

Rother District Council

Report to - Planning Committee
Date - 18 June 2020
Report of the - Executive Director
Subject - Application RR/2019/2758/P
Address - St Mary Magdalen Church - Land South West of, Whatlington
Proposal - Construction of a church car park and erection of a detached dwelling

[View application/correspondence](#)

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

Head of Service: Tim Hickling

Applicant: Mrs P. Butcher
Agent: DGC Consultants (Miss Deborah Gardner)
Case Officer: Mr M. Cathcart (Email: mark.cathcart@rother.gov.uk)

Parish: WHATLINGTON
Ward Members: Councillors Mrs V. Cook and K.M. Field

Reason for Committee consideration: Member referral – Councillor Mrs V. Cook

Reason: “I would like the Committee to consider the overwhelming benefit to the community that allowing outline planning permission for a single dwelling to fund and thus enable the building of a car park to serve visitors to the church for Worship, Weddings, Funerals and for meetings and concerts. Thus, conserving the heritage of a 13th century building for future generations.”

Statutory 8 week date: 5 March 2020
Extension of time agreed to: 22 May 2020

1.0 SUMMARY

1.1 This application has been referred to Committee from the Notified D list of applications. The application seeks planning permission for the construction of a car park for the church. It also seeks planning permission for a detached dwelling. It is intended that the proceeds from the sale of the new dwelling plot with planning permission would finance the construction of the car park.

2.0 SITE

- 2.1 This small ancient church stands within a churchyard and occupies an elevated position off the south-eastern side of Whatlington Road. There is a cluster of dwellings close-by; however, it is a predominantly rural location with wide views from parts of the churchyard over open countryside.
 - 2.2 There is a wide, surfaced, pedestrian footpath which climbs up to the church from Whatlington Road. There is also a private track which approaches the church from Whatlington road and serves some adjacent properties (including 'The Vineyard Grange' - the Applicant's dwelling, and Leeford Oaks). Additionally, this track provides access to a small informal parking area next to, and used by, the church (also in separate private ownership), which has space for about four cars.
 - 2.3 The village hall car park is located a hundred metres or so along Whatlington Road to the north of the track.
 - 2.4 The applicant owns adjacent farmland (pasture) next to the churchyard. The application site is set within a countryside area that forms part of the High Weald Area of Outstanding Natural Beauty (AONB).
-

3.0 PROPOSAL

- 3.1 The application is in outline but with full details of the proposed vehicular access to Whatlington Road subject to approval at this stage.
- 3.2 The proposed access would be some 100m or so south of the church, close to the dwelling – 'Overdale', and would serve both the proposed new church car park and the new dwelling.
- 3.3 The proposed car park (in outline) would serve the church and is shown to cover part of the field located behind the tree lined bank next to the road. It would be linked to the churchyard by a new footpath/track. The car park would provide 30 No. spaces and would be enclosed by a proposed post and rail fence and new hedge planting.
- 3.4 The proposed dwelling and detached garage (also both in outline) would be set within a proposed plot measuring on average 65m deep by 40m wide. The supporting information provides some detail in that a two-storey house is proposed with a floor area of some 280sqm (3,000sqft).
- 3.5 The supporting information states that the purpose of the detached dwelling is to cross-fund the construction of the car park.
- 3.6 In addition to plans and section drawings the planning application is supported by a Planning Statement, a Statement of Significance & Heritage; Design and Access Statement, an Ecological Survey: Preliminary Bat and Barn Owl Ecological Appraisal, a statement from the Parish Church setting out the case for a car park, and a financial statement setting out the estimated value of the residential plot with planning permission less a breakdown of costs incurred, including the proposed construction of the car park, the access, fencing,

landscaping, fees and finance etc. The supporting documents can be viewed on the website.

