



Planning Committee

- Date and Time - **Thursday 14 March 2024**
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:

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

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

AGENDA

1. **MINUTES**

To authorise the Chair to sign the minutes of the meeting of the Planning Committee held on the 15 February 2024 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 **WITHDRAWN APPLICATIONS**

The Director – Place and Climate Change to advise Members of those planning applications on the agenda which have been withdrawn.

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

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

For all enquiries – please contact louise.hollingsworth@rother.gov.uk

Tel: 01424 787815

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5. **DISCLOSURE OF INTERESTS AND DISPENSATIONS**

To receive any disclosures by Members of disclosable pecuniary interests / other registerable interests / non-registerable interests in matters on the agenda and the nature of any interest and details of any dispensations obtained. 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/2022/840/P - LAND AT BEECH FARM, HAWKHURST ROAD, SEDLESCOMBE** (Pages 5 - 34)

8. **RR/2022/2690/P - LAND AT BEECH FARM, HAWKHURST ROAD, SEDLESCOMBE** (Pages 35 - 68)

9. **RR/2023/1021/P - TREE TOPS - LAND ADJ, COTTAGE LANE, WESTFIELD** (Pages 69 - 86)

10. **TO NOTE THE DATE AND TIME FOR FUTURE SITE INSPECTIONS**

Tuesday 16 April 2024 at 9:30am departing from the Town Hall, Bexhill.

Lorna Ford
Chief Executive

Agenda Despatch Date: 6 March 2024

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 Louise Hollingsworth (Tel: 01424 787815)
For details of the Council, its elected representatives and meetings, visit the Rother District Council website www.rother.gov.uk

Rother District Council

Report to	-	Planning Committee
Date	-	14 March 2024
Report of the	-	Director - Place and Climate Change
Subject	-	Planning Applications – Index

Director: Ben Hook

Planning Committee Procedures**Background Papers**

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

Planning Committee Reports

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

Consultations

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

Late Representations

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

Delegated Applications

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

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

Order of Presentation

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

Agenda Item	Reference	Parish	Site Address	Page No.
7	RR/2022/840/P	SEDLSCOMBE	Land at Beech Farm Hawkhurst Road Sedlescombe TN33 0QS	5
8	RR/2022/2690/P	SEDLSCOMBE	Land at Beech Farm Hawkhurst Road Sedlescombe TN33 0QS	35
9	RR/2023/1021/P	WESTFIELD	Tree Tops - Land Adj, Cottage Lane Westfield TN35 4QG	69

SITE PLAN

SEDLSCOMBE

RR/2022/840/P

Land at Beech Farm
Hawkhurst Road
Sedlescombe



Rother District Council

Report to	-	Planning Committee
Date	-	14 March 2024
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/840/P
Address	-	Land at Beech Farm, Hawkhurst Road, Sedlescombe
Proposal	-	Demolition of storage building and roadway and construction of a carbon negative live work unit, parking and restricted curtilage. Landscape and biodiversity enhancements to the wider site and new access to the B2244. Stopping up of access to the northern boundary of the site.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr & Mrs J. Vine-Hall on behalf of Mr M. Hodges
Agent: Greenhayes Planning
Case Officer: Mr M. Worsley
(Email: matthew.worsley@rother.gov.uk)

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

Reason for Committee consideration: Applicant was an elected Member.

Statutory 8-week date: 16 June 2022

Extension of time agreed to: TBA

This application is included in the Committee site inspection list.

1.0 UPDATE AND SUMMARY

1.1 This application was previously reported to the July 2022 Planning Committee meeting, with an officer recommendation for refusal, but it was resolved by Members to grant planning permission. That decision was subsequently subject to Judicial Review, where one of the grounds of challenge was agreed by all parties. The High Court has quashed that decision and sent it back to Rother District Council for redetermination. The previous report and recommendation have been updated to take into account updates in policy, additional information submitted by the Applicant and comments received by

members of the public. It should also be noted that a subsequent application (RR/2022/2690/P) was submitted to the Council for the same development, but the sole applicant is listed as a Mr M. Hodges.

- 1.2 The site is located within the countryside and the High Weald Area of Outstanding Natural Beauty (AONB). The proposal has been specifically promoted as being of exceptional design quality to meet the requirements of paragraph 84 e) of the National Planning Policy Framework. Whilst the carbon negative features could be considered outstanding in isolation, compliance with paragraph 84 e) of the National Planning Policy Framework requires that the overall design of the house is exceptional, meaning truly outstanding, reflecting the highest standards in architecture. The modular system construction of the proposed dwelling, with generic external appearance, could be replicated on many other sites across the AONB countryside. In Rother alone, planning permission exists for at least six Wunderhaus dwellings. The design is not considered to be bespoke architecture, specific to its place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 84 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (DaSA), paragraph 182 of the National Planning Policy Framework and section 85 of the Countryside and Rights of Way Act 2000.
- 1.3 In line with paragraph 11 d) i) of the National Planning Policy Framework, the identified harm to the AONB provides a clear reason for refusing the development proposed.
- 1.4 On top of the harm to the AONB, the development has been found to represent the creation of a new unjustified dwelling in the countryside contrary to the spatial strategy for Sedlescombe and the district as a whole, the location of the site is unsustainable and no affordable housing contribution has been provided.
- 1.5 The proposed development does not comply with Rother Local Plan Core Strategy, Rother DaSA or Sedlescombe Neighbourhood Plan (SNP) policies or the various provisions contained within the National Planning Policy Framework, including, specifically, paragraphs 84 e) and 182. For the reasons explained the application cannot be supported.

1.6 PROPOSAL DETAILS

PROVISION	
No of houses	1
No of affordable houses	0
CIL (approx.)	£35,010
New Homes Bonus (approx.)	£6,684

2.0 SITE

- 2.1 The application site is a field to the west side of Hawkhurst Road (B2244) which measures 0.74 hectares in area. It is located within the countryside, is within the High Weald Area of Outstanding Natural Beauty (AONB) National Landscape and is adjacent to an historic farmstead which includes a grade II listed farmhouse, a converted barn, a converted oasthouse and a farm cottage.
- 2.2 The field is surrounded by trees and slopes away to the south. Vehicular access is currently provided via a shared track with Beech Farm Bungalow to the north. Within the site is a track which leads to a small stable and store building, close to the eastern boundary. A public footpath runs diagonally across the field to the east of the site, on the opposite side of the road.
- 2.3 The site is partly within an archaeological notification area and is within an amber zone for great crested newts, which means that the site contains suitable habitat and great crested newts are likely to be present.
-

3.0 PROPOSAL

- 3.1 Permission is sought to erect a new detached dwelling close to the northern boundary of the site. A live work unit with ground floor design studio is proposed which is explained to be carbon negative, with the scheme including landscape work (tree and hedge removal and replanting) and aims for biodiversity enhancements. The development is specifically promoted as a design of exceptional quality to meet the requirements of paragraph 84 e) of the National Planning Policy Framework. It is explained to be a modern interpretation of a High Weald vernacular building. The existing single storey storage building, which measures 22 sqm in footprint, and access track would be removed.
- 3.2 The dwelling proposed is of a modular system construction which has been designed by the company 'Wunderhaus Ltd'. On their website it explains that:
'The Wunderhaus product range was designed for the development segment and is marketed by selling a license to the developer. They can realise the development via their own construction arm or via Wunderhaus strategic construction partners. The license fee is the equivalent of customary professional fees, and scales down with multiple units of one type, entitling the developer to the use of all plans and elevations, relevant CGIs and other graphics, material specifications and energy and environmental performance criteria for planning purposes, as well as all necessary construction drawings, structural engineer calculations (except foundation specification), procurement schedule, bill of quantities, building regulation documentation, mechanical engineering design and SAP calculation documentation. This has the time advantage of allowing the developer to proceed immediately with planning and construction preparation, rather than designing the scheme first, and therefore saves approximately 12 months.'
- 3.3 A new access is proposed onto Hawkhurst Road, with the existing access to the north proposed to be stopped up. Earthworks are detailed in the northeast part of the field to accommodate both the new access and dwelling. Section

plans have been submitted to show excavation and building up work would be required, with 1 in 2 and 1 in 4 'fills' detailed. The 'cut' (excavation) is not specified. An attenuation pond is proposed in the southwest corner of the field. This would also require excavation works and building up of the land, with plans indicating a 1 in 3 'cut' and 1 in 2 'fill' would be required.

- 3.4 The application is accompanied by a planning statement, a design and access statement, a biodiversity survey and report (including a response to the County Ecologist's original comments), a tree survey, a heritage statement, a landscape and visual survey, a waste statement and transport report. In addition, information has been provided on the carbon negative credentials of the proposed dwelling, SAP ratings for new properties in Rother, a document detailing the energy ratings and CO2 emissions of all new dwellings tested in Rother between August 2022 to March 2023, U values of the proposed dwelling compared to Passive House standards, together with examples of paragraph 84 e) dwellings that have been granted in neighbouring authorities.

4.0 HISTORY

- 4.1 RR/2022/840/P Demolition of storage building and roadway. Construction of carbon negative live work unit, parking and restricted curtilage. Addition of landscape and biodiversity enhancements to the wider site and new access to the B2244. Stopping up of access to the northern boundary of the site – Recommended for Refusal at Officer Level – Resolved to grant Planning Permission by Members of the Planning Committee – DECISION SUBJECT TO JUDICIAL REVIEW WITH DECISION QUASHED.
- 4.2 RR/86/0691 Erection of dwelling with double garage. Refused. APPEAL DISMISSED.
- 4.3 RR/86/0233 Erection of pig breeding unit for 96 sows and 10 boars with ancillary services. REFUSED.
- 4.4 RR/85/2375 Dwelling house and double garage. WITHDRAWN.
- 4.5 RR/82/1351 Roadway to stable with turning area. Approved CONDITIONAL.
- 4.6 RR/82/0234 Stable and store – APPROVED CONDITIONAL.
- 4.7 RR/80/1908 Outline: Application for erection of two detached dwellings. Refused. APPEAL DISMISSED.
- 4.8 RR/79/2189 Outline: Three dwellings with double garages and service road. REFUSED.

5.0 POLICIES AND LEGISLATION

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

- PC1 (presumption in favour of sustainable development)
- OSS1 (overall spatial development strategy)
- OSS2 (use of development boundaries)
- OSS3 (location of development)
- OSS4 (general development considerations)
- RA2 (general strategy for the countryside)
- RA3 (development in the countryside)
- SRM1 (towards a low carbon future) (part (i) was superseded by the Rother District Council Development and Site Allocations Local Plan)
- SRM2 (water supply and wastewater management)
- CO6 (community safety)
- EN1 (landscape stewardship)
- EN2 (stewardship of the historic built environment)
- EN3 (design quality)
- EN5 (biodiversity and green space)
- TR3 (access and new development)
- TR4 (car parking)

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

- DRM1 (water efficiency)
- DRM3 (energy requirements)
- DHG1 (affordable housing)
- DHG3 (residential internal space standards)
- DHG4 (accessible and adaptable homes)
- DHG7 (external residential areas)
- DHG11 (boundary treatments)
- DHG12 (accesses and drives)
- DEN1 (maintaining landscape character)
- DEN2 (AONB)
- DEN4 (biodiversity and green space)
- DEN5 (sustainable drainage)
- DEN7 (environmental pollution)
- DIM2 (development boundaries)

5.3 Whilst the Sedlescombe Neighbourhood Plan (SNP) has been 'made', the policy document focuses on site allocations for housing. Policy 1 (development boundary) is relevant.

5.4 The National Planning Policy Framework, Planning Practice Guidance, High Weald AONB Management Plan 2019 – 2024 and High Weald Housing Design Guide are also material considerations.

5.5 In respect of the setting of nearby listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty on local planning authorities, when considering whether to grant planning permission, 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.

5.6 Under section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) in exercising or performing any functions in relation to, or so as to

affect, land in an AONB the Council must seek to further the purpose of conserving and enhancing the natural beauty of the AONB.

6.0 CONSULTATIONS

6.1 Highway Authority – NO OBJECTION

6.1.1 Conditions recommended relating to the construction of the access, the provision of visibility splays and vehicle and cycle parking and the position of the access gate (needs to be set back from the road).

6.2 County Archaeologist – NO OBJECTION

6.2.1 Standard archaeology conditions recommended to secure a written scheme of investigation.

6.3 County Ecologist – NO OBJECTION

6.3.1 Comments that the application documentation has not met best practice standards and/or the requirements of the NERC Act and National Planning Policy Framework, but that it is possible that the risks are capable of being mitigated to acceptable levels by the application of planning conditions.

6.4 Sussex Newt Officer – NO OBJECTION

6.4.1 Recommends a condition is imposed requiring the details outlined in the document 'Reasonable Avoidance Measures, Wildlife Matters Consultancy, May 2022' to be carried out in full. An advisory note is also attached.

6.5 Planning Notice

6.5.1 11 objections have been received. The comments are summarised as follows:

- In the countryside.
- Outside a development boundary.
- Site was not allocated within the neighbourhood plan.
- On agricultural land.
- Adverse impact on countryside.
- Contrary to Neighbourhood Plan which opposes ribbon development.
- Sedlescombe Parish council has objected to other proposals for development on this stretch of road.
- Adverse impact on AONB.
- Harmful to the dark sky in the AONB.
- Permission has been refused for houses on the field previously.
- Not clear whether the proposal is compliant with the High Weald Design Guide.
- Adverse impact on wildlife.
- Many trees would be lost which would have a visual impact and adversely impact on wildlife.
- New access would adversely impact on highway safety.
- A long way from the village and associated amenities.

- The field was once part of Beech Farm – restrictive covenants dated 22 May 1935 apply which prohibits the erection of a dwelling within the curtilage of the estate.
- Out of character with the grade II listed Beech Farmhouse. Modular build concept is a far cry from “exceptional” and “outstanding” design.
- Many companies supply kit houses as proposed – nothing special or exemplar about this.
- Unclear how a standard product, however “green”, could be described as of exceptional architectural merit.
- Industrial style design.
- An alarming precedent would be set if this were permitted.
- Business use will bring additional traffic and noise.
- No other businesses nearby.
- The Applicant (Mr Hodges) runs a business as a personal trainer. Noise and traffic would be created – adverse impact on neighbours.
- Inadequate infrastructure.
- New dwelling and tree felling will adversely affect the living conditions of the neighbouring property by overlooking and loss of privacy.
- New planting would take a long time to establish and mature, leaving Beech Farm Bungalow very exposed.
- The site is not previously developed/brownfield.

6.5.2 10 sets of supportive comments received containing the following comments (summarised):

- Good example of a sustainable form of living.
- Energy efficiency stands out against anything else built in Rother.
- Biodiversity dramatically improved.
- Pre-app support from AONB Unit and Conservation Officer.
- Small contained site on a main road.
- Specification of the Wunderhaus is exceptional.
- Eco friendly development.
- Carbon negative development.
- Application addresses the environment, climate change and the energy crisis in a way no other application in Rother has done.
- Meets National Planning Policy Framework paragraph 84 e) tests.
- Biodiversity improvements exceed 10%.

6.5.3 Petition of objection received with nine signatures raising the following concerns (summarised):

- Agricultural land.
- Within the AONB which provides a natural habitat to many threatened species.
- Conflict with Sedlescombe Neighbourhood Plan.
- Inadequate infrastructure.
- Precedent would be set if this were permitted.

6.6 **Sedlescombe Parish Council – GENERAL COMMENT**

6.6.1 ‘The Councillors resolved not to comment on this application having declared an interest. They did say that they do support carbon negative development that follow the AONB design guide.’

6.7 **Westfield Parish Council – OBJECTION**

6.7.1 Comments summarised:

- Unclear who owns the land and who will occupy the house.
- Unsuitable development within the AONB.
- Urban style development.
- Contrary to RDC Policies (DEN1, DEN2, DHG2, RA1, RA2 and RA3).
- Contrary to SNP.
- Outside and not attached to the development boundary.
- 96% of Sedlescombe residents support the protection of the countryside; 94% support preservation of hedgerows and green areas; 93% want new housing to be low visibility and avoid spoiling views.
- Accommodation does not meet the needs of Sedlescombe residents.
- Despite RDC's lack of a sufficient housing land supply arm to AONB is a standout reason to refuse permission as demonstrated in recent court case *Monkhill Ltd v Secretary of State for Housing, Communities and Local Government & Anor* (Rev 1) [2021] EWCA Civ 74.

6.8 **Burwash Parish Council – OBJECTION**

6.8.1 *'Burwash Parish Council voted to unanimously object to this application for the following reasons:*

- 1) *BPC believe that the Applicant is attempting to alter the interpretation of paragraph 84e (was 80e) of the National Planning Policy Framework to no longer be exceptional but to include standard housing.*
- 2) *This application is outside of the development boundary.*
- 3) *This application is a greenfield site within the Area of Outstanding Natural Beauty (AONB).*
- 4) *This application isn't cited in the Sedlescombe Neighbourhood Development Plan.*
- 5) *A live / work unit has been identified as not being permissible when looking at paragraph 84e.*
- 6) *The proposed design is not in keeping with its surrounding area.*
- 7) *There is no support, comment or opinion given by the High Weald AONB Unit, despite claims otherwise.*
- 8) *The design is factory built, easily replicable and does not reach the high level of paragraph 84e homes leaving it open to the rule of consistency in planning decisions and therefore replicable across the AONB.*
- 9) *Carbon efficiency credentials alone does not reach the high bar needed to evoke paragraph 84e.'*

6.9 **Etchingam Parish Council – OBJECTION**

6.9.1 *'Etchingam Parish Council wishes to re-iterate its objections to the planning applications for land north of Beech Farm, Sedlescombe, RR/2022/840/P and RR/2022/2690/P.*

Its objection relates to the use of Paragraph 84e of the National Planning Policy Framework as grounds for seeking consent and the potential consequences for the AONB should the applications be granted on those grounds. It notes that the District Council has a duty to protect what is now designated a Historic Landscape and that the National Planning Policy Framework stresses the overriding importance of that task. It notes also, contrary to the Design and Access Statement accompanying the resubmitted application, that the High Court have determined that the presumption in

favour of sustainable development, the 'tilted balance', does NOT apply to the AONB (the Monkhill/Surrey Hills judgement), although the Parish Council accepts that under Para 11d of the National Planning Policy Framework it would be possible to deem that the advantages of building a single additional dwelling could outweigh the harm done to the AONB if the latter was insubstantial. The Parish Council would ask that if the Committee were minded to give their consent to the application(s) under Paragraph 11d, that it should make it quite clear that the consent is NOT based on Paragraph 84e. There is a well-founded fear that were this not done, the consistency in decision making required of a Planning Authority could lead to a proliferation of near replicas of this supposedly one-off building across the High Weald. Indeed, there are passages in the Design and Access Statement and supporting documents which suggest that this would be a desirable outcome and that Paragraph 84e should not be limited to "Grand Designs". EPC would suggest that it is not for a Local Planning Authority to modify/erode national policy and particularly not where the nature and character of a historic landscape is concerned.

EPC considers that the officer's recommendation to the Planning Committee was correct and that the Committee misdirected itself, albeit for laudable reasons in thinking that the 'green' credential of the building was sufficient to render the design outstanding. It notes that the latest version of the Design and Access Statement (para.4) claims that the building is unique and that it responds to the traditional form of building in the High Weald. While the building with which it is matched photographically is a not uncharacteristic of the High Weald, there are many more architecturally distinguished barns against which it could have been compared.

EPC also notes that the Design and Access Statement refers to the recent appeal decision APP/U1430/W/22/3294 724 and asks Members to read the entire judgement, which in fact dismissed the appeal. No one is in any doubt that this is a highly sustainable building, but that is not sufficient to gain consent. It also notes that much is made of the Red Dot award, but significantly that is again for a generic design. The appeal judgement referred to above makes it clear that sustainability alone is not sufficient to warrant consent in terms of Para.84e.

EPC accepts that the Wunderhaus design is of great technical merit and successfully delivers on the climate front. Nor has the Parish Council any rooted objection to prefabrication. But to fulfil the requirements of para. 84e, the design must be of outstanding architectural merit and take its design cues from the specific locality. In other words, it must be UNIQUE and specific to place. That is why there have been so few consents given citing Para.80e, now 84e, over the last thirty years. Whatever the merits of the Wunderhaus design it is a product created from substantial prefabricated units and, as study of the Wunderhaus website shows, that generates remarkably similar designs, all of them numbered. The drawings accompanying this proposal confirm that this is WA2 B. Although limited customisation is possible, the fundamental shape of the building is determined by the prefabricated units available.

