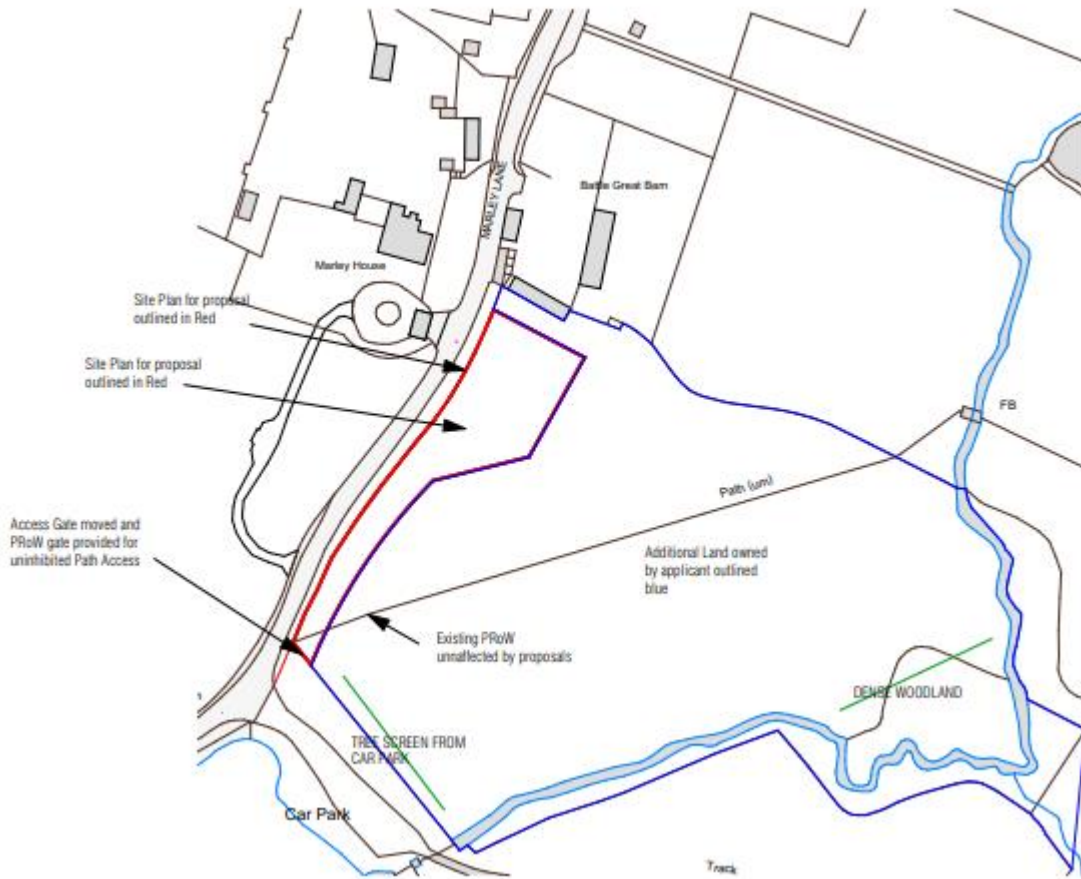


SITE PLAN

RR/2021/2447/P

BATTLE

MARLEY LANE – LAND AT



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Not to Scale

## Rother District Council

Report to - Planning Committee  
Date - 16 December 2021  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2021/2447/P  
Address - Marley Lane – land at  
BATTLE  
Proposal - Construction of single detached two storey chalet dwelling with associated access.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Mr & Mrs J. Thompsett  
**Agent:** Circle 25  
**Case Officer:** Mr M. Worsley  
(Email: [matthew.worsley@rother.gov.uk](mailto:matthew.worsley@rother.gov.uk))  
**Parish:** BATTLE  
**Ward Member:** Councillor K.P. Dixon

**Reason for Committee consideration: Councillor Dixon referral: Significant local interest. Inequality of decision compared with other recent applications in the vicinity.**

**Statutory 8-week date:** 29 November 2021  
**Extension of time agreed to:** 23 December 2021

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This application is included in the Committee site inspection list.

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### 1.0 SUMMARY

1.1 The proposed development would cause harm to the Area of Outstanding Natural Beauty (AONB), the openness of the green gap designated within the Battle Civic Parish Neighbourhood Plan (BCPNP) and the setting of the Grade II listed Battle Great Barn. The development would also represent the creation of a new unjustified dwelling in the countryside contrary to the spatial strategy for Battle and the district as a whole, the location of the site is unsustainable, and it has not been demonstrated that biodiversity and protected species would not be harmed.

