONB and on the environment;

- c) The significant scale of development, as defined by the Applicant and set-out in Table 2, would have a significant adverse impact on the landscape character, ecological features, and habitat dynamics of the AONB;
- d) The significant scale of development, and the resident population generated, will have a significant adverse impact on the settlement pattern and local amenity of the neighbouring village of Catsfield;
- e) The application does not, due to its isolated location, support sustainable growth; nor, does it represent the expansion of an existing, agricultural business/ diversification of a land-based rural business; and,
- f) The application therefore fails to comply with the adopted Local Plan (CS Policies OSS1, OSS2, OSS3, RA1, RA2, RA3, EC6 and EN1; and, DaSA Policies DEC2, DEN2, and DIM2), and NPPF.

8.2.72 In terms of the HW AONB Plan, due to the scale of development; its direct, indirect, and long-term potential effect and impact on the landscape habitat(s); and, impact on the character of the AONB, the application does not accord with Objectives G2, G3, S2, S3, R1, R2, W1, W2 and W3 (in part), FH3 and FH4 (in part), and OQ4.

8.2.73 The proposals for mitigation and enhancement of biodiversity and habitats on the site are not ambitious enough when considering the scale of the site, its AONB location, and the need to justify that exceptional circumstances apply (Policies EN1, EN5, and DEN1, 2, 4 and 5). Furthermore, it is not considered appropriate to leave these matters to consideration at Reserved Matters stage as they are necessary to inform the acceptability or otherwise of the principle of the development.

8.2.74 As a form of economic development, the application is contrary to the overall development strategy for the rural areas as set out in Core Strategy Policy OSS1, which sets out a requirement for only limited growth in the District's villages owing to the significant environmental constraints in the rural areas, and a low existing level of services and facilities and therefore a restricted capacity for sustainable development and contrary to the strategy for tourism activities set out in Policy EC6 and specific policy for holiday sites set out in Policy DEC2.

8.2.75 For the scale of the proposal, the site is not a sustainable location. Public transport is limited, while Catsfield has only a small number of services and facilities. While the Planning Statement states that services and amenities will be provided on-site to provide for basic needs, it is ultimately considered as evidenced by the Applicant that this very large-scaled development would be reliant predominantly on the car. This is contrary to the Council's declaration of a Climate Emergency and its prioritisation of a 'green economy' as part of its Environment Strategy.

8.2.76 It is considered that the application **does not accord with planning policy** for the reasons set out above.

### 8.3 **SOCIO-ECONOMIC ASSESSMENT**

8.3.1 NPPF requires application to, at a principle level, to accord with paragraph 7 '*The purpose of the planning system is to contribute to the achievement of sustainable development*'; and, Paragraph 8 '*three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways a) an **economic** objective; b) a **social** objective; and, c) an **environmental** objective*'.

8.3.2 Paragraph 177: *'When considering applications for development within ...Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.'*

8.3.3 In terms of the local economy, attracting inward investment, and employment creation, the following RDC Local Plan policies inter alia will apply:

- a) Policy EC2(iii) *'securing a range of incubation space, small and medium sized sites and units across the District in line with the respective spatial strategies, and particularly in settlements with good strategic access, including through mixed use developments'*.
- b) Policy EC *'Business activities will be promoted elsewhere within the district by the following: (i) Continuing to give priority to the re-use and adaptation of suitable buildings in the countryside for employment, including for tourism purposes, in accordance with the Rural Areas policies'*.
- c) Policy EC6 Tourism Activities and Facilities.
- d) Policy RA1 Villages, with specific reference to (ii) *'Encouragement of high quality sustainable economic growth by the identification of sites for local job opportunities, particularly focussing on the village...sensitive expansion of existing employment sites, or new sites, particularly for small workshops and office units'*.
- e) Policy RA3 (ii) *'Supporting suitable employment and tourism opportunities in the countryside, including by the conversion, for employment use, of farm buildings generally in keeping with the rural character, and by the sensitive, normally small-scale growth of existing business sites and premises'*.

8.3.4 Evidence to the Local Plan, the Hotel and Visitor Accommodation Futures (2013) report identified Chp. 4 Holiday Lodges *'Market potential for, and operator interest in the development of holiday lodge parks through the acquisition and redevelopment of existing holiday parks and/or touring caravan and camping sites or new holiday lodge park development given suitable sites that can achieve planning permission'*. The report noted that Rother at the time had a very limited high-end offer, potentially suggesting either limited market interest from the investment market and/or Rother as a high-end destination.

8.3.5 The RDC's Economic Impact of Tourism on Rother District (2017) report noted that - 86% of overnight tourism trips were domestic visitors; of all visitors, 43% staying with friends/ relatives; in total, around £274.3 million was spent on trips to Rother by overnight (41% spend) and day visitors; thirty percent of this expenditure was made by domestic staying visitor, 11% by overseas staying visitors, and 59% by day visitors. Drawing together direct business turnover, supplier and income induced expenditure, and the additional expenditure spent on second homes and by friends and relatives, the total value of tourism activity in Rother in 2016 was estimated to have been around £329.2 million. This income to the local economy was estimated to have supported 5,589 Full-Time Equivalent Jobs. Many of these jobs were part-time or seasonal in nature and translate into an estimated 7,837 Actual Jobs. Total tourism related expenditure supported 29% of all employment jobs across Rother.

8.3.6 The RDC's Economic Impact of Tourism on Rother District (2019) report noted notional changes to the visitor numbers, occupancy, and spend on the previous

study. The income to the local economy is estimated to have supported 6,024 Full-Time Equivalent Jobs. Many of these jobs are part-time or seasonal in nature and translate into an estimated 8,463 Actual Jobs, an increase of 4% compared to 2018.

- 8.3.7 The RDC's County Visitor Accommodation Audit (2019) report reviewed visitor accommodation across the 1066 Country and suggested that there are c. 50,000 bed spaces at peak times, of which 78% represents caravan and camping sites, 6% representing self-catering accommodation, and 5% hotels.
- 8.3.8 It should be noted that post-Covid and Brexit, the leisure and tourism is in a state of absolute flux and consequently any historic surveys/reports should be read with some caution.
- 8.3.9 In the Applicant's Economic Benefits and Needs Assessment (January 2022) report, the Applicant notes paragraph 2.9 *'As with all other parts of the UK, there have been major shifts in tourism activity over the last two to three years as a result of the pandemic. Much of this change is likely to be temporary in nature; however there are some indications that the UK staycation market may have grown as a result of the pandemic. There have been long-term trends toward higher quality and higher expectations of UK visitors for self-catering accommodation over the past decade. The impact of the cost-of-living crisis is difficult to predict, and it will impact differently on different UK tourism products and types of accommodation'*. The project figures should therefore be read with some caution.
- 8.3.10 The Assessment sets out to evidence that the application would have significant economic and social benefits for Rother. These are presented, namely:
- a) Construction: the construction cost is estimated to be £90million\*, supporting 140 FTE jobs during years 1 and 2 and then 250 FTE jobs over years 2 to 4 (anticipated build-out period). This would cover a mixture of short-term employment on-site, some longer-term on-site employment, and off-site employment [Officer Note: breakdown for Rother not stated].  
[Officer Note \*: construction assumptions and cost not further evidenced by Applicant. A current review of average UK building costs/sqm (2023) is between £1,775 and £3,000/sqm; this would equate the development to £53m to £90m].
  - b) Operational: the development would accommodate 200,000 bed nights annually, an increase of 12% on Rother's 2019 figure. Bed nights are calculated by the average expected number of visitors for all accommodation units per day, multiplied by the number of days in a year, with an assumed occupancy rate of 62%\* [Officer Note\*: an assessment was also undertaken at a lower occupancy rate of c.50%].
  - c) This could generate around £20million\* of spend, of which £12 million would be on goods and services in Rother. This represents a 7% increase in all visitors spend (including day trippers) compared to the pre-pandemic base year of 2019 [Officer Note\*: this is based on socio-economic Groups A & B capture].
  - d) Wider benefits: the level of spend would support directly 200 FTE jobs in Rother (both on and offsite), of which would include 40 FTE on-site jobs. Further jobs would be supported indirectly in the District due to increases in spending on areas of the local economy such as retail, attractions, food and drink, local transport, etc.



[Officer Note: the Applicant acknowledges that c. 40-60 FTE full and part-time jobs would be created on-site, generated by spend enabled by the development in the surrounding economy. This assumption needs to be treated with caution as neither the operator or business model to be delivered forms part of this application].

- e) In addition, the application will deliver 2,200 sqm of 'affordable workspace' with the potential to deliver local employment.
- f) *'Whilst many of the jobs ...will be relatively lower paid and lower skilled, this remains important to provide a range of entry-level opportunities for those with lesser skills experience to enter work or to change the type of work they undertake'* Applicant presentation (30/06/2023).

8.3.11 The Assessment reviews the Rother District Visitor Accommodation Audit (2019), and notes paragraph 2.7 *'there is relatively little traditional self-catering "higher end" accommodation (some 3,200 bedspaces of Airbnb and self-catering). Within this self-catering stock there is little that would qualify as higher end that would attracting higher spending visitors. The scheme would represent a significant addition to the stock of self-catering accommodation in Rother District including Airbnb'*; however, this should be read against paragraph 2.8 *'There is limited comprehensive information on the quality of holiday information in particular self-catering holiday parks'*. The actual nature and market absorption of such a high-end target market offer should therefore be taken with some caution.

8.3.12 In reviewing the Assessment, the following observations are made:

- a) The leisure and tourism market remains fragile post-covid; historic and projected data needs to be viewed with some caution.
- b) The Applicant notes that this is a bespoke, unique offer, and consequently comparisons with resorts such as CentreParc etal, Lakes by Yoo, Lower Mill Estate Cotswold, Silver Lake Dorchester (the last three as they reference) do not make for robust comparison and consequently such carry limited weight.
- c) This is an Outline application. The end operator, their business case (actual scale and form of development), employment strategy, investment strategy, form of delivery, and long-term operations are unknown. The figures tabled by the Applicant should consequently be viewed as indicative rather than absolute.
- d) The projected construction employment is based on capital construction cost during the build-out period. As shown, the lower figure would generate c.42% less employment, including related indirect and induced employment.
- e) The offer of 'affordable work-space' has not been tested in the market in terms of demand and would need resolution at Reserved Matters.
- f) The review would suggest that there is the potential for an inherent mismatch of (high-end) patron expectations, and the current visitor attractions, facilities and restaurant/ pub offer within the broader catchment of the resort. The Applicant makes play that economic leakage would occur into the surrounding local and sub-regional economy, but this is not evidenced.

8.3.13 It is noted that this review should be read in conjunction with a consideration of employment, leisure, and tourism planning policy.

8.3.14 The Applicant is proposing making a voluntary 'jobs, skills, and training' contribution to the sum of £1,000,000 as a single, upfront contribution made to the LPA to enable employment creation within the development and/or alongside the development. This contribution should be welcomed as a sound initiative to create a step-change in training and employment prospects within Rother. The contribution will be secured by the s106 Agreement.

8.3.15 In terms of NPPF 177(a), the review has undertaken an assessment of the potential 'public interest'/ benefit upon the local economy (investment and employment) versus potential harm of the development within the AONB. In this regard, the report tabled by the Applicant should be treated with considerable caution. The review suggests that, with such uncertainty presented in the Outline application, the evidence presented does not warrant the test of 'exceptional circumstance'.

#### 8.4 HIGHWAYS, ACCESSIBILITY, AND PARKING

8.4.1 Central to the NPPF paragraph 10 *'is a presumption in favour of **sustainable development***'. This should be read with Chp. 9 'Promoting sustainable transport'; paragraph 104 *'Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: (d) 'the environmental impacts of traffic and transport infrastructure can be identified, assessed, and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains'*; and, as defined in Annex 2: Glossary *'Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra-low and zero emission vehicles, car sharing and public transport'*. In light of the location of this application within the AONB, designated as an exceptional landscape of national interest, very specific address is required in terms of environmental impact(s) of transport options generated by the development on this sensitive landscape setting.

8.4.2 NPPF paragraph 111 states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be **severe***'.

8.4.3 RDC CS paragraph 18.29 states that *'Recognising that within the context of a rural area where, for many trips, there are limited alternatives to the car, attention may be focussed on altering the perception that a car is vital for most if not all journeys, and on reducing barriers to public transport. This can be achieved through promotion of walking and cycling for local trips, particularly within towns and villages, traffic management schemes and investment to reduce the impact of traffic on the rural and urban environment, and by promoting public transport and sustainable development'*.

8.4.4 Policy TR2 (Integrated Transport) requires the *'improvements in the provision and use sustainable transport will be achieved through (i) Maximising the best and most effective use of the existing transport network and facilitating enhancements with priority given to improving bus, community transport and rail network'*; Policy TR3 (... New Development) *'new development should minimise the need to travel'*; and, Policy RA1 (Villages) requires (vi) *'improved access to basic day-to-day services, particularly by public transport, walking and cycling. In order to facilitate this, new*

*development will be sited in close proximity to key facilities and in locations accessible via a range of transport options’.*

8.4.5 Transport Assessment (January 2023) has been submitted by the Applicant that concludes that:

- a) Paragraph 7.3: Three access points will be created as part of the proposals. They will operate safely and will not affect the operation of the local highway network.
- b) Paragraph 7.4: A review of the capacity of the local junctions shows that the proposed development will not affect the operation or the capacity of the junctions.
- c) Paragraph 7.5: It is clear that following the mitigation proposed, the development would not result in a severe impact on highway safety or capacity and would meet the relevant national tests as set out in the NPPF. There is therefore no reasonable highway or transport reason to withhold consent.

8.4.6 With reference to access of the (Broomham House) lane, the TS paragraph 5.1.10 states *‘at present, there is a stables/ livery on site which is similar to site ...seen in Appendix G. This shows that there are approximately 240-two-way vehicle movements between 07:00 and 19:00 each day’*. Appendix G references an equestrian enterprise in the East Midlands comprising – established 1991; seven full time employees; operating 06h30 to 22h00; 40No. parking space; 32DIY livery boxes. In contrast, the current equestrian facilities on site are circa 14 stables in two blocks, barns, outdoor manège and parking (Ref. Applicant’s CLEUD application). The current offer on site, Sensory Horse, is single-employment operating from one stable building. We would therefore suggest that the comparison is mute at best.

8.4.7 In terms of paragraph 5.1.12 ‘farm diversification’, in the assessment *‘multiple sites were chosen based on their similarity to the proposed development’* to calculate the trip rates. These sites vary in scale from 1,000sqm to 4,000sqm; and, employment activity and location is not stated, making verification of any comparison highly problematic.

8.4.8 In terms of paragraph 5.1.13 the statement *‘the affordable workspace proposals results in a net reduction in traffic number (up to 140 per day)’* is based we would suggest on an incorrect comparison as tabled above, leading to an incorrect conclusion. At best, the Assessment should have reviewed current traffic generated along the lane to act as an informative to this Assessment. This has not been evidenced.

8.4.9 Using ESCC ‘Guidance for parking at non-residential development’ (2002), say B1 development, the Assessment suggests that the affordable workspace would generate 40No. parking bays.

8.4.10 As a current baseline has not been evidenced, but the CLEUD application would suggest very limited use of current buildings, this would suggest that current traffic movement on this lane is marginal. The statement in paragraph 5.1.14 *‘for this reason, the affordable workspace...will result in a net positive impact at the junction assessed’* needs further justification by the Application. This could result in a re-assessment of the Air Quality assessment and EIA tabled. This matter will be addressed in a Condition.

8.4.11 It is noted that in the Land Registry Title Plans (Old Blake House and Post Office) possibly a small portion of the width of the (Broomhill House) land at the White Hart Inn is in the demise of third-parties and consequently the public highway width at this point needs to be verified by the Applicant. Third party ownership has been acknowledged by the applicant and notice has been served on the third parties.

8.4.12 Road Safety Audit Stage 1 (RSA1) (30 November 2022) has been submitted by the Applicant with regards to the north-east access (B2204 – staff and services), the east access (B2204 - visitors), and the west access (Freckley Hollow). Issued raised in the Audit (Chp.2):

- a) The highway geometry of both the B2204 and Freckley Hollow is winding, with reduced forward visibility combined with a posted derestricted speed limit. As such, motorists approaching the proposed access locations may not readily anticipate the presence of slowing moving / turning vehicles. This may lead to inappropriate approach speeds with reduced stopping sight distances on the approaches to the new access, resulting in an increased likelihood of collisions involving turning vehicles. Recommendation: it is recommended that advance warning of the access locations is provided on all approaches.

TS response: *‘The problem is agreed, and the recommendation is accepted. The problem will be resolved in the detailed design stage’.*

- b) North-east access: lack of defined separation between Crowders Lane and north-east access may lead to turning related collisions. Recommendation: it is recommended that Crowders Lane is clearly separated / segregated from the north-eastern access, so that the two junctions are clearly defined.

TS response: *‘The problem is agreed, and the recommendation is accepted. The problem will be resolved in the detailed design stage’.*

- c) West access (Freckley Hollow): standing surface water may hinder safe access / egress. Recommendation: it is recommended that a suitable drainage solution is implemented to prevent standing surface water from forming in the vicinity of the proposed access.

TS response: *‘The problem is agreed, and the recommendation is accepted. The problem will be resolved in the detailed design stage’.*

[Officer Note: all drawings assessed in the Audit were the 22406-06 series with no revision number].

The Applicant’s response to the Audit is presented as an Appendix to the Transport Assessment and are set-out above as ‘TS response’. It is suggested that the Designer’s Response is inadequate to resolve issues of access pertinent to this Outline planning application.

8.4.13 The conclusions made in the Transport Statement (TS), needs to be read against the RSA1 recommendations, and the works/ effect as proposed on the related drawings; namely:

- a) North-east access (dwg. No. 22406-06/ Rev. A): in order to address the definition of the access point, the Applicant appears to suggest a tighter junction into the site but how this build-out may affect Crowders Lane is not evidenced. Further,

in order to ensure the required visibility splays from the access, the Applicant proposes the removal of numerous trees and screen planting for a length of c. 127m southwards along Catsfield Road (B2204). To the north, the Applicant proposes the cutting back of trees and hedgerow on third-party land. It is noted that the treed hedgerow to Catsfield Road is part of its intrinsic character as a historic Routeway within the AONB. The effect in terms of setting is not evidenced, nor is replacement planting proposed. The last matter is noted by ESCC Highways.

- b) North-east access (dwg. No. 22406-06/ Rev. C; dated 05/04/23): this amended drawing (submitted within the Applicant's response report) shows a build-out of the road to enable separation between Crowders Lane and the access. ESCC Highways have not commented regarding the proposed works on Public Highways, nor its acceptability. However, the Applicant's proposal to remove treed hedgerows to enable the access is still required.
- c) East access (dwg. No. 22406-06-2/ Rev. A): this will form a new access on to Catsfield Road. Works to enable the access requires the cutting back of the existing treed hedgerows located on the site boundary in both directions.

[Officer Note: potentially this could be limited to base pruning. Site photos suggest level differences which may require further removal of planting].

[Officer Note: it is noted that no central refuge or slip on the B2204 is proposed at either access point/ junction. In light of the fact that the road is subject to 60mph, the observation in the Audit (a) above raises significant concern as the Applicant anticipates that visitors will regularly use their cars to venture into the surround sub-region].

- d) West access (Freckley Hollow) (dwg. No. 22406-06-3/ Rev. A): the drawing is devoid of detail such as existing vegetation, surrounding levels, and Public Highway's ownership.

[Officer Note: nowhere in any report does the Applicant address the visual intrusion of the new access routes on the landscape setting of enclosed fields and hedgerows that make up the AONB].

- e) It appears that no traffic modeling for the junction of the existing track leading from the White Hart Inn to the proposed affordable workspace has been submitted.

8.4.14 ESCC Highways: it is noted that the statutory highways authority has submitted several responses to the application, namely:

- a) Preapplication advice (dated 01/02/2022) which noted that '*further information is required to assess the maximum level of traffic likely to be generated by the proposed uses*' in relation to wider impact on the local highway network and main junctions (B2204/A271 and the B2204/A269).
- b) Response to Outline application (dated 31/03/2023), recommendation: OBJECTION due to insufficient information - '*This application as submitted attracts highway objection due to insufficient information regarding one of the accesses serving the site and the trip rates associated with the affordable workspace compared to the previous use. Also, one of the approach roads serving the site, (Freckley Hollow) is considered to be unsuitable for further*

*intensification*'. Their detailed response raises issues regarding larger vehicle tracking diagrams; PROW 1066 County Walk pedestrian safety; potential diversion of PROW CAT/6/1; vegetation removal; Crowders Lane junction; drainage; Freckley Hollow increased traffic; use of track at White Hart Inn; tracking of emergence vehicles; etc. While some of these matters can be resolved at Reserved Matters, the ESCC Highway's response expresses sufficient concern at Outline stage to object to the application.

- c) Response to Outline application (dated 05/06/2023), recommendation: **OBJECTION** due to insufficient information relating to the provision of affordable workspace.

Response to updates (dated 11/08/23), recommendation **OBJECTION** due to intensification of the access to serve the proposed affordable workspace. Sets out conditions and requirements for Legal agreements.