EPC notes that because the consent originally granted was quashed by the High Court on procedural grounds and with the consent of all parties, the remaining objections to the consent were not determined and will almost certainly be pursued by Ticehurst Parish Council acting on behalf of a number of parishes in the High Weald. EPC notes that the question of whether or not a mixed live/work unit can qualify under Para 84e has not been determined.

EPC has always agreed with the planning officers statement supporting refusal

“The design is not considered to be bespoke architecture, very specific to place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 80 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (DaSA) and paragraph 176 of the National Planning Policy Framework.”

Since the build in question is a licensed and numbered design that can be replicated by applicants across the AONB the potential danger to the historic landscape of the High Weald is obvious. EPC believes that officers should advise the Committee that on this and other grounds that, as a matter of planning law, the application cannot satisfy the requirements of para 84e and should be refused.’

6.10 Brightling Parish Council – OBJECTION

- 6.10.1 *‘Brightling Parish Council remains resolute in its objection to RR/2022/840/P. Approval of this application appears to fly in the face of the intention behind Paragraph 84 of the National Planning Policy Framework - an instrument designed to protect the countryside from inappropriate development. Whilst the enhanced environmental credentials of the proposed building are acknowledged, advances in energy saving technology are being made throughout the housing design industry. As such, the environmental claims of this application do not, in themselves, qualify the design as 'exceptional'. Furthermore, Brightling PC considers protection of the character of the High Weald AONB to be of great importance. It is possible to build ecologically-friendly, sustainable homes using natural, locally-sourced materials that sit well in the landscape - as this plan clearly does not. With a potential increase in 'eco-friendly' building firms, and pressure resulting from poor build-out rates locally, the approval of this application will encourage a proliferation of replicable applications. Brightling PC shares the concerns raised by Etchingham Parish Council and echoes their request that, should the Committee be minded to approve the application under Paragraph 11d of the National Planning Policy Framework, it should be clear that approval is not granted in relation to 84e. Approval under reference to 84e in this instance would establish a worrying precedent for future development, leading to the gradual erosion in the quality of the unique landscape within the High Weald AONB. This proposed building is not the answer to the problem of affordable housing in rural areas, nor the long-term protection of the High Weald.’*

6.11 Ticehurst Parish Council – OBJECTION

- 6.11.1 *‘Ticehurst originally commenced Judicial review proceedings on this application, which was subsequently quashed by the High Court. The sole reason that Ticehurst took that action was to prevent the use of 80 (e) , now 84 (e) to be used as a precedent within protected landscapes - the proposal does not have architectural merit nor is it outstanding, it is model WA/2 of a range of modular designs- and its carbon neutral claims are commendable*

but not exceptional - all new dwellings should have those credentials. The application is for a live-work unit, which does not fall within 80 e or 84 e. If this application is approved it will undermine every protected landscape on a national basis and would be challenged once again. The site is outside the development boundary and contrasts with the policies within Sedlescombe's Neighbourhood Plan.'

6.12 Mountfield Parish Council

6.12.1 *'Mountfield Parish Council does not normally comment on applications outside its parish but, given the ramifications of this one, should it gain consent, feels obliged to do so this occasion.*

Mountfield Parish Council cannot support this application because it is for an isolated dwelling on a greenfield site outside any development boundary and, in our view, does not conform with Para 84e) of the National Planning Policy Framework (2023) in that the design is not 'truly' outstanding. Furthermore, planning consent would create an undesirable precedent and the risk of further harm to the AONB and rural landscapes generally.'

6.13 Hurst Green Parish Council

6.13.1 *'We strongly object to this application because we do not believe it satisfies the criteria of paragraph 84e (previously 80e) of the National Planning Policy Framework Paragraph 80 e) requires that "Planning policies and decisions should avoid the development of isolated homes in the countryside unless ... the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area." This 'wunderhaus' is a mid-price, kit form, modular build, house that you can buy from the factory for £300,000. It is intended to be widely and endlessly replicated. Its makers celebrate it on their website as a standardised item, always in stock, the first "off-the-shelf" house available in the UK. See <https://wunderhaus.co.uk/articles-and-awards/>. It is therefore not 'truly outstanding', the normal meaning of which is a design that is bespoke, made with the finest materials and demonstrating uniquely high standards of craftsmanship and beauty; a building that would eventually become grade 1 listed because of its rarity and exceptionalism. It is very difficult to see how this factory-made design "significantly enhances its immediate setting". It is not "sensitive to the defining characteristics of the local area", the normal meaning of which would imply the use of vernacular materials like clay tiles, painted clapboard and local brick. If permission is granted, for reasons of consistency, the construction company offering this house will be able to sell their product to anyone wishing to build on a countryside site within the AONB. This is exactly the opposite of what is intended by paragraph 80e. The fact that it is very well insulated and very cheap to run is not a planning issue. That is a matter for building control, not the planners.'*

7.0 LOCAL FINANCE CONSIDERATIONS

7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to

change, including a possible exemption, but the development could generate approximately £35,010.

- 7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £6,684 over four years.

8.0 APPRAISAL

- 8.1 The main issues to consider in the determination of the application include:
- Principle/policy position, which in this case includes the impact of the proposal on the landscape and scenic beauty of the AONB.
 - Setting of nearby listed building.
 - Location.

8.2 Principle/policy position

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

"In dealing with an application for planning permission ... the authority shall have regard to:

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides:
"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

- 8.2.2 The site is agricultural land. It is outside of and around 1.5km from the development boundary of Sedlescombe, as defined in the SNP.

- 8.2.3 Being outside the development boundary and within the countryside, the proposal is contrary to Policy OSS2 of the Rother Local Plan Core Strategy, which advocates that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not, and Policy DIM2 of the DaSA, which states that outside defined settlement development boundaries development shall be normally limited to that which accords with specific Local Plan policies or that for which a countryside location is demonstrated to be necessary.

- 8.2.4 The proposal is not for agriculture, economic or tourism needs and as such it would be contrary to Policy RA2 of the Rother Local Plan Core Strategy, which provides an overarching strategy for new development in the countryside. Furthermore, as the new dwelling would not be to support farming and other land-based industries, re-use existing agricultural buildings, or provide affordable housing (an exception site) the planning application proposal would

not meet the criteria for development in the countryside set out by either Policy RA2 or RA3 of the Rother Local Plan Core Strategy. The development is considered to be contrary to the development plan spatial strategy taken as a whole. The effect of the development on the AONB and other interests of importance are considered further below.

- 8.2.5 Although the proposed development does not meet any of the Development Plan exceptions relating to new dwellings in the countryside, the National Planning Policy Framework is a material consideration in the determination of this application. Paragraph 84 of the National Planning Policy Framework provides:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

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

- 8.2.6 Whilst the application site is adjacent to a small number of dwellings at Beech Farm, together with a small ribbon of around 20 dwellings, these properties do not constitute a settlement and therefore the location is considered 'isolated' in terms of paragraph 84 of the National Planning Policy Framework.

Applicant's case

- 8.2.7 The application has been promoted as meeting the paragraph 84 e) exception. Whilst this involves subjective judgement, the interpretation of the wording of paragraph 84 e) provides an element of objective matters to consider. This will be returned to later in the report.
- 8.2.8 The Applicant's design and access statement explains that the challenge of the design was to deliver a property that was consistent with a modern building that you would expect to find in an agricultural setting in the High Weald whilst not creating a pastiche. The overall outward appearance is said to be directly reflective of the shape and size as shown on page 10 of the High Weald Design Guide colour references. The architectural form and its appearance will provide the immediate impression of a typical modern High Weald building and this is key to enable the design to assimilate into its landscape. Thus, despite being an innovative structure in terms of its

performance and function, a key design principle is that the appearance of the building is compatible with the site context and wider landscape character.

- 8.2.9 It is explained that the dwelling is based on the visual form of a traditional barn, adopting the massing and proportions of buildings commonly found within the agricultural landscape of the High Weald. Materials would consist of architectural grade recycled plastic and wood and metal clad roof. No nails or screws would be visible in the cladding. The gutters would be integrated. The roof would include a revolutionary photovoltaic film which would be all but invisible on the roof. This is explained to be unavailable on any other building apart from this design in the UK. The photovoltaic roof would generate 12Kw power working in conjunction with a 10kW energy storage system. There would be no openings along either of the long side elevations, with glazing proposed in either end elevation.
- 8.2.10 In terms of the wider site, non-native tree species are proposed to be removed and replaced with native mixed hedgerows and woodland planting. New habitats would also be created including a new pond and wetland habitat, wildflower meadow, log piles, permanent compost bays and other enhancement works.
- 8.2.11 The design and access statement explains that the core concept would deliver an architecturally outstanding design through a previously unachieved Standard Assessment Procedure (SAP) dwelling energy rating of 117A which is 17% higher than the technical maximum and with only 3% of new dwellings in the UK achieving an 'A' rating. This delivers a previously unachieved 3 tonne carbon dioxide saving per annum. This can be contrasted with the average new build in Rother District in 2021 generating 1.5 tonnes of carbon dioxide per annum. This can be seen at Appendix 4 where the SAP design results are attached. The closest a property has come to this in Rother is the prototype Wunderhaus granted as a replacement dwelling at Campfield, Powdermill Lane, Battle (RR/2019/1613/P). The dwelling generates more electricity than it needs feeding back the excess into the grid and managing fluctuations and night-time usage through a battery back-up with the option of swapping battery power from the battery of an electric car where needed. Smart technology also ensures that more energy is stored when cloudy weather is expected. The house is triple glazed and has no radiators or underfloor heating. Heat is generated through both an ASHP (Air Source Heat Pump) and all other heat sources in the building from lights to washing machines. All heat created is constantly circulated, filtered to be pollen free and anti-allergic and recirculated through an MVHR (Mechanical Ventilated Heat Recovery) system which gently circulates air at a desired temperature. In hot periods the system changes to convert warm air to cool air.
- 8.2.12 It is explained the dwelling would save three tonnes of CO2 each year making it significantly carbon negative. This compares with the average new build in Rother in 2021 generating 1.5 tonne of CO2. In addition, it is explained that this dwelling is easy and quick to construct and costs 20% less than the average build cost of a house with a SAP rating of less than 90A2.
- 8.2.13 The design has also avoided the water tank and pump in roof system for creating water pressure which has always been vulnerable to freezing or leaking by using a pressurized water tank at ground level delivering water without the need for pumps or gravity feed.

- 8.2.14 The dwelling is also explained to be affordable to construct. It has been designed to be manufactured off site and delivered in panel form so construction is efficient both in the factory and on site. The main structure can be constructed on site in just four weeks ready for internal finishing at a cost 20% less than the typical average cost (£2000/sqm v £2400/sqm and £3000/sqm plus for a typical paragraph 84 house).
- 8.2.15 In addition to the performance of the building, modern technology would be incorporated to complement the adaptable and accessible standards of the dwelling to meet independent living to include:
- Podpoint electric car charging socket.
 - Smart phone compatible door entry.
 - Flexible lighting layouts and products.
 - Wireless lighting control.
 - Smart phone lighting control.
 - Smart phone doorbell with motion sensor activated surveillance.
 - Smart phone alarm.
- 8.2.16 The design and access statement concludes by stating that the design, the structure, its layout, its previously unachieved significant carbon saving together with enhancements to the AONB setting and biodiversity improvements results in a development that can be considered of an outstanding design.
- 8.2.17 The founder and Managing Director of Wunderhaus Limited has explained the Wunderhaus to be of a custom-built design and is not in any way a kit or factory-built house in the sense of the term disparagingly used by objectors. He says any design is generic, as it will belong to a group sharing a certain number of characteristics with other designs, for example Belgravia London by Thomas Cubit and indeed their Wunderhaus proposal in the shape of a Barn, the Barn widely and suitably spread throughout the English countryside for 8000 Years. The Longhouse is probably the most generic shape in England's architectural history, it is not a negative, just a classification. He also comments that, whilst not relevant to this application, the use of kit or prefabricated seems to have been given very negative connotations throughout the previous application. He says there are over 50 listed prefabricated designs in the UK. This is because they represent state of the art building at the time they were designed. It is explained that the components of Wunderhaus are manufactured in factories, like all components of any house, a brick is factory build, roof trusses factory built, windows, doors, etc. are all factory manufactured. The biggest component of Wunderhaus is a roof panel measuring 5.3m by 1.2m or twice the size of a standard plaster board. There are over 33 different suppliers and over 60,000 components. For these reasons it is argued that it can hardly be classified as off the shelf. The timber proposed to be used is being sourced from Hurst Estate directly across the road from the site using storm fallen timber. The only material specifically cut in the factory are the structural panels and this is to ensure absolute air tightness in construction. This is said to be common for many Para 84(e) houses where structural panels, steel framework are custom made off site.
- 8.2.18 The Managing Director explains he has named the design the Wunderhaus because of its exemplar and outstanding sustainability credentials never achieved before in Rother and arguably in the UK. The design is a result of

four years research and design and the building of a prototype so they could test the design. He explains that the design for RR/2022/840/P is quite different in performance and many other build aspects compared to the prototype. He says the design for this application is custom built and there will be no other house like it. The Applicant is customising every aspect of the house, the outer shape, the superstructure, the cladding, the layout is different, the ASHP and PV foils and energy storage system are different and so are all internal finishes and specifications, the kitchen, bathrooms, stairs and lighting etc.

- 8.2.19 It is explained the Wunderhaus has been designed to be constructed in a much shorter period than most builders would expect, taking around seven months pending weather conditions, material availability, a good project manager, etc. This is broken down to allocate four weeks for groundworks, three weeks for the superstructure to be watertight and the internal fit out between three and six months.

Assessment against paragraph 84 e) of the National Planning Policy Framework

- 8.2.20 It is important to note that in 2021 the National Planning Policy Framework was updated. Previously (National Planning Policy Framework 2019), a new isolated dwelling in the countryside could be acceptable if *'truly outstanding or innovative'*, but the 2021 version of the National Planning Policy Framework removed the *'or innovative'* part, so innovation by itself was no longer enough to meet that first test. Subsequent versions of the National Planning Policy Framework, including the December 2023 update, have retained this approach. The clear intent is to prevent an applicant relying solely on innovative design (i.e. a single piece of technology – such as power generation) to meet the test of being exceptional quality, and instead to encourage truly outstanding design overall. Innovation can still contribute to a scheme being considered truly outstanding, but it is a broader assessment than looking at innovation in isolation.
- 8.2.21 Within the submission the Applicant refers to an appeal for a new dwelling (promoted as complying with National Planning Policy Framework paragraph 80(e) (now 84 (e)), in the countryside on the outskirts of Northiam. Although the appeal was dismissed, the Applicant argues that the Inspector, when considering the sustainability aspects of the scheme in isolation, including the contents of the energy statement, believed the proposed dwelling would fall within a class of architecture that would be regarded as exceptional. However, within paragraph 80(e) (now 84 (e)) there was also the requirement that the development had to significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area, and in that appeal the Inspector concluded that this requirement would not be met, and thus paragraph 80(e) (now 84 (e)) of the National Planning Policy Framework was not fulfilled.
- 8.2.22 Of more relevance to the scheme under consideration, is a development of five dwellings granted planning permission in August 2023 (RR/2023/926/P) on a site partially within the development boundary of Bexhill, which is located outside of the AONB. The Planning Statement for the Bexhill development explained the following:
'...The design of each dwelling will meet a high standard of design, reflecting an agricultural style, with a barn like architectural form, with a simple but

attractive façade. This barn form minimises openings to the side elevations, with the design interest focused to the end elevations which will include the main fenestrations and greater detailing. The materiality will be of a dark colour, reinforcing this agricultural character, with a fibre cement roof and deliver a high-quality design that creates a modern representation of the rural architectural vernacular...’ ‘...One of the key design benefits is the carbon negative will also seek to utilise renewable energy with integral solar, heat pumps and integral battery storage. The property will also adopt the higher water efficiency standards adopted by the building regulations...’

8.2.23 Whilst no specific reference is made to the dwellings granted in Bexhill being of a Wunderhaus design, the plans submitted and approved show buildings of the same scale, design and overall appearance as the Wunderhaus. In addition, the approved plans include reference to them being drawn by the designer for Wunderhaus Ltd and have the Wunderhaus drawing no. references on them (WA2EB) (see Figure. 1). When comparing them to the elevation plans submitted for the current application (see Figure 2), the plans approved for the Bexhill scheme are clearly produced by Wunderhaus Ltd.

Figure 1: Approved plan for Bexhill Scheme

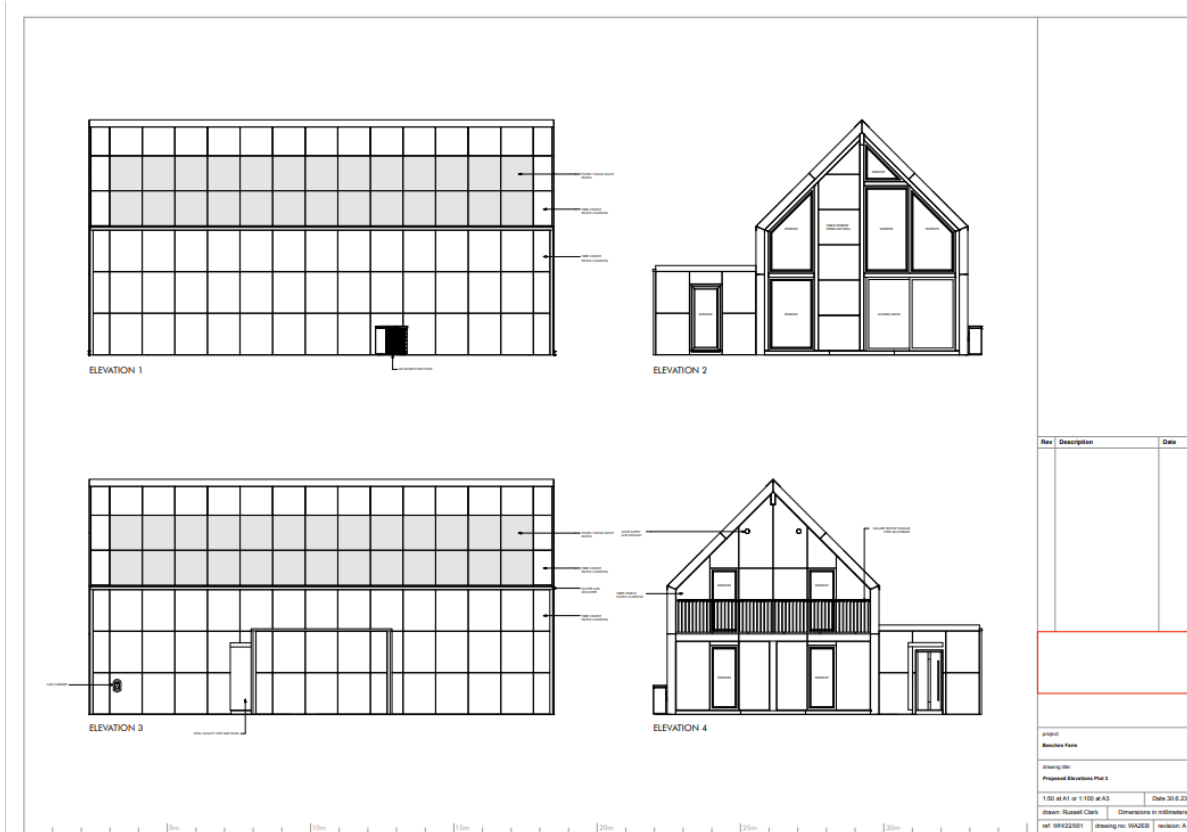
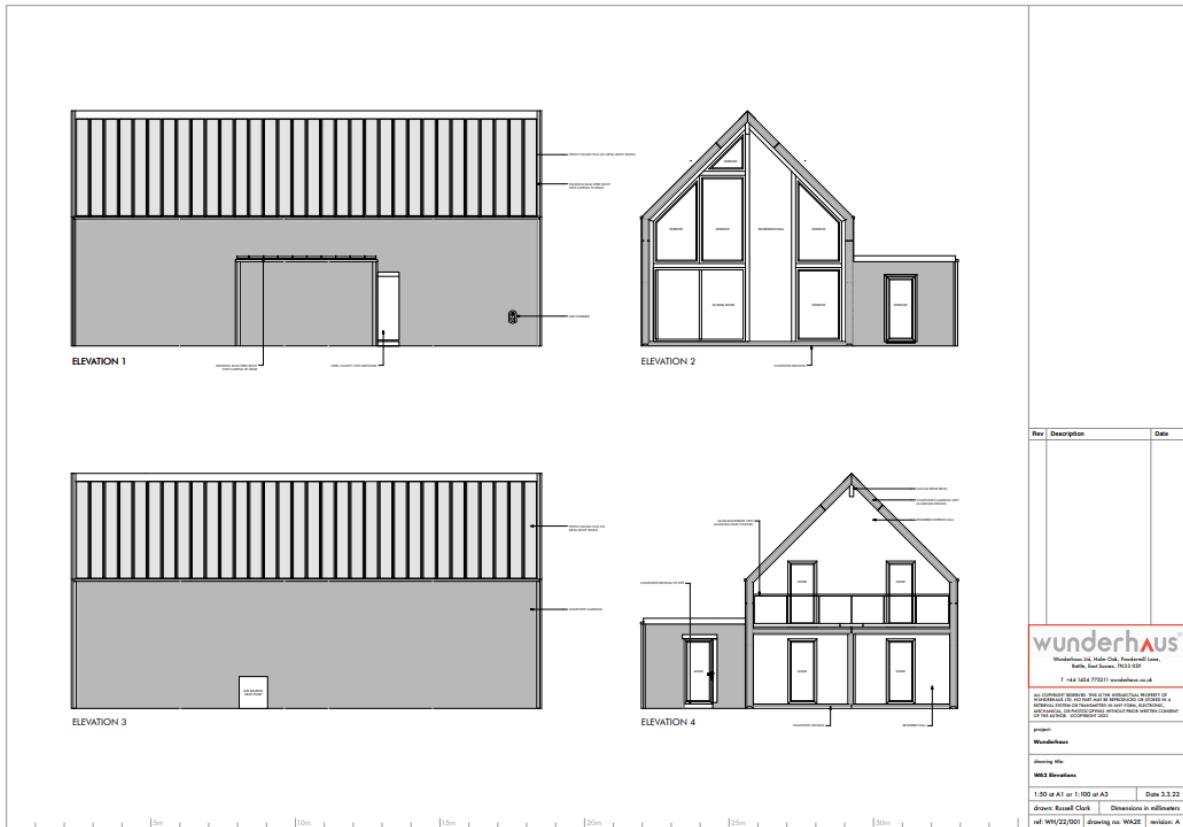


Figure 2: Plans Submitted for Current Application RR/2022/840/P



8.2.24 An application for the approval of details reserved by conditions has subsequently been received and determined for the Bexhill scheme. One of the conditions required details of the external materials of the dwellings to be submitted for approval. Figure 3 below is the image supplied, which is clearly a Wunderhaus, and a cropped image taken from their website or catalogue. Figure 4 is an image taken from the Wunderhaus website.