4.0 HISTORY (relevant)

- 4.1 The land is presently part of a larger land area, which is the subject of a Section 106 planning obligation (or legal agreement) made between the applicant (landowner) and the Council in January 2001 in connection with planning permission RR/1999/1526/P. That planning permission was for the change of use and conversion of a timber framed barn to a dwelling (and an extension). The planning permission has been implemented. This is The Vineyard Grange – the Applicant’s dwelling.
- 4.2 The Section 106 includes the requirement that the land shall only be used for agriculture or grazing.
- 4.3 An application (RR/2019/699/P) to remove/discharge the Section 106 agreement was made to the Council last year. The Planning Committee resolved to grant the discharge of the Section 106 application at its meeting in May 2019. The report to members recognised that pre-application enquiries (ref: PE/00178/2017 and PE/00594/2018) had been made in respect of residential development and a church car park on the land and it was accepted that any subsequent planning application for this development should stand alone to be considered on its individual planning merits.
- 4.4 It is understood that the legal process in respect of the discharge of the legal agreement has not yet been completed and it presently remains in place. This should not prevent consideration of the current planning application.
-

5.0 POLICIES AND LEGISLATION:

- 5.1 The following policies of the Rother Local Plan Core Strategy 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
 - CO1: Community facilities and services
 - EN1: Landscape stewardship
 - EN3: Design quality
 - EN5: Biodiversity and green space
 - TR3: Access and new development
 - TR4: Car parking
- 5.2 The following policies of the Development and Site Allocations Local Plan (DaSA) are relevant to the proposal:

- DEN1: Maintaining landscape character
- DEN2: The High Weald Area of Outstanding Natural Beauty
- DEN4: Bioiversity and green space
- DHG3: Residential internal space standards
- DHG4: Accessible and adaptable homes
- DHG7: External residential areas
- DHG11: Boundary treatments
- DHG12: Accesses and drives
- DIM2: Development boundaries

5.3 The National Planning Policy Framework and National Planning Policy Guidance are also material considerations. The following paragraphs of the National Planning Policy Framework are particularly relevant to the development proposal:

- 11: The presumption in favour of sustainable development
- 38: Decision-making
- 47-48: Determining applications
- 72: The supply of new homes
- 73: Five-year supply of deliverable housing sites
- 170: The requirement to contribute to and enhance the natural local environment
- 172: Development in the AONB
- 189-192: Proposals affecting heritage assets
- 193-202: Considering the potential impacts of proposals affecting heritage

5.4 The High Weald AONB Management Plan 2014 -2019 is also relevant to the consideration of the application.

5.5 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to 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.

6.0 CONSULTATIONS

6.1 Highway Authority – **NO OBJECTION**

6.1.1 No objection subject to the imposition of conditions

Conclusion: It is accepted that the provision of a parking area will offer some highway safety benefit as visitors to the church will no longer be forced to park on-street and walk on the road.

The proposed dwelling will generate a minor increase in traffic on the local network; however, this does not give me any cause for concern.

The parking provision and layout for both the church and the new dwelling are acceptable.

The proposed new access is acceptable in terms of its layout and the visibility available at the junction with the major road. A suitable gradient into the site will also be provided.

6.2 Historic England: **GENERAL COMMENTS**

6.2.1 Conclusion of comments received: *“we think that overall harm overall caused by the proposal would be less than substantial harm as set out by paragraph 196 of the National Planning Policy Framework. This requires that the harm should be weighed against the public benefits of the proposal. Whilst we acknowledge that there are some public benefits associated with the proposal in terms of the provision of the car park, your Council must be satisfied that these are sufficient to outweigh the harm to the designated heritage assets (the conservation of which should be given great weight (National Planning Policy Framework 193), and that these benefits could not be delivered in a less harmful way.”*

6.3 Planning Notice:

6.3.1 Eight **OBJECTIONS** from seven addresses (summarised):

- The existing car park at the village hall is more than adequate and is less than a 5-minute walk to the church.
- It is also closer than the surrounding parishes' parking areas to their churches.
- There is also parking close to the church for any disabled or elderly person.
- The proposed new access road would create a danger on a fast and busy minor road to all users.
- The unspoilt rural view southwards from the churchyard would be ruined.
- Contrary to Policies DEN1 and 2 – it will not maintain landscape character and reinforce natural and built landscape character but the reverse.
- The path linking the car park to the church would have to be built across a number of graves on consecrated ground, which would almost certainly be disturbed.
- Concern amongst a number of villagers that passing this application will create a precedent.
- Part of the unique charm of this little Church and surroundings is its remoteness from noise and disturbance.
- If the application for a house was a separate planning application, it would be refused