#### 8.4.15 ESCC Highways conclude in their letter (31/03/2023):

- a) Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access trip rates and would therefore give rise to increased hazards to highway users and would be contrary to paragraph 111 of the National Planning Policy Framework 2021.
- b) The approach road U6202 (Freckley Hollow) is unsuitable to serve the proposed development by reason of its narrow width and poor alignment and would therefore be contrary to paragraph 106 and 111 of the National Planning Policy Framework 2021.
- c) Increase in use of a sub-standard access.

#### 8.4.16 ESCC Highways (11/08/2023): **OBJECTION** due to insufficient information

- a) Affordable workspace: intensification of use on (Broomham House) lane – access is sub-standard; and,
- b) PROW concern relating to walkers and cyclists.
- c) *'The access arrangements for the service access (northeastern access), the principle point of access (east access) and the access from Freckley Hollow are acceptable in principle. However, some alterations are likely to be required at detailed design stage and as part of the s278 process. Furthermore, any further issues raised in subsequent RSA's would also need to be addressed in a satisfactory manner. It should be noted that while the land required to achieve visibility splays does fall within control of the applicant, **an extensive amount of vegetation would require removal**'* [Officer Note: emphasis added].
- d) Highway objection for the following reason: *'The intensification of the access proposed to serve the affordable workspace from the B2204 would introduce hazards by the slowing, stopping, turning and reversing traffic which would be created and would therefore trigger para 111 of the National Planning Policy Framework 2021'*.

[Officer Note: the proposed new east access, improvement to the northeast access, and changes to Freckley Hollow have in principle been accepted by ESCC Highways subject to detailed design resolution of issues as identified. However, they do note that this will require the removal of treed hedgerow to enable the accesses and visibility splays. They have not commented on the adverse impact of such landscape removal on the character of these Routeways nor to the setting of the AONB].

- 8.4.17 It is important to note that should the Local Planning Authority be minded to approve the application, the application will not be limited to the financial contributions, s278 Agreement, Conditions, and Informatives as set out by ESCC Highways in their letter. For the purposes of the Officer Report, as several matters are subject to detailed drawing resolution regarding access (with updated drawing references), and possible associated highways' financial contributions, these matters are currently not tabled in the Conditions and Informatives of the Officer Report but remain applicable to the application.
- 8.4.18 It is noted that the parking provision as tabled is acceptable in principle and accords with policy and will be subject to detailed design resolution at Reserved Matters.
- 8.4.19 Framework Travel Plan (dated January 2023) this report sets out a package of measures aimed at promoting sustainable transport. Inherent within the Travel Plan, with the objective to create modal shift, is an inherent conflict within the business case of the application, namely, the Applicant notes that the public transport in the surrounding area is exceptionally poor; the remoteness of the location is part of the vision for the resort development; that the majority of visitors will be 'high-end' and will inevitably use private mobility; the applications socio-economic statement suggest that visitors will be encouraged to 'explore' the surround sub-region (due to poor public transport this will inevitably be by private mobility); that while the application promotes local employment, in the leisure/ hospitality sector, staff working hours (24/7) are not necessarily conducive to use of public transport; access to the railway network demonstrates a similar poor and/or limited service; and, there is no cycleway network in the immediate and sub-regional area that tie into the application site. The only aspect that the area is known for the 1066 Country Walk and numerous PROW's in the local and surrounding area. This would suggest substantial concern regarding creating any modal shift with the objective of addressing the requirement of NPPF for sustainable development.
- 8.4.20 Hierarchy Access Plan (dwg No. 21115.113/ Rev. M; dated 28/07/2023) – For information: this Plan illustrates a network of existing and proposed a) guest, staff and service vehicle access routes; b) Estate 'buggy' routes and pedestrian routes; c) cycle and pedestrian routes; d) Public Rights of Way; e) bridal routes. It is understood that the public will have unfettered pedestrian and cycle access to these route. In principle, opening the Estate to the public so that they can enjoy the greater landscape setting is welcome, however, the increased footfall and cycle impact on this sensitive landscape setting, and restricting cycle access off the PROW requires resolve to ensure the protection and amenity enjoyment of the current PROW across the Estate. It is noted that the detailed resolution of these routes, in terms of alignment, dealing with the woodland and RPZ, and steep slopes are to be addressed at Reserved Matters.
- 8.4.21 It is noted that the Applicant has submitted a letter of response regarding highways and accessibility issues (received 11/04/2023) where they note that a) no visitor vehicles will be able to cross the 1066 County Walk; b) only electrical buggies will be used across the development to access the lodges; c) that there will *'be only 15 servicing vehicles accessing the site each day, five of which will be HGV's'* [Officer Note: these will be from the north-east access]; d) the affordable workspace will only access from the track which has been shown in their TS will *'result in a reduction in traffic flows'* on this access
- 8.4.22 Applicant response to ESCC Highways (06/04/2023): this letter is noted. However, the broad statements in paragraph 3 (eastern access) *'It is noted that the Council*

are content with the access design and visibility splays subject to the additional tracking of a larger vehicle (an emergency vehicle or a minibus)'; paragraph 6 (north-eastern access) 'It is noted that the visibility splays are acceptable'; paragraph 8 'ESCC suggest that the impact on Freckly Hollow is "undesirable and unnecessary". That clearly is not the NPPF test. There is no material change in the use of the lane and therefore no basis for refusing planning permission to the access', are incorrect:

- a) The Local Planning Authority have not confirmed that they are 'content' with the access designs off Catsfield Road (B2204);
- b) This is a narrow reading of the deliverability of the visibility splays, and does NOT address the removal of existing vegetation required to enable the visibility splays at all three access points; namely, this removal needs to be read against the harm caused to both the setting of Catsfield Road and Freckly Hollow as historic AONB Routeway and glyst, and against the harm caused to the AONB; and,
- c) The proposed 2m footway within the Public Highway to address the concern raised by ESCC PROW of pedestrian safety crossing Catsfield Road at the east access to connect between PROW CAT/6/1 with CAT/8/1 has not been resolved with ESCC Highways, ESCC PROW and the LPA. The proposal does not address the further removal of vegetation in order to enable this link. The East Access – PROW Improvement (dwg No. 22406-07/Rev.-; dated April 2023) will be considered at this stage for information only.

Challenge (access on 'Broomham House' lane)

8.4.23 A Certificate of Lawfulness for Existing Use or Development (CLEUD) was issued 'for existing use for planning purposes, that being the use of existing land and buildings for mixed agricultural and leisure/ recreational (clay pigeon and pheasant shooting, equestrian uses and fishing) purposes'.

8.4.24 From the above application's supporting material, it is suggested that these are small, restricted commercial undertakings that generate a limited volume of traffic movement.

8.4.25 ESCC Highways (email 03/08/2023), in clarification of their objection, state 'It is our view that the certificate of existing lawful development makes no explicit reference to a commercial use of the equestrian, fishing and shooting facilities which would allow for higher trip rates than what is currently happening. By the applicant's own admission, **these more intensive uses** have not taken place within the site. Therefore, in the interests of highway safety any development that would result in an increase in use of a sub-standard access or perpetuate an unacceptable situation should be resisted'.

[Officer Note: from the CLEUD's supporting material, only three leases were engrossed. The equestrian lease appears to reference only a single stable building].

8.4.26 The Applicant (email 18/08/2023) has challenged the objection by ESCC Highways regarding current permitted (actual and presumed) traffic generation regarding the lane and junction and contests that:

- a) 'This clearly does not properly consider the legal standpoint which explains that "other "equestrian uses" are also conclusively presumed to be lawful, regardless of whether they have actually taken place on the Site'.



[Officer Note: it is noted that the CLEUD does not use the word 'other' and consequently this is read in the singular as 'equestrian use', defined in the CLEUD as 'Equestrian (Stables and grazing)'].

- b) *'we have already demonstrated and committed to (e.g., a condition which prevents retail use in the affordable workspace and limiting/controlling traffic generation at this access)'*

[Officer Note: as the nature of activity in the affordable workspace is a Reserved Matter, actual traffic and visitor generation is unknown. Condition is noted].

- c) *we do not consider that the proposals would result in unacceptable highways impacts, which is the critical question here. This is clearly a matter of planning judgement...'*

8.4.27 In reviewing the Transport Assessment in that it pertains to the traffic generated on the lane (as set out in 8.4.6 onwards), it is considered that the application does not sufficiently evidence their assertion that the application results in *'a net reduction in traffic number'* at this access point and consequently the objection by ESCC Highway stands and is read in planning determination accordingly.

#### General issues

8.4.28 It is unclear from the application whether the current site access off Freckly Hollow, currently also serving Ninfield Gate Cottages, will be closed to permit cycleway and pedestrian access only. The text on the Hierarchy Access Plan *'Existing tracks to be utilised as access ways for internal private use'* is unclear. For the purposes of this report, it is assumed that the restriction is proposed.

8.4.29 Changes, and the application for specific PROW diversions, would require an application under the Town and County Planning Act 1990 section 257 and are subject to public consultation. It is noted that currently no application(s) have been submitted. Resolution of this matter could delay any Reserved Matters application.

8.4.30 It is noted that several of the trees at the north-east and east access are subject to a TPO and may impact of design resolution of the access points.

#### Detailed issues: Highways

8.4.31 The Outline is for determination of access; the applicant has submitted the following drawings in this regard: *Principal points of access*

- 1) Existing North East Gate Plan (dwg. 890/P150/Rev.-; January 2023)
- 2) Existing North East Gate Elevation (dwg. 890/P151/Rev.-; January 2023)
- 3) Proposed North East Gate Plan (dwg. 890/P152/Rev.-; January 2023)
- 4) Proposed North East Gate Elevation (dwg. 890/P153/Rev.-; January 2023)

[Officer Note:

- (i) Comments regarding access layout addressed above.
- (ii) The elevational treatment proposed is a replacement/ relocation of existing, historic gateway – design resolution can be addressed as Condition (Hard Landscaping and Lighting).
- (iii) It is read that the Proposed Plan remains as superseding dwg No. 22406-06 Rev. A, attached to the Response Note to ESCC, which is submitted as informative].

- 5) Existing East Gate Plan (dwg. 890/P154/Rev.-; January 2023)
- 6) Proposed East Gate Plan (dwg. 890/P155/Rev.-; January 2023)

[Officer Note: it is read the Proposed Plan remains as superseding dwg No. 22406-06-2 Rev. A, attached to the Response Note to ESCC, which is submitted as informative]

- 7) Proposed East Gate Elevation (dwg. 890/P156/Rev.-; January 2023)  
[Officer Note:
  - (i) Comments regarding access layout addressed above.
  - (ii) The elevational treatment proposed is a copy of the existing Estate wall, piers, and new, proposed gate at the north-east access – design resolution can be addressed as Condition (Hard Landscaping and Lighting).
  - (iii) While it is recognised that this new entrance gateway inserts a new structure into the AONB setting, in so far that it duplicates the existing gateway, the design approach is supported. The inability to look through the gates to view the distant landscape is not supported].
- 8) Existing West Entrance Plan (dwg. 890/P157/Rev.-; January 2023)
- 9) Proposed West Entrance Plan (dwg. 898/P158/Rev.-; January 2023)
- 10) East Access (dwg. 22406-06-2/Rev.-; November 2022) (DTA Response 31 March 2023)
- 11) East Access – Large car tracking (dwg. 22406-06-2-TRK/Rev.-; November 2022) (DTA Response 31 March 2023)
- 12) East Access – PROW improvements (dwg. 22406-07/Rev.-; April 2023) (DTA Response 31 March 2023)
- 13) North East Access (dwg. 22406-06/Rev. C; April 2023) (DTA Response 31 March 2023)
- 14) North East Access – Refuse vehicle tracking (dwg. 22406-06-TRK/Rev. C; April 2023) (DTA Response 31 March 2023)  
[Officer Note: it is read the Proposed Plan remains as superseding dwg No. 22406-06-TRK Rev. A, attached to the Response Note to ESCC, which is submitted as informative]
- 15) West Access (dwg. 22406-06-3/Rev.-; November 2022) (DTA)
- 16) West Access – Large car tracking (dwg. 22406-06-3-TRK/Rev.-; November 2022) (DTA)

### Observations

In assessing the application in terms of highways, accessibility and parking, several observations are made, namely:

8.4.32 The proposed three points of access into the Site to enable the Outline application, namely north-east (B2204), east (B2204), and west (Freckly Hollow), have been discussed with ESCC Highways, ESCC PROW, and the Local Planning Authority but have not been concluded between all parties in terms of the need to remove existing treed hedgerows to enable the required visibility splays. In light of the effect on setting of the AONB and historic Routeways, and TPO trees, this should be afforded significant weight.

8.4.33 The impact (all impacts) of increased local and sub-regional vehicle traffic movement generated by visitors exploring the area as suggested by the Applicant, including additional through-traffic through Catsfield village and use of surrounding rural roads, is not recognised. An understanding of origin-destination mapping and possible

effect on these routes, including public highway works beyond the immediate area has not been tabled. In light of the scale of development, and anticipated weekly vehicle movement, this raises moderate concern with the Local Planning Authority in terms of other sub-regional destinations and highway impact.

8.4.34 The CS Chp. Rural Areas (with ref. to the Rural Settlement Study as background paper), paragraph 12.2 notes *'Rother district has a high number of villages and hamlets scattered across the High Weald and coastal belt. However, despite their often-picturesque nature, the vitality of villages has tended to be undermined over time by a shortage of affordable housing, high levels of out-commuting, limited access to jobs and services, a decline in community services (particularly local shops) and limited public transport'*. The Applicant TS sets out the bus service, but does not acknowledge that this is a very limited bus public transport offer; namely:

- a) Route 95: circa 07h00 to 17h00; frequency every two hours [Officer Note: service run by third-party with support funding from ESCC].
- b) Route 356: circa 08h20 to 15h30; no service Saturday [Officer Note: service run by third-party with support funding from ESCC].
- c) There are no bus services on Sunday.
- d) In terms of actual infrastructure, the bus stops are basic (shelter to accommodate c. 5 people) and would not necessarily be conducive to the offer the visitors to the resort, target as high-end, would utilise.

8.4.35 The application creates a cycle network across the Estate for visitor and public use, this is welcomed. However, there is no local and/or sub-regional network that can tie into the Estate beyond the site. Regular use of cycles by visitors to surrounding attractions/ destinations therefore needs to be viewed as very limited.

8.4.36 The Applicant propose the use of electric buggies to access the lodges from the visitor's car parking. Detailed proposals regarding storage, management, restricting access to PROW, etc, are accepted can be addressed as Reserved Matters. This report considers that this is an innovative mode but that it is solely internal to the development. This mode does not promote sustainable transport, as motivated by the NPPF, beyond the application site.

8.4.37 The Applicant proposes a shuttle bus service from the local train stations to the site. ESCC Highways have raised concerns with this idea in terms of potential duplication of current public service and have requested more detail. Officers note that, should visitors come by train, their ability to independently explore the local and surrounding villages etal would be limited. In principle, the Local Planning Authority are supportive of the idea but would require considerably more detail and assurances that this would operate in perpetuity.

8.4.38 It is noted that the application will have a direct and indirect effect on the character, use, and setting of various PROWs across the Estate. The use of buggies, intensification of use of PROW routes, inappropriate cycle use on these routes, and, long-term management and maintenance aspects, may lead to less use of these route by the public, demoting a sustainable modal option.

8.4.39 In review, Officers suggest that the Framework Travel Plan as tabled will be ineffective in encouraging modal shift. A far more bespoke and innovative management strategy will need to be adopted to enable NPPF paragraph 113's objectives, as defined in the Glossary.

8.4.40 In light of the above observations, it is considered that the application will be almost entirely private car-based, both in terms of visitor journeys, supporting services, and employment trips. Inasmuch as the application would provide upto 350 car parking spaces within the site and generate weekly travel movement of upto c.800 resident population this should be afforded substantial weight. It is considered that the application does not accord with Rother Local Plan Policy PC1(i), RA1(vi), TR2, and TR3, and the NPPF.

## 8.5 HERITAGE AND CONSERVATION (impact on the setting of listed buildings and heritage assets)

### Context

8.5.1 The site is located to the north-west of the historic AONB village of Catsfield and is within the setting of various listed and non-designated heritage assets. Catsfield village was first documented in the Domesday Book of 1086, remains a village in terms of urban structure and local activity, is a designated village within the Local Plan, and, has a designated Development Boundary (DaSA paragraph 11.87).

8.5.2 Normanhurst Court: the principle building on the site was Normanhurst Court (completed c. 1870), originally constructed for Thomas Brassey. The building was later commissioned as a military hospital during WW 1 and a POW camp in WW2. It was demolished in 1951. Although the manor house was demolished, a number of associated buildings, features and landscape elements remain that are directly associated with the former house; namely: the East and West Lodge located on the A271; the Battle Gate Lodge and associated boundary wall and pillars; the stables (at Model Farm); the Keepers cottages; and, the Kitchen Garden Walls and Ancillary Buildings (Grade II) of the former Normanhurst Court.

8.5.3 It is important to note that the grounds set around and below the house all formed part of the setting to the original building, set on a high point to the Estate. The site, with its natural rolling topography and central, secluded valley was designed for a landscape possessing a variable character of dense Ancient Woodland, clear planned parklands, manmade ponds and water features, set within structured views. The grounds were populated with a collection of specimen tree (now the habitat of very mature non-native (Redwoods) and native trees (Oak), and shrub planting, a typical pursuit of that Victoria period. This landscape retains much of the original design intent and character of the historic Estate. It is this mature man-made landscape, set within the broader historic AONB landscape, that adds historic, landscape, and amenity value to the AONB, the site, the setting of Catsfield, and the 1066 County Walk (Public Rights-of-Way) that bisects the site.

### 8.5.4 Listed Buildings:

- a) Broomham House (Grade II): 16<sup>th</sup> century timber-framed building with plaster and some herring-bone brick infill; tiled roof; garden set to south-east along lane.
- b) Broomhill Barn (Grade II): 18<sup>th</sup> century ashlar and tarred weather-boarded barn; hipped tiled roof with pentice; part of setting with Broomham House.  
[Officer Note: Whilst the listed farmhouse is in separate ownership, the associated barn and the historic stable building, deemed curtilage listed are within the development site].
- c) White Hart Inn public house (Grade II): early 19<sup>th</sup> century two-storey; faced with weather-boarding; tiled roof.

d) The Cottage, The Green (Grade II): early 19<sup>th</sup> century two-storey; red brick with grey headers; tiled roof.

8.5.5 Freckley Hollow, forming the boundary to the west of the site, is an identified, historic (sunken) AONB Routeway (glyst) within the AONB that deserved special protection. Catsfield Road is identified as a historic Routeway.

8.5.6 It is noted that there are several buildings along Catsfield Road (abutting the site to the east), and within 500m catchment of the site, which are defined as non-designated local heritage assets.

#### Planning Policy

8.5.7 NPPF Chp 12. (Achieving well-designed places) paragraph 130 states '*Planning policies and decisions should ensure that developments a) ...add to the **overall quality** of the area; b) are visually attractive as a result of **good architecture, layout** and appropriate and effective landscaping; and, c) are **sympathetic to local character and history**, including the surrounding built environment and landscape **setting**, while not preventing or discouraging appropriate innovation or change*' [Officer's emphasis].

8.5.8 NPPF Chp 16. (Conserving and enhancing the historic environment) paragraph 194 states '*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation*'.

8.5.9 NPPF paragraph 197 sets out the criteria that Local Planning Authorities should take account of in determining applications that effect heritage assets, namely:

- a) *'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,*
- c) *the desirability of new development making a positive contribution to local character and distinctiveness*'.

8.5.10 Planning (Listed Buildings and Conservation Areas) Act 1990 section 16 confers a statutory duty to LPAs when considering whether to grant listed building consent, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses; section 66(1) place general duties on the '*local planning authority... shall have special regard to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses*'; and 66(2) '*a local authority shall have regard to the desirability of preserving features of special architectural or historic interest*'.

- 8.5.11 Policy RA1 (Villages) *‘(i) Protection of the locally distinctive character of villages, historic buildings, and settings, with the design of any new development being expected to include appropriate high-quality response to local context and landscape’.*
- 8.5.12 Policy EN2 *‘Development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected, will be required to: (i) Reinforce the special character of the district’s historic settlements, including villages, towns and suburbs, through siting, scale, form and design; (iii) Preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies’.*
- 8.5.13 Policy DHG9 the extension and/or alteration to outbuildings will be permitted where *‘(v) they fully respect and are consistent with the character and qualities of historic buildings and areas, where appropriate’; and ‘(vii) they respect and respond positively to the character, appearance and setting of the main dwelling within its plot and the wider street-scene or general locality, through their siting, scale and massing, design and appearance and materials’.*
- 8.5.14 Historic England’ Setting of Listed Buildings – Good Practice Advice Note 3 (2017) is referred to within the application but is considered to be limited in its execution.