Figure 3: Details Submitted for Discharge of Condition Application for Bexhill Scheme

Proposed External Materials Pursuant to Condition 3 of RR/2023/926/P - Beeches Farm , Sandhurst Lane, Bexhill



Figure 4: Image Taken from Wunderhaus Website



8.2.25 The adjective Oxford English Dictionary definition of the word 'exceptional' is *'Of the nature of or forming an exception; out of the ordinary course, unusual, special.'* In addition, the adjective Oxford Dictionary Definition of 'outstanding' is *'That stands out from the rest; noteworthy. Also: remarkable, exceptionally good.'*

8.2.26 The carbon negative credentials of the dwelling, which is claimed would save three tonnes of carbon dioxide per year, are outstanding in isolation. However, in Rother alone, planning permission exists for at least six other Wunderhaus dwellings. This includes five units along Sandhurst Road, Bexhill and the prototype example at Campfield, Powdermill Lane, Battle. Thus, the overall architecture of the building, whilst of a high standard, is not exceptional, as it is not out of the ordinary course, unusual or special. Neither is it 'outstanding', as there are other examples of Wunderhaus dwellings in the district and licences can be bought from the company for the same style of property which could be replicated all over the district and AONB, subject to obtaining planning permission. The high-quality design and carbon negative credentials of the Wunderhaus are not disputed and should be encouraged in suitable locations. However, when objectively assessing the design under the terms of paragraph 84 (e) of the National Planning Policy Framework, it is not of 'exceptional quality' nor 'truly outstanding' and should not be permitted as a new build dwelling in the countryside, which is also within the AONB.

Impact on the AONB

8.2.27 The site is currently largely undeveloped and is very rural in character, contributing positively to the landscape and scenic beauty of the AONB, albeit with some non-native tree species. The storage building proposed to be removed is a very low-key structure, being single storey and measuring just 22 sqm in footprint. The development would have a domesticating impact on the site and surroundings, with the introduction of a dwelling, a residential curtilage, earthworks, driveway, parked vehicles, entrance gates, boundary treatments and any other associated domestic paraphernalia. For these reasons the proposal would not be sensitive to the defining characteristics of

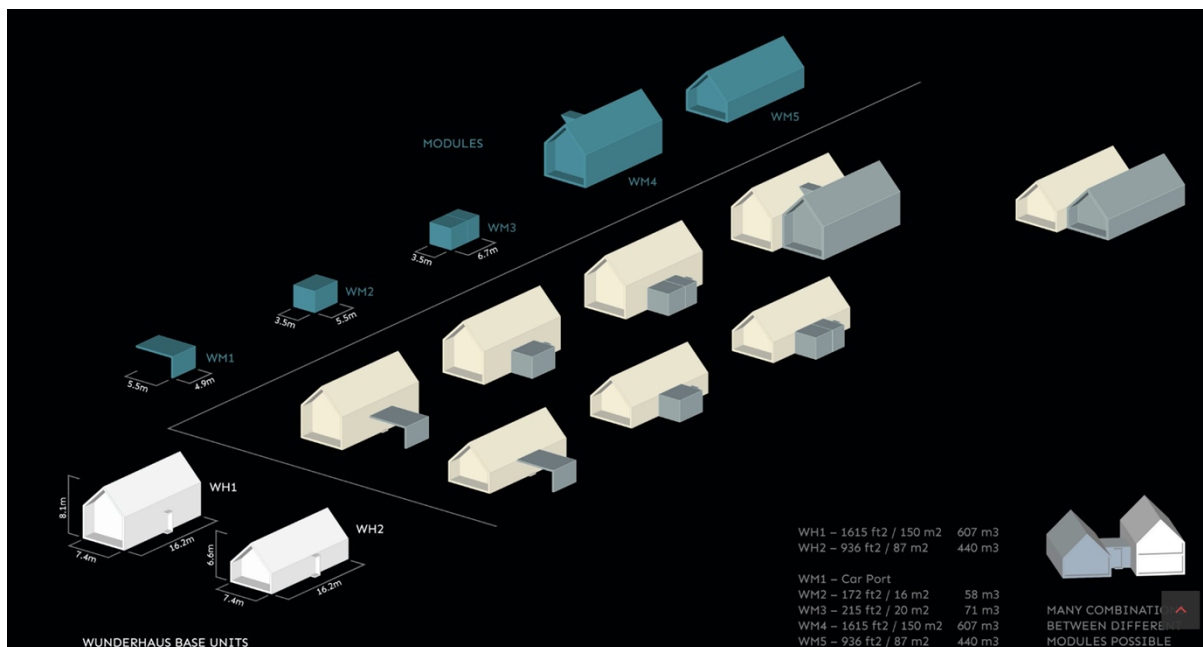
the area. It would be out of keeping with rolling countryside and encroach upon an important green gap between sporadic residential development.

- 8.2.28 The removal of vegetation which is alien to the AONB and its replacement with native hedgerows and trees, including species such as Oak, Field Maple and Hornbeam, together with wildflower meadow planting, pond and wetland provision, would all be enhancements, which is acknowledged by the County Ecologist. However, this is a relatively small site, so such enhancements are limited. In addition, the dwelling and other built development would have a negative suburbanising impact on the largely undeveloped rural site, which would be visible from the road. The limited landscape benefits relating to replacement planting and other ecological improvements, coupled with the negative suburbanising impact of the built development, would lead to an overall negative impact on the immediate setting of the site, and would not *'significantly enhance'* it as required by paragraph 84 e) of the National Planning Policy Framework.
- 8.2.29 Paragraph 138 of the National Planning Policy Framework in the section on achieving well-designed and beautiful places states that in assessing applications, regard should be had to any recommendations made by Design Review Panels. No Design Review Panel has been used in the evolution of this scheme. There is no requirement to use a design review panel for paragraph 84 e) dwellings. However, having an independent team of design experts review a proposal such as this would assist in the decision-making process. The High Weald AONB Unit's pre-application advice refers to the potential of a design review panel being used. Other paragraph 84 e) proposals across the country have also made use of this service. Nevertheless, during the application, evidence has been provided that the designer has received a 'Red Dot' award for a ready to launch design concept. The Red Dot label is said to be the most internationally recognised label for quality and successful design. The awards stated that the design of the product was *'an outstanding feat of accomplishment'*. In addition, the product has been awarded the 'Sustainable Living 2023 Silver Winner' at the London Design Awards; the '23/24 Best of the Best' and a 'Special Reward' at the Lifestyle and Innovation Awards; and the 'Top Design Winner in 2023 ECO DESIGN/Green: Residential Sustainable Development via the European Product Design Award.
- 8.2.30 The High Weald AONB is characterised by green rolling countryside, of a pastoral nature, punctuated by small areas of woodland, small towns, villages and hamlets. The application site lies in an open countryside setting, away from any established settlement, although it is acknowledged there is a small ribbon of residential development to the south and the historic farmstead to the north. The application site is open agricultural land laid to grass, surrounded by mature trees. There are no footways or street lighting in the rural lane.
- 8.2.31 In seeking design of exceptional quality that is truly outstanding, paragraph 84 e) sets a high bar that will not be achieved often. Modern design within the context of the High Weald AONB Housing Design Guide (2019) can be appropriate. Page 27 notes that *'the prevailing High Weald built character is very much variations on a theme'; '2-storey in height'; 'the roofscape is distinctive'; and, '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.'

- 8.2.32 The Design Guide advises that new development should have respect for the High Weald's village and landscape setting, built form, use of materials, colour, and building detailing. That the built form '*is informed by the cumulative composition*'.
- 8.2.33 In this regard the proposed dwelling has architectural merit and addresses some of the intent of the Design Guide. However, the Guide goes further in Policy G7 (Building appearance, local details and sustainable design) in promoting buildings that are '*genuinely "of the place"*' (pg32) in terms of contemporary design, detailed key elements, local crafts and skills, and materials. This should be read as bespoke architecture, very specific to place, thus making it exceptional.
- 8.2.34 The proposed development is of a modular system construction. The founder and Managing Director of Wunderhaus Limited has explained the Wunderhaus to be of a custom-built design and is not in any way a kit or factory-built house, with over 33 different suppliers and over 60,000 components utilised in the buildings. All these points are acknowledged, and while this type of modern architecture is very limited in the AONB, the external appearance of the building remains very much generic and could be constructed anywhere in the UK, including many of the historic farmsteads found across Rother. Figure 5 is an image taken from the Wunderhaus website showing the configurations of their building range.

Figure 5: Wunderhaus Configurations



- 8.2.35 Taking a broader review of the related built elements, the new access, excavation works and building up of the land, parking area and a possible retaining structure would further distract from the purity of form with the potential to make the building appear as an isolated and incongruous element in the AONB landscape.

- 8.2.36 The Wunderhaus dwelling is of a modular system construction, replicable via purchasing a licence via the designer and founder, rather than a bespoke design to the AONB and consequently the built development would not contribute positively to the setting or development of contemporary design in this protected landscape.
- 8.2.37 The proposal would make significant landscape changes to the site including the removal of mature trees; creating a cut-and-fill platform for the dwelling; parking hardstanding and terracing to the building; construction of an attenuation pond with cut-and-fill; and domestication of the site for residential use. Individually and collectively these changes affect the very character of the site and how the site conserves or enhances the setting of the AONB.
- 8.2.38 It is noted that the County Ecologist and High Weald AONB Unit (pre-application advice for RR/2022/840/P) are broadly supportive of the landscape improvements proposed, subject to conditions to secure an ecological design strategy and a landscape and ecological management plan (LEMP). It is also the case that the Applicant has provided evidence that the appropriate felling licences have been obtained from the Forestry Commission for the tree removal.
- 8.2.39 In respect of the landscape design, there is concern that a domestic fringe would be provided to the building rather than creating an AONB 'landscape led' response to site and building. The design does not explore the residential use of outdoor space, the relationship with the retained oak tree, and functional requirements of bin and cycle storage. There are concerns, that over time, the resident may expand into the landscape areas with additional built elements to address leisure and functional requirements currently not detailed. The north-east corner of the site will be made a domestic garden which materially effects the overall site cohesion and setting. It is therefore suggested that the landscape response is unresolved.
- 8.2.40 In addition, there are concerns over the new, dedicated site access. This would reinforce the linear development along Hawkhurst Road, creating views into the site of a parking forecourt (rather than reading a building over the top of boundary hedgerows) making it highly visible from the public road vantage point. It would also introduce gates and piers into the landscape setting which would emphasise the domestic nature of the site. The section plans provided indicate that a large flat platform would be provided to host the dwelling, access and parking area. Significant excavation and building up of the land would be required resulting in manmade features in a naturally undulating landscape. The sections provided downplay the impact and have not been taken through the areas where there would be the greatest changes in levels.
- 8.2.41 Whilst the carbon negative features could be considered outstanding in isolation, compliance with paragraph 84 e) requires that the overall design of the house is of exceptional quality that is truly outstanding, reflecting the highest standards in architecture. The modular system construction of the dwelling, with generic external appearance, could be replicated on many other sites across the AONB countryside. The overall design is not considered to be bespoke architecture, specific to its place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the

proposal would not meet the exceptional requirements of paragraph 84 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA, paragraph 182 of the National Planning Policy Framework and section 85 of the Countryside and Rights of Way Act 2000.

8.2.42 The High Weald AONB Unit's pre-application advice to the Applicant focussed on the proposed materials, siting of the live/work unit, landscaping and demarcation of the proposed garden.. The AONB Unit's letter specifically states: *'...I would generally not comment on the first bullet point as I am not an Architect, and the Local Planning Authority usually has access to such expertise (either in-house or through a Design Panel) to advise it on such matters...'* *'...You also spoke about plans to remove the other non-native conifers along the roadside and the western boundary (planted to sub-divide the original field sometime in the early 20th century) and I support their replacement with native trees and hedgerows. The addition of a pond in the lowest part of the site to the south is also supported...'* *'...The above comments are advisory and are made without prejudice to the Unit's formal response to any future planning application. They are not necessarily the views of the High Weald AONB Joint Advisory Committee...'* The letter does not conclude whether the AONB Unit are supportive of the scheme or whether it meets the National Planning Policy Framework paragraph 80 e) (now 84 e)) policy test. Whilst the advice within the letter is limited, officers do not disagree with what the AONB Unit stated.

8.3 Setting of nearby listed building

8.3.1 Policy EN2 of the Rother Local Plan Core Strategy states that development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected, will be required to (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.

8.3.2 Paragraph 203 of the National Planning Policy Framework states:
In determining applications, local planning authorities should take account of:
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.*

8.3.3 Paragraph 205 of the National Planning Policy Framework states:
When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

8.3.4 The proposed dwelling would be sited around 70m south of the grade II listed Beech Farm House. Surrounding the farmhouse to the south and east is a

collection of buildings which form the historic farmstead. This includes Beech Bungalow, The Old Barn, Beech Cottage and Beech Oast.

- 8.3.5 The 1872 Ordnance Survey map shows the historic farmstead to be in place. At this time Beech Bungalow is shown to be a simple single linear range set at an offset angle. The Old Barn had additional linear ranges to both side elevations. The bungalow has been significantly altered and extended in the past 20 years. In addition, the cottage has also been significantly increased in size. However, the oast and barn do retain their identity as former agricultural buildings.
- 8.3.6 The farmstead buildings are arranged in a loose cluster which has some historic significance and can be considered a non-designated heritage asset.
- 8.3.7 The proposed dwelling would be positioned around 70m from the listed farmhouse, 30m southeast of the bungalow, 50m southeast of the barn, 88m from the cottage and more than 100m from the oast. Native screening would be provided on the boundaries of the site. Given the separation and natural screening proposed, it is considered that the development would not adversely impact on the setting of the listed farmhouse or the legibility or setting of the historic farmstead. This view is supported by the Council's Conservation Officer last in post at the Council.

8.4 Location

- 8.4.1 The site is located adjacent to an historic farmstead and at the end of a small ribbon of development. However, it is still within the countryside, remote from any town or village or other built-up area. It is around 1.5km from the village of Sedlescombe and its associated shops, school and other services. There are no pavements or streetlights along this section of the road.
- 8.4.2 Whilst there are no physical bus stops near to the site and no other public transport options, additional information has been submitted during the application to advise that the Stagecoach 349 bus service from Hawkhurst to Hastings operates along Hawkhurst Road and passes the site. A Stagecoach representative has provided written confirmation that they operate a 'hail and ride' service on this route, meaning occupiers of the proposed dwelling would have access to a bus service which runs seven times a day (roughly every two hours) in each direction Monday to Saturday and five times (roughly every two hours) in each direction on Sundays and Public Holidays. In addition, the agent has advised that the site would be served by FlexiBus, which is a flexible, on-demand rideshare service. It is for areas with limited or no bus service. Residents can book a FlexiBus journey to their nearest town, train station, hospital and other key destinations. It is also known as DRT (Demand Responsive Transport). However, the ESCC website advises that FlexiBus operates exclusively for places not served by a regular transport service. You cannot book a FlexiBus journey to travel along an existing public transport route. Given there is a somewhat limited bus service operating along Hawkhurst Road, it is not clear whether the FlexiBus service would be an option for future occupiers.
- 8.4.3 Although occupiers of the proposed dwelling on the site would have access to this bus service, it is somewhat limited, and therefore they are likely to be heavily reliant on private vehicles, the least sustainable form of transport. It is

noted that an electric vehicle charging point has been incorporated into the design which would encourage the occupiers to use electric vehicles. However, this is not something that could be enforced and there is also the issue of visitors and deliveries driving to and from the site.

- 8.4.4 The development would not be well located in terms of access to public transport and services and would undermine the aims of local and national planning policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to services and facilities. The development is contrary to Policies OSS3 (v), SRM1 (vii) and TR3 of the Rother Local Plan Core Strategy and paragraphs 8 and 110 (a) of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.

8.5 Other issues

Archaeology

- 8.5.1 Whilst the eastern part of the site is within an archaeological notification area, associated with the route of the Hastings to Ashford Roman Road, the County Archaeologist is happy for any permission to be subject to conditions securing a programme of archaeological works.

Biodiversity

- 8.5.2 A Phase 1 Habitat Survey and Biodiversity Report, follow up surveys and Tree Report accompany the application. During the application, the County Ecologist requested alterations to the Dormouse Management Strategy, Ecological Design Strategy, Landscape and Environmental Management Plan and the Landscape Strategy Plan, which were subsequently provided by the Applicant.
- 8.5.3 The County Ecologist has advised that the surveys/reports are now all aligned in terms of timing of works. Suitable dormouse habitat will be cleared in one phase between November and February under supervision from a suitably qualified ecologist. If a dormouse, dormouse nest, GCN (or other protected species) is encountered at any stage of work, all works must stop immediately as the scheme is proceeding under a non-licenced approach. Both dormice and GCN are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species.
- 8.5.4 The EDS confirms that an appropriate seed mix will be used to create wildflower grassland and the EDS provides a full wildflower species list, which is welcomed. No objection to the use of Hurst Estate's wildflowers was ever made in the 16 Jan 2023 response, as suggested in the EDS. The concern was the reference in The Landscape Strategy to the use of a proprietary seed mix (Emorsgate EM6), which has now been rectified.
- 8.5.5 The addition of native floating aquatic species to oxygenate the pond, refinement of the emergent aquatic plant species list and inclusion of full plant species detail in the EDS (transferred from the LEMP) have all been made,

and this is welcomed. The required changes to native tree and shrub planting details and provision of ground cover plant details have also been made.

- 8.5.6 Clarification on the finalised number and location of hibernacula, log piles, buried deadwood buckets, bird boxes, bat boxes, insect homes and hedgehog homes has been provided on the revised Landscape Strategy. Details of the box types for bird, bat, hedgehog and insect have been provided in the revised EDS.
- 8.5.7 The Planning Statement explains the proposal will secure 33% bio-diversity gains for habitat and 167% gains for hedgerow improvements which have been calculated by the Kent Wildlife Trust's BNG assessment. The details are set out in the Landscape and Ecology Management Plan (LEMP) and agreed with the County Ecologist. Given the nature, scale and location of the proposed development, the County Ecologist has advised that there is unlikely to be any significant impacts on the nature conservation interests of the AONB or any other sites of nature conservation importance. They also confirmed that the project is likely to deliver biodiversity net gains, which is accepted by officers.
- 8.5.8 In respect of protected species, from the information provided, the building proposed for demolition offers negligible bat roost potential. This is also the case for trees proposed for removal. Sufficient safeguards would also be put in place for badgers, breeding birds, hazel dormice and hedgehogs. The Reasonable Avoidance Measures (RAMS) detailed for amphibians and reptiles is also broadly acceptable.
- 8.5.9 If permission were granted conditions would need to be imposed to secure compliance with the non-licensed method statement for the protection of hazel dormice, the ecological design strategy and the landscape and ecological management plan (LEMP) to ensure the long-term management of habitats, species and other biodiversity features.