6.3.2 12 **SUPPORTING COMMENTS** from nine addresses, comprising local residents and parishioners (summarised):

- The Grade II* Listed church was subject to a £800k restoration after a fire; it has so much to offer and desperately needs safe car parking nearby.
- This is a very generous offer at no cost to the church and should not be spurned.
- Whatlington Singers rehearse in this beautiful church and also hold concerts. Car parking is currently a big problem.
- Without a car park, if the existing permission allowing access is revoked then the church becomes marooned and it would cease to function.

- Aesthetically, it will have minimal impact on this area of the village but its value in ensuring the continuing viability of the church for both religious and secular use at the heart of the community is very great.

6.3.3 Two **GENERAL COMMENTS** (summarised):

- Much of the time the Village Hall car park remains locked, which is no use to occasional visitors to the Church.
- A comment previously made that, 'views from people outside the parish should not be considered', was wrong; we have a number of people living outside the parish who contribute greatly towards the regular upkeep of the Church and Churchyard and regularly attend services. Many of the relatives who tend graves do not live in the parish. The Church is there for ALL people wherever they live.
- The parking 'for disabled' near the Church is only by the goodwill and generosity of the landowner and cannot be relied on indefinitely.
- If this residential development is granted it must be acknowledged as an exceptional circumstance in order to provide the church with a car park. With this in mind I strongly object to the planning statement submitted with the application; this should be withdrawn and replaced with a statement explaining that although the development breaches planning policy, this is an exceptional situation to enable the church to build a car park.

6.3.4 Parish Council – **SUPPORT:**

“The Council support the application, but they need to be consulted on any future application for lighting on or around car park area. There needs to be planning preventive conditions for any future development or building on car park area. Clarification of access road onto the C.293.”

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 and would be calculated on floor area when this is known at any subsequent detailed application stage.

8.0 APPRAISAL

8.1 *Main issues:*

8.1.1 The main issues for consideration are:

- (i) the impact of the proposed car park and dwelling on the character and appearance of the High Weald AONB.
- (ii) the impact of the proposed car park and dwelling on the setting of heritage assets; and
- (iii) subject to the above, the planning balance; including whether a new dwelling in the countryside would be justified as an exception to

countryside policies as a means of securing the proposed car park for the church having regard to any community benefits this would achieve.

Prior to considering these matters, however, the planning policy background is set out below.

8.2 *Planning policy background:*

8.2.1 Whatlington is not a village with an identified settlement boundary. The site is therefore outside any settlement development boundary identified in the development plan. Whatlington does not have an allocation for new housing in the Core Strategy and is a village where countryside planning policies apply.

8.2.2 The application proposal is contrary to Core Strategy Policy OSS2, 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.

8.2.3 The proposal for the dwelling is not for agriculture, economic or tourism needs and as such it would be contrary to Policy RA2, 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 or re-use existing agricultural buildings, it would not meet the criteria for development in the countryside set out by either Policy RA2 or RA3.

8.2.4 The proposal for the new dwelling would not deliver any affordable housing and as such would not meet the exceptional circumstances set out in Policy LHN3 that allows, subject to a number of criteria, small site residential developments outside development boundaries in order to meet a local need for affordable housing in rural areas.

8.2.5 With respect to the National Planning Policy Framework, the site is not set in an isolated location. It is located within an area where there is a small number of existing dwellings. As such, with regard to the National Planning Policy Framework paragraph 79 and the findings of the case at Braintree that is sometimes referred to in planning decisions, the proposal is not the introduction of an isolated new dwelling.

8.2.6 Regarding the proposed church car park, Core Strategy Policy CO1 states that community facilities and services to meet identified local needs will be permitted in appropriate locations. In assessing such proposals, it will be necessary to be mindful of other development plan policies, including those designed to safeguard the character and appearance of the AONB countryside.