*Heritage Deck-Based Assessment (2022)*

- 8.5.15 The Applicant has submitted an Assessment which *‘provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 194 of the NPPF’.*
- 8.5.16 With regards to Broomham House (paragraph 6.5) *‘It is noted that whilst the Barn at Broomham to the south-east of the House... is contained within the Site boundary, no physical changes to its built form are proposed. This asset is therefore considered within the Settings Assessment due to potential changes to setting occurring through the proposed development’.*
- 8.5.17 With regards to Normanhurst Gardens (paragraph 6.6) *‘Although there is proximity between the red line area and Kitchen Garden Walls and Ancillary Buildings (Grade II), no built development is proposed close by. Built form is proposed approximately 350m south of this asset beyond an existing caravan park and woodland. It was therefore excluded from a detailed Settings Assessment.*
- 8.5.18 Setting Assessment - Asset 1 Broomham (Grade II): *‘It is ...concluded that the proposed development will not result in any harm to the heritage significance of Broomham House (Grade II) through changes to its setting’.*
- 8.5.19 Setting Assessment - Asset 2 Barn at Broomham (Grade II): it is noted that the significance of the building in part derives from its contribution to setting of the cluster of historic buildings and surrounding agricultural land. The report concludes *‘the development proposals are therefore not anticipated to result in any harm to this asset’s heritage significance through changes to setting’.*
- 8.5.20 Curtilage Broomham House Stable Annex: *‘It is not anticipated that the intrinsic heritage significance of the structure would be harmed’.*

8.5.21 The report concludes:

*(7.5) 'The proposed development site formed a portion of parkland associated with, the now-demolished, Normanhurst Court...As a whole, the parkland is considered to be a non-designated heritage asset of local interest and modest value, falling far short of the significance of a Registered Park and Garden';*

*(7.6) 'With regards to the impact upon the parkland asset, the scheme will retain all significant elements..., with appropriate restoration of some and increased legibility of all, as well as facilitating public access and understanding. No harm will be caused'; and,*

*(7.7) 'The proposed development would not result in any harm to the heritage significance of any designated heritage asset within or beyond the 1km study area through changes to their settings'.*

### Assessment

8.5.22 The proposal presents a number of concerns particularly in regard to the appropriateness of an outline planning permission application within an area of landscape and settlement historic interest. The outline application, by its very nature, can only be considered as indicative rather than give a more detailed assessment of the actual development, and its actual resultant effect on the heritage assets identified. By nature of what is being proposed, and the requirements of the legislation, the Local Planning Authority could not without doubt discharge its duty under the Act.

8.5.23 Whereas it is the desire of the Applicant to secure detailed proposals as a Reserved Matters application, the impact of such upon designated heritage assets is a clear material consideration that may ultimately weigh towards the acceptability or indeed the unacceptability of the application in principle.

8.5.24 Consequently, while the Applicant notes that they have discharged their remit under the narrow reading of NPPF paragraph 194, the Local Planning Authority is required to take account of matters in a broader reading as set in NPPF paragraph 197.

8.5.25 Further, presumably as this is an Outline application, the Applicant does not state any singular and/or cumulative harm defined as either substantial harm, total loss or less than substantial harm (extended to at the lower end of the spectrum) and then undertake an assessment of public benefit and balancing exercise as required by NPPF paragraph 202. By nature of what is being proposed, and the requirements of the legislation, the Local Planning Authority is not able to undertake such an assessment and could not without doubt discharge its duty under the Act.

8.5.26 In terms of the heritage assessment, it is noted that a clear indication of the fullest extent of the Normanhurst Estate of the 19th Century is not provided. Much of the analysis focusses upon the impact upon heritage assets (designated or otherwise) within the proposed site rather than identifying heritage assets that have a clear contextual and historic relationship that now lie outside of the application site.

8.5.27 It is clear that the Listed Kitchen Walled Garden, entrance lodges, stables,(all of which are outside the site) and the keepers cottages, boundary walls, and standing remains all have a contextual relationship that provides cohesion through the planned parkland setting and man-made lakes. As such it is considered that all of these aspects are within the setting of the listed building.

- 8.5.28 Whereas the listed curtilage status is referred to in relation to Broomham Farm, it appears that a similar assessment with reference to Historic England's Advice Note 10 has not been conducted in relation to these other aspects and structures discussed above.
- 8.5.29 In relation to the 3 tests detailed within Advice Note 10, it is clear that two of the tests being of historical functional relationship and construction prior to 1948 do apply, the relationship of ownership at the time of listing however remains unknown based upon the information submitted.
- 8.5.30 Should the result be that the buildings were under separate ownership, it is considered that sufficient context and significance remains to consider the buildings as non-designated heritage assets.
- 8.5.31 In relation to the requirements of NPPF paragraph 194, it is considered that the desk-based assessment submitted has not fully described the significance of the heritage assets (being designated or non-designated) including the contribution made by their setting, as much of the contextual relationship of nearby built forms and landscape relationship have not been adequately assessed. As such the proposal does not meet the requirements of NPPF paragraph 194.
- 8.5.32 It is noted that the proposal shows Broomham Farm and the associated buildings to be repurposed for affordable workspace. This includes listed buildings and as such Listed Building Consent would be required. It should also be noted that the type of use proposed for this area may have an impact in terms of noise, pollution and other similar matters that cannot be determined at this stage.
- 8.5.33 In terms of the layout, it is considered that the proposal would introduce an insular, clustered-style arrangements that are wholly foreign in relation to traditional linear forms seen within the wider district, and nor would it be reflective of the subservient open and limited development within the 19th century character of the planned parkland.
- 8.5.34 Although only considered to be indicative, the forms of the lodges are reminiscent of modernist or brutalist architecture with only the limitation of height and the use of a natural material finish being present to reflect its surroundings.

*Applicant Response: Heritage Note (04/08/2023)*

- 8.5.35 In terms of clarification, curtilage Listed under the provisions of Section 1(5) of the Planning (Listed building and Conservation Areas) Act 1990, the Note states (2.2) *'taking the wording of the Act and the Historic England guidance into account, it is not considered that Estate structures within and in the vicinity of the site are curtilage Listed'*.
- 8.5.36 Paragraph 3.4 *'In summary, it is considered that for the **parkland asset** as a whole, the scheme will retain all significant elements, with appropriate restoration of some and increased **legibility of all**, as well as facilitating public access and understanding'*.

[Officer Note: due to the significant scale of development proposed, and the residential population arising, Officers would suggest that the application will have a significant effect on the visual and intangible reading of this historic landscape and question this statement].



8.5.37 In response to the Applicant, the Heritage Officer notes *'we do maintain as per my initial note that there is enough cumulative historic interest to consider them all as non-designated heritage assets, so in reaching a determination paragraph 203 of the NPPF and Policy EN2 of the Rother Core Strategy should be referred to as they both apply to designated and non-designated heritage assets'*; and, *'Finally, we maintain the view that an outline planning application does not provide all of the relevant information for the Local Planning Authority to discharge the obligations it has under Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as detailed in the initial heritage note'*.

Heritage: conclusion

8.5.38 Having regard to Section 16 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the application, by virtue of outline nature, does not give adequate detail to fully assess the impact of the proposal upon the setting of the Grade II Listed Buildings for the Local Planning Authority to discharge their responsibilities under the Act.

8.5.39 In relation to NPPF, while the Applicant states that they have discharged their remit under the narrow reading of NPPF paragraph 194, the Local Planning Authority is required to take account of matters in a broader reading as set in NPPF paragraph 197, namely, in terms of determination, Local Planning Authority should take account of (§197):

a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

[Officer Note: if the Estate is taken as a historic totality, the remaining landscape associated with the former Estate buildings retain merit. In principle, this application has the potential to create a commercial use on the site that would enable retention, enhancement, and long-term management consistent with the site's landscape value].

b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;*

[Officer Note: the application has the potential to make a positive contribution to managing the site's landscape setting, however, the significant scale of the application raises concerns regarding initial and long-term impact on this sensitive landscape leading to potential harm, not only to the site, but to the broader AONB setting, leisure use and enjoyment of the 106 Country Walk, and has demonstrated limited evidence-based benefit to the socio-economic dynamic of the local villages].

c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

[Officer Note: it is suggested that the significant scale of this application and related activity would create harm to the local character and its distinctiveness].

8.5.40 In considering NPPF paragraph 203, the proposal would adversely impact the significance of non-designated heritage assets by way of the proposed layout and indicative design possessing a clustered-style arrangement, and the indicative contemporary architecture causing an adverse impact upon the setting, contextual relationship of individual assets and the cohesion provided between the assets and the setting. As such the proposal fails to satisfy Policy EN2.

8.5.41 On the basis of policy EN2 of the Rother Core Strategy, the current arrangement and design pays inadequate attention to reflecting the setting and typology of existing heritage assets and their setting, regardless of whether the asset is designated or not.

8.5.42 The proposed layout and indicative design by way of its clustered-style arrangement, indicative contemporary architecture, and lack of harmonious contextual relationship would adversely affect the setting and special architectural and historic character and interest of the listed buildings as designated heritage assets, and as such would be contrary to Policies EN2, RA1 and DHG9, and NPPF paragraph 130.

**8.6 DESIGN** (impact on the character of the area and design of the proposal (layout; appearance -scale and massing; landscape)

8.6.1 NPPF (2021) Chp12 'Achieving well-designed places' sets out the expectation regarding Good Design: paragraph 126 '*The creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. **Good design** is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities*'.

8.6.2 The National Design Guide (2021) and National Model Design Code (2021) (as referenced in NPPF Paragraph 129 – thus forming a material consideration) defines the Ten Characteristic for good design as follows: context; identity, built form, movement, nature, public space, uses, homes & buildings; resources; and lifespan. These should be seen as guidance notes on NPPF paragraph 130.

8.6.3 Policy EN3 (Design Quality) requires that '*new development...(i) contributes positively to the character of the site and surroundings, including taking opportunities to improve areas of poor visual character or with poor townscape qualities*'. It sets out eight Key Design Principles which, with those of the NPPF, should be used to assess the design quality/ resolution of the application.

Applicant's submission

8.6.4 The Outline planning application is evidenced by a series of detailed drawings, Parameter Plans (drawings), and illustrative material. They are submitted to demonstrate outline planning intent/concept, which will then be used to inform the detailed design and operational resolution, and Local Planning Authority's determination, of the development to be submitted as Reserved Matters by third-parties. It is therefore imperative that this material is robust, allows clarity of interpretation by all parties, avoids ambiguity, as to be read as planning informants by third-parties. The Parameter Plans, Design Guide, and Illustrative Masterplan therefore carries **substantial** weight in determination.

8.6.5 Site Location Plan (dwg. 890/P001/Rev.A; July 2023): the Plan evidences the Red Line boundary of the application, covering the majority of Normanhurst Estate; and, the Blue Line boundary covering adjacent land in the applicant's ownership, to the peripheral of the application.

8.6.6 Parameter Plan - Build Zone Areas and Layout (dwg. 890/P002/ Rev.A; July 2023): the Plan evidences the various building 'Footprints', 'Potential Siting Zones', and,

current buildings surrounding Broomham House which are retained for 'Affordable Workshop'.

[Officer Note: in light of the wooded and sloping nature of the landscape, the Applicant is proposing a series of designated building platform areas, namely 'Footprint', but it is noted that the detailed resolution and siting of buildings may require some flexibility, namely 'Potential Siting Zones'. This approach is accepted in principle.

It is important to note that the supporting Proposed Illustrative Masterplan shows building 'Footprint' only.].

- 8.6.7 The supporting Design Guide states, paragraph 6.27 *'The maximum lodge footprint as defined in the Build Zone [Areas and Layout] parameter plans is referenced and detailed in the following pages as a guiding parameter for development'*.

[Officer Note: in the Design Guide, while the 'Footprint' is very tightly defined across all building types, the 'Potential Siting Zone'/'Development Zone' is not defined at all, which raises significant concerns regarding the eventual layout ('standoff distances between proposed buildings'), and the associate impact on the recipient landscape.

At a more granular level, the Plan shows considerable overlap of the 'Potential Siting Zones' which could potentially effect more continuous areas of landscape, rather than an effect as a singular building footprint. Acknowledging the complexity of the woodlands, the Plan does not demonstrate a contextual response as evidenced by the Tree Survey and Arboricultural Impact Assessment (January 2023) report and Tree Survey Plans].

- 8.6.8 Parameter Plan - Arboricultural (dwg. 890/P003/ Rev. A; July 2023): the Plan is illustrative of the Tree Survey plans in broadly grouping the woodlands into Ancient Woodlands, and Category A, B, C/U trees.

[Officer Note: while the Plan is indicative of intent, it is accepted by all parties that the woodlands are far more complex and should be read as both singular, specimen trees and as a cumulative woodlands. It is noted that the 15m buffer to the Ancient Woodlands is not indicated on the Plan. The Applicant notes that this could be stated in a Condition *'The development shall be carried out in accordance with the illustrative masterplan (drawing no. P101 Revision A) hereby approved. No new buildings shall be erected within the 20m ancient woodland buffer zone'*].

[Officer Note: the Illustrative Masterplan is issued 'For Information' only; the above Condition should reference the Parameter Plan – Arboriculture; to be updated by Applicant].

- 8.6.9 Parameter Plan - Building Heights (dwg. 890/P004/ Rev. A; July 2023): the Plan sets out maximum building envelopes to the building types. This is supported by Silhouettes in the Design Guide.

[Officer Note: the height zones have not been defined in relating to the sloping topography and therefore it has been suggested to the Applicant that this will be read *'to be defined as taken from the existing site level at the mid-point of the proposed building zone as proposed on the Parameter Plan - Build Zone Areas and Layout upto the highest point of the roof'*.

It is pertinent to note that the Plan does not define building storeys, rather maximum height(s) in meters. While the Design Guide suggests a building typology and related silhouettes, the actual resultant built form will be a Reserved Matters consideration. It is therefore critical to read that the a) Small scale lodge (1&2 bed) is defined as single storey; b) Woodland lodge (3&4 bed) - two-storey; c) Hillside lodge - two-storey; and, d) Hamlet lodge - two-storey. The leisure buildings are up to 8meters. Significant concern is expressed regarding the excessive height of all buildings, taken with the sloping ground, the majority of the lodge buildings will be projected above the landscape floor, increasing their perception of massing within this sensitive AONB landscape setting. In principle, the building heights and massing reflected in this Plan and the Design Guide are not supported.

It is noted that the trapezoid/ angular form of the buildings as set in the Design Guide enforces a resultant built form for the Reserved Matters application, a form that may not necessarily be accepted for this setting in design terms. This inherently could restrict the design resolution and deliverability at Reserved Matters, and may not be a form acceptable to operators].

8.6.10 Parameter Plan - Land Uses (dwg. 890/P005/ Rev. A; July2023): the Plan sets out the land uses in accordance with the Town and Country (Use Classes) Order 1987 as amended. This should be read inconjunction with the Unit Schedule (submitted 20/07/2023) setting out the lodge types; and, against the Application Form which sets out: a) Use Class C1 (Hotel): 26,462sqm GIA; b) Class E 1,261sqm GIA; c) Class E9(c)(g) and B8: Affordable Workspace 2,199sqm GIA; d) Total net 29,922sqm GIA.

[Officer Note: it is noted that no Plan defines the individual lodge types other than by outline shape; it has been noted to the Applicant that this would need to be set out in the Plan in text, apportioned to each footprint and lodge type. This can be addressed by Condition].

8.6.11 Final resolution of the lodges' Uses Class to be resolved by Condition.

8.6.12 To review potential GIA generated, the Unit Schedule (submitted 20/07/2023) setting out the lodge types, has been read against the Design Guide. It is noted that the Unit Schedule is not correlated against the Design Guide nor Building Heights in an easy format, and consequently the table below is indicative to inform an understanding of quantum of development.

Table 2: Maximum potential quantum of development

Building Description	Storeys	No. Bed	Max footprint (sqm)	Lodge No.	Footprint (sqm)	TOTAL GIA (sqm)
Small-scaled Lodge	1s	1Bed	70; inc. below**			
Small-scaled Lodge	1s	2Bed	130	87	11,310	11,310
Woodland Lodge	2s	3Bed	170	62	10,540	21,080
Woodland Lodge	2s	4Bed	180: inc. below**			
Hillside Lodge	2s	4Bed	240	57	13,680	27,360
Hamlet Lodge	2s	5Bed	670	5	3,350	6,700
			<b>Sub-total</b>	<b>211</b>	<b>38,880</b>	<b>66,450</b>

Arrival building	1s		275		275	275
Farm shop	1s		600		600	600
Welcome Centre	1s		1,300		1,300	1,300
*Affordable workspace	1s		2,200		2,200	2,200
<b>TOTAL</b>					<b>43,255</b>	<b>70,825</b>
Potential resident population						811p

Note:

\*It is recognised that Affordable workspace would be viewed as existing, but quantum is included for completeness.

\*\* Parameter Plans et al do not define 1/2 bed and 3/4 lodges so maximum development quantum set out.

8.6.13 It is apparent that this is a scale of development not reflected in the Application Form as set out above in paragraph 8.6.10. This is a significant quantum of development and should be afforded **substantial** weight in determination.

8.6.14 Further, a review has been undertaken of total number of bedrooms to try understand the maximum potential resident population (using above table); namely

a) Small scale Lodges: 176beds

b) Woodland Lodges: 186beds

c) Hillside Lodges: 224beds

d) Hamlet Lodge: 25beds

e) Sub-total: 611beds

f) Resort staff (Employment Report): c.40 – 60 people

g) Employment space (Farm shop and Affordable workspace; c.1p/20sqm): c. 140 people

h) **TOTAL** (resident population): c. 811 people

8.6.15 This intensification of use, specifically on a sensitive landscape and the Ancient Woodlands that surround the lodges is a significant, long-term, irrevocable impact and should be afforded **substantial** weight in determination.

8.6.16 Parameter Plan - Landscaping (dwg. 890/P006/ Rev.-; July 2023): the Plan indicates the broad open space/ landscape character/ types and the hierarchy of access routes proposed across the Estate.

[Officer Note: in principle this Plan is supported as it demonstrates a broad understanding of the landscape and habitat types that make up this complex landscape and derived AONB setting. The potential to create a series of pedestrian and cycling routes/ network across the Estate is welcomed as it gives the general public greater accessibility to the site. This accessibility for unfettered access to be secured by Condition].

8.6.17 It is suggested that public rights-of-way (CAT/4/2B) is locally diverted to accommodate the siting of the Hamlet lodges; this will require a separate application and agreement which has not yet been initiated by the Applicant. The location of these lodges is consequently subject to another determination and raises questions of deliverability of the Hamlet lodges in this regard. This should be assessed as of moderate consideration which could be subject to a Condition.

- 8.6.18 The Plan well demonstrates the complexity of the site, its diverse habitats, and the landscape intent of the application. A Management and Maintenance Strategy, including staffing, can be addressed by Condition.
- 8.6.19 It is noted that the ESCC Rights-of-Way Officer has expressed concern leading to objection, '*The cumulative impact of the development on the existing use of the public rights-of-way over the Estate and the opportunity for their quiet enjoyment would, on balance, be negative in my view*'. It is noted that this intensification of use, predominantly increased footfall over a sensitive landscape including Ancient Woodlands and the opening up of areas that are currently quite night-time habitats raises concern. How this is addressed, including created protected/ restricted landscape areas, has not been raised in detail and is issue for concern from numerous statutory consultees.
- 8.6.20 Further, the intensification of use, and fundamental change in character of the 1066 County Walk (CAT/4/2A,B) which is viewed as a major tourist attribute to the Rother and Wealden districts has raised similar concern from statutory consultees.
- 8.6.21 While the Applicant has addressed the aspect of construction deliverability of infrastructure and accessibility routes, see Design Guide Chp. 7 Site Application of Parameters and Construction Process, it is acknowledged that this is indicative and that a very detailed understanding will be required to deliver the routes and platforms proposed. This report therefore suggest that this Plan should be read as highly indicative regarding the woodland routes and consequently the review errs on the side of caution regarding a fuller understanding of harm.
- 8.6.22 Parameter Plan - Existing Public Rights of Way (dwg. 890/P010/ Rev. A; July 2023): the Plan indicates existing PROWs (see above regarding diversion).
- 8.6.23 Proposed Illustrative Masterplan (dwg. 890/P101/ Rev. A; July 2023): The Masterplan sets out lodge types, buggy parking, landscape areas and key views. It is suggested that the Masterplan could lead to duplication or mis-reading of intent, and that consequently all consented matters should ONLY be indicated the Parameter Plans. This can be addressed by Condition.
- 8.6.24 While the Masterplan does set out lodge types, this must be read with the Unit Schedule and Land Use Parameter Plan; for clarity this should be annotated on the Land Use Parameter Plan; this can be dealt with by Condition.
- 8.6.25 It is noted that the Block Plan (dwg. 890/P110/ Rev. A); the Hierarchy Access Plan; and, the Illustrative Landscape Strategy (dwg. 21115/112/Rev. O) are treated as illustrative supporting material (as they are duplicated on the Parameter Plans), and consequently carry no weight.

Design Guide: illustrative

- 8.6.26 It is noted that this application is an Outline planning application (regarding principal points of access, adoption of the Parameter Plans and Design Guide), and that matters of design (appearance, layout, and landscaping) are contingent of a Reserved Matters application. In so far that the Parameter Plans and Design Guide form part of the Outline, and are to be used as the design informant in resolving detailed design and the determination of the Reserved Matters, the design intent as presented in these reports is reviewed.

8.6.27 The Design Guide (Amended; submitted 20/07/2023) should be read as an update to the Design & Access Statement (Submitted 06/02/2023). The Guide should be read in conjunction with the Parameter Plans. It is noted that the Guide sets design intent (e.g. 3D massing, materials) but does not make comment on detailed design. The illustrated building types are informative only.

