

<b>COMMITTEE DATE:</b>	<b>13<sup>th</sup> August 2020</b>
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**APPLICATION NO: RR/2020/599/P**

**ADDRESS: Firtree Cottage – land to the rear of, Netherfield Hill, Battle**

**PROPOSAL: Change of use of land for the stationing of 2 no. mobiles and 2 no. tourers and associated operational development including widening of access, for residential use by Gypsy and Traveller family (retrospective)**

### **ADDITIONAL EVIDENCE SUBMITTED BY THE PLANNING AGENT**

The Local Planning Authority is advised that two of the adults living on the site have significant medical conditions. For one of the adults, evidence had previously been provided to substantiate their health issues which demonstrates that they are not able to live independently. Additional evidence has now been received which substantiates the second adult's health issues. It demonstrates that they also have significant medical needs and that they are not able to live independently.

In addition, a letter from a Battle resident has been submitted by the planning agent explaining that they knew the parents of the female adult on plot 2 and that they have always known the family to be Gypsies.

### **CONSULTATIONS**

#### Highway Authority

Comment that they were notified that Netherfield Road was closed for four days during the seven-day traffic survey. The traffic was less but still reasonable in order to calculate speeds. Additionally, having looked at the average speeds over the seven days and 85<sup>th</sup>tile speeds there does not appear to be a significant difference. On this basis they advise that their previous comments remain valid.

#### Planning Notice

Three additional objections received (summarised):

- In respect of the second traffic survey, Netherfield Hill was closed in both directions, with all traffic diverted, from Saturday 18<sup>th</sup> July 2020 to Tuesday 21<sup>st</sup> July 2020 – the traffic data from these days should therefore be discounted.
- The A2100 is also closed, with all traffic diverted. This acts as the major feed road for Netherfield Hill under normal circumstances.
- Any traffic survey conducted now would be under partial Covid-19 lockdown conditions with reduced traffic volumes and absent school and commuter traffic.
- Requests that a response from Community Speedwatch UK to a Freedom of Information request is taken into consideration which summarises:
  - Two community speed watch surveys were carried out 500m from the site access by a Sussex Police Officer in June and August 2018.
  - Sussex Police has determined the road usage to have remained consistent since this time, with another Police-officiated survey not warranted.

- The surveys demonstrate total traffic volumes of an average of 1169 vehicles per day, split relatively evenly in each direction, under non-Covid-19 conditions.
- There are no turn offs between the survey location and the site access.
- The surveys show an average of 34.3% of vehicles speed within the 30mph zone, despite the density of houses on both sides and no pedestrian pavements.
- A switch to extremely cautious driver behaviour only 300m further along the highway outside of the 30mph zone and density of houses, is highly unlikely (as would be required, due to the restricted visibility splays of the site access).
- There has been a daily repeated breach of planning control – a clear case of intentional unauthorised development, contrary to national planning policy.
- The neighbouring property is a two-bedroom house, not a substantial residential property as described in the application. The development completely dominates the neighbouring property, with the visual and noise amenity of the neighbour having been eroded.
- Dispute that more sympathetic materials have been used. Natural wooden stable building has been removed and replaced with caravans consisting of man-made composite/vinyl panels and hardcore laid over grass. No plans or elevation drawings have been submitted.
- There is a Public Forest Estate and Wadhurst Lane, with public footpaths and woodland trails adjacent to the site.
- The development is in breach of Core Strategy policy LHN6 – it's immediately adjacent to a nature conservation Plantation on Ancient Woodland Site (PAWS), within the buffer zone; it's visible from the highway, public footpaths and woodland within the AONB; it's not accessible to local services without private vehicle; the site access has inadequate visibility; the site completely dominates the adjacent property; and the adjoining property is significantly harmed by the loss of privacy, overbearing effect, noise and odours of the development.
- The applicant's Planning Statement concedes that there is a presence of a 5-year supply of Gypsy Traveller sites in the DaSA.
- The Highway Authority, Environment Agency, Forestry Commission, Forestry England, High Weald AONB Unit, CPRE and Town Council all object – critical of Rother not taking any enforcement action until the retrospective application is determined.
- The ongoing dangers and harms of this intentional unauthorised development and associated ongoing interference of the Human Rights of the nearby settled community and special protections of the AONB, should be considered in the determination, plus consideration of post-determination action.
- Battle Civil Parish makes up approximately 7% of the district of Rother in land area and population. It currently supports 100% of the permanent traveller pitches in the district (aside from the ESCC managed site at Robertsbridge).
- Even with the future realisation of the site provision within the DaSA, Battle Parish will still support 55% of the planned permanent traveller pitches in the district.
- Granting permission for the proposal will create an unacceptable concentration of traveller pitches in Battle Parish, with pressure on community infrastructure and public services and the repeated loss of AONB land.
- Consideration by officers should be given to the demonstration by the applicant of the reason to give up the lawful home address; how extensive was the search to find a suitable site that complied with planning policies before this site was purchased;

and that the rejection of this proposal would realistically lead to a roadside existence of any of the group.

- Ecological data search report provided by the Sussex Biodiversity Record Centre showing:
  - There are 74 species with protected and designated rights in the locality with over 490 specific records dating back over 35 years.
  - 5 species have international designations and 33 have national designations.
  - 2 species, great Crested Newts and Bats have significant legal protection if their habitat is disturbed or harmed in any way.

### Comments

Many of the issues raised in the additional comments that have been received are addressed in the Committee report.

In respect of the seven-day traffic survey, Netherfield Road was closed for four of the seven survey days (Saturday, Sunday, Monday and Tuesday) and the A2100 was closed for the entire period. The response from the FOI request to Community Speed Watch UK shows that surveys taken along Netherfield Hill, close to the application site, in 2018 resulted in 1100+ vehicle movements per day.

It has been requested that results of the survey from the four days when Netherfield Hill was closed should be discounted. However, the seven-day traffic survey still records 600+ movements on the Saturday, 400+ on the Sunday, 650+ on the Monday and just under 700 on the Tuesday. It is acknowledged that there was less traffic on those four days, but it is still considered to be a reasonable volume of traffic to calculate an average speed from, which was the purpose of the survey.

The Highway Authority was asked to review their consultation response considering the additional information received. The Highway Authority acknowledge that traffic was less on four of the seven survey days but has advised that it was still a reasonable volume in order to calculate average speeds. On this basis the Highway Authority advise that their previous comments remain valid, which, overall, raise no objection to the development.

### **RECOMMENDATION: AS REPORT**