8.2.7 Paragraphs 189–192 of the National Planning Policy Framework set out the Government's policy on proposals affecting heritage assets and paragraphs 193-202 sets out its policy on considering the potential impacts of proposals affecting heritage assets.

8.3 *The existing character and appearance of locality:*

8.3.1 The application site forms part of an open field (agricultural grazing land). It is screened from the Whatlington Road by the roadside bank and tree belt. It is however open to views from the church and churchyard that occupy the higher ground to the north-east. Whatlington Road has a very rural and sylvan character, and the locality is one of an undulating and rolling landscape, comprising irregular shaped open fields separated by hedgerows and tree belts, interspersed with pockets of deciduous woodland. It is a countryside that is typical of this part of the High Weald. While there is a scattering of existing residential properties in the locality the overall setting of the site has a more natural affinity with the predominant surrounding rural landscape. Overall, the site lies within an attractive countryside landscape that is consistent with AONB designation and retains its rural character and appearance.

8.4 *The impact of the proposed car park on the character and appearance of the High Weald AONB.*

8.4.1 The scheme proposes a new access and car park to serve the church. The access would be provided in the western corner of the field, close to 'Overdale' and almost opposite the entrance to Eastlands Farm, where the roadside bank is lower and minimal excavation is likely to be required. The car park would be positioned about 50m away from the western boundary of the churchyard and set within a slightly elevated part of the field in relation to the churchyard. A new pedestrian track would continue from the car park to the churchyard. Landscape impact mitigation measures would comprise permeable surfacing, post and rail boundary fencing, the retention of the roadside tree belt (other than the removal of those trees required to form the access), and new boundary hedge planting between the new car park and the rest of the open field.

8.4.2 Taking the car park proposal in isolation, there would be some harm to the AONB landscape from the construction and use of the undeveloped land for a car park for up to 30 vehicles; this would be significant but not substantial. Importantly, however, it is acknowledged that there would be economic and social benefits associated with providing a car park to serve those travelling to the church by private car, in terms of pedestrian safety and convenience, as well as increasing the opportunity of being able to use the church for a greater range of events, including during the evenings. In the planning balance the benefits would outweigh the environmental harm to the AONB landscape arising from the construction and use of the land as a car park.

8.4.3 The car park proposal cannot be viewed in isolation; however, and the supporting information with the application sets out that the church car park would only be brought forward if planning permission is also granted for a new dwelling. The supporting information states that the sale of the residential plot with planning permission would cross-subsidise the construction of the access and car park.

8.5 *The impact of the proposed new dwelling on the character and appearance of the High Weald AONB:*

8.5.1 The application relating to the proposed dwelling is in outline with details relating to scale, layout, external appearance, and landscaping reserved for subsequent reserved matters approval. However, the information with the

application indicates that a detached two-storey dwelling is proposed, and the floor area would amount to some 280sqm or 3000sqft. A detached garage building is also proposed. It is also shown that the development would stand within a large plot extending to about ½ acre.

8.5.2 The proposal represents an intrusion of new residential development into the countryside. The new two-storey dwelling would be clearly visible from the churchyard. The proposal also involves the creation of a large residential curtilage. Whilst design, scale and layout are reserved it would still nevertheless appear as a new substantial dwelling in the countryside. It would contain all the trappings associated with residential development together with the activity associated with residential occupation of the land. Overall, the scheme would lead to the urbanisation of the site and the domestication of an essentially rural environment, harming the intrinsic character and beauty of the AONB countryside, to the detriment of its existing rural character and appearance.

8.5.3 While the residential development of the greenfield site would cause considerable harm to the character and appearance of the AONB in the locality, it is also necessary to assess whether this is a suitable location for new residential development in terms of accessibility to services and facilities for future occupiers of the dwelling. In this regard Paragraph 78 of the National Planning Policy Framework is material. This states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Whilst the site is near other buildings (including dwellings) it is not reasonably proximate to a town or indeed a village where local facilities and services are situated.