Highway safety

- 8.5.10 A new vehicle access is proposed onto Hawkhurst Road together with a grasscrete parking and turning area which would include a gate to be set back from the road. Visibility splays measuring 2.4m x 215m would be required. The Highway Authority has raised no objection to the access, parking or on-site turning facilities. It is noted that they have commented that the development is not well located from an accessibility perspective but say that a recommendation for refusal on accessibility grounds would not be justified as some local facilities are available within walking distance. This view is not shared by the Local Planning Authority. There are no pavements along this stretch of the road and no streetlights meaning that walking into the village would not be particularly inviting to future occupiers who are likely to rely mainly on private vehicles.
- 8.5.11 If permission were granted conditions could be imposed relating to the construction of the access, the provision and retention of visibility splays, the provision and retention of parking and turning spaces, the provision of cycle storage and that the proposed gates are set back at least 5.5m from the edge of the highway.

Living conditions of neighbouring properties

- 8.5.12 The nearest neighbouring property is Beech Bungalow which is around 30m to the north of the proposed dwelling. Due to the separation, orientation and lower ground level of the proposed dwelling, it would not adversely impact on the occupiers' living conditions by way of overlooking, appearing overbearing or causing loss of light.

Living conditions of occupiers

- 8.5.13 The proposed live work unit would exceed the nationally described space standards in compliance with DaSA Policy DHG3 and would also incorporate a garden measuring more than 10m in length to comply with DaSA Policy DHG7.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.2 The Council has currently only 3.09 years of a required 5-year housing supply, as set out within the Housing Land Supply and Housing Trajectory April 2023 position statement (published December 2023), which under the National Planning Policy Framework means that the most important policies for determining the application are deemed to be out of date, and planning permission should be granted unless, i) the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 9.3 The site is located within the countryside and the High Weald AONB. The proposal has been specifically promoted as being of exceptional design quality to meet the requirements of paragraph 84 e) of the National Planning Policy Framework. Whilst the carbon negative elements of the design could be considered outstanding in isolation, compliance with paragraph 84 e) of the National Planning Policy Framework requires that the design of the house as a whole is of exceptional quality and truly outstanding. The modular system construction of the dwelling, with generic external appearance could be replicated on many other sites across the AONB countryside. In Rother alone, planning permission exists for at least six Wunderhaus dwellings. The design is not considered to be bespoke architecture, specific to its place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 84 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA, paragraph 182 of the National Planning Policy Framework and section 85 of the Countryside and Rights of Way Act 2000.

- 9.4 Although the provision of one additional dwelling can be considered a benefit, together with the BNG that could be secured by condition, given the small scale of the development, such benefits only attract limited weight. Moreover, in line with paragraph 11 d) i) of the National Planning Policy Framework, the identified harm to the AONB provides a clear reason for refusing the development proposed.
- 9.5 On top of the harm to the AONB, the development has been found to represent the creation of a new unjustified dwelling in the countryside contrary to the spatial strategy for Sedlescombe and the district as a whole and the location of the site is unsustainable.
- 9.6 Paragraph 14 of the National Planning Policy Framework has been referenced in the Planning Statement accompanying the application, which states:
'In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits...'
- This is subject to certain qualifying criteria, one of which is that the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made. The SNP was made in April 2018 and therefore paragraph 14 does not now apply.
- 9.7 The proposed development does not comply with Rother Local Plan Core Strategy, Rother DaSA or SNP policies or the various provisions contained within the National Planning Policy Framework, including, specifically, paragraphs 84 e) and 182. The development therefore conflicts with the development plan and there are no material considerations that indicate that planning permission should be granted. For the reasons explained the application cannot be supported.

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The site lies outside of the defined development boundary for Sedlescombe as set out in the Sedlescombe Neighbourhood Plan. The proposal would conflict with the overall spatial strategy set out in Policies OSS2, OSS3, RA2 and RA3 of the Rother Local Plan Core Strategy, Policy DIM2 of the Development and Site Allocations Local Plan, and Policy 1 of the Sedlescombe Neighbourhood Plan. The site is 1.5km from the edge of Sedlescombe and fails to meet the spatial strategy policy requirements of the district. In addition, the proposed development does not meet any of the exceptions for providing new dwellings in the countryside under Policy RA3 (iii) of the Rother Local Plan Core Strategy or those for isolated new homes listed in paragraph 84 of the National Planning Policy Framework.
2. The modular system construction of the proposed dwelling, with generic external appearance could be replicated on many other sites across the AONB countryside. The design is not bespoke architecture, specific to its place, and

thus is not exceptional design quality. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 84 e) of the National Planning Policy Framework.

3. The application site is a largely undeveloped undulating field which contributes positively to the rural character of its surroundings. The proposed development would involve earthworks which would introduce unnatural and man-made features into the landscape. On top of this is the urbanising impact that the proposed dwelling would have, with associated driveway and parking area, together with inevitable external domestic paraphernalia. The development would result in the rural character of the field changing to residential use which would be visible from the road. The development would represent an unjustified intrusion of residential development in a rural, countryside setting which would fail to conserve or enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty, contrary to Policies OSS4 (iii), RA2 (viii), RA3 (v) and EN1 (i) (v) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Sites Allocation Local Plan (2019) and paragraph 182 of the National Planning Policy Framework.
4. The site lies within an unsustainable countryside location where occupiers of the development would be highly reliant on private motor vehicles and would not be able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development is contrary to Policies PC1, OSS3 (v), SRM1 (vii) and TR3 of the Rother Local Plan Core Strategy (2014) and paragraphs 8 and 114 (a) of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.

NOTE:

1. This decision notice relates to the following set of plans:
Drawing No. 7095/LBP dated March 2022
Drawing No. 7095/100 dated May 2022
Drawing No. WA2P revision B dated 24.3.22
Drawing No. WA2E revision A dated 3.3.22
Drawing No. GHA-BEC-LS-001 revision C dated 10/02/22

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

SITE PLAN

SEDLSCOMBE

RR/2022/2690/P

Land at Beech Farm
Hawkhurst Road
Sedlescombe



Rother District Council

Report to	-	Planning Committee
Date	-	14 March 2024
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/2690/P
Address	-	Land at Beech Farm, Hawkhurst Road, Sedlescombe
Proposal	-	Demolition of storage building and roadway and construction of a carbon negative live work unit, parking and restricted curtilage. Landscape and biodiversity enhancements to the wider site and new access to the B2244. Stopping up of access to the northern boundary of the site.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr M. Hodges
Agent: Mr A. Wynn
Case Officer: Mr M. Worsley
(Email: matthew.worsley@rother.gov.uk)

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

Reason for Committee consideration: Cllr Mier call in reasons:

- 1) The considerable public controversy generated by this application and the earlier, nearly identical, application. (RR/2022/840/P)
- 2) The usual opportunity for the application to be called in by ward members being missed, one of the then councillors being unable to call it in due to a disclosable pecuniary interest and distractions during the election period.
- 3) The probability of officers recommending refusal whereas the former committee granted permission (admittedly in circumstances subject to JR proceedings). The committee having decided one way in almost identical circumstances an officer refusal could be seen as officers overruling the committee.
- 4) The public interest in seeing a controversial matter decided in public by elected members after discussion in public with advice from officers and lawyer. The decision should be reached in an open and transparent way in the interests of the reputation of the council and the planning system.

Statutory 8-week date: 6 January 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 The site is located within the countryside and the High Weald Area of Outstanding Natural Beauty (AONB). The proposal has been specifically promoted as being of exceptional design quality to meet the requirements of paragraph 84 e) of the National Planning Policy Framework. Whilst the carbon negative features could be considered outstanding in isolation, compliance with paragraph 84 e) of the National Planning Policy Framework requires that the overall design of the house is exceptional, meaning truly outstanding, reflecting the highest standards in architecture. The modular system construction of the proposed dwelling, with generic external appearance, could be replicated on many other sites across the AONB countryside. In Rother alone, planning permission exists for at least six Wunderhaus dwellings. The design is not considered to be bespoke architecture, specific to its place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 84 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (DaSA), paragraph 182 of the National Planning Policy Framework and section 85 of the Countryside and Rights of Way Act 2000.

1.2 In line with paragraph 11 d) i) of the National Planning Policy Framework, the identified harm to the AONB provides a clear reason for refusing the development proposed.

1.3 On top of the harm to the AONB, the development has been found to represent the creation of a new unjustified dwelling in the countryside contrary to the spatial strategy for Sedlescombe and the district as a whole, the location of the site is unsustainable and no affordable housing contribution has been provided.

1.4 The proposed development does not comply with Rother Local Plan Core Strategy, Rother DaSA or Sedlescombe Neighbourhood Plan (SNP) policies or the various provisions contained within the National Planning Policy Framework, including, specifically, paragraphs 84 e) and 182. For the reasons explained the application cannot be supported.

1.5 PROPOSAL DETAILS

PROVISION	
No of houses	1
No of affordable houses	0
CIL (approx.)	£35,010
New Homes Bonus (approx.)	£6,684

2.0 SITE

- 2.1 The application site is a field to the west side of Hawkhurst Road (B2244) which measures 0.74 hectares in area. It is located within the countryside, is within the High Weald Area of Outstanding Natural Beauty (AONB) National Landscape and is adjacent to an historic farmstead which includes a grade II listed farmhouse, a converted barn, a converted oasthouse and a farm cottage.
- 2.2 The field is surrounded by trees and slopes away to the south. Vehicular access is currently provided via a shared track with Beech Farm Bungalow to the north. Within the site is a track which leads to a small stable and store building, close to the eastern boundary. A public footpath runs diagonally across the field to the east of the site, on the opposite side of the road.
- 2.3 The site is partly within an archaeological notification area and is within an amber zone for great crested newts, which means that the site contains suitable habitat and great crested newts are likely to be present.
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3.0 PROPOSAL

- 3.1 This current application follows a very similar proposal for a new dwelling at the site (reference RR/2022/840/P). That application was recommended for refusal by officers. However, at the July 2022 Planning Committee meeting, it was resolved by Members to grant planning permission. That decision was subsequently subject to Judicial Review, where one of the grounds of challenge was agreed by all parties. The High Court has quashed that decision and sent it back to Rother District Council for redetermination. That application is also being reported to this Planning Committee meeting.
- 3.2 Permission is sought to erect a new detached dwelling close to the northern boundary of the site. A live work unit with ground floor design studio is proposed which is explained to be carbon negative, with the scheme including landscape work (tree and hedge removal and replanting) and aims for biodiversity enhancements. The development is specifically promoted as a design of exceptional quality to meet the requirements of paragraph 84 e) of the National Planning Policy Framework. It is explained to be a modern interpretation of a High Weald vernacular building. The existing single storey storage building, which measures 22 sqm in footprint, and access track would be removed.
- 3.3 The dwelling proposed is of a modular system construction which has been designed by the company 'Wunderhaus Ltd'. On their website it explains that: *'The Wunderhaus product range was designed for the development segment and is marketed by selling a license to the developer. They can realise the development via their own construction arm or via Wunderhaus strategic construction partners. The license fee is the equivalent of customary professional fees, and scales down with multiple units of one type, entitling the developer to the use of all plans and elevations, relevant CGIs and other graphics, material specifications and energy and environmental performance criteria for planning purposes, as well as all necessary construction drawings, structural engineer calculations (except foundation specification), procurement schedule, bill of quantities, building regulation documentation,*

mechanical engineering design and SAP calculation documentation. This has the time advantage of allowing the developer to proceed immediately with planning and construction preparation, rather than designing the scheme first, and therefore saves approximately 12 months.'

- 3.4 A new access is proposed onto Hawkhurst Road, with the existing access to the north proposed to be stopped up. Earthworks are detailed in the northeast part of the field to accommodate both the new access and dwelling. Section plans have been submitted to show excavation and building up work would be required, with 1 in 2 and 1 in 4 'fills' detailed. The 'cut' (excavation) is not specified. An attenuation pond is proposed in the southwest corner of the field. This would also require excavation works and building up of the land, with plans indicating a 1 in 3 'cut' and 1 in 2 'fill' would be required.
- 3.5 The application is accompanied by a planning statement, a design and access statement, a biodiversity survey and report (including a response to the County Ecologist's original comments), a tree survey, a heritage statement, a landscape and visual survey, a waste statement and transport report. In addition, information has been provided on the carbon negative credentials of the proposed dwelling, SAP ratings for new properties in Rother, a document detailing the energy ratings and CO2 emissions of all new dwellings tested in Rother between August 2022 to March 2023, U values of the proposed dwelling compared to Passive House standards, together with examples of paragraph 84 e) dwellings that have been granted in neighbouring authorities.

4.0 HISTORY

- 4.1 RR/2022/840/P Demolition of storage building and roadway. Construction of carbon negative live work unit, parking and restricted curtilage. Addition of landscape and biodiversity enhancements to the wider site and new access to the B2244. Stopping up of access to the northern boundary of the site – Recommended for Refusal at Officer Level – Resolved to grant Planning Permission by Members of the Planning Committee – DECISION SUBJECT TO JUDICIAL REVIEW WITH DECISION QUASHED.
- 4.2 RR/86/0691 Erection of dwelling with double garage. Refused. APPEAL DISMISSED.
- 4.3 RR/86/0233 Erection of pig breeding unit for 96 sows and 10 boars with ancillary services. REFUSED.
- 4.4 RR/85/2375 Dwelling house and double garage. WITHDRAWN.
- 4.5 RR/82/1351 Roadway to stable with turning area. APPROVED CONDITIONAL.
- 4.6 RR/82/0234 Stable and store – APPROVED CONDITIONAL.
- 4.7 RR/80/1908 Outline: Application for erection of two detached dwellings. Refused. APPEAL DISMISSED.

4.8 RR/79/2189 Outline: Three dwellings with double garages and service road. REFUSED.

5.0 POLICIES

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

- PC1 (presumption in favour of sustainable development)
- OSS1 (overall spatial development strategy)
- OSS2 (use of development boundaries)
- OSS3 (location of development)
- OSS4 (general development considerations)
- RA2 (general strategy for the countryside)
- RA3 (development in the countryside)
- SRM1 (towards a low carbon future) (part (i) was superseded by the Rother District Council Development and Site Allocations Local Plan)
- SRM2 (water supply and wastewater management)
- CO6 (community safety)
- EN1 (landscape stewardship)
- EN2 (stewardship of the historic built environment)
- EN3 (design quality)
- EN5 (biodiversity and green space)
- TR3 (access and new development)
- TR4 (car parking)

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

- DRM1 (water efficiency)
- DRM3 (energy requirements)
- DHG1 (affordable housing)
- DHG3 (residential internal space standards)
- DHG4 (accessible and adaptable homes)
- DHG7 (external residential areas)
- DHG11 (boundary treatments)
- DHG12 (accesses and drives)
- DEN1 (maintaining landscape character)
- DEN2 (AONB)
- DEN4 (biodiversity and green space)
- DEN5 (sustainable drainage)
- DEN7 (environmental pollution)
- DIM2 (development boundaries)

5.3 Whilst the Sedlescombe Neighbourhood Plan (SNP) has been 'made', the policy document focuses on site allocations for housing. Policy 1 (development boundary) is relevant.

5.4 The National Planning Policy Framework, Planning Practice Guidance, High Weald AONB Management Plan 2019 – 2024 and High Weald Housing Design Guide are also material considerations.

- 5.5 In respect of the setting of nearby listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty on local planning authorities, when considering whether to grant planning permission, 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.
- 5.6 Under section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) in exercising or performing any functions in relation to, or so as to affect, land in an AONB the Council must seek to further the purpose of conserving and enhancing the natural beauty of the AONB.
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6.0 CONSULTATIONS

6.1 Highway Authority – NO OBJECTION

- 6.1.1 No objection subject to the imposition of conditions relating to the provision and construction of a vehicular access, the provision of visibility splays, the provision of car and cycle parking and the position of the proposed gates (5.5m minimum set back from the road).

6.2 County Archaeologist – NO OBJECTION

- 6.2.1 *'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.'*

6.3 County Ecologist – NO OBJECTION

- 6.3.1 *'...In summary, provided the recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective. The scheme has clearly demonstrated how it will deliver BNG...'*

6.4 Planning Notice

- 6.4.1 11 letters of objection have been received. The concerns raised are summarised as follows:
- Proposal is contrary to Core Strategy, DaSA, Neighbourhood Plan and National Planning Policy Framework policies.
 - The site is 1.5km from the village of Sedlescombe.
 - Current application is effectively the same as RR/2022/840/P.
 - Rother District Council and the Planning Committee have an obligation to consider residents' views to protect the AONB and agricultural land in Sedlescombe and throughout the district.
 - Most distinctive feature of the AONB is its medieval field scape, which is one of the most remarkable historical landscape survivals in northwest Europe – a true landscape fossil.
 - Development conflicts with Sedlescombe Neighbourhood Plan.
 - Not affordable or sustainable housing.
 - Surrounding infrastructure is inadequate.
 - Out of keeping with the rural character of the area.

- Harmful to the AONB.
- A precedent would be set.
- Highway safety concerns – new residential access would be created.
- Visual impact and wildlife would be negatively affected.
- Ecological survey of the site was carried out in November 2021 when some species were in hibernation.
- Pesticides have previously been used on the site. Since cessation of this, the site is already returning to grass and wildflower meadow.
- Harm to the AONB far outweighs any claimed benefits.
- The proposal is of a modular build comprising of a standard kit-of-parts which could be replicated anywhere. The design is not bespoke.
- Concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks.
- A business would operate from the premises – there are no other businesses close by. This would create extra noise and traffic.
- Two of the four elevations of the building give the impression of an industrial unit rather than a traditional barn.
- Too many trees will be felled on the site.
- Agree with the Planning Officer's recommendation for refusal for the previous identical proposal.
- The land is an undulating field, which could, with careful maintenance and a respect and understanding of biodiversity return to be flourishing meadow, like neighbouring gardens have done without the need for highly visible intrusive development.
- Site occupies an unsustainable location – only accessible by car.
- 50+ trees to be felled which are a natural habitat for insects, deer, birds and bats – therefore, biodiversity 'enhancements' makes absolutely no sense.
- While the environmental credentials of the proposed building are exciting and remarkable, the design is utterly insensitive to its location.
- The proposed development is contrary to the spirit and letter of the CROW Act 2000 s.85(1) which stipulates that any development in an AONB should have regard to the purpose of conserving and enhancing the natural beauty of the AONB.
- High Weald AONB Unit have made no comment or given any opinion on this application.

6.4.2 Brightling Parish Council objection:

- Brightling Parish Council strongly object to this application as we have previously objected to the identical application (RR/2022/840/P) and we reiterate the following points:
 - 1) The development is outside Sedlescombe's NP.
 - 2) It is of inappropriate design and of materials not compliant with High Weald Design Guide.
 - 3) It is still claiming to be compliant with Para 80(e) (now 84(e)) of National Planning Policy Framework when in fact it no more than a generic, prefabricated building which is designed to be replicated.
 - 4) Its environmental credentials are nothing more than Rother should be aiming for in all new builds.
 - 5) It will result in a clamour for similarly inappropriate building throughout the protected AONB.

6.4.3 Burwash Parish Council objection (summarised):

- You will know of the objections regarding the original application reference: RR/2022/840/P made by Burwash Parish Council (BPC). BPC would like to formally object to this new, but identical, application.
- The implications that this application has on the High Weald AONB in the immediate, and indeed nationally, are profound. We are aware that the planning committee denies that granting permission would set a precedent but it must be stated that granting permissions does hold weight and can be relied on as a material consideration when similar applications are made.
- The very high bar placed on paragraph 80e (now 84e) in the National Planning Policy Framework is not met by this application, the house has to be of exceptional design, taking its design from its immediate surroundings
- It is BPC's opinion, that this building does not mirror the existing barn, is not sensitive to its surroundings and does not enhance the surrounding area.
- The house is of generic design allowing the owner to change the colour of the material and the size of the overall building but it remains generic, replicable and not outstanding.
- A numbered build that can be replicated infinitum. Whilst it should be merited that it has won a Red Dot award, it should also be noted that this award is for technical design and not architecture.
- Burwash Parish Council remain concerned that this application does not fulfil the requirements of paragraph 80e (now 84 (e)) and should not be granted permission to build against the neighbourhood plan, outside of the development boundary and on a green field site.