8.6.28 The review is read against NPPF (2021) Chp12; the National Design Guide (2021) and National Model Design Code (2021); Policy EN3 (Design Quality) and CS Appendix 4; and, the High Weald AONB Housing Design Guide (2019)(HWHDG), HW Colour Guide (2017), and, the HW Management Plan 2019-2024 (2019). These policies either singularly or in replication define characteristics for good design. As the application is set in the AONB, the review will give particular consideration to the HWAONB Housing Design Guide in relation to NPPF paragraph 127 '*are grounded in an understanding and evaluation of each area's defining characteristics*'; and, paragraph 130(c) '*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*'.

8.6.29 The Applicant's Design Guide references the High Weald AONB Housing Design Guide and states that it has been used to form a (§6.4) '*language and typology ...for the Normanhurst Estate*'. The architectural design is (§1.18) '*contextual, complimentary, and ecologically permeable*'; (§1.19) '*consistent visual language*'; (§1.20) '*form of architecture...applicable...at various scales...organic, dynamic and derived from local vernacular*'; and, (§1.21) '*the materiality...draws inspiration from the wooded backdrop*'.

8.6.30 The Applicant's Design Guide Chp. 6 'High Weald Local Vernacular' sets out the key architectural design elements as a) *Regular rhythm in scale, mass, form, and consistent building line*; b) *Typical domestic scale of no more than two-storeys*; c) *Heritage - Oast Houses and farm buildings*; d) *Steeply pitched roofs and catslide roofs*; e) *Small-scale materials: clay tiles, bricks, stone, etc.*; and f) *Timber framed & boarded*. In principle this is reflective of HWHDG objective DG5 'The Right Built Form', however, the HWHDG notes:

- a) (pg. 27) '*Similarly, repetitious use of a similar unit type in scale, mass and form, stamped over the site with no reference to context or character creation, should be avoided*'; and,
- b) '*Contemporary architecture, well executed, can create innovative interpretations of vernacular buildings, tying them into the High Weald sense of place by referencing local patterns of development and building forms*'.

It is important to note that in principle both the Local Plan (Policy EN3), and the HWHDG, allows and encourage modern, innovative architectural design that is responsive and potentially could enhance/ contribute positively to the AONB setting.

8.6.31 The Design Guide section 'A Contemporary Interpretation' illustrates typical timber and metal agricultural buildings and makes specific reference to oast houses, stating that the silhouettes and layout of such buildings has informed the form and arrangement of the lodges. The diagram 'Local Vernacular' (pg.86) demonstrates how this 'ensemble' understanding has informed and has led to the trapezoidal form adopted for the lodges. This critical diagram as an interpretation of local vernacular is unconvincing.

8.6.32 The Design Guide motivates the angular nature of the other lodge types and leisure buildings, to create a '*consistent visual language...singular identity*', (§6.10) '*The form of the units takes reference from the local ensembles of agricultural buildings whilst applying a contemporary take on the materials typically found in the area. The tapered footprint allows a unique building to nestle amongst the irregular intervals of the trees. The form reflects the environment*'. This statement as a response to the HWHDG and Policy EN3 as an interpretation of local vernacular, and as read against the significant scale of the buildings as proposed, the design rationale as presented is unconvincing and not supported.

Policy EN3(a): Character, Identity, Place-Making & Legibility

8.6.33 The CS Appendix 4 defines this as '*ensuring that the individual character and local distinctiveness of ...villages ... is respected and positively contributed to, in new development. Meanwhile new development itself should have a clear image, create a strong sense of place and be easy to understand and navigate around. Streets should have a clear hierarchy, and a coherent and well-structured layout*'; this is read with the High Weald AONB Management Plan (HWMP) Objective S2 '*to protect the historic pattern and character of settlement*' and S3 '*to enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design*'.

8.6.34 The stated rationale for policy is to protect the distinctive character of historic AONB villages, to maintain the hinterlands and other relationships (including separation) between such settlements that contribute to their local identity, and, to ensure appropriately-scaled intervention in this sensitive AONB setting.

8.6.35 While the Design Guide sets out a hierarchy of priorities of 1) Ecology, 2) Landscape, and 3) Architecture, the approach uses a narrow understanding of landscape. The European Landscape Convention (2000) defines Landscape as '*The landscape is part of the land, as perceived by local people or visitors, which evolves through time as a result of being acted upon by natural forces and human beings*'. Therefore, the landscape is much wider in scope than simply the green elements, it consists of both the tangible (built form, collective townscape of settlements, and the diverse landscape framing such settlements, etc), and the intangible (interplay of sound and light, activity and lack of activity, sense of mystery, etc) which comes together to produce the distinctive character of **place** the High Weald AONB was designated to conserve and enhance. The introduction of such a major development and the associated continual activity that this generates will have an absolute impact on the character et al of both Catsfield and the AONB.

8.6.36 The application introduces a denser (crowded), almost repetitive, arrangement of very large building types, that collectively creates a layout where the landscape is significantly effected in both a tangible and an intangible manner that is not in keeping with the historic pattern of AONB villages.

Policy EN3(d): Diversity

8.6.37 The CS Appendix 4 defines this as '*create variety, choice, and adaptability to local ...units... within the overall coherent design vision, to ensure physical and social integration within the development as a whole*'. It is acknowledged that the Applicant's Design Guide does create a coherent design vision for the development, however policy recognises that it is through the subtle interplay of form, materials and scale that creates variety that the singular/ coherent identity of the AONB has



been created. This subtlety is not evidenced, rather a typology of lodge type has been created that leads to repetition.

8.6.38 There is no statement on how the size of the individual lodge types has been derived in relation to the very fine grain 'cottage-dwellings' that traditionally make up AONB villages. A variation in unit sizes, typical of villages, is not explored in the Design Guide.

8.6.39 The layout as presented evidences very limited diversity albeit that a Reserved Matters has the ability to review additional typologies within the Design Guide's parameters

*Policy EN3(e): Landscape Setting of Buildings and Settlements*

8.6.40 The CS Appendix 4 defines this as '*development should be located so as respond positively to the existing settlement pattern and form, landscape character, topography and long views... should influence the layout of the site such that they give the design identity and character*'.

8.6.41 Central to policy is how an application retains and enhances the site's existing landscape/ habitat identity and character. Again, character is to be read as both the collective of both tangible and intangible elements to make a composite landscape.

8.6.42 In principle the application has significant regard for the landscape setting and uses this as the central design informant in the layout and as evidenced in the Illustrative Masterplan (dwg. 890/P101/ Rev. A; July 2023). The Applicant has prepared An Environmental Impact Assessment (January 2023) and supporting surveys, a Tree Survey and Arboricultural Impact Assessment (January 2023), and has acknowledged Conditions regarding Habitat Creation and Enhancement Management Plan etal to manage and maintain the landscape setting.

8.6.43 While the design ethos sets out to be ecology and landscape led, the sheer quantum of development proposed, and its related human (activity) impact on the AONB landscape setting and the character of Catsfield settlement, at both a principle and at a more detailed level is not reflected. The 'Parameter Plan - Build Zone Areas and Layout' well illustrates that the central portion of the site is irreversibly changed being heavily urbanised at the cost of the existing and recipient landscape and habitat. This change and intensification is not just a physical change, but has a direct effect on the site's existing tranquil and secluded qualities and compromise the identity of the site and the experience of the AONB landscape.

8.6.44 The Parameter Plan (Layout) illustrates that a significant number of lodges appear to be too close to each other to achieve the necessary sense of seclusion and experience of the AONB woodlands, a central premise of the resort. Collectively this would suggest that both long-views from say the 1066 Country Walk into the woodlands, and short views from the lodges out over the woodlands and water bodies, are both significantly compromised.

*Policy EN3(g): Building Appearance & Architectural Quality*

8.6.45 The CS Appendix 4 defines this as '*both traditional and contemporary design approaches might be successful in a particular location... However, there may be some instances where, due to the particular sensitivities of the site, ...the design*

*approach may need to respect more closely the local vernacular in terms of construction and materials’.*

- 8.6.46 The High Weald AONB Management Plan Objective S3 identifies the need ‘*to enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout, and design*’. The purpose of this Objective and related HWHDG is to protect and enhance the character and quality of buildings in the High Weald, and re-establish the use of local materials as a means of protecting the setting and adding to this distinctiveness.
- 8.6.47 The Applicant’s Design Guide defines a series of Landscape Character Areas which is in principle supported. However, the lodge type within these Areas is for the majority singular. Chp. 6 in relation the AONB’s materiality is well evidenced with traditional building materials including brick and tile hanging; this understanding is not extended to the final palette of materials which does not reflect the diversity, subtlety of inter-relationship, and detailing of such materials. While policy is supportive of using innovative building materials, the singularity use of such materials as evidenced is not at the cost of creating diversity and varying architectural interest. It is suggested that this is a missed opportunity to create greater material contrast between Areas set within different landscape types, while retaining a cohesive design ethos to the development.

*Policy EN3(h): Sustainable Design and Construction*

- 8.6.48 The Applicant notes that the development must be sustainable. The Applicant’s Design Guide ‘Sustainable Construction’ sets out a statement regarding energy consumption in construction and occupation; Fabric First approach; ‘*beyond*’ current Building Regulations; etc. This is supported by an Energy and Sustainability Report (January 2023). While it is acknowledged that this is an Outline application and that such matters will attain resolution at detailed design (Reserved Matters), in principle the location of lodges in a folding landscape with deep shadows and a mature tree canopy will not necessarily lend itself to the use of PV as stated (6.12). Nor is the introduction of PVs on roofs illustrated anywhere in the Design Guide yet this will have a visual impact and intrusion on the AONB setting which will require consideration.

*Design: conclusion*

- 8.6.49 The application’s design ethos to present a contemporary architectural approach to AONB buildings is in principle supported.
- 8.6.50 The Design Guide sets out the application’s design intent, but collectively with the Parameter Plans, does not reflect the small-scaled grain, pattern, and interlayered materiality of buildings of the High Weald AONB. The significant scale of development absolutely and irreversibility changes the character of the AONB to its detriment. The application creates an excessively dense layout; landscape character areas with a repetition of singular building types; buildings that are significant in scale, massing, and domination within a sensitive landscape; and, the palette of materials does not create sufficient variation to create visual distinction between the different landscape character areas. The overall layout and design intent is not reflective and in keeping with the historic settlement pattern and landscape of AONB.

8.6.51 It is acknowledged that design resolution, resolving the detailed design of all buildings to accord with Policy EN3 (Design Quality); the High Weald Housing Design Guide and HW Management Plan, including support for a modern interpretation of AONB village vernacular; and the NPPF (inter alia the NDA) will be a Reserved Matters. However, as currently presented, it is suggested that the significant massing of the buildings, singularly and cumulatively, in principle are counter to planning policy, and that design development from this starting point will continue to draw objection as read against the Rother Local Plan, the High Weald documents, and the NPPF.

8.6.52 It is considered that the application is contrary to Rother Local Plan Policies EN1 and EN3, the AONB Management Plan and Housing Design Guide, and the NPPF.

## 8.7 ENVIRONMENTAL MATTERS

8.7.1 The application contains various surveys, technical information, drawings, and reports which are submitted as supporting evidence to address environmental/habitat and technical policy requirements. These are reviewed below.

### Land contamination

8.7.2 No issues regarding land contamination have been raised.

### Ecology and Biodiversity Net Gain (BNG)

8.7.3 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 as amended by the Environment Act 2021 states that: *'A public authority...must from time to time consider what action the authority can properly take, consistent with the proper exercise of its functions, to further the conservation of biodiversity'. 'After that consideration, the authority must...a) determine such policies and specific objectives as it considers appropriate for taking action to further the general biodiversity objective, and b) take such action as it considers appropriate, in the light of those policies and objectives, to further that objective'.*

The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.

8.7.4 NPPF paragraph 174 states that *'the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ... sites of biodiversity or geological value or soils...'*, *'...recognising the wider benefits from natural capital and ecosystem services...'*, and *'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures ...'*. Paragraph 180 sets out principles that the Local Planning Authority should seek to apply when determining planning applications to protect and enhance biodiversity, these include refusing planning permission if significant harm to biodiversity from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for; refusing development that would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), unless there are wholly exceptional reasons and a suitable compensation strategy exists; and encouraging opportunities to incorporate biodiversity improvements in and around

developments, especially where this can secure measurable net gains for biodiversity.

- 8.7.5 Policy EN5 states that biodiversity, geodiversity and green space will be protected and enhanced. Development must retain, protect, and enhance habitats of ecological interest, including Ancient Woodland, water features and hedgerows, and provide for appropriate management of these features. Applications are required to integrate biodiversity into development schemes by avoiding adverse impacts from development on biodiversity or habitat, or where wholly unavoidable, provide mitigation against or compensation for any losses. Applications are expected to consider and promote opportunities for the creation and/or restoration of habitats appropriate to local context.
- 8.7.6 Policy DEN4 requires development proposals to conserve biodiversity and multi-functional green spaces in accordance with Policy EN5. Noting that 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.*
- 8.7.7 The comments of the County Ecologist, following the submission of additional and amended data and plans, are incorporated in this report. The application sits within a site which has Ancient Semi-natural Woodland (ASNW) and Planted Ancient Woodland (PAW) and priority habitat deciduous woodland running through the core of the site. The proposed development is some 300m southwest of the designated Ashburnham Park SSSI. The surveying work undertaken by the consultant ecologists and detailed in the Ecology Impact Assessment Appendix 7, details the protected species found on site - dormice, great crested newts, multiple bat species, badgers, reptiles, and birds. Development affecting protected species would require a licence from Natural England prior to commencement of any works on site.
- 8.7.8 The application's layout, which seeks to 'micro-site' (i.e. scatter) over 200 lodges across the site, often within the priority woodland, as well as lodges sited around the edges of the two lakes in the south of the site reduces the current wildlife habitat and the potential to further enhance the site for biodiversity. The disturbance of construction, and the effects of such extensive built footprints within this site, along with operational disturbance, with the activity levels associated with the occupation of the lodges, would likely reduce this site to no more than an 'amenity' woodland for leisure use by people, because of the potential high levels of disturbance from light, noise, trampling, vehicles, pollution, hard surfaces and loss of habitat connectivity. This should be viewed as a significant concern.
- 8.7.9 At a specific level, it should be noted that the site is highly suitable for bats (a European Protected Species) given its matrix of woodland, pasture and lakes. There are multiply bat species on the site with different ecological requirements. Some species are highly sensitive to noise and light disturbance, and understanding where roosts are located, is extremely important. Bat roosting surveys within the woodland have not yet been undertaken due to lack of information on exact location of micro-siting lodges. This application therefore goes forward without a thorough understanding of bat roosting in both ASNW and Priority habitat woodland. The Ecology Impact Assessment describes the highest levels of

bat activity was around lake P4, however this is a site of development, including around the lake edges and in some case overhanging the lake edges. The lake directly north of this is likely to also be of importance to bats, but was not surveyed. The proposed development lodges are to overhang the lake edge here. The application is highly likely to impact on bats feeding grounds around the lakes, from not just the physical presence of the lodges impinging on feeding territory, but also from disturbance of light and noise from lodges. While the Applicant's reference to a sensitive lighting strategy being detailed at Reserved Matters stage is welcomed, bats are known to avoid well-lit areas to feed and breed, whilst night lighting also affects prey species. At present, full surveys have not been undertaken and other surveys are now becoming out of date. Any Reserved Matters submissions would require full and updated surveys to be undertaken and submitted with the application. It is noted, however, that *'the presence or absence of protected species and the extent to which they could be affected by the proposed development, should be established before planning permission is granted; otherwise all material considerations might not have been considered in making the decision'* (Ref. Paragraph 99 of Circular 06/05: Biodiversity and Geological Conservation).

- 8.7.10 Great crested newts are protected species and NatureSpace (who hold the District licence in East Sussex on behalf of Natural England), following the submission of additional survey data in June and further information in July, now propose that a 'licence is recommended'. They particularly note that in regard to the proposed works to ponds P1 and P2, it was concluded that alongside the need for a licence, conditions have been recommended to reduce further long-term impacts to great crested newts. The aim of the conditions is to ensure the nature of the works to the ponds, do not prohibit their recolonisation by great crested newts and also to ensure that educational materials aid in understanding why the waterbodies must be kept fish-free.
- 8.7.11 If works are carried out to the principal points of access prior to the Reserved Matters application being determined/ a licence being obtained, then a precautionary approach is required. The Applicant has two licensing options - either the District Licensing route can be used and should be applied for prior to determination; or the standard EPSL route can be taken\* (\*Updated surveys of the ponds and on-site habitat may be needed following a further planning application to ensure that there have been no significant changes since the previous surveys). Ecological surveys are likely to be valid for up to 12-months (CIEEM, 2019).
- 8.7.12 The Hazel dormouse is fully protected, and the site provides highly suitable habitat for dormice, and there is good connectivity to further suitable habitat in the surrounding landscape. Following their presence being confirmed in site surveys, dormice are assumed present in all suitable and connected habitat across the application site. All works affecting suitable habitat will be subject to a Natural England dormouse mitigation licence which will include a detailed method statement. It is acknowledged that mitigation details will be included in licence applications, but they should also be included in documents provided as part of this application (required by condition) and Reserved Matters application. It is assumed that as the forming of the north-east and east access points (as part of this planning) requires the removal of suitable dormouse habitat that this work will be undertaken under licence. As such, the method of work to avoid impacts to dormouse during the forming of the north-east and east access points should be detailed in a Biodiversity Method Statement (BMS).

- 8.7.13 The application will result in increased disturbance from recreational activity, lighting, noise and potentially also any dogs brought to site. Suitable dormouse habitat should be enhanced and buffered through woodland management, invasive species removal, native planting including species of known value to dormice and the provision of nesting boxes. There should be no direct lighting of dormouse habitat with light spill onto ASNW avoided and spill onto other suitable habitats reduced to acceptable levels (demonstrated through Lux modelling). Details should be set out in a CEMP, BMS, Ecological Lighting Strategy, Ecological Design Strategy (EDS) and Landscape and Ecological Management Plan (LEMP) accordingly.
- 8.7.14 The functionality of dormouse habitat, particularly linear features will be impacted by new roads and other access routes. To mitigate this, the number of access routes and points should be minimised as far as possible, all access routes/points should be designed to minimise the width of gap created and, where safe and practical to do so, access roads should be reduced down to one carriageway by employing a bottle neck junction (which will also act as a traffic calming measure). Where trees are present along boundaries, the access points should be positioned adjacent to their canopies or heavy standard trees should be planted either side of the gap created, with management encouraging a continuous canopy across the gap. Scrub/hedgerows should be planted right up to a road edge and pathways should be off-set from a road. The details of how crossing points have been designed to maintain connectivity for dormice (and other species such as bats) should be provided in the Ecological Design Strategy.
- 8.7.15 The site supports a wide range of breeding birds, with 42 species identified including 14 that are noted on the list of Birds of Conservation Concern (BoCC). Any Reserved Matters application must be informed by bird surveys undertaken following best practice survey guidelines. It is recommended that to fully inform the Reserved Matters application, winter bird surveys are undertaken to identify if any of these scarce species are utilising the site and to inform the need for any additional mitigation.
- 8.7.16 With regard to badgers, a survey of the focused study for evidence of badgers was undertaken as part of the Ph1 survey in April 2021 with a supplementary walkover survey in December 2022 identifying four setts. A pre-construction check of the three principal points of access forming full planning should be undertaken prior to the start of works. No information on the classification of setts, number of holes etc. or on badger pathways/foraging/latrines is provided in the EclA/ES and no discussion of badger mitigation other than to say that the micro-siting of the lodges and other infrastructure at the detailed design stage (via further survey) will respect static features such as badger setts i.e. avoid impact. The principal locations of lodges/infrastructure via Parameter Plans forms part of Outline planning being sought. The minimum distances from badger setts that can be afforded by micro-siting may not provide an adequate buffer to badger setts. Even if a buffer of 30m (for example) can be provided to mitigate the direct impact to setts the indirect effect of having lodges/infrastructure and recreation in close proximity has not been considered. However, the advice of the County Ecologist is that specific badger mitigation including the closure of any badger setts should be provided at Reserved Matters stage. In the absence of any detailed information, large buffer zones should be provided around each sett (particularly for Sett A) indicating where no development can take place and this should be presented on maps as part of the Reserved Matters application. Works may require a licence from Natural England.

- 8.7.17 Extensive parts of the focused study area were assessed to have low suitability for reptiles, namely closely grazed fields and dense woodland and were excluded from the reptile survey. Common lizard, grass snake and slow worms were noted. The EclA recommends that habitat manipulation to safely displace reptiles from construction areas is undertaken, which is supported. These and associated works will be informed by a detailed method statement that should be provided in the BMS.
- 8.7.18 Following survey of the focused study area, a diverse invertebrate assemblage (549 species) was recorded, comprising no legally protected species, two SPIs, two nationally rare/Red Data Book species and 21 nationally scarce species (including seven from Pond 2). Despite this relatively large assemblage, the fauna is not assessed as of particularly high quality. The main habitats of interest for invertebrates appear to be the wetland/marshy areas associated with Ponds 1 – 4, the woodlands (albeit with a lower-than-expected value), bare ground and ruderal habitats associated with sandy soils and rough grasslands associated with field margins and road/tracksides. The EclA concludes that there will be no likely significant effect on invertebrates in the long-term due to the creation of new ponds and woodland.
- 8.7.19 Having regard to other protected species, the site includes habitats preferred for nesting and foraging hedgehogs which are considered likely to be present on site. Care should be taken during the clearance of suitable habitat and details should be provided in the BMS, EDS and LEMP accordingly. The site and adjacent watercourses were considered to provide sub-optimal habitat for water vole and otter and were scoped out of further assessment. The site is unlikely to support any other protected species. If protected species are encountered during development, work should cease immediately, and advice should be sought on how to proceed from a suitably qualified ecologist. This could be addressed by condition.
- 8.7.20 There is an outstanding requirement to a) include a fixed 20m ASNW buffer on the Build Zone Areas and Layout Parameter Plan, to ensure that no development including any micro-siting of lodges is located within the buffer; and b) to provide further information on bat roosting in trees within the core area of lodges, to demonstrate that their location and layout will not result in any unacceptable impacts upon any roosts present.
- 8.7.21 In summary, having regard to the preceding assessment on ecological impacts, it is considered that insufficient information has been provided to assess the potential impacts on biodiversity and to inform appropriate mitigation, compensation, and enhancement for an application in such a complex and multi-layered AONB setting.