8.5.4 With regard to access to local services and facilities by sustainable transport modes, the location of the application site is about three kilometres from the town of Battle. Future occupiers would have to travel in order to access any services. In the rural context, with limited public transport options and no footway, this is quite remote. As such, future occupiers of the proposed dwelling would probably be reliant upon the private car for their day-to-day needs, which is the least sustainable mode of transport. This would be contrary to the core principles of the National Planning Policy Framework that seeks to actively manage patterns of growth, minimise the need to travel and/or make the fullest possible use of public transport, walking and cycling, with the objective of supporting the transition to a low carbon future.

8.6 *Impact on the setting of listed buildings (heritage assets):*

8.6.1 The Council has a statutory duty when considering whether to grant planning permission, to have special regard to the desirability of preserving listed buildings and their setting. The National Planning Policy Framework sets out the Government's policy with regards to the historic environment. It makes clear that harm to the significance of heritage assets can result from changes to their setting (paragraph 190). It highlights that great weight should be given to the conservation of designated heritage assets, and that the more important the asset the greater the weight should be given (paragraph 193). The National Planning Policy Framework requires that all harm to heritage significance should be avoided where possible or minimised, and that any

remaining harm has clear and convincing justification (paragraphs 190 and 194). Harm to the significance of a designated heritage asset should then be weighed against the public benefits of a proposal in the manner set out in paragraph 196.

8.6.2 There are a number of listed buildings in the locality; however, the two nearest and with potential for impact on their settings would be the church itself and Hollybank.

8.6.3 Hollybank is located on the north western side of Whatlington Road beyond Eastlands Farm. There is some separation distance between it and the proposed new development, as well as relatively dense vegetation and intervening development. In the circumstances it is not considered that there would be any detrimental impact on setting.

8.6.4 With respect to the church itself, the carpark would be some 50m across the open field and the proposed new dwelling would be some distance further away. Both developments would be viewed from the churchyard and the proposed car park, particularly when in use and without the newly planted vegetation having been established, would be viewed in the context of the church. Historic England's comments on the application include the following:

"We have looked at the heritage statement and the views analysis within this which indicates that the car park and house will be visible from the church where views to the south and east are more open. Currently existing built form within the setting of the church is not dominant but seen within the context of well-established vegetation and landscaping. The proposal will result in suburban features being more prominent in views from the church. This will cause some harm to the church's significance as derived from its relatively unspoilt rural setting as well as to the understanding of its historic origins as an isolated rural church."

8.6.5 It is considered that any harm that would result to the significance of the church as derived from its setting would be less than substantial in National Planning Policy Framework terms. This is also the view of Historic England. 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 irrespective of whether any potential harm is identified as being less than substantial. Any harm to, or loss of significance of a designated heritage asset is required to have clear and convincing justification.

8.6.6 Historic England's comments also state that, *'we would expect the Local Planning Authority to scrutinise the proposals to ensure that the costs of the car park are appropriate and best value; the house is the minimum amount of development required to meet these costs and causes the least harm to significance. It should also be explored whether there are other alternative ways of funding the car park, including through subsidies or grants.'*