6.4.4 Etchingam Parish Council objection:

'Etchingam Parish Council wishes to re-iterate its objections to the planning applications for land north of Beech Farm, Sedlescombe, RR/2022/840/P and RR/2022/2690/P.

Its objection relates to the use of Paragraph 84e of the National Planning Policy Framework as grounds for seeking consent and the potential consequences for the AONB should the applications be granted on those grounds. It notes that the District Council has a duty to protect what is now designated a Historic Landscape and that the National Planning Policy Framework stresses the overriding importance of that task. It notes also, contrary to the Design and Access Statement accompanying the resubmitted application, that the High Court have determined that the presumption in favour of sustainable development, the 'tilted balance', does NOT apply to the AONB (the Monkhill/Surrey Hills judgement), although the Parish Council accepts that under Para 11d of the National Planning Policy Framework it would be possible to deem that the advantages of building a single additional dwelling could outweigh the harm done to the AONB if the latter was insubstantial. The Parish Council would ask that if the Committee were minded to give their consent to the application(s) under Paragraph 11d, that it should make it quite clear that the consent is NOT based on Paragraph 84e. There is a well-founded fear that were this not done, the consistency in decision making required of a Planning Authority could lead to a proliferation of near replicas of this supposedly one-off building across the High Weald. Indeed, there are passages in the Design and Access Statement and supporting documents which suggest that this would be a desirable outcome and that Paragraph 84e should not be limited to "Grand Designs". EPC would suggest that its is not for a Local Planning Authority to modify/erode national

policy and particularly not where the nature and character of a historic landscape is concerned.

EPC considers that the officer's recommendation to the Planning Committee was correct and that the Committee misdirected itself, albeit for laudable reasons in thinking that the 'green' credential of the building was sufficient to render the design outstanding. It notes that the latest version of the Design and Access Statement (para.4) claims that the building is unique and that it responds to the traditional form of building in the High Weald. While the building with which it is matched photographically is a not uncharacteristic of the High Weald, there are many more architecturally distinguished barns against which it could have been compared.

EPC also notes that the Design and Access Statement refers to the recent appeal decision APP/U1430/W/22/3294 724 and asks Members to read the entire judgement, which in fact dismissed the appeal. No one is in any doubt that this is a highly sustainable building, but that is not sufficient to gain consent. It also notes that much is made of the Red Dot award, but significantly that is again for a generic design. The appeal judgement referred to above makes it clear that sustainability alone is not sufficient to warrant consent in terms of Para.84e.

EPC accepts that the Wunderhaus design is of great technical merit and successfully delivers on the climate front. Nor has the Parish Council any rooted objection to prefabrication. But to fulfil the requirements of para. 84e, the design must be of outstanding architectural merit and take its design cues from the specific locality. In other words, it must be UNIQUE and specific to place. That is why there have been so few consents given citing Para.80e, now 84e, over the last thirty years. Whatever the merits of the Wunderhaus design it is a product created from substantial prefabricated units and, as study of the Wunderhaus website shows, that generates remarkably similar designs, all of them numbered. The drawings accompanying this proposal confirm that this is WA2 B. Although limited customisation is possible, the fundamental shape of the building is determined by the prefabricated units available.

EPC notes that because the consent originally granted was quashed by the High Court on procedural grounds and with the consent of all parties, the remaining objections to the consent were not determined and will almost certainly be pursued by Ticehurst Parish Council acting on behalf of a number of parishes in the High Weald. EPC notes that the question of whether or not a mixed live/work unit can qualify under Para 84e has not been determined. EPC has always agreed with the planning officers statement supporting refusal

"The design is not considered to be bespoke architecture, very specific to place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 80 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (DaSA) and paragraph 176 of the National Planning Policy Framework."

Since the build in question is a licensed and numbered design that can be replicated by applicants across the AONB the potential danger to the historic landscape of the High Weald is obvious. EPC believes that officers should advise the Committee that on this and other grounds that, as a matter of

planning law, the application cannot satisfy the requirements of para 84e and should be refused.'

6.4.5 Westfield Parish Council objection (summarised):

- The proposed site is located within the countryside and the High Weald Area of Outstanding Natural Beauty (AONB). This is the second application on this field. The first application on Beech Farm RR/2022/840/P the Parish Council also objected to. Whilst this development is not within Westfield Parish Council's boundaries the impact of approving such an application will have potential impacts for other Parishes.
- In para 39 of the planning statement the planning consultant tries to dismiss Parish Council's concerns over precedent. However, it is well established case law that previous planning decisions are capable of being material considerations which should be taken into account when determining subsequent applications. This was explained by Mann LJ in *North Wiltshire District Council v Secretary of State for the Environment* (1993) 65 P & CR 137: "One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency [. . .]. Consistency is self-evidently important to both developers and development control authorities. But it is also important for the purpose of securing public confidence in the operation of the development control system."
- Approval of such applications do put the AONB at risk of copy applications as both the building and the proposed landscape and biodiversity enhancements can be replicated elsewhere. Therefore, unless significant differences can be found if similar applications are turned down there is strong risk of RDC losing at the appeal stage as permission has been given for this application and they would not therefore be consistent.
- This application as with the RR/2022/840/P application was promoted as a building of exceptional design which met the requirements of paragraph 80 e) (now 84 (e)) of the National Planning Policy Framework. The Parish Council disputes that this and the previous application are in fact outstanding. The paragraph 80 e) (now 84 (e)) of the National Planning Policy Framework is supposed to be set at a very high bar which cannot be regularly achieved. By allowing a 'factory built', 'off-the shelf', 'eco house' as cited by The Times article, means there is a serious danger that if given permission this could be replicated on many other sites across the AONB countryside.
- Based on these facts the design is not custom-built one of a kind very specific to place and cannot be sensitive to the defining characteristics of the local area. The claim that this is individually designed may be very true but from looking at the development it looks significantly similar whether it is a detached, semi-detached, terrace as shown on the Wunderhaus website all have extremely similar outside designs. Therefore, the Parish Council cannot see in the AONB setting and under para 80(e) (now 84 e)) how this building could be deemed as an exceptional design quality specific to place.
- Whilst there is credit to the carbon efficiency claims of the property these seem to still being based on the SAP 2012 figures. If this building is supposed to be 'forward looking architecture' it should be based on the newest SAP standards. The Parish Council does not disagree that the Wunderhaus has some impressive credentials and would welcome such designs within development boundaries if they are suitable in the areas

they are built. The Red Dot award is cited but no details of what aspects of design in appendix E of the planning and design statement.

- It is also stated in the Planning Statement in paragraph 4 that ‘the AONB Unit and the council’s specialist officer have no objections to the scheme.’ This is very misleading. The High Weald AONB Unit only commented on the pre-application and was never consulted on the final plans. This has been confirmed by the CEO of the High Weald AONB Unit in an email to a Burwash resident where he states: “Rother District Council did not consult us on planning application RR/2022/840/P. We are not a statutory consultee on planning matters and it remains each Local Planning Authority’s decision whether or not they choose to consult us on a particular planning application. We did not provide any comments on this planning application.” Therefore, the High Weald AONB Unit was not consulted therefore has not commented. The only advice was pre-application advice. In relation the ‘council’s specialist officers’ this ignores the fact that Rother’s own planning officer who is the Major Applications Team Leader – Development Management for Rother objected to the application on a number of grounds all based within Rother’s own planning policies and national polices. This was sadly ignored by the planning committee and to state that there is ‘no technical or specialist reason to withhold planning permission’ is also misleading unless the planning consultant does not deem the advice from the planning officer as technical or specialist.
- The Parish Council still cannot understand the logic that improving a relatively untouched field within the AONB which is deemed with ‘little quality habitat’ that improvements should be done by building a property (however this is classed) and installing a road. Such viewpoints will encourage other areas within the AONB not to be enhanced but to be degraded to remove any quality habitat to give an opportunity for development to take place with a high eco building. This should not be the case as the High Weald AONB should be protected at all costs due it’s unique characteristics. Any proposed enhancements to the site could easily be done without building on this site. The Parish Council does support building sustainably within the countryside BUT not at the cost of the countryside itself especially as this development is outside development boundary, in an unsustainable site that has no footpaths linking to the local village as this will only encourage further vehicle usage as well as the clear impact putting up a new building within the field will have on the environment and wildlife in the area which will also impact on the dark skies in this area.
- The application goes against RDCs own planning policies nor does it conform to Sedlescombe’s neighbourhood plan (SNP) which was developed with the community through a thorough process allowing the community to have a significantly better understanding of what they wanted their housing development to achieve.
- Para 44. The SNP aims to avoid, or result in the minimum of, harm to the AONB whilst meeting the housing expectations of RLPCS Policy RA1. This requires new development to be within or attached to the existing development boundary. – This application is neither within nor attached to the existing boundary.
- Para 49: 96% support protection of the countryside for residents and visitors. 94% support preservation of hedgerows and green areas. 93% want housing to be low visibility and avoid spoiling views. – This

application is on a green space, disrupts the landscape line in the countryside and has high visibility within the AONB.

- Para 118: Throughout, local residents' appreciation of living in a Village with good community spirit and beautiful surroundings has been uppermost and a wish that nothing is done to spoil it for future generations. – This application is building a new house in the middle of a green field so is impacting on the beauty of the surroundings.
- Para 52. Sedlescombe residents now say they need smaller terraced, semi-detached and flat accommodation. – this is a large scale single property and does not meet these needs.
- It should also be noted that Cllr Vine Hall at the RR/2022/840/P said that "Sedlescombe Neighbourhood Plan, the Rother Core Strategy are all out of date as we know, because we only have 2.9 in supply" when he was speaking as the agent of the application (can it be noted Westfield Parish Council strongly feel this was incorrect procedure to allow a Cllr with a Disclosable Pecuniary Interest to speak at all). However, in the December 2022 Planning Committee in relation to RR/2022/2199/P the same Cllr criticises Burwash Parish Council stating "I don't agree with Burwash Parish Council, I feel they are in conflict with their own policies (in Burwash Parish Council's Neighbourhood Plan) and I can see a number of inconsistencies coming from this which is a bit sad." If the Cllr is to remain consistent either he supports current Neighbourhood Plans and therefore should see that this application at Beech Farm is a direct conflict not only with Sedlescombe's NP but also Rother's own policies and withdraw the application as it is non-compliant. Or the view is all NPs are out of date therefore Burwash Parish Council is free to comment as they wish. Such comments are completely inconsistent.
- The proposal is contrary to Rother's DaSA policies, including DEN1, DEN2 and DHG2.
- The proposal is contrary to Rother's Core Strategy policies, including RA1, RA2 and RA3.
- The applicant tries to use Rother's lack of housing supply as a reason to allow the development. Due to the level of harm this building will cause to the AONB along with not complying to a wide range of Rother's policies in balance this development should not be allowed. As outlined below in a recent court case was reviewed and rejected stating that preserving the AONB is a freestanding reason to reject a planning application: In *Monkhill Ltd v Secretary of State for Housing, Communities and Local Government & Anor (Rev 1) [2021] EWCA Civ 74* Sir Keith Lindblom, Senior President of Tribunals, rejected a case brought by developer Monkhill against the Secretary of State for Housing, Communities and Local Government and Waverley Borough Council. When the case reached the High Court, Holgate J concluded paragraph 172 "is also capable of sustaining a freestanding reason for refusal in general development control in AONBs, National Parks and the [Norfolk] Broads". Sir Keith said Monkhill's main contention was that merely giving 'great weight' to 'conserving and enhancing landscape and scenic beauty' in an AONB does not provide a clear reason for refusal and that whether planning permission should be refused requires a balancing of all considerations. The judge said: "Elegantly as those submissions were presented...I cannot accept them. "They do not, in my view, reflect an accurate understanding of the policies we are considering and the way in which those policies are intended to operate. I think Holgate J was right to reject them, for the reasons he gave. I agree with him that the inspector's decision is not flawed by a mistaken

interpretation, or unlawful application, of relevant policy.” Westfield Parish Council therefore feels in balance the lack of housing supply does not give reason to allow development within the AONB outside the village’s development boundary for an urban style unit regardless of any eco credentials it has as it does not reflect or enhance the AONB as agreed by Rother Planning Officers. Westfield Parish Council would ask Rother to give the relevant weight to this ruling for this planning application.

- Westfield Parish Council therefore feels the arguments given to allow development including the lack of housing supply and the eco claims on balance do not give adequate reasons to allow development within the AONB, outside the village’s development boundary for an urban style unit which does not reflect or enhance the AONB. Westfield Parish Council would ask Rother’s Planning Committee to give the relevant weight of the Monkhill Ltd v Secretary of State ruling for this planning application, the weight para 176 of the National Planning Policy Framework puts on the conservation and enhancement of the AONB and the advice from its own planning officer outlined in the RR/2022/840/P application and its own policies and the Sedlescombe NP and refuse this application. If the planning committee try to give permission based on Para 11 (d) of the National Planning Policy Framework this will lead to a further risk to single and multi-dwellings within the AONB as outlined in the first paragraph of this objection. The impact of one dwelling would be too small to address the current housing shortfall regardless of any economic, social and environmental benefits which would also be small and attract limited weight. For all the reasons above the application would conflict with the development plan when read as a whole. For all these reasons the Parish Council ask that this planning application is refused and the AONB is protected.

6.4.6 Ticehurst Parish Council objection:

‘The proposed site is outside the development boundary, and would contradict Sedlescombe’s own Neighbourhood Plan. Core strategy Policies OSS2 OSS3 RA 2 and RA 3 would also be conflicted. Ticehurst Parish Council would urge members to recommend this and 840/P for refusal and allow the Applicants to go to appeal so that it is heard by an independent professional. Policy DEN2 DEN 1 should also be adhered to - to protect the landscape of the High Weald. In 2023 all new dwellings should come forward with high ecological qualities, this must be considered the norm, not something exceptional.’

6.4.7 Mountfield Parish Council objection:

‘Mountfield Parish Council does not normally comment on applications outside its parish but, given the ramifications of this one, should it gain consent, feels obliged to do so this occasion. Mountfield Parish Council cannot support this application because it is for an isolated dwelling on a greenfield site outside any development boundary and, in our view, does not conform with Para 84e) of the National Planning Policy Framework (2023) in that the design is not ‘truly’ outstanding. Furthermore, planning consent would create an undesirable precedent and the risk of further harm to the AONB and rural landscapes generally.’

6.4.8 Hurst Green Parish Council objection:

‘We strongly object to this application because we do not believe it satisfies the criteria of paragraph 84e (previously 80e) of the National Planning Policy

Framework. Paragraph 80 e) requires that "Planning policies and decisions should avoid the development of isolated homes in the countryside unless ... the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area." This 'wunderhaus' is a mid-price, kit form, modular build, house that you can buy from the factory for £300,000. It is intended to be widely and endlessly replicated. Its makers celebrate it on their website as a standardised item, always in stock, the first "off-the-shelf" house available in the UK. See <https://wunderhaus.co.uk/articles-and-awards/>. It is therefore not 'truly outstanding', the normal meaning of which is a design that is bespoke, made with the finest materials and demonstrating uniquely high standards of craftsmanship and beauty; a building that would eventually become grade 1 listed because of its rarity and exceptionalism. It is very difficult to see how this factory-made design "significantly enhances its immediate setting". It is not "sensitive to the defining characteristics of the local area", the normal meaning of which would imply the use of vernacular materials like clay tiles, painted clapboard and local brick. If permission is granted, for reasons of consistency, the construction company offering this house will be able to sell their product to anyone wishing to build on a countryside site within the AONB. This is exactly the opposite of what is intended by paragraph 80e. The fact that it is very well insulated and very cheap to run is not a planning issue. That is a matter for building control, not the planners.'

6.4.9 Four supportive sets of comments have been received. The reasons are summarised as follows:

- Well thought out application.
- Would not cause any detriment to the local area or village.
- Application addresses the environment, climate change and the energy crisis in a way no other application in Rother has done.
- Meets National Planning Policy Framework paragraph 84 e) tests.
- Biodiversity improvements exceed 10%.

6.5 Sedlescombe Parish Council – **GENERAL COMMENT**

6.5.1 *'The Cllrs support this type of application in line with their declared climate emergency.'*

7.0 LOCAL FINANCE CONSIDERATIONS

7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £35,010.

7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £6,684 over four years.

8.0 APPRAISAL

- 8.1 The main issues to consider in the determination of the application include:
- Principle/policy position, which in this case includes the impact of the proposal on the landscape and scenic beauty of the AONB.
 - Setting of nearby listed building.
 - Location.

Principle/policy position

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

"In dealing with an application for planning permission the authority shall have regard to:

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

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

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

- 8.2.2 The site is agricultural land. It is outside of and around 1.5km from the development boundary of Sedlescombe, as defined in the SNP.
- 8.2.3 Being outside the development boundary and within the countryside, the proposal is contrary to Policy OSS2 of the Rother Local Plan Core Strategy, which advocates that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not, and policy DIM2 of the DaSA, which states that outside defined settlement development boundaries development shall be normally limited to that which accords with specific Local Plan policies or that for which a countryside location is demonstrated to be necessary.
- 8.2.4 The proposal is not for agriculture, economic or tourism needs and as such it would be contrary to Policy RA2 of the Rother Local Plan Core Strategy, which provides an overarching strategy for new development in the countryside. Furthermore, as the new dwelling would not be to support farming and other land-based industries, re-use existing agricultural buildings, or provide affordable housing (an exception site) the planning application proposal would not meet the criteria for development in the countryside set out by either Policy RA2 or RA3 of the Rother Local Plan Core Strategy. The development is considered to be contrary to the development plan spatial strategy taken as a whole. The effect of the development on the AONB and other interests of importance are considered further below.

8.2.5 Although the proposed development does not meet any of the Development Plan exceptions relating to new dwellings in the countryside, the National Planning Policy Framework is a material consideration in the determination of this application. Paragraph 84 of the National Planning Policy Framework provides:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

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

8.2.6 Whilst the application site is adjacent to a small number of dwellings at Beech Farm, together with a small ribbon of around 20 dwellings, these properties do not constitute a settlement and therefore the location is considered 'isolated' in terms of paragraph 84 of the National Planning Policy Framework.

Applicant's case

8.2.7 The application has been promoted as meeting the paragraph 84 e) exception. Whilst this involves subjective judgement, the interpretation of the wording of paragraph 84 e) provides an element of objective matters to consider. This will be returned to later in the report.

8.2.8 The Applicant's design and access statement explains that the challenge of the design was to deliver a property that was consistent with a modern building that you would expect to find in an agricultural setting in the High Weald whilst not creating a pastiche. The overall outward appearance is said to be directly reflective of the shape and size as shown on page 10 of the High Weald Design Guide colour references. The architectural form and its appearance will provide the immediate impression of a typical modern High Weald building and this is key to enable the design to assimilate into its landscape. Thus, despite being an innovative structure in terms of its performance and function, a key design principle is that the appearance of the building is compatible with the site context and wider landscape character.

8.2.9 It is explained that the dwelling is based on the visual form of a traditional barn, adopting the massing and proportions of buildings commonly found within the agricultural landscape of the High Weald. Materials would consist of architectural grade recycled plastic and wood and metal clad roof. No nails

or screws would be visible in the cladding. The gutters would be integrated. The roof would include a revolutionary photovoltaic film which would be all but invisible on the roof. This is explained to be unavailable on any other building apart from this design in the UK. The photovoltaic roof would generate 12Kw power working in conjunction with a 10kW energy storage system. There would be no openings along either of the long side elevations, with glazing proposed in either end elevation.