*Proposed mitigation measures and BNG*

- 8.7.22 It is noted that the application proposes a number of mitigation measures and enhancements to the site, including tree and woodland management, new specimen tree planting, planting of semi-natural habitat within Ancient Woodland buffers, new woodland creation, new ponds and lake restoration, grassland enhancement and rhododendron removal. A Site Management Plan detailing these measures is referred to in the Planning Statement but does not appear to have been submitted at this stage, and therefore there is a lack of evidence as to how these measures and enhancements would be undertaken.

- 8.7.23 Whilst improved land management and new habitat creation is strongly supported in principle, these mitigation measures in no way compensate or detract from the ecological harms and harms to landscape features identified. Moreover, improved land management is not predicated on, or contingent on, the application proposal coming forward. Such measures should be viewed as part of countryside husbandry of such a site in its own right.
- 8.7.24 It is noted that para 1.2.5 of the LVIA lists a number of HW Management Plan Objectives that the Applicant considers support the application as an approach to conserving the Estate. However, it should be noted that these objectives should not be met at the expense of the natural beauty of the AONB, and it is considered that the harms to the AONB arising from the application would outweigh any contribution to these objectives.
- 8.7.25 With regard to Biodiversity Net Gain, the submitted ecology impact assessment refers to a BNG calculation in appendix 8 and Defra Biodiversity Net Gain (BNG) Metric 3.1. was provided to the County Ecologist. As such the BNG claim of a 10.09 % increase in habitat units would appear achievable.
- 8.7.26 However, the provision of BNG or other environmental improvements does not override the 'mitigation hierarchy' of NPPF paragraph 175 which seeks 'Avoidance' as a first step. The NPPG makes it clear that biodiversity net gain complements and works with the biodiversity mitigation hierarchy set out in NPPF paragraph 175a. It does not override the protection for designated sites, protected or priority species and irreplaceable or priority habitats set out in the NPPF. Local Planning Authorities need to ensure that habitat improvement will be a genuine additional benefit, and go further than measures already required to implement a compensation strategy. (Paragraph: 024 Reference ID: 8-024-20190721).
- 8.7.27 In light that 10% BNG will become mandatory in November 2023, this will become the baseline (minimum requirement) for any improvement, rather than an aspirational target. In light of the fact that the application is to evidence 'exceptional circumstance' it is expected that the application would exceed the 10% and provide much more but the lack of environmental and landscape ambition to provide exceptional mitigation and BNG to match the exceptional circumstance being claimed by the applicant, is disappointing.
- 8.7.28 We are minded to require that the Outline should demonstrate a minimum of 10% but should recognise that in the Reserved Matters this may be increased to 20% and provision of such should be made within the Outline.

*Impact on woodlands and trees (Arboricultural)*

- 8.7.29 The application site comprises a complex array of woodland types, much of which is ancient, and the Estate includes a high number of ancient and veteran trees. NPPF Paragraph 174(b) of the NPPF notes that decisions should contribute to and enhance the natural environment *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.*
- 8.7.30 NPPF Paragraph 180(c) goes on to state 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<sup>63</sup> and a suitable compensation strategy exists; and (Footnote 63 states: For*



*example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat)*’.

- 8.7.31 Policy EN1(vi) notes that Ancient Woodlands are a protected landscape feature and wherever possible be enhanced.
- 8.7.32 Natural England and Forestry Commission joint “Standing Advice for Ancient Woodland and Ancient and Veteran Trees”, updated in January 2022 is also a material consideration.
- 8.7.33 With regard to woodland, the High Weald Management Plan notes its key characteristics for woodland and sets its objectives:
- a) W1: To maintain the existing extent of woodland and particularly Ancient Woodland. Rationale: to maintain irreplaceable habitats for biodiversity, to maintain a key component of the cultural landscape, and to maintain contribution to carbon storage.
  - b) W2: To enhance the ecological quality and functioning of woodland at a landscape scale. Rationale: to increase the viability of the woodland habitat for wildlife, by identifying and extending the area of appropriately managed woodland (including restoring plantations on ancient woodland) to link and enhance isolated habitats and species populations, providing greater connectivity between woodlands and other important wildlife areas, and helping to facilitate species’ response to climate change.
- 8.7.34 Woodland is identified in the High Weald AONB Management Plan as one of the defining components of character that make the High Weald distinct, and which help comprise the natural beauty of the High Weald. The Management Plan highlights that the High Weald AONB is characterised by a highly interconnected and structurally varied mosaic of many small woods, larger forests and numerous linear gill woodlands, shaws, wooded routeways and outgrown hedges, with a high proportion of Ancient Woodland typically broadleaved coppice with a rich ground flora. Approximately half the application site is classified as ancient semi-natural woodland (ASNW), an irreplaceable habitat. A large amount of the remaining woodland, much of which is contiguous with the Ancient Woodland, is classified as Priority Habitat deciduous woodland, running through the core of the site. Priority habitats are those habitats identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (UK BAP) (NERC Section 41) as mapped by Defra’s Multi-Agency Geographic Information for the Countryside mapping service and set out in the Natural England Priority Habitat Inventory.
- 8.7.35 The Arboricultural Impact Assessment (2023) states that ‘*Where tree loss will be required to accommodate the construction of lodges within a woodland setting, the woodland areas chosen are all non-designated and often the lower quality areas containing monocultures or plantation. A similar approach has been adopted for the location of the main car park*’. This statement is not supported by the submitted tree survey schedule, which describes woodland W1, where the car-parking is proposed, and woodlands W5, W7, W609 and W612 (all of which have lodge development proposed within) as category B woodland under BS5837. Category B woodland is not generally considered to be lower quality, (category B is described in BS5837 as “Trees of moderate quality with an estimated remaining life expectancy of at least 20 years”), and in any case W7, W612 and part of W5 are also priority habitat woodland in this location. This is a point concurred by the

County Landscape Architect who comments that there would be a significant loss of category B trees in the woodland areas where lodges and car parking are proposed. The pressure of people and activity in these areas would further damage ground flora and this would have an adverse impact on local landscape character by eroding the woodland floor.

8.7.36 Natural England and the Forestry Commission provide 'standing advice' to be taken into account when making planning decisions that affect Ancient Woodland, ancient trees or veteran trees. This advises on the need to assess both the direct and indirect effects of applications on Ancient Woodland and veteran trees, that both the construction and operational effects of the proposed development should be considered, and that negative effects on Ancient Woodland or ancient and veteran trees should be avoided. Indirect impacts can include the loss or deterioration of Ancient Woodland, ancient and veteran trees by a number of means. Consequently, the following issues, but not limited to, are considered to apply to this application:

- a) Breaking up and/or destroying working connections between woodlands, or ancient trees or veteran trees - affecting protected species, such as bats or wood-decay insects.
- b) Reducing the amount of semi-natural habitats next to Ancient Woodland that provide important dispersal and feeding habitat for woodland species.
- c) Increasing the amount of dust, light, water, air, and soil pollution.
- d) Increasing disturbance to wildlife, such as noise from additional people and traffic.
- e) Increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas.
- f) Changing the landscape character of the area (tangible and non-tangible).
- g) In this regard, the following aspects/effects of the proposed development are particularly considered to have a likely detrimental impact on the site's Ancient and/or Priority woodland as a character component of the High Weald AONB.
- h) Whilst there is no proposed building development within ASNW, it is noted that a number of the proposed/enlarged access tracks and paths pass through areas of Ancient Woodland or buffer zones to Ancient Woodland. Any formalised construction, creation, widening or sealing of routeways within the ASNW would have a detrimental direct impact on this irreplaceable habitat.
- i) Apart from some proposed mitigation planting within the buffer zones to keep people to designated paths, the application does not make clear what level of access would be available to the Ancient Woodland, or how this would be managed/controlled with regard to the increased intensity of the use of the site. Extensive unmanaged access within woodland, not confined to paths, can damage ground flora and may be a continuous source of disturbance to wildlife.
- j) Whilst a 20m 'buffer' is proposed adjacent to the Ancient Woodland, it is considered that the following indirect impacts to the ASNW would still be a concern; namely,
  - i. Fragmentation of the existing continuous woodland cover and loss of connectivity to woodland in the south and southwest of the site, leading to potential fragmentation to populations and barriers to species movement, through the siting of lodges around the two southern lakes and lodges continuing directly northward, effectively creating a barrier across the wider site;
  - ii. Loss of connectivity to the south of the site due to the proposed siting of a cluster of five lodges in the south of the site in-between two areas of

ASNW, including a new vehicular road, for access and parking to this group of lodges; and,

iii. Disturbance to the adjacent ASNW including, but not limited to: disturbance during construction, and intensified leisure/amenity use including trampling and noise, and soil compaction. Known effects of disturbance include reduced breeding success and population viability in a range of species.

k) Light pollution from the sheer scale of the number of proposed lodges and other buildings, along with the extent of paths that will have some form of lighting that would have a cumulative damaging effect on this intrinsically dark woodland (discussed in more detail below); and,

l) Loss of gill (ghyll) woodland in regards to the western access. Wealden gills are of national and international environmental importance because of their unique mosses and liverworts.

8.7.37 Only a very limited amount of cross-sectional topography information has been submitted (Ref. Design & Access Statement), which is a concern on a site with such significant topography. However, the Statement show a number of new access routes, along with much of the proposed car parking area, which would traverse across the contour lines. The submitted information is not comprehensive enough to describe any 'cut-and-fill' proposed for these access routes and car-parking area, and this means that it is difficult to assess the impact of delivering this infrastructure on landform, landscape character and ecological function of the adjacent woodland or disturbance to soils. Long-term impact is consequently not evidenced by the Applicant.

8.7.38 The Forestry Commission concur with the concerns raised by the High Weald Unit and the County Ecologist and expect the proposals to result in '*the direct loss and impact on priority broad-leaved woodland habitat, with potential impact on multiple areas of Ancient Woodland adjacent within and close to the site including from increased visitor pressure*'. They note the application would lead to '*fragmentation of habitats in the wider area by replacing wooded and green space with development and access roads*'. These concerns arise in spite of the effort made to provide a 20m buffer zone to mitigate impacts on Ancient Woodland.

8.7.39 The County Ecologist provides further detailed comment (available to view on the website). This notes that the site contains '*four blocks of Planted Ancient Woodland (PAW) and eleven blocks of ASNW (ancient semi natural woodland) within the application site, including Beale's Wood, Captain's Wood, Downland Wood, Turnip Field Wood, Weeks Wood, Moore's Wood and Hopgarden Wood. Paragraph 180 of the NPPF 2021 defines ancient woodland as irreplaceable habitat, and states that development that would result in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. The NPPF makes no distinction between ASNW and PAWS*'. It is noted that there has been a lack of detailed botanical surveys and mapping of existing ride areas to better inform the strategy for woodland access and the Hierarchy Access Plan.

8.7.40 With regard to Ancient Woodland, given the proximity of Ancient Woodland to the lodges, the potential number of guests (over 800 at peak capacity), and an unknown number of additional visitors using the proposed footpath and cycle ways within the site, there is currently no certainty that this 'irreplaceable habitat' will not be damaged by indirect impacts including, but not limited to, trampling of ground flora, soil compaction, erosion of woodbanks/ghylls, eutrophication etc. The County

Ecologist suggests that *'in the absence of certainty on impacts to Ancient Woodland, it is recommended that no access to Ancient Woodland is permitted (except where existing PROW are present in ASNW) and that all Ancient Woodland boundaries are fenced to stop access and where required, the buffers are planted with appropriate species as an additional screen to the fencing'*.

- 8.7.41 With regard to other woodland on the site it is noted that the car park and nearly 70% of lodges will be cited in broad-leaved semi-natural woodland, a Habitat of Principal Importance (HPI), with the remaining 30% of lodges in open areas, but adjacent to trees/woodland. Whilst this woodland is not classified as 'ancient' some areas are likely to be well established and potentially species-rich (at least at ground level). The Applicant has set an intention to limit access to the woodland floor and to provide refuge woodland floor areas to maintain wildlife corridors. However, there is no information as to how this would be achieved or where the 'refuge' areas are provided. Other trees outside the woodlands would also be impacted by the application, including those required to be removed to provide visibility splays at the new and upgraded access points onto Catsfield Road. Catsfield Road like Freckley Hollow and several of the public footpaths is noted to be an historic Routeway and hence the erosion of trees and vegetation impacts on this character component of the AONB.
- 8.7.42 While further surveys and detailed mapping leading to a strategy to address harm and mitigation measures to the woodland habitats could and should be provided at Reserved Matters, the application's very *raison d'être* is the 'living within the woodland setting' experience and thus there is an inherent conflict between landscape setting and application's aspiration that is not addressed, nor measure to overcome such tabled by the Applicant.
- 8.7.43 During the pre-application discussions, letters of objection from the local community noted activity on the Applicant's website regarding a potential application and noted coloured dots on a number of trees (which can indicate an intention to fell). A number of requests were made to the Council to make all trees on the Estates subject to a TPO. Some works were also undertaken to trees/undergrowth within an area of Ancient Woodland. An initial area TPO 433 was thus made. This was subsequently replaced by a more specific TPO 439, and utilised the Applicant's tree survey and GIS data to identify particular woodlands, groups and individual trees worthy of protection. Noting the continuing threat of development at the site, uncertainty with future ownership, the level of public accessibility and wide landscape views and impacts available, various trees and woodland were considered to remain at risk from potential works or removal. Having regard to the sites prominence, health and high amenity value of the trees and woodlands, the site was considered worthy of a more refined and detailed TPO and TPO439 has now been confirmed.
- 8.7.44 TPO441 for the trees surrounding the fishing ponds was granted 9 January 2023.
- 8.7.45 In summary, it is considered that the dual impacts of both activity (noise, lighting, and disturbance) and physical development – (buildings, infrastructure, and utilities) would have a considerable cumulative negative impact on the ecology and quality of the woodland habitat of the site, and its value as a key component of the cultural landscape of the AONB, such that the proposal would be contrary to the intent of the Local Plan, and Objectives W1, W2 and OQ4 of the High Weald AONB Management Plan.

Impact on landscape

- 8.7.46 The site is located within the High Weald AONB. In accordance with Section 85 of the Countryside and Rights of Way Act 2000 the local authority is required to have regard to *‘the purpose of conserving and enhancing the natural beauty of AONB’* in making decisions that affect the designated area.
- 8.7.47 NPPF Chp. 15 reiterates this importance with the following particular references: Paragraph 174 states that: *‘Planning policies and decisions should contribute to and enhance the natural and local environment by:*
- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).*
  - b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’.*
- 8.7.48 NPPF paragraph 176 requires **‘Great weight should be given to conserving and enhancing landscape and scenic beauty in ...Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas’.**
- 8.7.49 The local development plan contains policies within the Core Strategy (CS) and the Development and Site Allocations (DaSA) plan which seek to respect, protect and enhance local character and landscape; namely:
- a) OSS4 General Development Considerations: *‘(iii) It respects and does not detract from the character and appearance of the locality’;*
  - b) EN1 Landscape Stewardship: *‘Management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and wherever possible enhancement, of the district’s nationally designated and locally distinctive landscapes and landscape features; including:*
    - (i) *The distinctive identified landscape character, ecological features and settlement pattern of the High Weald Area of Outstanding Natural Beauty;*
    - (v) *Open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes;*
    - (vi) *Ancient woodlands;*
    - (vii) *Tranquil and remote areas, including the dark night sky;*
    - (viii) *Other key landscape features across the district, including native hedgerows, copses, field patterns, ancient routeways, ditches and barrows, and ponds and water courses’.*
- 8.7.50 Policy DEN1 Maintaining Landscape Character: *‘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 Core Strategy Policy EN1’.*

- 8.7.51 Policy DEN7: *‘Particular care will be taken to maintain the sense of tranquillity of more remote areas, including through maintaining ‘dark skies’.*
- 8.7.52 Policy DEN2 The High Weald AONB: *‘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<sup>32</sup> will be inappropriate except in exceptional circumstances’. Footnote 32 states: ‘Major development’ will be defined taking account of the nature, scale and setting of a proposal and whether it could have a significant adverse impact on the purposes for which the AONB was designated’.*
- 8.7.53 The Normanhurst Estate, as acknowledged by the Applicant, ‘represents the typical mosaic of the High Weald AONB’, reflecting its intrinsic character and qualities and having a ‘distinctive tranquillity’. It is a valued landscape and one that can be susceptible to change as a result of development. It is afforded ‘great weight’ in terms of its conservation and enhancement.
- 8.7.54 While acknowledging that the Applicant has sought to consider impacts on the AONB, it is noted that with regard to landscape impacts, Natural England (NE), the County Landscape Architect and the High Weald AONB Unit have all raise concerns, dispute the conclusions of the Applicant’s Landscape and Visual Impact Assessment (LVIA), and raise significant objections to the application. All are concerned that the LVIA underplays the scale and nature of the application and its potential impacts on the landscape character and visual appearance of the AONB. Paragraph 177 of the NPPF is clear that *‘permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest’*. Considerations include (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. All have raised concern regarding both singular, collective, and cumulative impact harm in both the immediate and long-term arising from the application and that material submitted does not discharge the concern nor the planning obligation.
- 8.7.55 The response from the High Weald Unit should be read with regards to their Management Plan’s ‘Character Components’: Settlement, Routeways, Woodlands, and perceptual qualities.
- 8.7.56 It is noted that currently, the Estate only accommodates a pair of small cottages towards its northern end with a couple of barns and then a small cluster of stables and barns at the southern end adjacent the listed building of Broomham House (which is in separate ownership). While the 1066 County Walk route through the centre of the Estate attracts a reasonable number of walkers, with limited numbers to the other footpaths, other activity at the site is limited and/or restricted and as noted the site exhibits an air of scenic beauty and tranquillity. It is also noted that pheasant shooting and the clay pigeon club have not been in operation.
- 8.7.57 The application proposes a significant quantum of development (set out elsewhere in this report). In scale, the application would be akin to the development of a new village within the AONB. It is considered that the applicant has understated the scale of development when making their assessments. It is noted that the application form proposes 29,922sqm of floorspace (Table 1 above). However, the

maximum potential being sought for the site and confirmed by the applicant is circa 70,825sqm which emphasises the significant scale of the development. Such a vast difference in floorspace has much greater potential impacts and it is unclear as to which figure the applicant has utilised in their assessment of potential and material impacts.

- 8.7.58 The illustrative images in the Design & Access Statement demonstrate the visual density of the proposed lodges in the landscape by virtue of their sitting and proximity to one another. Even with trees interspersed, the close-knit relationship of development is noted, and the density/clusters are such that the impacts on trees is difficult to ascertain. While the Parameter Plans and Framework Design Guide seeks to maintain trees this is an Outline application, and the actual real loss of trees will potentially only be understood at the construction stage. Further, it is considered that the landscape intrusion of the lodges is exacerbated by the very large scale, massing and footprint dimensions proposed for the 2-storey lodges in particular and should be read as large 3D-massing intrusions in this landscape, rather than just as plan read.
- 8.7.59 While policy does support new tourism (DEC2), that support is subject to the criteria that proposals '*must: (i) safeguard intrinsic and distinctive landscape character and amenities*'.
- 8.7.60 Given the significant scale of the application, and the stated principle that visitors will be encouraged to enjoy the countryside and visit the surrounding area, resultant activity to the site, local setting is anticipated to be high. This activity would criss-cross the public footpaths and be visible from it. The new access road from the east, while hugging some boundary hedges and dropping into the valley, dissects footpath Catsfield 5/1 at its higher level and will also likely be visible in some views from the surrounding road network as it snakes its way through the fields. While considerable thought may have been given to its siting, it nonetheless will still appear as a scar on the landscape. Given the lack of local public transport it is anticipated that many visitors would travel by car to explore the surrounding visitor attractions within 1066 Country and wider afield into neighbouring districts and will therefore regularly be utilizing the new access road. This therefore has the potential to create both visual and activity blight on this landscape.
- 8.7.61 Footpath Catfield 4/1 and 4/2, the 1066 County Walk, would be dissected at two points, one to the south where guests/buggies and cycles will cross from the new car park to enter the network of lodges and the other to the north where a new section of road is proposed from the old driveway for use by service vehicles to the site. Additional activity at the southern end of the 1066 County Walk would be introduced along the shared section of the track between Catsfield village and Broomham House where there is access to the proposed affordable workspace. On traversing the 1066 County Walk as well as this vehicular and pedestrian activity there would also be views of lodges within the adjacent woodland to the west, particularly during winter months when the deciduous trees would be without leaf, and also westwards across the more open fields towards the cluster of facilities buildings. At this stage it is unknown as to whether more lodges may be visible if tree removal is required to accommodate the numbers proposed.
- 8.7.62 With regard to footpath Catsfield 2/2 to the southwest of the site, it is proposed to divert this footpath, (no details or a diversion application have been submitted), in order to provide a private cluster of very large 5-bedroom lodges in the 'Hamlet'.