9.0 PLANNING BALANCE AND CONCLUSION

9.1. *Planning Balance:*

- 9.1.1 Regarding that part of the planning application relating to the new dwelling the supporting information with the application argues that this is justified in view of the Council's lack of a 5-year housing land supply. The Council is presently unable to demonstrate a five-year supply of land for housing. At April 2019 this stood at 3.7 years. In such circumstances, the National Planning Policy Framework states that policies which are the most important for determining the application should not be considered up to date. However, paragraph 11(d) (i) goes on to state that planning permission will be granted unless there are relevant policies within the Framework that protect areas or assets of particular importance. Footnote 6 of the National Planning Policy Framework gives examples of such policies, which include those relating to AONB's, as well as heritage assets.
- 9.1.2 Paragraph 172 of the National Planning Policy Framework sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs, which have the highest status of protection in relation to these issues. For the reasons described above there would be harm to the AONB as a result of the proposal. It is therefore the case that relevant policies within the National Planning Policy Framework indicate that the development should be restricted. The 'tilted balance' is therefore not engaged.
- 9.1.3 The proposed new dwelling in a countryside location has been assessed as harmful to the AONB, harmful to the setting of the listed church, and not within a sustainable location. Accordingly, this development is contrary to the Council's development plan policies. However, as part of the planning balance it is necessary to assess whether this identified harm is outweighed by the social and economic benefits of providing a car park for the church. This is a material consideration in determining the application, as is the viability exercise setting out the proposed cross-funding whereby the proceeds from the sale of the building plot would fund the construction of the access and the church car park.
- 9.1.4 The benefits of a church car park are recognised, and these carry some weight in the planning balance. However, the supporting Statement with the application accepts that the new dwelling should not be considered 'enabling development' in the specific terms laid down by Paragraphs 79. b) and 202 of the National Planning Policy Framework, as the benefits of the scheme in this case are not directly linked with securing the future conservation of the church as a heritage asset. The church itself is not at risk or dilapidated (indeed it has gone through a renovation following the unfortunate fire a few years ago). It is recognised from the representations received from local residents, which are divided, that there are other parish churches in the District, which do not have a nearby car park. The benefits here are therefore that the proposal would improve the accessibility of the church for those travelling by private motor car by providing a dedicated car park that was closer than the village hall car park and meant that those attending by such means did not have to walk on the roadside verge to get from the carpark to the church path. In this regard there are highway safety and community benefits.

- 9.1.5 The financial viability details with the application state that the sale of the residential plot would net about £400,000 pounds; subtracted from this are various costs associated with: the planning application, fees, and taxes, and also construction costs; specifically, the access (about £45,000) and the car park (about £204,000). This leaves a residual amount of just over £38,000, which is described as the balance for contingencies. While these costs are estimates, the supporting statement with the application states that the proposals for the dwelling are limited to that which is necessary to deliver the car park.
- 9.1.6 With regard to the social objectives of sustainable development, the dwelling would provide some benefits in that it would add, to some limited extent, to the District's supply of housing. Not only would this be limited, however, the identified social benefits would also be lessened by the fact that a large detached dwelling is proposed (rather than a smaller dwelling), which would contribute very little to meeting any identified housing needs in the rural area. The proposed car park would provide some social benefits for those travelling to the church by motor vehicle, in terms of an enhanced facility and the convenience that would go with this, as well as some highway safety improvements by reducing the need for some to walk from the village hall car park along-side the C293 (Whatlington Road). These social benefits are recognised as being significant.
- 9.1.7 With regard to the economic benefits of sustainable development, the proposed dwelling and the car park would contribute during the construction phase. This would, however, be modest and short term. In the longer term the car park may add to the appeal of the church for a wider range of functions and activities, including in the evenings, which may have some economic benefits to the church. Whilst the economic benefits carry some weight, it is considered that this is limited weight in the planning balance.
- 9.1.8 The proposed development would not, however, meet the environmental objectives of sustainable development, and would cause harm in this regard. The proposed car park would be quite large in relation to this small parish church (30 spaces) and this would result in some significant harm to the local AONB countryside. No information has been provided as to whether a smaller parking area would meet the needs of the church except to say that the supporting information identifies a maximum seating capacity of 120 people (150 for special events). This harm would however be largely off-set by the recognised community and highway safety benefits from the car park. With regard to the proposed dwelling, however the proposal would result in a large detached dwelling within a new and equally large, residential garden curtilage. This would have a considerable harmful impact on the character and appearance of the AONB countryside. Moreover, the location of the dwelling in respect to access to facilities and services would not meet the environmental objectives of sustainable development.

9.2 *Other matters:*

9.2.1 *Biodiversity:*

A preliminary bat and barn owl appraisal has been submitted with the application. This identifies limited wildlife potential within the site, although the boundary hedge and tree lines would be of value to bats for commuting and

foraging activity. No further surveys are said to be required; however, some specific mitigation recommendations are made in the event that planning permission is granted for the development.

9.2.2 *Preapplication advice:*

The applicant considers it important that Councillors be afforded the opportunity to consider the pre-application advice that was given before the application was submitted. This has been uploaded onto the application website as requested. However, pre-application advice, as always, is informal and given without prejudice - as in this case, clearly stated at the end of the pre-application letter. The preapplication advice in this case concluded:

“The proposed access and car park are likely to be supportable at officer level. However, it has not been satisfactorily demonstrated that the provision of a dwelling, which would be contrary to planning policies, is the only way of financing the scheme. In addition, the size of the plot is considered to be excessive and would need to be reduced in size.”