- 8.2.10 In terms of the wider site, non-native tree species are proposed to be removed and replaced with native mixed hedgerows and woodland planting. New habitats would also be created including a new pond and wetland habitat, wildflower meadow, log piles, permanent compost bays and other enhancement works.
- 8.2.11 The design and access statement explains that the core concept would deliver an architecturally outstanding design through a previously unachieved Standard Assessment Procedure (SAP) dwelling energy rating of 117A which is 17% higher than the technical maximum and with only 3% of new dwellings in the UK achieving an 'A' rating. This delivers a previously unachieved 3 tonne carbon dioxide saving per annum. This can be contrasted with the average new build in Rother District in 2021 generating 1.5 tonnes of carbon dioxide per annum. This can be seen at Appendix 4 where the SAP design results are attached. The closest a property has come to this in Rother is the prototype Wunderhaus granted as a replacement dwelling at Campfield, Powdermill Lane, Battle (RR/2019/1613/P). The dwelling generates more electricity than it needs feeding back the excess into the grid and managing fluctuations and night-time usage through a battery back-up with the option of swapping battery power from the battery of an electric car where needed. Smart technology also ensures that more energy is stored when cloudy weather is expected. The house is triple glazed and has no radiators or underfloor heating. Heat is generated through both an ASHP (Air Source Heat Pump) and all other heat sources in the building from lights to washing machines. All heat created is constantly circulated, filtered to be pollen free and anti-allergic and recirculated through an MVHR (Mechanical Ventilated Heat Recovery) system which gently circulates air at a desired temperature. In hot periods the system changes to convert warm air to cool air.
- 8.2.12 It is explained the dwelling would save three tonnes of CO2 each year making it significantly carbon negative. This compares with the average new build in Rother in 2021 generating 1.5 tonnes of CO2. In addition, it is explained that this dwelling is easy and quick to construct and costs 20% less than the average build cost of a house with a SAP rating of less than 90A2.
- 8.2.13 The design has also avoided the water tank and pump in roof system for creating water pressure which has always been vulnerable to freezing or leaking by using a pressurized water tank at ground level delivering water without the need for pumps or gravity feed.
- 8.2.14 The dwelling is also explained to be affordable to construct. It has been designed to be manufactured off site and delivered in panel form so construction is efficient both in the factory and on site. The main structure can be constructed on site in just four weeks ready for internal finishing at a cost 20% less than the typical average cost (£2000/sqm v £2400/sqm and £3000/sqm plus for a typical paragraph 84 house).

- 8.2.15 In addition to the performance of the building, modern technology would be incorporated to complement the adaptable and accessible standards of the dwelling to meet independent living to include:
- Podpoint electric car charging socket.
 - Smart phone compatible door entry.
 - Flexible lighting layouts and products.
 - Wireless lighting control.
 - Smart phone lighting control.
 - Smart phone doorbell with motion sensor activated surveillance.
 - Smart phone alarm.
- 8.2.16 The design and access statement concludes by stating that the design, the structure, its layout, its previously unachieved significant carbon saving together with enhancements to the AONB setting and biodiversity improvements results in a development that can be considered of an outstanding design.
- 8.2.17 The founder and Managing Director of Wunderhaus Limited has explained the Wunderhaus to be of a custom-built design and is not in any way a kit or factory-built house in the sense of the term disparagingly used by objectors. He says any design is generic, as it will belong to a group sharing a certain number of characteristics with other designs, for example Belgravia London by Thomas Cubit and indeed their Wunderhaus proposal in the shape of a Barn, the Barn widely and suitably spread throughout the English countryside for 8000 Years. The Longhouse is probably the most generic shape in England's architectural history, it is not a negative, just a classification. He also comments that, whilst not relevant to this application, the use of kit or prefabricated seems to have been given very negative connotations throughout the previous application. He says there are over 50 listed prefabricated designs in the UK. This is because they represent state of the art building at the time they were designed. It is explained that the components of Wunderhaus are manufactured in factories, like all components of any house, a brick is factory build, roof trusses factory built, windows, doors, etc. are all factory manufactured. The biggest component of Wunderhaus is a roof panel measuring 5.3m by 1.2m or twice the size of a standard plaster board. There are over 33 different suppliers and over 60,000 components. For these reasons it is argued that it can hardly be classified as off the shelf. The timber proposed to be used is being sourced from Hurst Estate directly across the road from the site using storm fallen timber. The only material specifically cut in the factory are the structural panels and this is to ensure absolute air tightness in construction. This is said to be common for many Para 84(e) houses where structural panels, steel framework are custom made off site.
- 8.2.18 The Managing Director explains he has named the design the Wunderhaus because of its exemplar and outstanding sustainability credentials never achieved before in Rother and arguably in the UK. The design is a result of four years research and design and the building of a prototype so they could test the design. He explains that the design for RR/2022/2690/P is quite different in performance and many other build aspects compared to the prototype. He says the design for this application is custom built and there will be no other house like it. The Applicant is customising every aspect of the house, the outer shape, the superstructure, the cladding, the layout is different, the ASHP and PV foils and energy storage system are different and

so are all internal finishes and specifications, the kitchen, bathrooms, stairs and lighting etc.

- 8.2.19 It is explained the Wunderhaus has been designed to be constructed in a much shorter period than most builders would expect, taking around seven months pending weather conditions, material availability, a good project manager, etc. This is broken down to allocate four weeks for groundworks, three weeks for the superstructure to be watertight and the internal fit out between three and six months.

Assessment against paragraph 84 e) of the National Planning Policy Framework

- 8.2.20 It is important to note that in 2021 the National Planning Policy Framework was updated. Previously (National Planning Policy Framework 2019) a new isolated dwelling in the countryside could be acceptable if *'truly outstanding or innovative'*, but the 2021 version of the National Planning Policy Framework removed the *'or innovative'* part, so innovation by itself was no longer enough to meet that first test. Subsequent versions of the National Planning Policy Framework, including the December 2023 update, have retained this approach. The clear intent is to prevent an applicant relying solely on innovative design (i.e. a single piece of technology – such as power generation) to meet the test of being exceptional quality, and instead to encourage truly outstanding design overall. Innovation can still contribute to a scheme being considered truly outstanding, but it is a broader assessment than looking at innovation in isolation.

- 8.2.21 Within the submission the Applicant refers to an appeal for a new dwelling (promoted as complying with National Planning Policy Framework paragraph 80(e) (now 84 (e))), in the countryside on the outskirts of Northiam. Although the appeal was dismissed, the Applicant argues that the Inspector, when considering the sustainability aspects of the scheme in isolation, including the contents of the energy statement, believed the proposed dwelling would fall within a class of architecture that would be regarded as exceptional. However, within paragraph 80(e) (now 84 (e)) there was also the requirement that the development had to significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area, and in that appeal the Inspector concluded that this requirement would not be met, and thus paragraph 80(e) (now 84 (e)) of the National Planning Policy Framework was not fulfilled.

- 8.2.22 Of more relevance to the scheme under consideration, is a development of five dwellings granted planning permission in August 2023 (RR/2023/926/P) on a site partially within the development boundary of Bexhill, which is located outside of the AONB. The Planning Statement for the Bexhill development explained the following:

'...The design of each dwelling will meet a high standard of design, reflecting an agricultural style, with a barn like architectural form, with a simple but attractive façade. This barn form minimises openings to the side elevations, with the design interest focused to the end elevations which will include the main fenestrations and greater detailing. The materiality will be of a dark colour, reinforcing this agricultural character, with a fibre cement roof and deliver a high-quality design that creates a modern representation of the rural architectural vernacular...' *'...One of the key design benefits is the carbon negative will also seek to utilise renewable energy with integral solar, heat*

pumps and integral battery storage. The property will also adopt the higher water efficiency standards adopted by the building regulations...'

8.2.23 Whilst no specific reference is made to the dwellings granted in Bexhill being of a Wunderhaus design, the plans submitted and approved show buildings of the same scale, design and overall appearance as the Wunderhaus. In addition, the approved plans include reference to them being drawn by the designer for Wunderhaus Ltd and have the Wunderhaus drawing no. references on them (WA2EB) (see Figure. 1). When comparing them to the elevation plans submitted for the current application (see Figure 2), the plans approved for the Bexhill scheme are clearly produced by Wunderhaus Ltd.

Figure 1: Approved plan for Bexhill Scheme



Figure 2: Plans Submitted for Current Application RR/2022/2690/P



8.2.24 An application for the approval of details reserved by conditions has subsequently been received and determined for the Bexhill scheme. One of the conditions required details of the external materials of the dwellings to be submitted for approval. Figure 3 below is the image supplied, which is clearly a Wunderhaus, and a cropped image taken from their website or catalogue. Figure 4 is an image taken from the Wunderhaus website.

Figure 3: Details Submitted for Discharge of Condition Application for Bexhill Scheme

Proposed External Materials Pursuant to Condition 3 of RR/2023/926/P - Beeches Farm , Sandhurst Lane, Bexhill



Figure 4: Image Taken from Wunderhaus Website



8.2.25 The adjective Oxford English Dictionary definition of the word 'exceptional' is 'Of the nature of or forming an exception; out of the ordinary course, unusual, special.' In addition, the adjective Oxford Dictionary Definition of 'outstanding' is 'That stands out from the rest; noteworthy. Also: remarkable, exceptionally good.'

8.2.26 The carbon negative credentials of the dwelling, which is claimed would save three tonnes of carbon dioxide per year, are outstanding in isolation. However, in Rother alone, planning permission exists for at least six other Wunderhaus dwellings. This includes five units along Sandhurst Road, Bexhill and the prototype example at Campfield, Powdermill Lane, Battle. Thus, the overall architecture of the building, whilst of a high standard, is not exceptional, as it is not out of the ordinary course, unusual or special. Neither is it 'outstanding', as there are other examples of Wunderhaus dwellings in the district and licences can be bought from the company for the same style of property which could be replicated all over the district and AONB, subject to obtaining planning permission. The high-quality design and carbon negative credentials of the Wunderhaus are not disputed and should be encouraged in suitable locations. However, when objectively assessing the design under the terms of paragraph 84 (e) of the National Planning Policy Framework, it is not of 'exceptional quality' nor 'truly outstanding' and should not be permitted as a new build dwelling in the countryside, which is also within the AONB.

Impact on the AONB

8.2.27 The site is currently largely undeveloped and is very rural in character, contributing positively to the landscape and scenic beauty of the AONB, albeit with some non-native tree species. The storage building proposed to be removed is a very low-key structure, being single storey and measuring just 22 sqm in footprint. The development would have a domesticating impact on the site and surroundings, with the introduction of a dwelling, a residential curtilage, earthworks, driveway, parked vehicles, entrance gates, boundary treatments and any other associated domestic paraphernalia. For these reasons the proposal would not be sensitive to the defining characteristics of

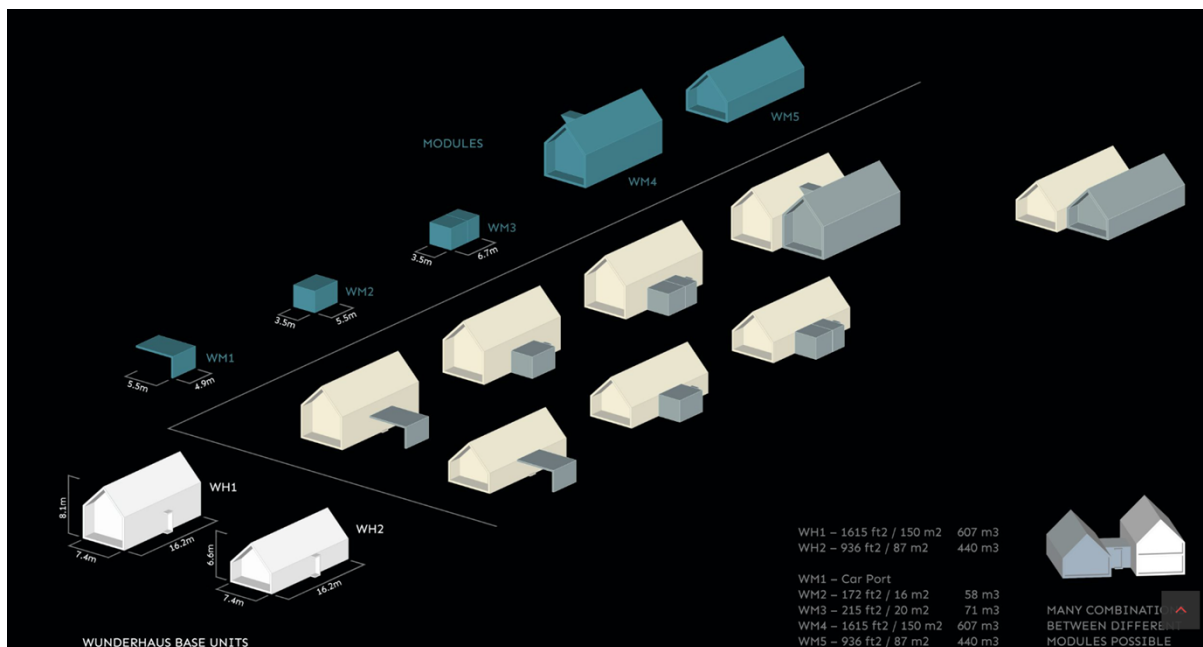
the area. It would be out of keeping with rolling countryside and encroach upon an important green gap between sporadic residential development.

- 8.2.28 The removal of vegetation which is alien to the AONB and its replacement with native hedgerows and trees, including species such as Oak, Field Maple and Hornbeam, together with wildflower meadow planting, pond and wetland provision, would all be enhancements, which is acknowledged by the County Ecologist. However, this is a relatively small site, so such enhancements are limited. In addition, the dwelling and other built development would have a negative suburbanising impact on the largely undeveloped rural site, which would be visible from the road. The limited landscape benefits relating to replacement planting and other ecological improvements, coupled with the negative suburbanising impact of the built development, would lead to an overall negative impact on the immediate setting of the site, and would not *'significantly enhance'* it as required by paragraph 84 e) of the National Planning Policy Framework.
- 8.2.29 Paragraph 138 of the National Planning Policy Framework in the section on achieving well-designed and beautiful places states that in assessing applications, regard should be had to any recommendations made by Design Review Panels. No Design Review Panel has been used in the evolution of this scheme. There is no requirement to use a design review panel for paragraph 84 e) dwellings. However, having an independent team of design experts review a proposal such as this would assist in the decision-making process. The High Weald AONB Unit's pre-application advice refers to the potential of a design review panel being used. Other paragraph 84 e) proposals across the country have also made use of this service. Nevertheless, during the application, evidence has been provided that the designer has received a 'Red Dot' award for a ready to launch design concept. The Red Dot label is said to be the most internationally recognised label for quality and successful design. The awards stated that the design of the product was *'an outstanding feat of accomplishment'*. In addition, the product has been awarded the 'Sustainable Living 2023 Silver Winner' at the London Design Awards; the '23/24 Best of the Best' and a 'Special Reward' at the Lifestyle and Innovation Awards; and the 'Top Design Winner in 2023 ECO DESIGN/Green: Residential Sustainable Development via the European Product Design Award.
- 8.2.30 The High Weald AONB is characterised by green rolling countryside, of a pastoral nature, punctuated by small areas of woodland, small towns, villages and hamlets. The application site lies in an open countryside setting, away from any established settlement, although it is acknowledged there is a small ribbon of residential development to the south and the historic farmstead to the north. The application site is open agricultural land laid to grass, surrounded by mature trees. There are no footways or street lighting in the rural lane.
- 8.2.31 In seeking design of exceptional quality that is truly outstanding, paragraph 84 e) sets a high bar that will not be achieved often. Modern design within the context of the High Weald AONB Housing Design Guide (2019) can be appropriate. Page 27 notes: that *'the prevailing High Weald built character is very much variations on a theme'; '2-storey in height'; 'the roofscape is distinctive'; and, '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.'

- 8.2.32 The Design Guide advises that new development should have respect for the High Weald's village and landscape setting, built form, use of materials, colour, and building detailing. That the built form '*is informed by the cumulative composition*'.
- 8.2.33 In this regard the proposed dwelling has architectural merit and addresses some of the intent of the Design Guide. However, the Guide goes further in Policy G7 (Building appearance, local details and sustainable design) in promoting buildings that are '*genuinely "of the place"*' (pg32) in terms of contemporary design, detailed key elements, local crafts and skills, and materials. This should be read as bespoke architecture, very specific to place, thus making it exceptional.
- 8.2.34 The proposed development is of a modular system construction. The founder and Managing Director of Wunderhaus Limited has explained the Wunderhaus to be of a custom-built design and is not in any way a kit or factory-built house, with over 33 different suppliers and over 60,000 components utilised in the buildings. All these points are acknowledged, and while this type of modern architecture is very limited in the AONB, the external appearance of the building remains very much generic and could be constructed anywhere in the UK, including many of the historic farmsteads found across Rother. Figure 5 is an image taken from the Wunderhaus website showing the configurations of their building range.

Figure 5: Wunderhaus Configurations



- 8.2.35 Taking a broader review of the related built elements, the new access, excavation works and building up of the land, parking area and a possible retaining structure would further distract from the purity of form with the potential to make the building appear as an isolated and incongruous element in the AONB landscape.

- 8.2.36 The Wunderhaus dwelling is of a modular system construction, replicable via purchasing a licence via the designer and founder, rather than a bespoke design to the AONB and consequently the built development would not contribute positively to the setting or development of contemporary design in this protected landscape.
- 8.2.37 The proposal would make significant landscape changes to the site including the removal of mature trees; creating a cut-and-fill platform for the dwelling; parking hardstanding and terracing to the building; construction of an attenuation pond with cut-and-fill; and domestication of the site for residential use. Individually and collectively these changes affect the very character of the site and how the site conserves or enhances the setting of the AONB.
- 8.2.38 It is noted that the County Ecologist and High Weald AONB Unit (pre-application advice for RR/2022/840/P) are broadly supportive of the landscape improvements proposed, subject to conditions to secure an ecological design strategy and a landscape and ecological management plan (LEMP). It is also the case that the Applicant has provided evidence that the appropriate felling licences have been obtained from the Forestry Commission for the tree removal.
- 8.2.39 In respect of the landscape design, there is concern that a domestic fringe would be provided to the building rather than creating an AONB 'landscape led' response to site and building. The design does not explore the residential use of outdoor space, the relationship with the retained oak tree, and functional requirements of bin and cycle storage. There are concerns, that over time, the resident may expand into the landscape areas with additional built elements to address leisure and functional requirements currently not detailed. The north-east corner of the site will be made a domestic garden which materially effects the overall site cohesion and setting. It is therefore suggested that the landscape response is unresolved.
- 8.2.40 In addition, there are concerns over the new, dedicated site access. This would reinforce the linear development along Hawkhurst Road, creating views into the site of a parking forecourt (rather than reading a building over the top of boundary hedgerows) making it highly visible from the public road vantage point. It would also introduce gates and piers into the landscape setting which would emphasise the domestic nature of the site. The section plans provided indicate that a large flat platform would be provided to host the dwelling, access and parking area. Significant excavation and building up of the land would be required resulting in manmade features in a naturally undulating landscape. The sections provided downplay the impact and have not been taken through the areas where there would be the greatest changes in levels.
- 8.2.41 Whilst the carbon negative features could be considered outstanding in isolation, compliance with paragraph 84 e) requires that the overall design of the house is of exceptional quality that is truly outstanding, reflecting the highest standards in architecture. The modular system construction of the dwelling, with generic external appearance, could be replicated on many other sites across the AONB countryside. The overall design is not considered to be bespoke architecture, specific to its place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the

proposal would not meet the exceptional requirements of paragraph 84 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA, paragraph 182 of the National Planning Policy Framework and section 85 of the Countryside and Rights of Way Act 2000.

8.2.42 The High Weald AONB Unit's pre-application advice to the Applicant focused on the proposed materials, siting of the live/work unit, landscaping and demarcation of the proposed garden. The AONB Unit's letter specifically states: *'...I would generally not comment on the first bullet point as I am not an Architect, and the Local Planning Authority usually has access to such expertise (either in-house or through a Design Panel) to advise it on such matters...'* *'...You also spoke about plans to remove the other non-native conifers along the roadside and the western boundary (planted to sub-divide the original field sometime in the early 20th century) and I support their replacement with native trees and hedgerows. The addition of a pond in the lowest part of the site to the south is also supported...'* *'...The above comments are advisory and are made without prejudice to the Unit's formal response to any future planning application. They are not necessarily the views of the High Weald AONB Joint Advisory Committee...'* The letter does not conclude whether the AONB Unit are supportive of the scheme or whether it meets the National Planning Policy Framework paragraph 80 e) (now 84 e)) policy test. Whilst the advice within the letter is limited, officers do not disagree with what the AONB Unit stated.

8.3 Setting of nearby listed building

8.3.1 Policy EN2 of the Rother Local Plan Core Strategy states that development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected, will be required to (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.

8.3.2 Paragraph 203 of the National Planning Policy Framework states:
In determining applications, local planning authorities should take account of:
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.*

8.3.3 Paragraph 205 of the National Planning Policy Framework states:
When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

8.3.4 The proposed dwelling would be sited around 70m south of the grade II listed Beech Farm House. Surrounding the farmhouse to the south and east is a

collection of buildings which form the historic farmstead. This includes Beech Bungalow, The Old Barn, Beech Cottage and Beech Oast.