- 8.7.63 On top of these points, is the potential increase in pedestrian and cycle activity around the site by both guests and outsiders. As noted by the County Rights of Way Officer, this also impacts other footpath routes and concerns regarding the significant impact to local walkers (particularly on the 1066 County Walk) and conflicts between pedestrians and cyclists is noted. While the improvement of public access is in principle supported, as noted by County Landscape, *'the proposed changes to the parkland through development and the introduction of new structures would significantly and irreversibly change the character of the parkland, woodland and lakes. These impacts would permanently undermine the existing and future potential public appreciation of these features'*, as well resulting in negative impacts and harm to the landscape and the peace and tranquillity that may have first attracted them to the area. The LVIA suggests that the effects on tranquillity would be mitigated by design. The effect on tranquillity of the new buildings, cycle and walking routes and large numbers of visitors would be a permanent change within this landscape that could not be mitigated.
- 8.7.64 Natural England (NE) have commented that it *'is concerned that the size and scale of the proposal would result in major adverse impacts on the special qualities of the High Weald AONB. We consider that the impacts of this proposal on the AONB cannot be overcome through mitigation. Given these considerations it is currently unclear how the requirements of paragraph 177 have been met with regards to this proposal'*.
- 8.7.65 Natural England further note that *'the proposal site does not form an allocation in your authority's adopted Core Strategy (2014). While the Core Strategy contains a policy which is broadly supportive of tourism (EC6) this is caveated by the requirement that new tourism facilities must be compatible with other Core Strategy policies, in particular EN1 (Landscape Stewardship) which is explicitly signposted in the supporting text and which requires that the distinctive identified landscape character, ecological features and settlement pattern of the High Weald Area of Outstanding Natural Beauty are protected and where possible enhanced. Policy EN1 also makes provision for the protection and enhancement of 'tranquil and remote areas, including dark night skies' with both tranquillity and dark skies being key, non-physical qualities of the AONB. Other policies in both the Core Strategy and the Development and Site Allocations Local Plan (2019) reinforce the need for development in the countryside to be small-scale'*.
- 8.7.66 As noted by Natural England *'Development, unless it can be demonstrated to actually enhance the AONB, will permanently preclude the area physically built upon from ever again contributing to the designation purpose. Its character will be entirely altered. A significant landscape character shift may also extend across the surrounding area, especially where its character is intrinsically linked to the absence of adjacent or nearby development. Ultimately, the scale and nature of the proposal is in conflict with national policy to conserve and enhance the character of the AONB. In any case, the potential to moderate/mitigate the impact of major development does not by itself justify major development within an AONB; the other two parts of the major development test must also be fully applied'*.
- 8.7.67 Natural England, the County Landscape Architect, and the High Weald Unit all comment with regard to the assertions and conclusions made by the applicant in their LVIA. County Landscape concur that the LVIA provides an accurate assessment of the baseline landscape and visual context for the site and surrounding area. However, the County Landscape note that the while *'the LVIA assesses various elements of the landscape in terms of sensitivity to the proposed*



*development. It does not assess the sensitivity of the historic designed parkland landscape. The parkland and wider Estate would have a very high susceptibility to the proposed major development and in this context the overall conclusions of the LVIA are an underassessment of the significance of the landscape and visual effects’.*

- 8.7.68 All three landscape bodies strongly dispute the manner in which the applicant and the LVIA conclude that the Estate is contained and that *‘Overall, assessed visual effects are limited and contained. There would be negligible visual effects experienced from the wider landscape and very limited negligible effect on the appearance of the AONB.’* It is considered that the overall assessment of the effects on local landscape character and views during both the construction and operational phase of the development are underassessed in the LVIA. Whilst it is acknowledged that these effects are contained within the Normanhurst Estate, they would be significant and damaging to the AONB landscape in a broader reading. The Applicant approach is considered to be incorrect as it presupposes the experience of the AONB as a whole and negates the importance that a landscape understanding is the result of a combination of special qualities and smaller experiences. It is considered that there would be significant to substantial, not negligible, adverse effects on the landscape. In this understanding, development impacts on protected landscapes should not be downplayed because the impact is limited to a small percentage of the total protected landscape area. This point is amplified by the High Weald Unit who note that *‘the whole of the AONB is designated for its outstanding natural beauty, not just those elements visible from public viewpoints. The scale and significance of effects on the site itself are relevant, and the fact that a site is not widely visible, or that the proposed development would not impact on the character of the wider landscape, should not be considered a reason for development, and does not diminish the potential adverse impacts of the development on the AONB’.*
- 8.7.69 Whilst there is planning merit in using planning applications to enable the restoration of unmanaged landscapes, this should not be to the detriment of the very landscape it seeks to protect and enhance. It needs to be recognised that there are other mechanisms for landscape enhancement in designated landscapes. There are grants available for landscape and habitat enhancement which can be explored.
- 8.7.70 It is considered that the application, by virtue of the quantum of development proposed, the extent of their distribution across the site, the density of their siting, and the massing and size of the lodges themselves, along with the accompanying infrastructure including a large carparking 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 of the AONB. Further, the intensification of the site on this setting would have an immediate to long-term adverse impact on the purpose of the AONB for which it has been designated and is contrary to Rother Local Plan Policies OSS1(e), EN1, EN5, DEN4 and DEN1,2, 4, 7, would have an adverse impact on key components of the High Weald AONB including woodland, fieldscapes, settlement and routeways as defined in the HWAONB Management Plan, and contrary to NPPF.

*Impact on flooding and drainage*

- 8.7.71 The NPPF requires Local Planning Authorities to direct development away from areas at a higher flood risk, unless the development is necessary, and no alternative locations can be identified. Policy EN7 seeks to avoid inappropriate development in areas at current or future risk from flooding; and, it promotes the use of sustainable drainage systems (SuDS). Policy DEN5 sets out specific considerations for the establishment and maintenance of SuDS and noting that *'within the Pevensey Levels Hydrological Catchment Area, SuDS designs should incorporate at least two stages of suitable treatment, unless demonstrably inappropriate'*.
- 8.7.72 The Flood Risk Assessment (FRA) (January 2023) identifies that the application's development is wholly within Flood Zone 1, with Flood Zone 2 and 3 crossing only the southeast peripheries of the site. A subsequent flood modelling exercise was undertaken, which considered a 1 in 100 year plus 45% climate change event, on which basis flooding would generally be below 150mm, excluding the two existing lakes and two overland flow routes. As a result of the modelling, it is proposed that the holiday lodges will be elevated to 300mm above ground levels; two amenity buildings will be elevated, while a third will require the existing flow path to be re-routed. The FRA states that the risk of flooding from surface water and groundwater is low.
- 8.7.73 On this basis there does not appear to be a conflict with national or local policy. This scenario has been accepted by both the Environment Agency and the Lead Local Flood Authority and as such there are no policy objections on this basis, subject to conditions requiring compliance with the submitted FRA and Drainage Strategy.
- 8.7.74 The Pevensey and Cuckmere Water Level Management Board working with the Lead Local Flood Authority at ESCC held pre-application discussions with the Applicant with regard to flood risk and drainage matters. They sought the additional hydraulic modelling to be undertaken but additional details also requested to include survey of the culverts connecting the lakes so that the flood extents at the development site could be accurately represented, were not provided as the Applicant argued that this was an outline application. The use of raised floor levels and siting on stilts was however noted to overcome any issues with flooding to the lodges and facility buildings, particularly around the existing and proposed lakes. While the statutory consultees do not raise an objection, their *response 'is based on the understanding that the applicant is seeking outline planning permission with matters reserved. We understand that whilst the broad areas of development are to be fixed as shown on submitted parameter plans, the exact siting of the proposed holiday lodges, buildings and drainage features are to be confirmed at the Reserved Matters stage. We therefore request that we are re-consulted if and when the applicant seeks to fix the location of the proposed buildings and drainage features'*. It is suggested that this be given moderate weight as the matter can be addressed by Condition.
- 8.7.75 They note that surface water runoff from the application site drains into Watermill Stream, a tributary of Combe Haven, which is within the Pevensey and Cuckmere Water Level Management Board drainage district. The Applicant would be required to agree discharge rates with the Water Level Management Board and be subject to payment of a surface Water Development Contribution Fee calculated in line with the Board's policy, separate from the planning process. Collectively, the detailed resolution could impact the determination of the fixed layout.

- 8.7.76 In principle, it is expected that SuDS could be provided within the site but that some updates to the model before submission of a Reserved Matters application would be required. The consultees do not expect that these will result in major changes to the flood extents. As such they have no objection to Outline application with all matters reserved and recommend conditions.
- 8.7.77 With regard to foul drainage, it is proposed to connect to the public foul sewer located to the south of the site. The Applicant has been consulting with Southern Water to confirm capacity within the existing network to accommodate the proposed development and they note that if upgrade works are required, these will be undertaken prior to occupation. Southern Water have made no comment regarding connection to the public sewer but require a condition be imposed for drainage details. SW also advice that the proposal would be 220m from Catsfield Wastewater Treatments Works (WWTW), where there is a precautionary buffer zone of 500m around the works. Due to the potential odour nuisance from a Waste Water Treatment Works, no sensitive development should be located within the 1.5 OdU odour contour of the WWTW. An Odour Assessment will need to be carried out by a specialist consultant employed by the Applicant to a specification that will need to be agreed in advance with Southern Water to identify and agree the 1.5 OdU contour but could be conditioned.
- 8.7.78 Given the above considerations and comments, subject to the imposition of conditions there are no issues with regard to potential flooding or drainage.

Other: Lighting and 'Dark Skies'

- 8.7.79 Natural England: *'Whilst tranquillity and dark night skies are non-physical special qualities of the AONB they are not dealt with separately as other, physical landscape character elements are. This makes it harder to be clear on the LVIA's conclusions in relation to them. However, it does appear to acknowledge that there will be an overall loss of tranquillity. With regards to dark night skies while we note the measures outlined that could reduce light-spill from the development (although these would not be secured through this outline permission) we again believe that the overall lighting impact from a development of this size has been downplayed'.*
- 8.7.80 Whilst the Applicant' Design Guide's approach to lighting the car-parking area and access tracks and paths leading to the lodges with downlighting and low level lighting in an attempt to preserve the dark skies of the AONB, nevertheless this strategy fails to acknowledge that a number of these access tracks and paths pass through areas of ancient woodland or buffer zones to ancient woodland, where any lighting would adversely affect the quality of the habitat and ecological status of the woodland.
- 8.7.81 Meanwhile, with regard to light pollution from the holiday lodges themselves (i.e. light spill from their internal lighting) the Design & Access Statement refers to Dark Skies, which are an important characteristic of the High Weald AONB. However, the claim in the D&A Statement that 'glazing will be restricted via the accompanying design guide' and 'continuous glazing is limited' does not seem to align with the extensive areas of glazed elevation in the building styles described in the Design Guide and shown in the Illustrative Images of the Proposal in the Design & Access Statement, and fails to take into account the cumulative impact of light spill from such a high quantum of buildings. For these reasons it is considered the light spill from the proposed application would be considerable, and highly intrusive into the intrinsically dark woodland landscape of the site.

8.7.82 It is considered that the application creates unacceptable environmental impacts on the 'Dark Skies', which due to the scale of the application, may not be possible to mitigate and is contrary to Rother Local Plan Policies DEN1 and 7, the HWAONB Management Plan, and contrary to NPPF.

## 8.8 SUSTAINABILITY AND ENERGY (CARBON) STRATEGY

8.8.1 The NPPF paragraph 7 states that *'the purpose of the planning system is to contribute to the achievement of sustainable development'*, Paragraph 8 sets out the three overarching objectives, namely economic, social, and environmental (*'to protect and enhance our natural, built and historic environment; including ...using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'*).

8.8.2 The NPPF requires policies and decisions to be in line with the Climate Change Act 2008, NPPF paragraph 152 expects the planning system to *'shape places in ways that contribute to radical reductions in greenhouse gas emissions'*.

8.8.3 Policy PC1 identifies a presumption in favour of sustainable development reflecting the NPPF while Policy SRM1 (Towards a low carbon future), outlines a strategy to mitigate and adapt to the impacts of climate change, including the submission of energy strategies, energy efficiencies, and promoting sustainable travel patterns.

8.8.4 Policy DRM3 (Energy Requirements), states *'the extent to which a proposal incorporates renewable and low carbon energy technologies will be a factor weighing in the favour of a proposed development. Proposed developments of more than 100 dwellings or 10,000sqm of nonresidential floorspace should demonstrate that due regard has been had to energy efficiency, including through the use of renewable and low carbon energy technologies, as part of their Design and Access Statement'*.

8.8.5 In addition to the Local Plan, the Council has declared a Climate Emergency and its adopted Environment Strategy 2020-2030 pledges to ensure that the Council is meeting its carbon neutral commitment. It is also relevant that the Council, as a whole, is expected by the Climate Change Act 2008 to deliver climate action across its own Estate and the wider local authority area:

- a) *'our Estate – an audit of all Council owned assets to understand where retrofitting will produce reduced carbon benefits and to undertake actions to ensure all assets meet the carbon neutral standard'*.
- b) Construction and existing buildings, the Council's pledge: *'We will ensure all Council-led developments are assessed for environmental impact and these assessments form part of the business case and decision-making process'*.
- c) Environmentally friendly Council: *'We will undertake a review of existing office accommodation to ensure the Council is meeting its carbon neutral commitment'*.

8.8.6 The Energy and Sustainability Report (January 2023) states that the application's aim is to satisfy both energy and sustainable design-related requirements, stating that *'the development will follow the new Part L (2021) standard to ensure the proposed development is future-proofed for the longer term and ready to meet the Future Buildings Standard from 2025'*. The Report sets out the intention for a 'fabric first' approach to construction which seeks to reduce energy consumption and would be in line with Part L of the Building Regulations, *'demonstrating an improved*

*performance where technically and commercially feasible*'. A list of measures including the use of solar, orientation of windows and roofs, thermal massing, use of LED fittings, high efficiency insulation etc, recycling and reducing pollution during construction are stated to deliver energy and carbon savings beyond the Building Regulation requirements. How some of these are achievable within a wooded environment is not evidenced beyond statement of intent.

- 8.8.7 The Applicant has sought an early-stage assessment of the 'shell only' of the proposed new buildings, with regard to seeking a BREEM rating of excellent. BREEM being "Building Research Establishment Environmental Assessment Method", in securing sustainable design. A minimum score of 70% is required to be excellent, this application, with some assumptions being made, is reported to attain 70.6% at this stage. While the Applicants' intentions are noted, they will not deliver the application on site; all details remain contingent to a Reserved Matters application. With this in mind, in the event of an Outline consent, this strategy could be conditioned for submission as part of the Reserved Matters.
- 8.8.8 The Report proposes future consideration of a 'centralised air source heat pump energy centre' and identifies that this would require additional infrastructure including a substation, thermal store, and underground insulated pipes. In the absence of any detail, the potential impacts of this infrastructure on the landscape and biodiversity of the site have not been considered. The summary identifies that *"the feasibility of renewable energy generation concluded that the most appropriate recognised on-site renewable energy technologies with high to medium opportunities for the proposed development are Solar Photovoltaic (PV); Air Source Heat Pump; Solar Hot Water; Wind Turbine; Biomass; and Ground Source Heat Pump*. Given the siting of the vast number of lodges within woodland areas and thus shaded by trees, the use of solar would appear limited. A wind turbine may also present issues within this valued landscape while a ground source heat pump may impact the landscape and biodiversity of the site. While the intentions of the document are to follow policy with regard to the use of renewable energy, no details have been explored with all energy matters left for the Reserved Matters and hence their impacts remain unquantifiable at this stage.
- 8.8.9 With regard to sustainable transport, the Report states paragraph 4.32 *'the proposed development will provide infrastructure requirement for Electrical Vehicles in accordance with Part S 2021 of the Building Regulations; and, paragraph 4.33 'full details will be provided at Reserved Matters'*. Policy TR3 (iii) requires the provision of electric vehicles charging infrastructure. As noted in the application submissions, the car park is proposed within an area of woodland. No details have been submitted to clarify how this infrastructure would be provided and what impacts it could have on the landscape and woodland. In the event of an approval, details could be conditioned for submission as part of the Reserved Matters.
- 8.8.10 At this Outline stage and given the potential for providing and meeting the requirements for a sustainable and energy efficient development but noting the lack of detail, this matter is given **moderate** weight.

## **8.9 IMPACT ON NEIGHBOURING AMENITY (Noise and air quality)**

- 8.9.1 Policy OSS4 (ii): General Development Considerations, requires that development does not unreasonably harm the amenities of adjoining properties; the supporting text clarifies that the policy seeks to protect the amenities in terms of loss of light

and privacy, avoiding an overbearing presence and otherwise causing intrusion such as through noise, activity at unsocial hours, lighting, etc.

- 8.9.2 Policy DEN7 states: *'Development will only be permitted where it is demonstrated that there will be no significant adverse impacts on health, local amenities, biodiversity or environmental character as a result of lighting, noise, odour, land contamination, hazardous and non-hazardous substances and/ or airborne particulates associated with development, including where appropriate, the cumulative impacts of existing and proposed developments'*.
- 8.9.3 In the main, the elements of proposed development are not closely related to the residential properties that surround the perimeters of the Estate and as such the application would not be considered to create harm by way of direct loss of light, overlooking or overbearing development. However, the scale of the proposed use, which proposes 211 holiday units with associated facilities and other commercial activity, with the potential to accommodate some c.800 visitors and related daily/weekly vehicle movements, does need to be considered with regard to other resultant activity, such as the general disturbance from vehicular movements and potential for noise and reduction in local air quality.
- 8.9.4 This is particularly concentrated on the proposed access points into the site and in respect of properties along the affected road network and as noted by the applicant in their Air Quality Assessment. They describe the *'main air pollutants of concern related to road traffic emissions are nitrogen dioxide (NO<sub>2</sub>) and fine particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>)'*. With reference also to *construction activities, where the main pollutants are dust and PM<sub>10</sub>*. Their assessment references NPPF paragraph 174 which advises of the need to 'prevent unacceptable risks from air pollution' and the references to air quality and Clean Air Zones of paragraph 186 and the associated PPG in respect of the impacts of new development on air quality. The Applicant has also had regard to the Sussex Air Quality Partnership Air Quality and emissions mitigation guidance for Sussex (Sussex-air Air Quality Partnership, 2021).
- 8.9.5 In undertaking their Assessment they have also had regard to the air quality monitoring data produced by Rother.
- 8.9.6 The Air Quality Annual Status Report by Environmental Health (2022), identifies that Nitrogen Dioxide (NO<sub>2</sub>) concentrations in recent years (2017-2021) at all monitoring sites within the district were below the AQS objective. It further notes that current and future traffic flows are not expected to put the Pevensey Levels Special Area of Conservation (SAC) at risk from excessive nitrogen deposition. In order to encourage emission reductions it also seeks to promote active modes of transport like walking, cycling and using public transport.
- 8.9.7 The applicant's Air Quality Assessment predicts that the proposals, predictions assumed to 2025 (suggested date for development), would not increase concentrations of nitrogen dioxide to any significant degree (receptors assessed having 0 or 0.1% change) and that they would not exceed the AQS objectives. With regard to dust during construction, there is a potential for this although concluded to be low and negligible risks to human health and ecology. However, mitigation is proposed by the adoption of a Dust Management Plan, provision of electric charging facilities and the use of air source heat pump/electric heating. It is agreed that the proposals do not represent significant adverse impacts on health.

- 8.9.8 In terms of noise, the application has submitted a Noise Impact Assessment (NIA). This has identified baseline background noise levels for daytime and nighttime. Such levels can be utilised in detailing proposals for any fixed external plant, which given the location of the facilities buildings deep within the site should not result in any harmful noise to residents in the surrounding area. Equally construction of the lodges to meet the requirements of the Building Regulations and/or BREEM and given their siting within the site, would preclude the transmission of internal noise from the lodges.
- 8.9.9 Use of the car park, located within the central area of the site and among woodland would unlikely be perceptible to local residents and not significantly greater than or distinguishable from the existing road traffic in the area. The NIA includes assessment of traffic generation and impacts to road-based noise. It concludes that noise changes due to development traffic would be 0.2dB or less to receptors adjacent the road, which is regarded as a negligible impact.
- 8.9.10 Notwithstanding the submitted NIA, it is noted that no specific reference is made to the dwellings adjacent the north-east access (Battle Gate Lodge), the new east access (opposite The Pines), and the existing southern access adjacent Broomham House. The north-east access is the original access that served the Normanhurst Estate and has latterly been underused. Supporting information suggest that this access would accommodate c. 15 large service vehicles per day which raises some concern regarding neighbouring amenity. In general, supporting evidence to understand noise and air quality harm could be addressed by condition.
- 8.9.11 The existing access track from the village passes Broomham House, Broomham Barn and Broomham Cottage. This access is proposed to serve the affordable workspace, but no further detail is known. Future detailed submissions would require assessment and if necessary, mitigation and conditions included to maintain residential amenities.
- 8.9.12 For the purposes of the Outline application, provisionally the adverse impact on neighbouring amenity (noise and air quality) is assessed as a low to moderate impact subject to a more detailed understanding and evidenced at Reserved Matters.