This does not say that the proposed dwelling would be likely to be supported at officer level.

9.2.3 *Section 106:*

In the event that the principle of the enabling development was supportable, a S106 planning obligation would be necessary to ensure that the church parking was provided before the construction of the dwelling. Otherwise, there could be no guarantee that the church car park would be delivered and not just the new dwelling.

9.3 *Conclusion:*

9.3.1 In the final planning balance exercise it would need to be demonstrated that the public benefit of securing a car park to meet any inherent needs of the church through enabling development, decisively outweighs the dis-benefits of breaching other planning policies in relation to new residential development in the countryside.

9.3.2 In this regard, however, the harm to the environmental objectives of sustainable development arising from the proposed enabling development would be considerable and would outweigh any benefits arising from the proposal.

9.3.3 This would be in terms of the considerable harm to the character and appearance of the AONB countryside landscape arising from the erection of a large new house set within an equally large residential curtilage on what is presently a green-field site (agricultural pasture) and secondly, its location in terms of restricted access to services and the national objective of securing a low carbon future. Thirdly, the development would result in suburban features being more prominent in views from the church, which would cause some harm to the church's significance as derived from its relatively unspoilt rural setting as well as to the understanding of its historic origins as an isolated rural church.

RECOMMENDATION: REFUSE (OUTLINE PLANNING)

REASONS FOR REFUSAL:

1. The site is outside any defined development boundary and located in the countryside. The proposed residential development does not meet any of the limited circumstances listed in Policy RA3 (iii) of the Rother Local Plan Core Strategy under which new dwellings in the countryside may be allowed. Moreover, the site is not proximate to any settlement containing services and facilities, and its degree of accessibility to essential services and facilities by modes other than the private car would be significantly limited. In the circumstances it is not a suitable location for the proposed dwelling, having particular regard to accessibility for future residents to essential services and the need to satisfy the environmental objective of sustainable development. The development is contrary to Policies OSS2, OSS3, RA3 (iii) and TR3 of Rother Local Plan Core Strategy, Policy DIM2 of the DaSA Local Plan, and paragraphs 78 and 103 of the National Planning Policy Framework.
2. The site lies within the High Weald AONB where Policy EN1 of the Rother Local Plan Core Strategy and the National Planning Policy Framework (paragraph 172) indicate that all new development will be carefully controlled to protect the quality of the AONB landscape. The proposed residential development would appear as a large new dwelling within a large residential curtilage together with associated paraphernalia and activity associated with residential use of the land. It would result in the urbanisation of the site and the domestication of an essentially rural environment. The proposed development would cause harm to the character and appearance of the High Weald AONB. The proposed new dwelling has been considered in the context of enabling development to cross-fund the construction of the church car park; however, the public benefit of securing a car park to meet any inherent needs of the church through enabling development, does not decisively outweigh the dis-benefits of breaching other planning policies in relation to new residential development in the countryside and the subsequent harm to the AONB, as well as resulting in some harm to the church's significance as derived from its relatively unspoilt rural setting and an understanding of its historic origins as an isolated rural church. The proposed residential development would be contrary to Policies OSS4 (iii), RA2 (iii) (viii), RA3 (v), and EN1 (i) (vii) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA Local Plan, and paragraphs 170, 172 (countryside) and 190, 193, 194 and 196 (heritage assets) of the National Planning Policy Framework.

NOTE:

1. The refusal of planning permission relates to the following plans:
Location plan: Drawing No. DGC21848/100
Illustrative site plan: Drawing No. DGC21848/01 rev A (showing X section key)
Illustrative site plan: Drawing No. DGC21848/01 rev B (showing highway access)
Contextual topographical sections: Drawing No: DGC21848/02 rev A
Contextual topographical sections: Drawing No: DGC21848/03
Topographical survey: Drawing No. BES18074 Drawing No: 1 rev A

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by 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.