- 8.3.5 The 1872 Ordnance Survey map shows the historic farmstead to be in place. At this time Beech Bungalow is shown to be a simple single linear range set at an offset angle. The Old Barn had additional linear ranges to both side elevations. The bungalow has been significantly altered and extended in the past 20 years. In addition, the cottage has also been significantly increased in size. However, the oast and barn do retain their identity as former agricultural buildings.
- 8.3.6 The farmstead buildings are arranged in a loose cluster which has some historic significance and can be considered a non-designated heritage asset.
- 8.3.7 The proposed dwelling would be positioned around 70m from the listed farmhouse, 30m southeast of the bungalow, 50m southeast of the barn, 88m from the cottage and more than 100m from the oast. Native screening would be provided on the boundaries of the site. Given the separation and natural screening proposed, it is considered that the development would not adversely impact on the setting of the listed farmhouse or the legibility or setting of the historic farmstead. This view is supported by the Council's Conservation Officer last in post at the Council.

8.4 Location

- 8.4.1 The site is located adjacent to an historic farmstead and at the end of a small ribbon of development. However, it is still within the countryside, remote from any town or village or other built-up area. It is around 1.5km from the village of Sedlescombe and its associated shops, school and other services. There are no pavements or streetlights along this section of the road.
- 8.4.2 Whilst there are no physical bus stops near to the site and no other public transport options, additional information has been submitted during the application to advise that the Stagecoach 349 bus service from Hawkhurst to Hastings operates along Hawkhurst Road and passes the site. A Stagecoach representative has provided written confirmation that they operate a 'hail and ride' service on this route, meaning occupiers of the proposed dwelling would have access to a bus service which runs seven times a day (roughly every two hours) in each direction Monday to Saturday and five times (roughly every two hours) in each direction on Sundays and Public Holidays. In addition, the agent has advised that the site would be served by FlexiBus, which is a flexible, on-demand rideshare service. It is for areas with limited or no bus service. Residents can book a FlexiBus journey to their nearest town, train station, hospital and other key destinations. It is also known as DRT (Demand Responsive Transport). However, the ESCC website advises that FlexiBus operates exclusively for places not served by a regular transport service. You cannot book a FlexiBus journey to travel along an existing public transport route. Given there is a somewhat limited bus service operating along Hawkhurst Road, it is not clear whether the FlexiBus service would be an option for future occupiers.
- 8.4.3 Although occupiers of the proposed dwelling on the site would have access to this bus service, it is somewhat limited, and therefore they are likely to be heavily reliant on private vehicles, the least sustainable form of transport. It is

noted that an electric vehicle charging point has been incorporated into the design which would encourage the occupiers to use electric vehicles. However, this is not something that could be enforced and there is also the issue of visitors and deliveries driving to and from the site.

- 8.4.4 The development would not be well located in terms of access to public transport and services and would undermine the aims of local and national planning policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to services and facilities. The development is contrary to Policies OSS3 (v), SRM1 (vii) and TR3 of the Rother Local Plan Core Strategy and paragraphs 8 and 110 (a) of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.

8.5 Other issues

Archaeology

- 8.5.1 Whilst the eastern part of the site is within an archaeological notification area, associated with the route of the Hastings to Ashford Roman Road, the County Archaeologist is happy for any permission to be subject to conditions securing a programme of archaeological works.

Biodiversity

- 8.5.2 A Phase 1 Habitat Survey and Biodiversity Report, follow up surveys and Tree Report accompany the application. During the application, the County Ecologist requested alterations to the Dormouse Management Strategy, Ecological Design Strategy, Landscape and Environmental Management Plan and the Landscape Strategy Plan, which were subsequently provided by the Applicant.
- 8.5.3 The County Ecologist has advised that the surveys/reports are now all aligned in terms of timing of works. Suitable dormouse habitat will be cleared in one phase between November and February under supervision from a suitably qualified ecologist. If a dormouse, dormouse nest, GCN (or other protected species) is encountered at any stage of work, all works must stop immediately as the scheme is proceeding under a non-licenced approach. Both dormice and GCN are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species.
- 8.5.4 The EDS confirms that an appropriate seed mix will be used to create wildflower grassland and the EDS provides a full wildflower species list, which is welcomed. No objection to the use of Hurst Estate's wildflowers was ever made in the 16 Jan 2023 response, as suggested in the EDS. The concern was the reference in The Landscape Strategy to the use of a proprietary seed mix (Emorsgate EM6), which has now been rectified.
- 8.5.5 The addition of native floating aquatic species to oxygenate the pond, refinement of the emergent aquatic plant species list and inclusion of full plant species detail in the EDS (transferred from the LEMP) have all been made,

and this is welcomed. The required changes to native tree and shrub planting details and provision of ground cover plant details have also been made.

- 8.5.6 Clarification on the finalised number and location of hibernacula, log piles, buried deadwood buckets, bird boxes, bat boxes, insect homes and hedgehog homes has been provided on the revised Landscape Strategy. Details of the box types for bird, bat, hedgehog and insect have been provided in the revised EDS.
- 8.5.7 The Planning Statement explains the proposal will secure 33% bio-diversity gains for habitat and 167% gains for hedgerow improvements which have been calculated by the Kent Wildlife Trust's BNG assessment. The details are set out in the Landscape and Ecology Management Plan (LEMP) and agreed with the County Ecologist. Given the nature, scale and location of the proposed development, the County Ecologist has advised that there is unlikely to be any significant impacts on the nature conservation interests of the AONB or any other sites of nature conservation importance. They also confirmed that the project is likely to deliver biodiversity net gains, which is accepted by officers.
- 8.5.8 In respect of protected species, from the information provided, the building proposed for demolition offers negligible bat roost potential. This is also the case for trees proposed for removal. Sufficient safeguards would also be put in place for badgers, breeding birds, hazel dormice and hedgehogs. The Reasonable Avoidance Measures (RAMS) detailed for amphibians and reptiles is also broadly acceptable.
- 8.5.9 If permission were granted conditions would need to be imposed to secure compliance with the non-licensed method statement for the protection of hazel dormice, the ecological design strategy and the landscape and ecological management plan (LEMP) to ensure the long-term management of habitats, species and other biodiversity features.

Highway safety

- 8.5.10 A new vehicle access is proposed onto Hawkhurst Road together with a grasscrete parking and turning area which would include a gate to be set back from the road. Visibility splays measuring 2.4m x 215m would be required. The Highway Authority has raised no objection to the access, parking or on-site turning facilities. It is noted that they have commented that the development is not well located from an accessibility perspective but say that a recommendation for refusal on accessibility grounds would not be justified as some local facilities are available within walking distance. This view is not shared by the Local Planning Authority. There are no pavements along this stretch of the road and no streetlights meaning that walking into the village would not be particularly inviting to future occupiers who are likely to rely mainly on private vehicles.
- 8.5.11 If permission were granted conditions could be imposed relating to the construction of the access, the provision and retention of visibility splays, the provision and retention of parking and turning spaces, the provision of cycle storage and that the proposed gates are set back at least 5.5m from the edge of the highway.

Living conditions of neighbouring properties

- 8.5.12 The nearest neighbouring property is Beech Bungalow which is around 30m to the north of the proposed dwelling. Due to the separation, orientation and lower ground level of the proposed dwelling, it would not adversely impact on the occupiers' living conditions by way of overlooking, appearing overbearing or causing loss of light.

Living conditions of occupiers

- 8.5.13 The proposed live work unit would exceed the nationally described space standards in compliance with DaSA Policy DHG3 and would also incorporate a garden measuring more than 10m in length to comply with DaSA Policy DHG7.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.2 The Council has currently only 3.09 years of a required 5-year housing supply, as set out within the Housing Land Supply and Housing Trajectory April 2023 position statement (published December 2023), which under the National Planning Policy Framework means that the most important policies for determining the application are deemed to be out of date, and planning permission should be granted unless, i) the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 9.3 The site is located within the countryside and the High Weald AONB. The proposal has been specifically promoted as being of exceptional design quality to meet the requirements of paragraph 84 e) of the National Planning Policy Framework. Whilst the carbon negative elements of the design could be considered outstanding in isolation, compliance with paragraph 84 e) of the National Planning Policy Framework requires that the design of the house as a whole is of exceptional quality and truly outstanding. The modular system construction of the dwelling, with generic external appearance could be replicated on many other sites across the AONB countryside. In Rother alone, planning permission exists for at least six Wunderhaus dwellings. The design is not considered to be bespoke architecture, specific to its place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 84 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA, paragraph 182 of the National Planning Policy Framework and section 85 of the Countryside and Rights of Way Act 2000.

- 9.4 Although the provision of one additional dwelling can be considered a benefit, together with the BNG that could be secured by condition, given the small scale of the development, such benefits only attract limited weight. Moreover, in line with paragraph 11 d) i) of the National Planning Policy Framework, the identified harm to the AONB provides a clear reason for refusing the development proposed.
- 9.5 On top of the harm to the AONB, the development has been found to represent the creation of a new unjustified dwelling in the countryside contrary to the spatial strategy for Sedlescombe and the district as a whole and the location of the site is unsustainable.
- 9.6 Paragraph 14 of the National Planning Policy Framework has been referenced in the Planning Statement accompanying the application, which states:
- 'In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits...'*
- This is subject to certain qualifying criteria, one of which is that the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made. The SNP was made in April 2018 and therefore paragraph 14 does not now apply.
- 9.7 The proposed development does not comply with Rother Local Plan Core Strategy, Rother DaSA or SNP policies or the various provisions contained within the National Planning Policy Framework, including, specifically, paragraphs 84 e) and 182. The development therefore conflicts with the development plan and there are no material considerations that indicate that planning permission should be granted. For the reasons explained the application cannot be supported.

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The site lies outside of the defined development boundary for Sedlescombe as set out in the Sedlescombe Neighbourhood Plan. The proposal would conflict with the overall spatial strategy set out in Policies OSS2, OSS3, RA2 and RA3 of the Rother Local Plan Core Strategy, Policy DIM2 of the Development and Site Allocations Local Plan, and Policy 1 of the Sedlescombe Neighbourhood Plan. The site is 1.5km from the edge of Sedlescombe and fails to meet the spatial strategy policy requirements of the district. In addition, the proposed development does not meet any of the exceptions for providing new dwellings in the countryside under Policy RA3 (iii) of the Rother Local Plan Core Strategy or those for isolated new homes listed in paragraph 84 of the National Planning Policy Framework.
2. The modular system construction of the proposed dwelling, with generic external appearance could be replicated on many other sites across the AONB

countryside. The design is not bespoke architecture, specific to its place, and thus is not exceptional design quality. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 84 e) of the National Planning Policy Framework.

3. The application site is a largely undeveloped undulating field which contributes positively to the rural character of its surroundings. The proposed development would involve earthworks which would introduce unnatural and man-made features into the landscape. On top of this is the urbanising impact that the proposed dwelling would have, with associated driveway and parking area, together with inevitable external domestic paraphernalia. The development would result in the rural character of the field changing to residential use which would be visible from the road. The development would represent an unjustified intrusion of residential development in a rural, countryside setting which would fail to conserve or enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty, contrary to Policies OSS4 (iii), RA2 (viii), RA3 (v) and EN1 (i) (v) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Sites Allocation Local Plan (2019) and paragraph 182 of the National Planning Policy Framework.
4. The site lies within an unsustainable countryside location where occupiers of the development would be highly reliant on private motor vehicles and would not be able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development is contrary to Policies PC1, OSS3 (v), SRM1 (vii) and TR3 of the Rother Local Plan Core Strategy (2014) and paragraphs 8 and 114 (a) of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.

NOTE:

1. This decision notice relates to the following set of plans:
Drawing No. 7095/LBP dated March 2022
Drawing No. 7095/100 dated May 2022
Drawing No. WA2P revision B dated 24.3.22
Drawing No. WA2E revision A dated 3.3.22
Drawing No. GHA-BEC-LS-001 revision C dated 10/02/22

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

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Rother District Council

Report to	-	Planning Committee
Date	-	14 March 2024
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2023/1021/P
Address	-	Tree Tops - Land adj, Cottage Lane, Westfield
Proposal	-	Approval of reserved matters relating to access, appearance, landscaping, layout and scale pursuant to outline planning permission RR/2021/1625/P for the erection of a single storey dwelling.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (RESERVED MATTERS – SUBJECT TO CONDITIONS)**

Director: Ben Hook

Applicant: Mrs B. Lawson
Agent: CLM Planning
Case Officer: Rossella De Tommaso
(Email: rosselladetommaso@rother.gov.uk)

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

Reason for Committee consideration: Director – Place and Climate Change referral: Councillor Call in.

Statutory 8-week date: 5 July 2023
Extension of time agreed to: 17 March 2024

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 This is a reserved matters application. The principle of erecting a single storey dwelling, at the application site, was established by outline permission on 30 May 2022.
- 1.2 This application discusses the details of the development relating to access, appearance, landscaping, layout, and scale.
- 1.3 The view is taken that the dwelling is of an acceptable scale and design for the site and surrounding area. It does not unreasonably harm the amenities of

neighbouring properties. The issues regarding the impact of the development on the footpath (discussed below in the report) have been resolved. As such, the development is acceptable, and accordingly it is recommended that planning permission be granted subject to conditions.

2.0 SITE

- 2.1 The application site is a plot of land located northeast of 'Tree Tops' on Chapel Lane. It is enclosed by residential development in Cottage Lane to the south-east, New Cut to the north-west and Park View Road to the north-east. Dwellings in the surrounding area vary in size, style, design, age, and materials, and sit within a variety of plot sizes. There is no single unifying character.
 - 2.2 Access to the site is from a right of way crossing the land at Tree Tops and off Chapel Lane. The whole of the private road is also the route of a public right of way (public footpath 30 – the designated route of the 1066 walk), which runs along the southwestern boundary of the site connecting New Cut to Cottage Lane.
 - 2.3 The site is visible from properties in the surrounding roads and from the public footpath. There are a number of trees of varying species, size, age and visual significance adjacent to the site, many of which are the subject of a Tree Preservation Order (TPO No. 192).
 - 2.4 Levels fall away from Cottage Lane to a watercourse, which runs past the north-western boundary of the site.
 - 2.5 Levels then rise up to the properties in New Cut. The site is on the edge of the village of Westfield, with the main part located just outside of the development boundary for Westfield. It therefore lies within the countryside.
 - 2.6 The whole of the village and surrounding countryside lies within the High Weald Area of Outstanding Natural Beauty (AONB).
 - 2.7 The site is also an amber site for Great Crested Newts.
-

3.0 PROPOSAL

- 3.1 This application is seeking permission for the Reserved Matters relating to access, appearance, landscaping, layout and scale for the single dwelling granted outline permission on 30 May 2022 under Application No. RR/2021/1625/P. While all matters were reserved in the outline application, the application was supported by illustrative plans to show that the site could accommodate one dwelling.
- 3.2 Amended plans have been received to address the objection initially raised by the East Sussex County Council (ESCC) Rights of Way Officer. The application was subject to further public re-consultation upon receipt of the amended details.
- 3.3 The plans and details accompanying this submission include:

- Application form.
- Existing Plans and Elevation (Drawing No. SK1 rev. B).
- Proposed Plans and Elevation (Drawing No. SK2 rev. B).
- Proposed Ground Floor Plan (Drawing No. SK3 rev. A).
- Proposed Roof Plan (Drawing No. SK4 rev. A).
- Proposed Access Drive Details. (Drawing No. SK5 rev D) (requested by the Local Planning Authority).
- Construction management Plan (requested by ESCC Footpaths Officer).

4.0 HISTORY

- | | | |
|------|----------------|---|
| 4.1 | A/49/324 | Bungalow – GRANTED. |
| 4.2 | A/55/289 – | Outline: permission to erect four dwellinghouses – GRANTED. |
| 4.3 | A/59/783 | Outline application: new road and 21 dwellings (14 houses and 7 bungalows) – REFUSED. |
| 4.4 | A/62/929 | Outline four dwellings – REFUSED. |
| 4.5 | A/67/26 | Five bungalows and garages – REFUSED. |
| 4.6 | A/67/811 | Outline application: council housing with garages and parking spaces – GRANTED. |
| 4.7 | A/69/406 | Proposed erection of detached bungalow and garage – GRANTED. |
| 4.8 | A/72/1219 | Outline: two dwellings and garages – REFUSED. |
| 4.9 | RR/76/1803 | Outline: erection of pair of semi-detached bungalows – REFUSED. |
| 4.10 | RR/87/2929 | Erection of dwelling and garage served by improved existing access – REFUSED. |
| 4.11 | RR/2019/347/P | Construction of five 5-bedroom detached houses with associated landscaping and parking – REFUSED. |
| 4.12 | RR/2021/1625/P | Outline application with all matters reserved for the erection of a single storey dwelling – GRANTED. |

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1: Presumption in Favour of Sustainable Development
 - 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
- CO6: Community Safety
- LHN1: Achieving Mixed and Balanced Communities
- EN1: Landscape Stewardship
- EN3: Design Quality
- EN5: Biodiversity and Green Space
- EN7: Flood Risk and Development
- TR3: Access and New Development
- TR4: Car Parking

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

- DHG3: Residential Internal Space Standards
- DHG7: External Residential Areas
- DHG11: Boundary Treatments
- DHG12: Accesses and Drives
- DEN1: Maintaining Landscape Character
- DEN2: The High Weald Area of Outstanding Natural Beauty
- DEN4: Biodiversity and Green Space
- DEN5: Sustainable Drainage
- DEN7: Environmental Pollution
- DIM2: Development Boundaries

5.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations together with the High Weald AONB Management Plan 2019-2024 and the High Weald Design Guide (November 2019).

5.4 Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to ‘the purpose of conserving and enhancing the natural beauty of AONBs’ in making decisions that affect the designated area.

6.0 CONSULTATIONS

6.1 Westfield Parish Council: **OBJECTION**

The latest comments were received on 8 February 2024 and they relate to Matthew Harper’s (Rights of Way officer) latest comments:

- Matthew Harper acknowledges driveway improvements but maintains concerns about potential damage to neighbouring properties and in respect to the suitability of the access for construction vehicles – a condition should be imposed to prevent the footpath bank to deteriorate.
- Unclear drawings and lack of permission for installations of posts. The post does not protect the lower part of the bank or driveway being damaged.
- The narrow turning space raises doubts about manoeuvring larger construction vehicles without causing damage.
- The Construction Management Plan mentions a temporary access point, but its suitability is questioned is along the rights of way (RoW).

- e. Plans for a new driveway lack permission from Tree Tops landowners.
- f. Harper withdraws the objection conditionally, but since the driveway cannot be constructed without permission, the Parish Council questions the basis for granting planning permission.
- g. If planning permission is granted a pre-commencement condition should be used driveway would have to be “completed prior to the commencement of any development on the site.

6.2 Comments received on 22 November 2023 raised the following issues: (summarised)

- a. Access into the property poses a problem, as the owner of Tree Tops does not permit any hard surface to be built on her land, and the proposed concrete curb would not adequately address concerns about access for large construction vehicles.
- b. Concerns about the wet condition of the RoW and the potential for the outer bank to collapse under the weight of heavy traffic and construction materials.
- c. Issues with the lack of clarity and detail in the Construction Management Plan (CMP), including insufficient protection for trees, inadequate access for site offices and vehicles, insufficient signage for footpath users, concerns about lighting, CCTV placement, and the impact on nearby residents.
- d. The need for clarification on sewerage and foul water management from the new site.

6.3 Comments received on 15 June 2023 raised the following issues (summarised)

- a. The Parish Council expresses significant concerns regarding this reserved matters application. They highlight the lack of detail, particularly regarding access to the site as required by Conditions 5 and 8 of the decision notice. They note objections from the Principal RoW Officer due to insufficient footpath protection details.
- b. The Council asserts that the application should be refused until comprehensive details addressing all key matters are submitted. Concerns also arise regarding the limited space for vehicles, uneven levels, and potential risks to public safety, especially concerning larger construction vehicles. They question the safety of site construction given the existing conditions.
- c. Additionally, they point out inaccuracies in the block plan and the need for clarity on service installations. They request the matter be brought before the Planning Committee and advocate for a site visit to assess access and level issues.

6.4 Waste & Recycling: **NO OBJECTION** “*There does not appear to be any issues, collection point will need to be determined nearer completion.*”

6.5 Romney Marshes Area Internal Drainage Board: **NO RESPONSE**

6.6 Public Notice:

6.6.1 11 Letters of objection have been received. The comments are summarised as follows:

- Lane not suitable for heavy vehicles or domestic use.