- 1.2 The proposed development does not comply with Rother Local Plan Core Strategy, Development and Site Allocations Local Plan or Neighbourhood Plan policies or the various provisions contained within the National Planning Policy Framework. For the reasons explained the application cannot be supported.

1.3 **PROPOSAL DETAILS**

<b>PROVISION</b>	
No of houses	1
No of affordable houses	0
CIL (approx.)	£27,600 (138m <sup>2</sup> )
New Homes Bonus (approx.)	£6,684

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**2.0 SITE**

- 2.1 The site forms part of a naturally undulating field that is located within the countryside, is within the High Weald AONB and is within the setting of the Grade II listed 'Battle Great Barn', which is immediately to the north, and the Grade II listed Marley House, which is on the opposite side of the road. The field also forms part of the green gap designated within the BCPNP. A public footpath crosses the field to the southeast of the site, there is a public car park to the south of the field and there is a large area of ancient woodland to the east.

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**3.0 PROPOSAL**

- 3.1 Permission is sought to erect a detached three bedroom dwelling close to the northwest corner of the field. It would be around 14m in length, up to 8.5m in depth and 7.4m at ridge height. The dwelling would be of a 1½ storey design with no first-floor elevation windows. Roof lights would serve the first-floor accommodation. The elevations would be clad in timber, the main roof would be covered in recycled rubber slate with solar panels and the roof of a lean-to section on the northwest side of the property would be covered in sedum.
- 3.2 Given the site is sloping, the land where the dwelling would be built would require some earthworks, with excavation works and stepping indicated on the submitted section plans. A long driveway is proposed to run parallel with Marley Lane, with access provided via the Battle Great Woods car park.
- 3.3 Within the accompanying Design and Access Statement, the development is described as a modest, highly sustainable, energy efficient, low impact dwelling which would allow the Applicant to enjoy the land and allow management and custodianship of the open field and woodland included within the parcel of land.

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**4.0 HISTORY**

- 4.1 RR/2020/1268/P Construction of single detached two storey chalet dwelling with associated access – Refused.

- 4.2 In summary, the proposal refused under RR/2020/1268/P was found to be harmful to the landscape and scenic beauty of the AONB and the setting of the adjacent Grade II listed Battle Great Barn. In addition, the proposed dwelling was considered to represent the creation of a new unjustified dwelling in the countryside contrary to the spatial strategy for Battle and the district as a whole, the location of the site was deemed unsustainable and it was not demonstrated that biodiversity and protected species would not be harmed.
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## 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)
- BA1 (policy framework for Battle)
- 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)
- 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 The following policies of the Battle Civic Parish [Neighbourhood Plan](#) are relevant to the proposal:

- HD1 (development boundaries)
- HD2 (site allocations)

- HD4 (quality of design)
  - HD5 (protection of landscape character)
  - HD6 (integration of new housing)
  - HD7 (protection of green gap)
  - IN3 (parking and new development)
  - IN4 (pedestrian provision and safety)
  - EN2 (conservation of the natural; environment, ecosystems and biodiversity)
  - EN3 (the High Weald AONB and countryside protection)
  - EN4 (historic environment)
- 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 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.
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## **6.0 CONSULTATIONS**

### **6.1 RDC Waste and Recycling – NO OBJECTION**

- 6.1.1 No issues provided bins are presented at the site boundary on Marley Lane.

### **6.2 Planning Notice**

- 6.2.1 One objection received (summarised):

- Outside of the development boundary for Battle.
- Dwelling here would extend the ribbon of development.
- Development harms the setting of two nearby listed buildings.
- Highway safety concerns – limited visibility.

- 6.2.2 Two sets of general comments received (summarised):

- Request bund heights are specified prior to any approval so their privacy is maintained.
- Landscaping buffer needs to be fully specified and conditioned.
- Request proposed development is moved further away from their property, the driveway shortened and the dwelling lowered.