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## 9.0 PLANNING BALANCE & CONCLUSION

- 9.1 In determining this application, the matters appraised were:
- a) The principle of development (planning policy)
  - b) Socio-economic assessment
  - c) Highways, accessibility, and parking
  - d) Heritage and conservation
  - e) Design (Impact on the character of the area and design of the proposal: layout; appearance -scale and massing; landscape)
  - f) Environmental matters
  - g) Sustainability and energy (carbon) strategy
  - h) Impact on neighbouring amenity (noise and air quality)
- 9.2 In terms of NPPF paragraph 177 *'When considering applications for development within ...Areas of Outstanding Natural Beauty, permission should be refused for*

*major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and,*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated ['harm']'.*

This 'test' has been set-out in the 'Principle of development' section and assessed that:

- 9.3 In assessing the application against NPPF 177(a), the application does not demonstrably evidence development need and such benefit to the local economy that it would outweigh the significant adverse impact on the purposes for which the AONB has been designated.
- 9.4 The justification for the land requirement, and how the proposed development could possibly be met 'in some other way' is not substantiated. The Applicant has not addressed the NPPF 177(b), and offers no evidence for considering whether there are exceptional circumstances to address this policy. The Officer has not found exceptional circumstances to be in favour of the development and also concludes that it has not been demonstrated to be in the public interest given the level of harm and hence there is no justification for granting permission.
- 9.5 In terms of NPPF 177(c), an assessment of detrimental effect on the environment and the extent to which this could be moderated verse demonstrated public benefit, the application does not discharge their responsibilities by evidence of exceptional circumstance.

### Matters

- 9.6 The determination requires an assessment of the harm(s) resulting from the application, as identified and set-out in the Officer Report, the weight of such harm as a matter for the decision maker and whether the harm can be moderated, and, balancing the merits of the application as submitted against the harm identified. This final balancing exercise is set out below. In assessing the weight to be afforded to harms / benefits, Officers have applied an increasing scale which attributes **moderate, significant, or substantial** (NPPF 176 'great weight') weight to each identified matter. Having attributed such weight, an overall judgement is then required regarding the balance of harm vs benefit.
- 9.7 It should be noted that the principle of leisure development to support the rural/ village economy is supported in policy; the application's proposal for a unique, resort-destination has merit. However, the application warrants a comprehensive evidence base including the delivery, management, maintenance, and socio-economic benefits as tabled by an end-operator. The Applicant in various supporting documents well illustrates that comparison with other operator-destinations is problematic and only give indicative data. In terms of such significant major development in the AONB this lack of absolute clarity regarding more discernible impact, adverse and beneficial regarding direct, in-direct, and



induced impact over an immediate to long-term programme has raised significant concern by all parties.

- 9.8 Further, the significant scale of development and adverse impact, a central concern through-out discussions on this application, remains central to all objections.
- 9.9 The principle of development (planning policy): it is considered that in reviewing the application against policy, it is assessed that the application is significant in scale, 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. The application therefore fails to comply with the adopted Local Plan (CS Policies OSS1, OSS2, OSS3, RA1, RA2, RA3, EC6 and EN1; and, DaSA Policies DEC2, DEN2, and DIM2), and NPPF, paragraphs 8, 84.
- 9.10 In terms of the HW AONB Management Plan, due to the scale of development; its direct, indirect, and long-term potential effect and impact on the landscape habitat(s); and, impact on the character of the AONB, the application does not accord with Objectives G2, G3, S2, S3, R1, R2, W1, W2 and W3 (in part), FH3 and FH4 (in part), and OQ4.
- 9.11 The application proposes a significant quantum of development (c. 70,825sqm of GIA and resident population of c.800 people). In scale, the application would be akin to the development of a new village within the AONB. It is considered that the applicant has understated the scale of development when making their assessments. In this regard, scale alone would be considered **substantial harm** and a reason for refusal.
- 9.12 The application does not accord with the NPPF paragraph 11, 84, 176 (great weight), and 177 (three tests).
- 9.13 Collectively, this harm should be given **substantial** weight.
- 9.14 Socio-economic assessment: in terms of NPPF 177(a), the review has undertaken an assessment of the potential 'public interest'/ benefit upon the local economy (investment and employment) versus potential harm of the development within the AONB. In this regard, the socio-economic report tabled by the Applicant should be treated with considerable caution. The Officer Report's assessment suggests that, with such uncertainty presented in the Outline application, the evidence presented does not warrant the test of 'exceptional circumstance'.
- 9.15 It is recognised that investment in the rural economy and leisure sector has policy support, and would lead to employment creation and local spend, detailed resolution at Reserved Matters would lead to a more detailed understanding of socio-economic benefit. Consequently, in-principle this benefit should be afforded **moderate** weight.
- 9.16 Highways, accessibility, and parking:
- 9.17 ESCC Highways (OBJECTION), based on:
- a) Objection: *'The intensification of the access proposed to serve the affordable workspace from the B2204 would introduce hazards by the slowing, stopping, turning and reversing traffic which would be created and would therefore trigger para 111 of the National Planning Policy Framework 2021'*.

b) Observation: *'The access arrangements for the service access (northeastern access), the principle point of access (east access) and the access from Freckley Hollow are acceptable in principle. However, some alterations are likely to be required at detailed design stage and as part of the s278 process. Furthermore, any further issues raised in subsequent RSA's would also need to be addressed in a satisfactory manner. It should be noted that while the land required to achieve visibility splays does fall within control of the applicant, **an extensive amount of vegetation would require removal**'* [Officer Note: emphasis added].

- 9.18 It is noted that the issues raised in the RSA(1), and the detailed design resolution of all access points yet to be agreed with ESCC Highways at RSA(2), has been tabled by the Applicant to be resolved at Reserved Matters. This resolution, in terms of making the access acceptable in planning terms (regarding impact on setting) is primary to the Outline application.
- 9.19 In review, Officers suggest that the Framework Travel Plan as tabled will be ineffective in encouraging modal shift. A far more bespoke and innovative management strategy will need to be adopted to enable NPPF paragraph 113's objectives as defined in the Glossary.
- 9.20 In light of the above observations, it is considered that the application will be almost entirely private car-based, both in terms of visitor journeys, supporting services, and employment trips. Inasmuch as the application would provide upto 350 car parking spaces within the site, and generate weekly travel movement of upto c.800 resident population, this should be afforded substantial weight. It is considered that the application does not accord with Rother Local Plan Policy PC1(i), RA1(vi), TR2, and TR3, and the NPPF paragraphs 111 and 112.
- 9.21 This non-resolution of access and harm, and unsustainable development in highway terms, should be given **significant** weight.
- 9.22 Heritage and conservation: having regard to Section 16 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the application, by virtue of outline nature, does not give adequate detail to fully assess the impact of the proposal upon the setting of the Grade II Listed Buildings for the Local Planning Authority to discharge their responsibilities under the Act.
- 9.23 The proposed layout and indicative design by way of its clustered-style arrangement, indicative contemporary architecture, and lack of harmonious contextual relationship would adversely affect the setting and special architectural and historic character and interest of the listed buildings as designated heritage assets, and as such would be contrary to Policies EN2, RA1 and DHG9, and NPPF paragraph 130.
- 9.24 While its is recognised that harm to heritage assets should be afforded 'great weight', in considering this application the harm identified should be given **moderate** weight.
- 9.25 Design: the application's design ethos to present a contemporary architectural approach to AONB buildings is in principle supported.
- 9.26 The Framework Design Guide sets out the application's design intent, but collectively with the Parameter Plans, does not reflect the small-scaled grain,

pattern, and interlayered materiality of buildings of the High Weald AONB. The significant scale of development absolutely and irreversibly changes the character of the AONB to its detriment. The application creates an excessively dense layout; landscape character areas with a repetition of singular building types; buildings that are significant in scale, massing, and domination within a sensitive landscape; and, the palette of materials does not create sufficient variation to create visual distinction between the different landscape character areas. The overall layout and design intent is not reflective and in keeping with the historic settlement pattern and landscape of the AONB.

- 9.27 It is considered that the application is contrary to Rother Local Plan Policies EN1 and EN3, the Development and Site Allocations Local Plan DEN1 and DEN2, the AONB Management Plan and Housing Design Guide, and the NPPF paragraph 130, 134.
- 9.28 Collectively, this harm should be given **significant** weight.
- 9.29 Environmental matters: 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 AONB setting.
- 9.30 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 of the AONB.
- 9.31 Further, the intensification of the site on this setting would have an immediate to long-term adverse impact on the purpose of the AONB for which it has been designated and is contrary to Rother Local Plan Policies OSS1(e), OSS4(iii), EN1 and EN5 of the Core Strategy and Policies DEN1, DEN2, DEN4 and DEN7 of the Development and Site Allocations, would have an adverse impact on key components of the High Weald AONB including woodland, fieldscapes, settlement and routeways as defined in the HWAONB Management Plan, and is contrary to NPPF paragraph 174, 176, 177 and 180.
- 9.32 Collectively, this harm should be given **substantial** weight.
- 9.33 Sustainability and energy (carbon) strategy: at this Outline stage and given the potential for providing and meeting the requirements for a sustainable and energy efficient development but noting the lack of detail, this matter is given limited to **moderate** weight.
- 9.34 Impact on neighbouring amenity (noise and air quality): for the purposes of the Outline application, provisionally the adverse impact on neighbouring amenity (noise and air quality) is assessed as a low to moderate impact subject to a more detailed understanding and evidenced at Reserved Matters.
- 9.35 Collectively, this harm should be given **modest** weight.

- 9.36 Overall, the Officer Report assessment concludes that the adverse impacts of the application would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF and the Rother Local Plan taken as a whole. The application does not demonstrate ‘*exceptional circumstances*’ as is required by national policy for ‘major development’ proposals located within an Area of Outstanding Natural Beauty nor can the application ‘*demonstrated that the development is in the public interest*’ when weighed against the three tests set in NPPF paragraph 177. Collectively, the harm identified should be given **substantial** weight.
- 9.37 It is considered that the application does not accord with the Rother Local Plan Core Strategy (2014), the Development and Site Allocations Local Plan (2019), Section 38(6) of the Planning and Compulsory Purchase Act (2004), and the National Planning Policy Framework (2021) when read as a whole.

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

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### **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 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 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 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 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 NPPF paragraphs 176, 177 and 180; Rother Local Plan Policies OSS1(e), OSS4(iii), EN1 and EN5 of the 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 para 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 (dwg. 890/P150/Rev.-; January 2023)
- 2) Existing North East Gate Elevation (dwg. 890/P151/Rev.-; January 2023)
- 3) Proposed North East Gate Plan (dwg. 890/P152/Rev.-; January 2023)
- 4) Proposed North East Gate Elevation (dwg. 890/P153/Rev.-; January 2023)
- 5) Existing East Gate Plan (dwg. 890/P154/Rev.-; January 2023)
- 6) Proposed East Gate Plan (dwg. 890/P155/Rev.-; January 2023)
- 7) Proposed East Gate Elevation (dwg. 890/P156/Rev.-; January 2023)
- 8) Existing West Entrance Plan (dwg. 890/P157/Rev.-; January 2023)
- 9) Proposed West Entrance Plan (dwg. 890/P158/Rev.-; January 2023)
- 10) Amended Hierarchy Access Plan (dwg. 21115.113/Rev. M; 28/07/2023)
- 11) East Access (dwg. 22406-06-2/Rev.-; November 2022) (DTA Response 31 March 2023)
- 12) East Access – Large car tracking (dwg. 22406-06-2-TRK/Rev.-; November 2022) (DTA Response 31 March 2023)
- 13) East Access – PROW improvements (dwg. 22406-07/Rev.-; April 2023) (DTA Response 31 March 2023)
- 14) North East Access (dwg. 22406-06/Rev. C; April 2023) (DTA Response 31 March 2023)
- 15) North East Access – Refuse vehicle tracking (dwg. 22406-06-TRK/Rev. C; April 2023) (DTA Response 31 March 2023)
- 16) West Access (dwg. 22406-06-3/Rev.-; November 2022) (DTA)
- 17) West Access – Large car tracking (dwg. 22406-06-3-TRK/Rev.-; November 2022) (DTA)

*Parameter Plans*

- 18) Site Location Plan (dwg. 890/P001/Rev.A; July 2023)
- 19) Build Zone Areas and Layout (dwg. 890/P002/ Rev.A; July 2023)
- 20) Arboricultural (dwg. 890/P003/ Rev.A; July 2023)
- 21) Building Heights (dwg. 890/P004/ Rev.A; July 2023)
- 22) Land Uses (dwg. 890/P005/ Rev.A; July 2023)
- 23) Landscaping (dwg. 890/P006/ Rev.A; July 2023)
- 24) Existing Public Rights of Way (dwg. 890/P010/ Rev.A; July 2023)

*Detailed Design Guide*

25) Proposed Illustrative Masterplan (dwg. 890/P101/ Rev.A; July 2023)

26) Updated Design Guide (submitted July 2023)

*General supporting*

27) Illustrative Landscape Strategy (dwg. 21115.112/Rev.O; January 2023)

28) Unit Schedule (submitted July 2023)

29) Block Plan (dwg. 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 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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**CONDITIONS, INFORMATIVES AND S106 AGREEMENT**

1. It is noted that a provisional list of Conditions pertinent to the application, including condition requirement from consultees, has been tabled and discussed with the Applicant. In dialogue it was identified that some of these conditions would be directly attributable to the Outline application, while others could be discharged contingent to a Reserved Matters application. A collective list has been prepared but not concluded between parties.
2. Similarly, a list of Informatives has been prepared but is not concluded.
3. A s106 Agreement has been instructed between parties, but due to the fact that certain parties have raised an objection, further resolution of the Agreement has not been taken forward other than in-principal Heads of Terms. This has not been concluded.
4. The Conditions, Informatives and s106 are not tabled in the Officer Report as the recommendation is for refusal.

**Rother District Council**

<b>Report to:</b>	Planning Committee
<b>Date:</b>	7 September 2023
<b>Title:</b>	Performance Report for Development Management
<b>Report of:</b>	Kemi Erifevieme, Development Manager
<b>Ward(s):</b>	All
<b>Purpose of Report:</b>	To update the Planning Committee
<b>Officer</b>	
<b>Recommendation(s):</b>	It be <b>RESOLVED</b> : That the report be noted.

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**Purpose**

1. This report sets out the team performance for Development Management as an informative to the Planning Committee. The report will set out performance on planning application decisions and targets in-line with central Government set performance targets (PS1 and PS2). It will also aim to provide a benchmark of the department's performance against similar local planning authorities (LPAs).
2. The report also covers appeals performance in addition to Enforcement report on caseload.
3. Finally, the report will provide a summary of appeals allowed by the Planning Inspectorate (PINs) and what the Inspector concluded in allowing the appeal.
4. Government targets as set is as follow:

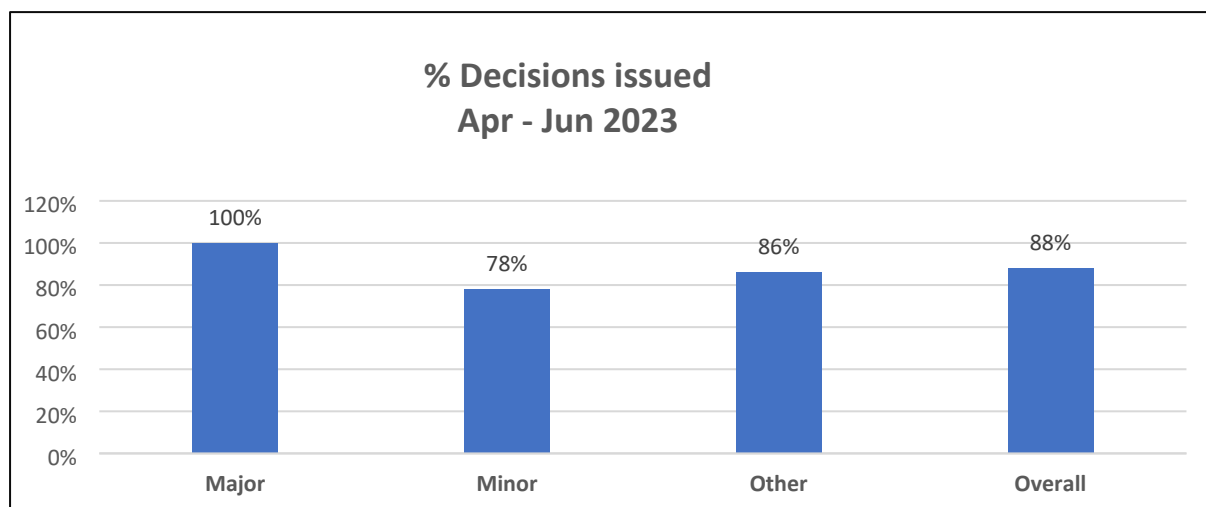
**For applications for major development:** less than 60% of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the Applicant.

**For applications for non-major development:** less than 70% of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the Applicant.

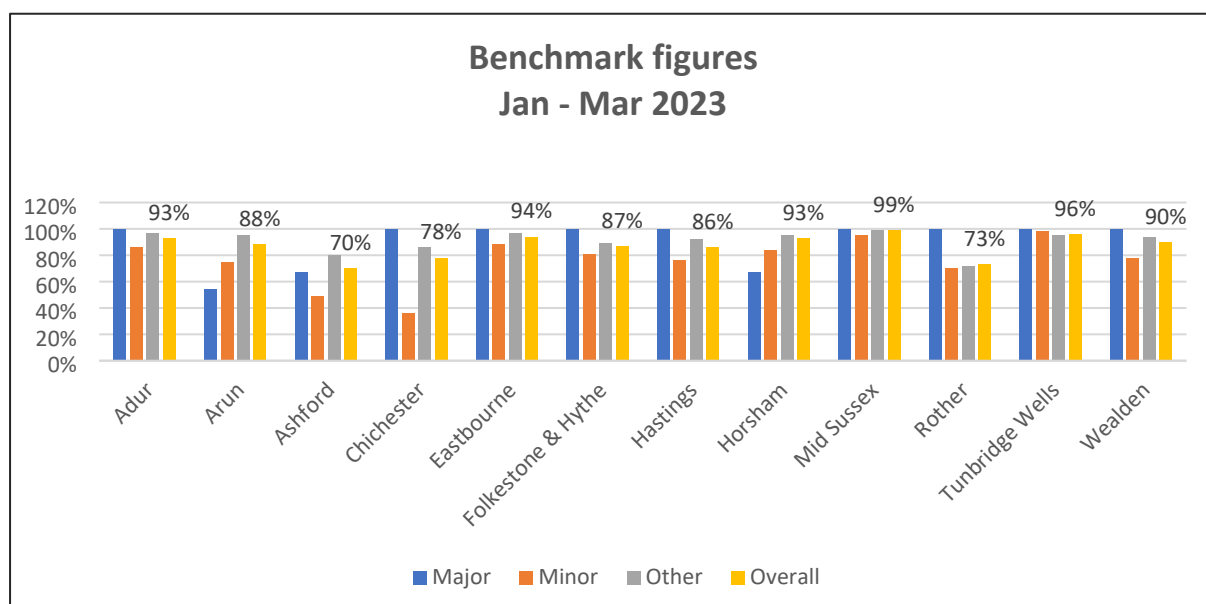
The **threshold** for designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is **10%** of an authority's total number of decisions on applications made during the assessment period being overturned at appeal.

## Planning Decisions

5. The Council's performance for the first quarter April to June 2023 – benchmark with family authority:



## Performance for the first quarter January to March 2023 (% overall) – latest published figures



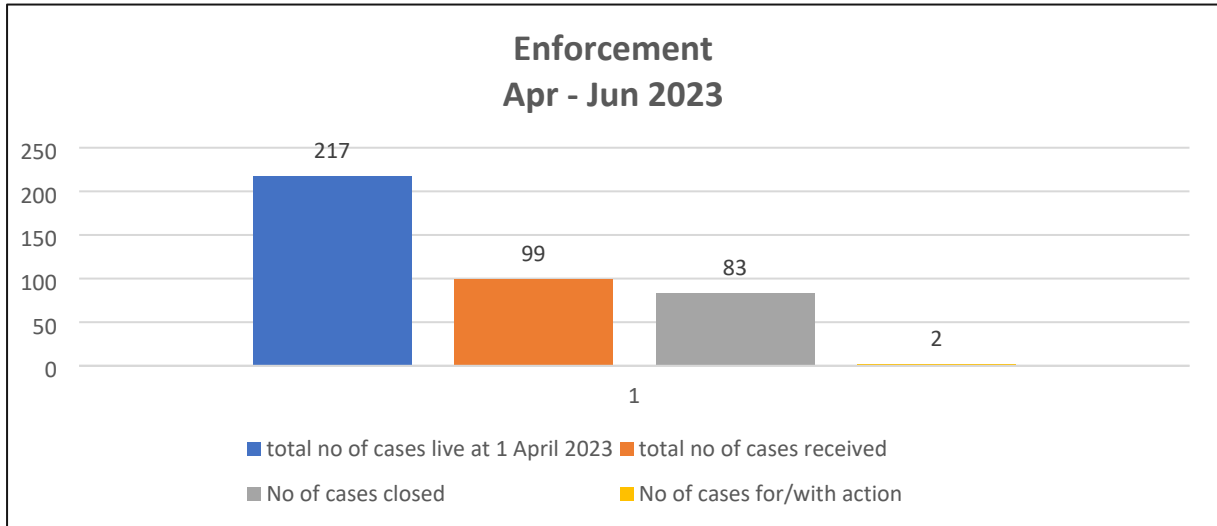
6. At present the Service is operating at (for decisions from 1 April 2023) 100% majors; 78% minors; and 86% others. The Service handled in that period a total of 477 applications with 279 (235 within timeframe) decisions issued in that period (88% overall). The overall target set (previously taken to the Overview and Scrutiny Committee at 95%) has been revised for the Service to operate at 80% overall (for majors, minors and others), on this basis the Service is currently operating above those set targets (based on this latest figures), at 88%.
7. Factors that affect the Council's performance include resourcing - staff leaving and the inability to recruit into those positions in a timely manner. There is also the issue of our outdated software which means more time is taken to complete tasks that can be easily automated with a modern software, in particular to



validating applications in a timely manner and moving it along the process in timely successions.