- Very little of the reserved matters agenda appears to have been addressed.
- Foundations for the driveways looks inadequate.
- Refuse collection not taken into account.
- The adjacent Footpath 30 – 1066 footpath will be compromised.
- Damage to Tree Tops front garden.
- Damage to the shrubs and hedges along the footpath.
- Using any unlevel section of the banked RoW poses an unsuitable danger to those using the 1066 footpath.
- Flooding.
- Unclear plans in respect of sewerage and surface water drainage.
- Further clarification is required in relation to the provision of any other utilities - gas, electricity etc and how this affects Tree Tops.
- The proposed mitigations are not sufficient to stop the bank sliding or collapsing onto the 1066 footpath.
- Light pollution.
- Highways safety.
- The driveway from Cottage Lane (Chapel Lane) is maintained by the residents and is not adequate in strength or design to carry heavy loads on a regular basis without causing damage.
- The access Lane to the site is unsuitable for additional development.
- Additional traffic dangerous for disabled people using the Lane and footpath.
- Access should be sought elsewhere.
- Harm to the AONB.
- The owls and bats will be disrupted and will leave.
- Disruption during construction.

6.6.2 One Letter of support has been received. The comments are summarised as follows:

- Land Register Title number ESX175157 confirms Reserved right of way dated 14 December 1971, (right of way at all times and all purposes with or without vehicles), also right to use all sewers drains watercourses wires cable and pipes and other services laid or passing over through or under the land).

6.6.3 One Letter with general comments has been received. The comments are summarised as follows:

- The existing track shows that there is sufficient space.
- Tractors and trailers have been used it in the past and will continue to do so.
- The access connects to Tree Tops drive not the 1066 footpath.
- Anyone can apply for planning on land whether they own it or not. The officer will only look at the application.

7.0 LOCAL FINANCE CONSIDERATIONS

7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £37,684.24.

7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus was paid it could, assuming a Band D property, be approximately £6,684 over four years.

8.0 APPRAISAL

8.1 The principle of constructing a detached dwelling on the land has been established by the granting of outline planning permission (RR/2021/1625/P).

8.2 As such, there can be no objection to the principle of the development. The main considerations in this instance relate to the reserved matters, namely the layout, appearance, landscaping, access, and any residual impacts to neighbouring amenities.

8.3 Therefore, the application is assessed under the following issues:

- Layout, Character, and Appearance
- Residential Amenity
- Living condition for future occupiers
- Trees, Landscaping and Environmental considerations
- Highway safety, access, and parking provision

8.4 *Layout, Character, and Appearance*

8.5 Policy RA3 (v) of the Rother Local Plan Core Strategy requires that any development is of an appropriate scale and does not adversely impact on the landscape and natural resources of the countryside.

8.6 Policies OSS4 (iii) & EN3 of the Rother Local Plan Core Strategy and Policy DEN1 of the DaSA Local Plan seek, amongst other matters, to ensure that new development is of high design quality that respects, contributes positively towards, and does not detract from the character and appearance of the locality.

8.7 Policy DEN2 of the DaSA states that all development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan.

8.8 The application site is located at the edge of the development boundary of Westfield. The character of the surrounding area exhibits a diverse architectural character as well as a diverse pattern of development.

8.9 The proposed dwelling is a detached bungalow (single storey) set back into the site. The scale of the proposed dwelling is comparable to the scale of other dwellings nearby and it indicates a standard design in line with the existing architectural language of the area. The proposed materials are indicated as brickwork for the walls and concrete tiles for the roof. While it is understood that concrete tiles are present in the local area, concrete tiles have been used in development predating the designation of the area as an AONB (October 1983) and prior to the introduction of the High Weald Housing Design Guide (November 2019). Therefore, the use of concrete tiles is deemed unsuitable within the National Landscape of the High Weald AONB, and a condition is added to these recommendations to ensure the use of suitable materials.

- 8.10 The layout of the site includes adequate private amenity space, sufficient parking and turning spaces and adequate separation distances from the neighbouring dwelling to the west (Tree Tops). The building will have a front elevation that faces the footpath, and it would retain a consistent building line with Tree Tops to the west.
- 8.11 As such, it is considered that the layout and appearance of the proposed dwelling and the site are acceptable and would not cause harm to the character and appearance of the area, including the AONB.
- 8.12 *Impact on neighbouring residential amenities*
- 8.13 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that new development should not unreasonably harm the amenities of adjoining properties.
- 8.14 Tree Tops is the neighbouring detached bungalow positioned to the east of the application site. This property features a front garden and a driveway accessible from Chapel Lane. A vehicular right of way exists between the footpath and Tree Tops' front garden, permitting access to the application site.
- 8.15 The proposed bungalow is positioned along the side of Tree Tops and the size is comparable to this property therefore it is considered that no significant issues would arise from this development in terms of overlooking, loss of privacy, outlook, loss of light or overshadowing.
- 8.16 A degree of harm is anticipated to arise during the construction phase of the driveway, with adverse impact in terms of noise and disruption especially for the neighbours at Tree Tops; however, it is considered that this harm is temporary, and the noise and disturbance will be mitigated according to the expectations outlined in the Construction Management Plan. Therefore, it is deemed acceptable.
- 8.17 Vehicle movement to and from the site already occurs and has the potential of occurring with the same frequency of when a dwelling is erected/used therefore it is reasonable to conclude that the harm arising from the operational phase of the development is neutral, resulting in considering the proposal falling within an acceptable tolerance level.
- 8.18 In summary, it is not considered that the proposals would cause detrimental harm to the neighbouring amenities of Tree Tops or other residential properties nearby the site.
- 8.19 Other
- On a separate matter, Westfield Parish Council and the neighbour resident at Tree Tops have advised that the construction of the driveway is subject to the owner of Tree Tops approval. The owner of Tree Tops has objected to the development and advised that permission to build on the section of garden in question will not be given.
- 8.20 They request the addition of a pre-commencement condition if planning permission is granted which allows for the construction of the dwelling only upon completion of the driveway.

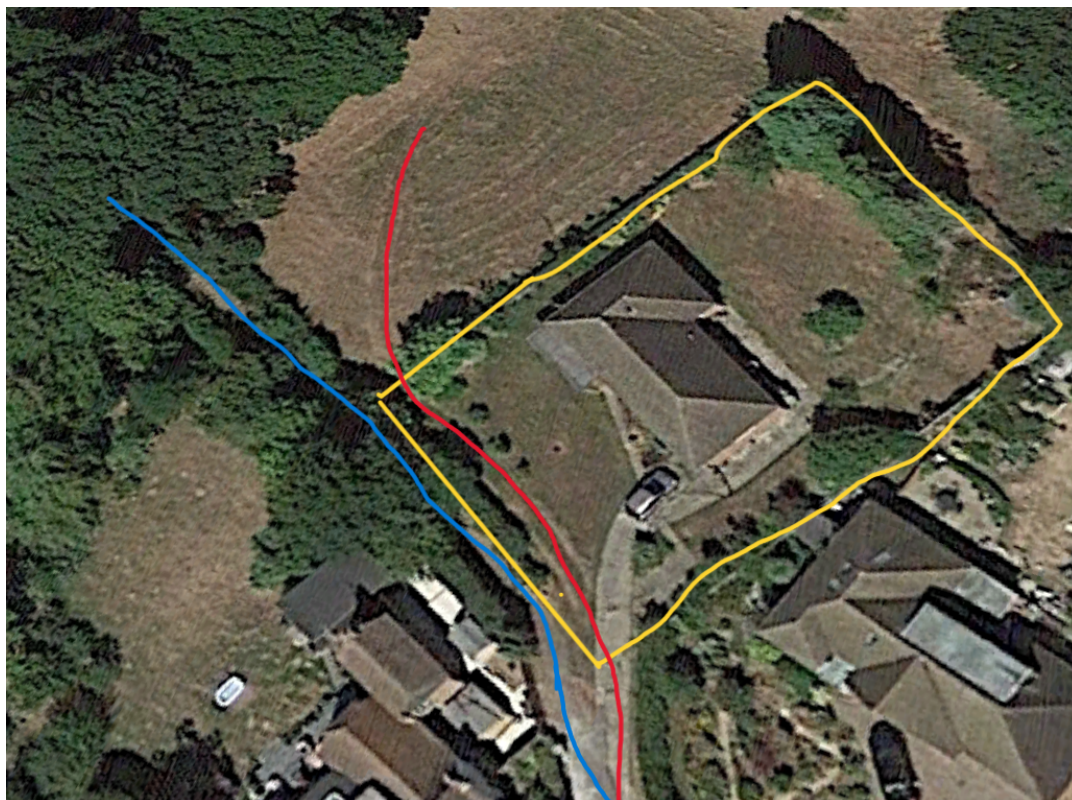
- 8.21 Ownership/rights of way matters are private legal matters which the Local Planning Authority can note but cannot consider when determining an application.
- 8.22 Planning Practice Guidance states that '*The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. However, an applicant is required to notify owners of the land or buildings to which the application relates, as well as any agricultural tenants, in accordance with article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. When making an application, an applicant is required to sign a certificate confirming the ownership of the land to which the application relates and that the relevant notices have been served.*'

Paragraph: 027 Reference ID: 14-027-20140306
Revision date: 6 March 2014

- 8.23 In this particular case, the Applicant notified the owners of Tree Tops when they applied for Outline planning permission. Reserved Matters applications are a follow-up submission, and they are not, in legal terms, a planning application. They do not have to be made on an application form (but they usually are) and ownership certificates are not required.
- 8.24 In this instance whether or not the development (if approved) can go ahead is something to be decided by the landowners privately.
- 8.25 *Living conditions for future occupiers*
- 8.26 Policy OSS4 (i) states that all development should meet the needs of future occupiers, including providing appropriate amenities.
- 8.27 Policy DHG3 and DHG7 of the DaSA Local Plan outline the internal and external space standards that new dwellings should adhere to in order to provide high quality living accommodation.
- 8.28 Paragraph 135 of the National Planning Policy Framework states planning policies and decisions should ensure that development create places with a high standard of amenity for existing and future users. The dwellings would meet and exceed the internal floor space required by the internal space standards. The dwellings would also benefit from a large rear garden exceeding 10m in depth. Details of refuse storage have been provided and considered acceptable. Cycle parking can be secured by way of a planning conditions.
- 8.29 Therefore, it is concluded that the proposed dwelling would provide adequate living conditions for future occupiers.
- 8.30 *Trees, Landscaping, and ecology considerations*
- 8.31 The site is set in a location just outside of any defined settlement boundary and is therefore designated as being within the countryside. There are a number of trees on the land adjacent to the site but none within the site where the proposed dwelling is proposed to be erected. Some of these trees are covered by a TPO.

- 8.32 Paragraph 180 of the National Planning Policy Framework (2024) states that planning decisions should recognise the intrinsic character and beauty of the countryside. This assumption is reflected in Local Plan Policy EN3, any planning application will be refused if harm is caused to the overriding character and appearance of the rural landscape.
- 8.33 The dwellinghouse would be set back from the lane and screened by vegetation towards the front of the site, including an established hedgerow to the front (southern) boundary that shall be retained.
- 8.34 The proposal is not accompanied by a tree report. Although there seems to be sufficient distance between the existing trees and the proposed development it is considered necessary to ensure, by way of a condition, the protection to those trees and their roots, this protection should ensure that the existing trees and hedgerow along the footpath are also protected.
- 8.35 A further condition should be added requiring details of a proposed landscape which is lacking in this submission.
- 8.36 In terms of ecology, the scheme is minor and within an amber zone for Great Crested Newts therefore a precautional approach should be followed if permission is granted/implemented and an informative is added to this report concerning this aspect.
- 8.37 *Highway safety, access, and parking provision*
- 8.38 Policies CO6 (ii) & TR3 of the Rother Local Plan Core Strategy and Policy DHG12 (i) of the DaSA Local Plan seek to avoid prejudice to highway safety by ensuring adequate, safe access arrangements.
- 8.39 Policy TR4 (i) of the Rother Local Plan Core Strategy requires the residual needs of the development for off-street parking to be met having taken into consideration localised circumstances.
- 8.40 Condition 8 of Outline Permission RR states:
- 8.41 *'No development shall commence until details showing the proposed access and the tie-in to the junction with Chapel Lane/Public Footpath Westfield 30, including details of the profile, levels and proposed construction shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To protect the amenity of Chapel Lane/Public Footpaths in accordance with paragraph 100 of the National Planning Policy Framework.'*
- 8.42 The application proposal indicates that the 3-bed bungalow would benefit from two parking spaces and turning facilitates directly at the front of the bungalow. This is considered to be reasonable, compatible with ESCC Highways guidance and it is therefore accepted.
- 8.43 As explained before in this report this site is accessible by a vehicle right of way crossing the neighbouring garden at Tree Tops. Its exact position is between the footpath and the lower part of the neighbouring garden. The aerial view from Google Earth is appended below to this paragraph for easy reference. The colour blue indicates the footpath, the colour red indicates the right of way and

the colour yellow indicates approximately the land owned by the resident at Tree Tops.



- 8.44 The access point and the implication of the proposed works on the footpath and the potential damage created to the front garden of Tree Tops have been extensively highlighted by neighbours and by Westfield Parish Council.
- 8.45 The Local Planning Authority has requested additional information regarding the access following the concerns raised by ESCC RoW officer who has reviewed the application and subsequent additional information three times. All consultations can be viewed on the Council's website. The latest information submitted by the Applicant includes a Construction Management Plan and specification of the construction of the driveway which includes kerbing and foundations and a post to prevent the corner being cut at the interface with the public footpath.
- 8.46 The ESCC RoW officer stated that *'Provided vehicle movements are marshalled in accordance with the construction management plan, I am also satisfied that the safety of pedestrians using the public footpath will be adequately protected.'*
- 8.47 Therefore, the objection initially raised was removed subject to two conditions – one which aims to ensure that the footpath remains open and available at all times and - two requires that the construction of the access in accordance with plan 'Proposed Access Drive Details (Drawing No. SK 5 / revision D)' is to be completed prior to the commencement of any development on the site.
- 8.48 This condition is also reiterative by the Parish Council if the application is to be approved.
- 8.49 For clarification and to respond to one of the points raised by the Parish Council, concerning the alternative access for construction vehicles, the Applicant's

agent has clarified that paragraph 5.3.1 (*A temporary construction access point is required for the proposed development*) of the Construction Management Plan submitted is incorrect and should be disregarded. The RoW is to be used by the construction vehicles and there are no alternative access points proposed.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2 National guidance states that plans and decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the National Planning Policy Framework provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.
- 9.3 In this instance the principle of erecting a dwelling at the application site was established under RR/2021/1625/P on 30 May 2022 and remains extant.
- 9.4 With this application the elements discussed highlight that provided that adequate conditions are met to cover the main elements listed below the development will have no significant adverse impacts.
- The access/driveway is constructed prior to any development.
 - Appropriate drainage/surface water.
 - The existing trees, hedges and vegetations are protected and maintained.
 - Collection point for waste and recycling are also adequately addressed.
- 9.5 In the absence of any material harm resulting from the development and the approval of the reserved matters, the application is recommended for approval subject to conditions.
-

RECOMMENDATION: GRANT (RESERVED MATTERS – SUBJECT TO CONDITIONS)

CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing No. 590 SK5 Rev. D (Proposed Access Drive Details) dated October 2023.
Drawing No. 590 SK3 A Rev A (Proposed Ground Floor Plan) dated February 2023 – block paving not approved subject to drainage condition.

Drawing No. 590 SK2 Rev B (Proposed Plans and Elevation) dated May 2023.
– Materials are not approved and shall be agreed.

Drawing No. 590 SK4 Rev A (Proposed Roof Plan) dated February 2023.
Construction Management Plan as corrected by email sent on 20 February 2024.

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

2. No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the development reflects and enhances the character and appearance of the area in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy and Policy DHG9(ii) of the Rother Development and Site Allocations Plan and the High Weald Housing Design Guide (November 2019)

3. No development shall commence until indications of all existing trees and hedgerows (particularly that adjacent to the footpath) on the land adjacent to the site and within the site including details of those trees protected by a Tree Preservation Order that could be affected by the development, together with measures for their protection in the course of development have been submitted to and approved by the Local Planning Authority and such approved protection measures shall be retained in situ for the duration of construction works.

Reason: These details are required prior to commencement of works to ensure the protection of trees and hedgerows during construction in accordance with Policy EN3 of the Rother Local Plan Core Strategy.

4. No development above ground level shall take place until the (hard AND soft) landscaping details for the site have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason: To ensure a high-quality public realm taking account of the characteristics of the area in accordance with Policy OSS4 and EN3 of the Rother Local Plan Core Strategy.

5. The hard and soft landscaping for the development required under Condition 4 shall include:

- a) planting plans;
- b) written specifications (including cultivation and other operations associated with plant and grass establishment);
- c) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate;
- d) hard surfacing materials; and
- e) implementation programme.

Reason: To enhance the appearance and setting of the development in accordance with Policies OSS4 (iii) and EN3 of the Rother District Local Plan Core Strategy.

6. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local

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

Reason: To ensure a satisfactory appearance and setting for the development in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

7. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
Reason: These details are integral to the whole development and are therefore required prior to commencement of works to prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and Site Allocations Local Plan.
8. The surface water drainage scheme for the site, based on sustainable drainage principles shall be wholly implemented in accordance with the approved details prior to occupation of any of the dwellings hereby permitted and thereafter the approved system shall be maintained and managed wholly in accordance with the approved maintenance and management plan.
Reason: The full implementation of the approved scheme and its long-term management is to prevent the increased risk of flooding, to improve and protect water quality in accordance with Policies SRM2 (iii) and EN7 (iii) of the Rother Local Plan Core Strategy and Policy DEN5 of the Development and Site Allocations Local Plan.
9. Before above ground level works take place on any building, details of the collection point of the waste facilities, shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented and thereafter continued.
Reason: To protect the residential amenities of the locality and in the interests of providing a sustainable development, in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
10. Public Footpath Westfield 30 is to remain open and available at all times.
Reason: To ensure that the amenities of residents and other users are protected and in accordance with Policy OSS4 of the Rother Local Plan Core Strategy.
11. Construction of the access in accordance with plan 'Proposed Access Drive Details (Drawing No. SK5 / Revision D)' is to be completed prior to the commencement of any development on the site.
Reason: To protect the amenity of Public Footpath Westfield 30 and its users in accordance with Policy OSS4 of the Rother Local Plan Core Strategy.

12. The dwelling hereby permitted shall not be occupied until it has been constructed in accordance with Part M4(2) (accessible and adaptable dwellings) of Schedule 1 of the Building Regulations 2010 (as amended) for access to and use of buildings.
Reason: To ensure that an acceptable standard of access is provided to the dwelling(s) in accordance with Policy OSS4 (i) of the Rother Local Plan Core Strategy and Policy DHG4 of the Rother Development and Site Allocations Local Plan.
13. The dwelling hereby approved shall meet the requirement of no more than 110 litres/person/day water efficiency set out in Part G of Schedule 1 of the Building Regulations 2010 (as amended) for water usage. The dwelling hereby permitted shall not be occupied until evidence has been submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwelling has been constructed to achieve water consumption of no more than 110 litres per person per day.
Reason: To ensure that the dwellings are built to acceptable water efficiency standards in line with sustainability objectives and in accordance with Policy SRM2 (v) of the Rother Local Plan Core Strategy and Policy DRM1 of the Rother Development and Site Allocations Local Plan.
14. The development shall not be occupied until the parking area has been provided in accordance with the approved plan (Ref: 590 SKA, dated February 2023) and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.
15. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).
Reason: To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.
16. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plan (Ref: 590 SK3 A, dated February 2023) and the turning space shall thereafter be retained for that use and shall not be obstructed.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.
17. No part of the development shall be occupied until details of a covered and secure cycle parking spaces have been provided and agreed in writing with the Local Planning Authority. The area shall thereafter be retained for that use and shall not be used other than for parking of cycles.
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development in accordance with Policies OSS4 (ii) & TR3 of the Rother Local Plan Core Strategy.

NOTES:

1. This permission refers only to that required under the Town and Country Planning Act 1990 (as amended) and does not include any other consent or approval under any enactments, byelaw, order or regulation. The grant of planning permission does not override any third-party rights which may exist over the application site. Furthermore, and for clarity, this planning permission does not authorise any interference with, or disturbance of, any right of way upon which the development impacts. All matters relating to the right of way such as, in this instance, the laying of hard surface, must be resolved between the parties concerned.
2. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
3. The Applicant is advised that it is their responsibility to notify their Building Control Body (Local Authority or Approved Inspector) that conditions triggering the optional technical standards for Water Efficiency and Accessibility Housing Standards are attached to this planning permission and that development should be built accordingly. Enforcement action may be taken without further notice if the relevant standards are not achieved.
4. The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. You are advised that it may be necessary, shortly before development commences, for the Applicant to commission an ecological survey from suitably qualified and experienced professionals to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted.
5. The granting of this planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received. For further information, contact the Environmental Health Service.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with paragraph 38 of the National Planning Policy Framework, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

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