### **6.3 Town Council – OBJECTION**

- 6.3.1 The application does not comply with policies within the BCPNP. Predominantly that the whole of the site is within the only green gap allowed by the examiner – HD7, but also Policies HD1, HD2, HD4, HD6, IN4, EN2 and EN3.
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## **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 £27,600 (138m<sup>2</sup>).
- 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.
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## **8.0 APPRAISAL**

- 8.1 The main issues to consider in the determination of the application include:
- Principle/policy position.
  - Character and appearance, including the landscape and scenic beauty of the AONB.
  - Setting of nearby listed buildings.
  - Location.
- 8.2 Principle/policy position
- 8.2.1 The site is agricultural land. It is outside of and around 0.7km from the development boundary of Battle, as defined in the BCPNP.
- 8.2.2 Being outside the development boundary, 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. This is supported by Policies HD1 (development boundaries) and HD2 (site allocations) of the BCPNP which indicate new housing development is not acceptable in this location. It is also the case that the site is some distance (0.7km) from the edge of the settlement of Battle and therefore is not in line with the spatial strategy of the Rother Local Plan Core Strategy.
- 8.2.3 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.
- 8.2.4 At the time of refusing the previous application (RR/2020/1268/P) the site was considered by the Local Planning Authority not to be set in an isolated location, based on the findings of the Braintree, Essex court case, and the fact that the site was next to a small ribbon of development. However, since the previous decision was issued, the meaning of the word 'isolated' has been subject to further scrutiny in the Bramshill judgement. This clarified that 'isolated' should be given its ordinary objective meaning of 'far away from

other places, buildings or people; remote', as per paragraph 42 of the Braintree case. It also confirmed that the decision maker is required to consider whether a proposed development would be physically isolated, in the sense of being isolated from a settlement. Whether a proposed dwelling is, or is not, 'isolated' in this sense, is a matter of fact and planning judgement for the decision maker in the circumstances of the case.

8.2.5 The small ribbon of development to the north of the site does not constitute a settlement and therefore the location is considered 'isolated' in terms of paragraph 80 of the National Planning Policy Framework. None of the exceptional circumstances for creating an isolated dwelling in the countryside listed in paragraph 80 are applicable in this case.

### 8.3 Character and appearance

8.3.1 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 north. The application site is open agricultural land laid to grass, surrounded by mature native hedgerows which are designated as ancient field boundaries in terms of AONB features. There is also a large area of ancient woodland to the east of the field. There are no footways or street lighting in the rural lane.

8.3.2 It is important to note that within the recently 'made' BCPNP, the application site is part of the only green gap designated within the parish. Policy HD7 of the BCPNP states that within the green gap, development will only be supported if it maintains the openness of the area.

8.3.3 The development proposed is almost the same as that refused under reference RR/2020/1268/P. The dwelling would occupy the same position, it would be of the same scale and design and the long access is the same. The main difference is that a proposed earth bund has been removed from the southeast edge of the site. However, given the sloping nature of the site, earthworks would still be required to construct a dwelling, with excavation works and stepping indicated on the section plans provided.

8.3.4 The application site is part of an undeveloped undulating field which contributes positively to the rural character of its surroundings. The proposed development would involve earthworks, introducing unnatural and man-made features into the landscape. On top of this is the urbanising impact that the proposed dwelling would have, with associated long 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 public footpath to the southeast of the site and the public car park to the south. On top of this, the development would encroach into the openness of the green gap, the only such area within the whole of the parish, and something which the Town Council has raised an objection to.

8.3.5 The development would represent an intrusion of residential development in a rural, countryside setting which would considerably harm the landscape and scenic beauty of the AONB and openness of the green gap, contrary to

Policies OSS4 (iii), BA1 (i), RA2 (viii), RA3 (v) and EN1 (i) (v) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan, Policies HD5, HD7 and EN3 of the BCPNP and paragraph 176 of the National Planning Policy Framework which requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.

#### 8.4 Setting of listed buildings

- 8.4.1 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.
- 8.4.2 Policy EN4 of the BCPNP states that heritage assets in the Parish and their settings, including designated heritages such as listed buildings, will be preserved and enhanced for their historic significance, including the contribution made by their settings and their importance to local distinctiveness, character and sense of place.
- 8.4.3 Paragraph 197 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.*
- 8.4.4 Paragraph 199 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.*
- 8.4.5 Battle Great Barn is a Grade II listed building, a designated heritage asset, which has been converted to a dwelling. It is timber framed, has weatherboard elevations and a hipped thatched roof. The barn fronts the southeast side of Marley Lane. To the south is the undeveloped undulating field subject to this application and to the east is a further field with ancient woodland beyond. There is a neighbouring residential property to the north, but this is around 70m away, with a green gap separating the two buildings. The barn is visible from the public footpath that crosses the field subject to this application and from the public car park to the south. From these locations the barn occupies a very rural setting.
- 8.4.6 The proposed development would involve earthworks, introducing unnatural and man-made features into the landscape. On top of this is the urbanising impact that the proposed dwelling would have, with associated long



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 public footpath to the southeast of the site and the public car park to the south. These changes to the landscape would erode and cause harm to the rural setting of the listed barn.