### Enforcement: April – June 2023

8. This table provides the figures for enforcement on hold, being investigated and those where Enforcement Notices have been served.

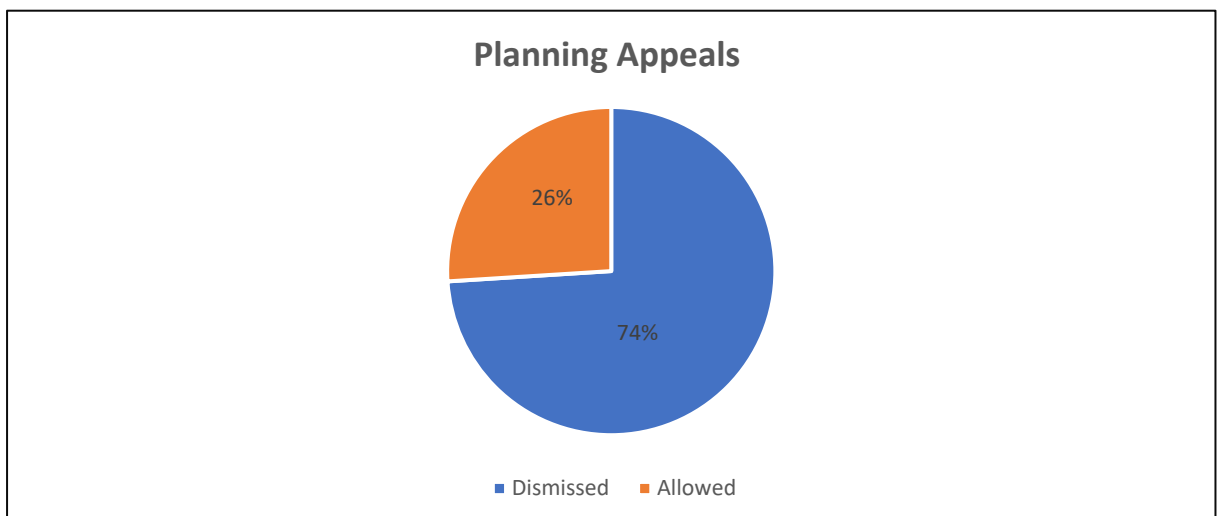


### Appeals

9. Currently there are 28 appeals lodged but not started; 43 appeals have started (with timetable etc) and 43 are awaiting decisions.

### April – June 2023

10. Six were allowed this is a percentage of 26% and 17 number were dismissed, 74%. The Council's record for allowed is therefore significantly below the Government's threshold.



## SUMMARY OF ALLOWED APPEALS

**Application Site/Reference:** The Oast, Birchetts Green| RR/2022/1103/P

**Proposed development:** 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.

**Level of decision:** Delegated

Refused on following grounds:

1. While attempts have been made to amend the proposal, the proposed development would result in harm to the character and appearance of the existing dwelling, which is a former traditional agricultural building. The proposed extensions due to their design, siting, size and materials would subsume the existing building. As a result, the vernacular character and its legibility as a traditional Oast would be significantly harmed. The proposed development would therefore be contrary to policies EN2, EN3 and RA4 (ii) and (iii) of the Rother Local Plan Core Strategy; and Policy DHG9 (ii) (iii) (v) and (vi) of the Development and Site Allocations Local Plan.
2. The site lies within the High Weald Area of Outstanding Natural Beauty where development is carefully controlled to protect the landscape character and scenic beauty of the area; including historic and cultural heritage. The proposed extensions by reason of their size, design, siting and materials would dominate the Oast. It would appear an incongruous feature within the traditional farmstead. By detracting from the visual integrity of the Oast house building (a traditional feature of the High Weald landscape) the proposal would erode its significance and thus harm the character and appearance of the rural area. The development would therefore fail to conserve or seek to enhance its landscape and scenic beauty, or its cultural heritage, as required by the NPPF (paragraph 176). It would also be contrary to Policies EN1, OSS4 (iii), RA3 (iv) (v) of the Rother Local Plan Core Strategy; Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan; and the High Weald AONB Management Plan 2019-2024 that identifies oast houses as both locally distinctive and nationally important features of the Wealden landscape that should be protected.

### Summary of decision:

The appeal proposed 2-storey side extension would follow the existing front and rear building lines and have the same ridge and eaves height. The dormers would respect those on the existing roof. The side extension would be in keeping with the existing building. Although, the Inspector considered that the extension would be the same height as the existing building, they did not consider this to be a significant addition, that would overly dominate the host property. Whilst the proposal would elongate the stowage, it would not unnaturally do so. The size of the proposed stowage would not be dissimilar to others in the area. The proposal would retain the key features of the oasthouse, being its rectangular shaped stowage barn with attached square kiln and therefore the building's typology, form and agricultural character and appearance would be preserved.

The removal of the existing garage / conservatory / proposed extensions / alterations would enhance the character and appearance of the host property and also enhance the significance of the building (as non-designated heritage asset) and its relationship with the AONB setting.

In allowing the appeal the Inspector concluded that the appeal proposal would enhance the character and appearance of the area (in terms of scale, layout, design and materials), the High Weald AONB and the host dwelling, which is a non-designated heritage asset.

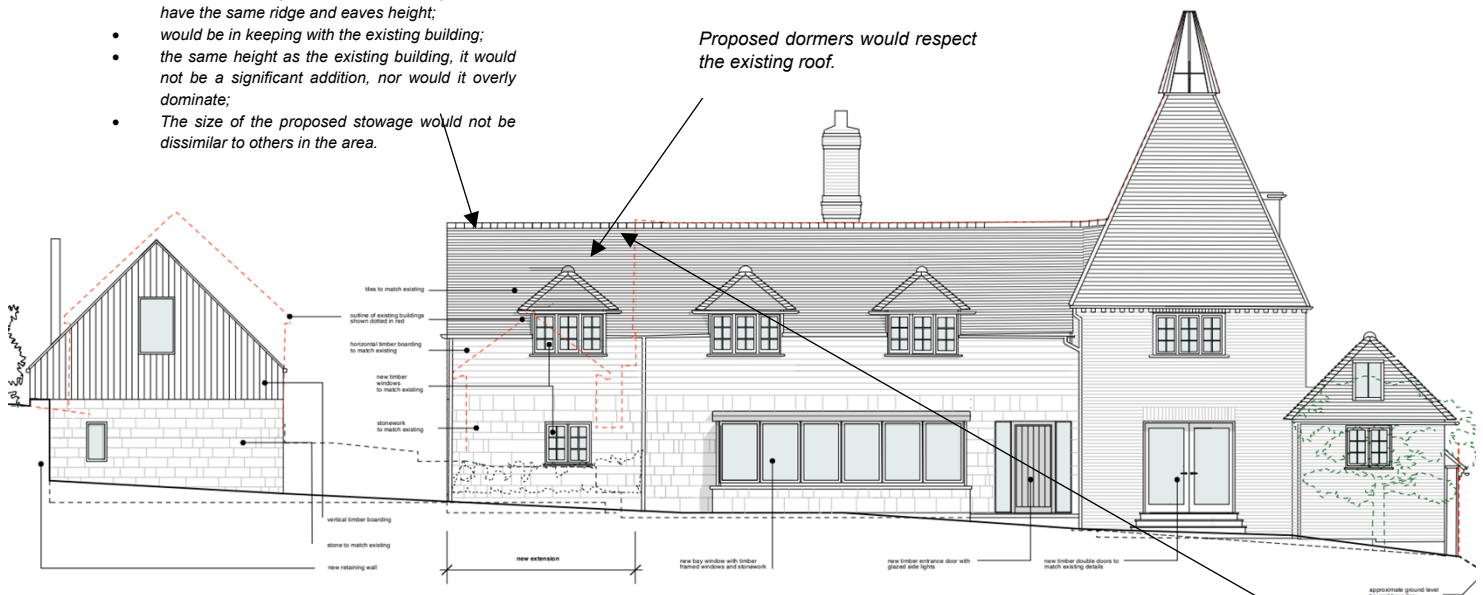
## Appeal proposal:

### South-West Elevation

Proposed side extension:

- follow the existing front and rear building lines and have the same ridge and eaves height;
- would be in keeping with the existing building;
- the same height as the existing building, it would not be a significant addition, nor would it overly dominate;
- The size of the proposed stowage would not be dissimilar to others in the area.

Proposed dormers would respect the existing roof.



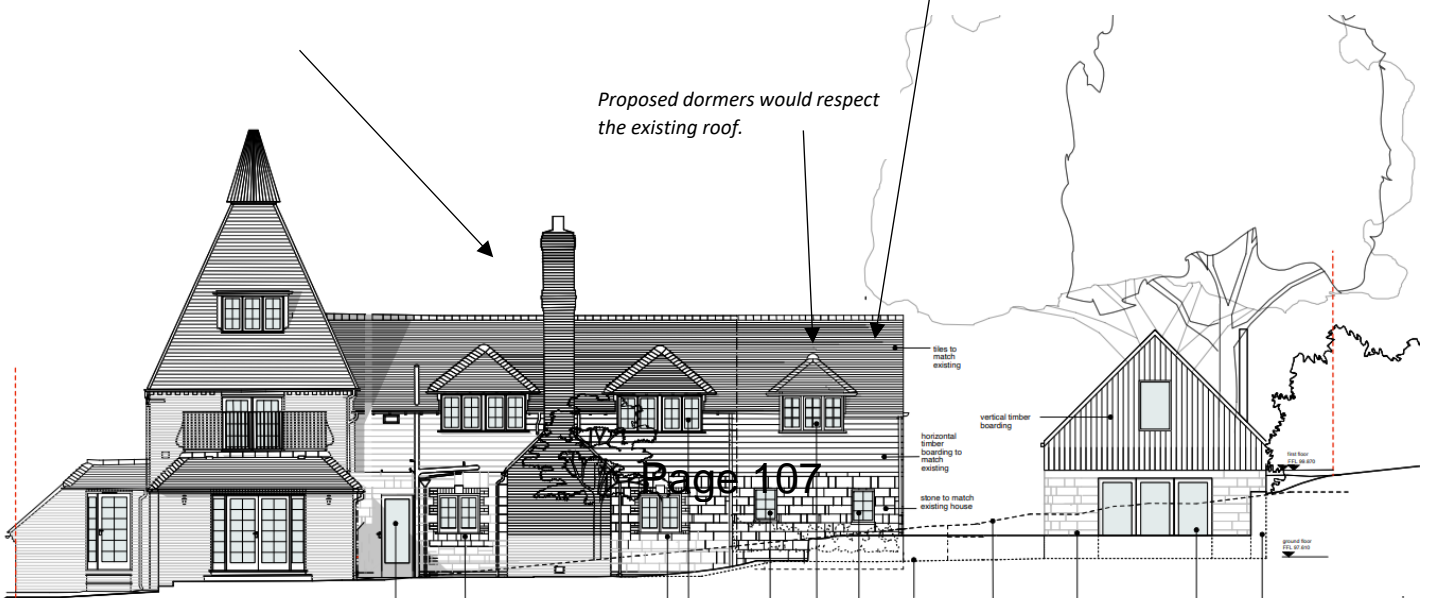
### North-East Elevation

Proposal would retain the key features of the oasthouse, being its rectangular shaped stowage barn with attached square kiln and therefore the building's typology, form and agricultural character and appearance would be preserved.

The removal of the existing garage / conservatory / proposed extensions / alterations would enhance the character and appearance of the host property, which is a non-designated heritage asset.

The proposal would also enhance the significance of the building and its relationship with the AONB setting, by removing some of the existing domestic additions that detract from the building's agricultural character.

Proposed dormers would respect the existing roof.



**Application Site/Reference:** 2 Silverhill Cottages, Silverhill Cottages, Hurst Green/RR/2022/1062/P

**Proposed Development:** First floor extension

**Level of decision:** Delegated

Refused on the following grounds:

1. The proposed extension would be out of character and would not respect or respond positively to the scale, form or overall design of the host dwelling and to the locality. It would result in a dominant feature on the rear elevation of Silverhill Cottages which would detract from the modest form and proportions of the host dwellings and the terrace as a whole. As such the proposal is contrary to policy DHG9 of the DaSA Local Plan, as well as policies OSS4 and EN3 of the Rother Core Strategy Local Plan.
2. By reason of its height, mass and bulk, the proposed extension would result in an overbearing dominance that would demonstrably harm the residential amenities of neighbouring properties no's 1 and 3 Silverhill Cottages. As such the proposal is contrary to policy OSS4 of the Rother Core Strategy Local Plan and policy DHG9 of the DaSA Local Plan.

#### Summary of decision

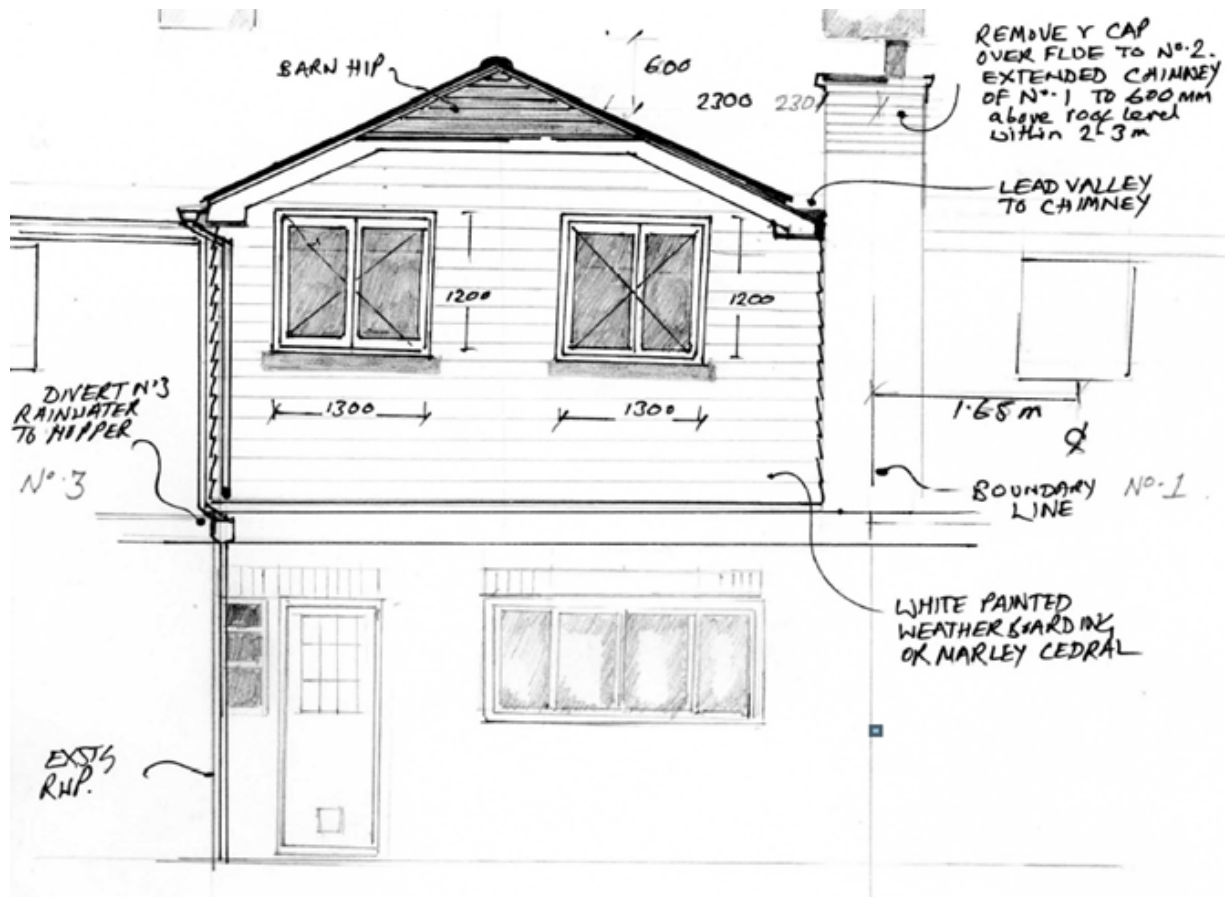
The inspector states that the proposal is of a modest scale, sufficiently set down from the roof ridgeline and set in from the ground floor extension so that it would appear as a subservient addition to the host dwelling. It is also stated that it would not look excessively large or out of scale with the host dwelling or area, especially in the context of the larger extensions and alterations on a comparable terrace which is within view of the rear garden of the appeal property.

Furthermore, the use of matching materials and the inclusion of a barn hip roof would be consistent with the design of the terrace row. Although the neighbouring properties do not have a first-floor extension, the small scale of the scheme and the central location of the extension within the terraced row would avoid any dominating or unbalancing effect on the terrace. As such, the proposal would be of an appropriate scale, form, proportions and overall design and would have no adverse impact on the character and appearance of the surrounding area.

Due to the residential nature of the area and the scale of the development the inspector does not consider that the proposal would be harmful to the High Weald AONB.

The inspector does not believe that the proposal would have an impact in terms of the outlook and loss of light to Nos. 1 and 3 Silverhill Cottages. This is due to the positioning of neighbouring windows, a 45 degree line shown on the proposed plans and the limited protection of the proposed extension.

Overall, the inspector concludes that the proposed development would not harm the character and appearance of the host dwelling or the area, including the AONB or harm the living conditions of neighbouring properties no 1 and 3 Silverhill Cottages. It is stated that the proposal accords with Policy DHG9 of the Development and Site Allocations Local Plan, as well as Policies OSS4 and EN3 of the Rother Local Plan Core Strategy.



**Application Site/Reference:** Fairlight, Oakhurst Road, Battle/ RR/2022/1661/P

**Proposed Development:** Proposed wraparound extension and alterations, including new lower ground floor and improved off road parking area.

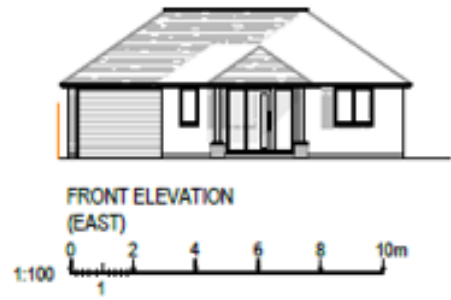
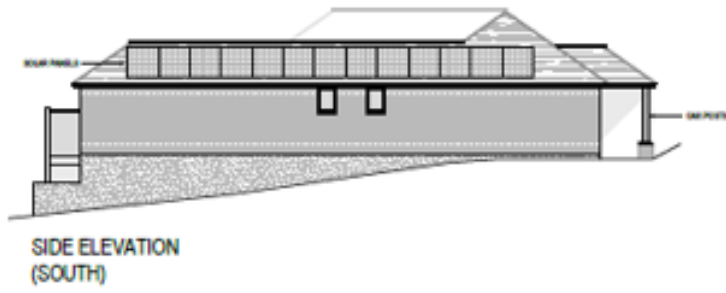
**Level of decision:** Delegated

Refused on the following grounds:

The proposal would be out of character with the size and scale of the existing dwelling which is a modestly sized bungalow. The wrap around extension would not be subservient to the existing dwelling and would be an overdevelopment of the site which is within the High Weald Area of Outstanding Natural Beauty. The proposal is therefore contrary to policies DHG9, DEN1 and DEN2 of the Development and Site Allocations Local Plan, Policy OSS4 of the Rother Core Strategy Local Plan and policy HD4 of the Battle Neighbourhood Plan.

Summary of decision:

- The Inspector reasons that, although the extension would be of a significant scale compared to the existing property, the majority of the increased mass and bulk, being set into the lower ground level, would be experienced at the rear only, and therefore would not affect the bungalow appearance from the street scene. Viewed from the front of the dwelling, the proposal would reflect the varied nature of the local area.
- The Inspector also acknowledges that the resulting development would not be unusual in the vicinity given the presence of other extended and redeveloped properties, including the adjoining property.
- The Inspector also provides commentary regarding the impact to dark skies, being an important feature that contributes to the natural beauty and special qualities of the AONB. However, given the sites location within the existing settlement, the Inspector considered that it is unlikely that dark skies would be as strong in the vicinity of the site - as it would do in more remote locations within the High Weald AONB. Accordingly, any additional light spillage caused by the proposed development was considered to neither be significant nor have an unacceptable effect on dark skies.
- Overall, any adverse effects of the development would be seen within the context of the existing residential settlement. And at the very least, the proposal would conserve the landscape and natural scenic beauty.



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Appendices:	N/A
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A

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