8.4.7 Given the relatively modest scale of the proposed development, the proposal would lead to less than substantial harm to the significance of the listed barn and its setting. In line with paragraph 202 of the National Planning Policy Framework, the harm should be weighed against the public benefits of the proposal, which will be returned to in the planning balance and conclusion section of this report.

8.4.8 Whilst Marley House, a Grade II listed building, is within the setting of the application site, it is on the opposite side of the lane screened by vegetation and in separate ownership to the barn. Given the separation, the setting of Marley House is not considered to be adversely affected by the proposed development.

## 8.5 Location

8.5.1 The site is located within an existing loose knit section of ribbon development. However, it is still within the countryside, remote from any town or village or other built up area. It is around 1.7km from the centre of Battle and its associated shops, schools and other services, and around 0.7km from the edge of the town's development boundary. There are no pavements along this section of the lane.

8.5.2 Whilst there is a bus service along the road, together with a school bus service, these are understood to be limited. Occupiers of a dwelling on the site would therefore be heavily reliant on private vehicles, the least sustainable form of transport.

8.5.3 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, Policy IN4 of the BCPNP 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.

## 8.6 Other issues

### *Biodiversity*

8.6.1 The field has mature, native hedgerows and trees on its boundaries which are designated as historic field boundaries in terms of AONB features. There is also an area of ancient woodland to the east of the field.

8.6.2 The application is accompanied by a Preliminary Ecological Assessment. This concludes that the main protected species potential present at the site is breeding birds, reptiles, amphibians and hazel dormice. The assessment

recommends a follow up reptile and amphibian survey and a hazel dormouse assessment are carried out. However, no such further assessments have been submitted with the application.

8.6.3 In terms of the adjacent ancient woodland, the assessment concludes that there should be no negative impacts provided light spillage from the development is avoided.

8.6.4 Given that the application site consists of part of an undeveloped field, with mature native hedgerows to the boundaries, and is adjacent to an ancient woodland, there is a more than likely possibility that biodiversity and protected species could be impacted by the proposal, as identified within the submitted Preliminary Ecological Assessment.

8.6.5 For the reasons explained, it has not been satisfactorily demonstrated that biodiversity and protected species would not be adversely affected by the development contrary to Policy EN5 (viii) of the Rother Local Plan Core Strategy and Policy DEN4 (iii) of the Development and Site Allocations Local Plan.

#### *Highway safety*

8.6.6 Policy CO6 (ii) of the Rother Local Plan Core Strategy requires all development avoids prejudice to road and/or pedestrian safety. Policy DHG12 of the Development and Site Allocations Local Plan provides that proposals for new drives and accesses will be supported where (i) they are considered acceptable in terms of highway safety, including for pedestrians and cyclists.

8.6.7 The proposed access would utilise an existing field gate that is located close to the junction between Marley Lane and the Battle Great Woods public car park. The proposed access and driveway would run parallel with Marley Lane which is subject to the national speed limit (60mph).

8.6.8 The access point would be set back between 10-12m with the junction of Marley Lane. During the previous application, the Highway Authority confirmed that they are happy with this arrangement and it should not lead to conflict with vehicles entering the car park. Conditions could be imposed on any permission relating to visibility, parking and the provision of an area to turn on site. For the reasons explained, there are no highway safety concerns.

#### *Living conditions of neighbouring properties*

8.6.9 The nearest neighbouring property likely to be impacted by the proposed development is Battle Great Barn to the north. The proposed dwelling would be sited around 15m from the shared boundary. There is also some vegetation screening on the boundary and more planting is proposed within the application site. These factors should result in the proposed development not appearing overbearing, causing any loss of light or directly overlook the neighbouring property.

#### *Living conditions of occupiers*

8.6.10 In terms of housing standards, the proposed dwelling would exceed the nationally described space standards, providing around 122m<sup>2</sup> of floor space. A condition would need to be added to any permission to ensure the

dwelling is built to Building Regulations M4(2) accessible and adaptable dwellings standards in line with Development and Site Allocations Local Plan Policy DHG4. Development and Site Allocations Local Plan Policy DHG7 requires rear gardens to normally measure at least 10m in length. The rear garden would be in excess of 10m in length.

*Affordable housing*

- 8.6.11 In Battle, 25% on site affordable housing is required on schemes of 10 or more dwellings or 0.3 hectares or more. The site measures 0.25 hectares in area and therefore is below the threshold for affordable housing.

*Other planning decisions along Marley Lane*

- 8.6.12 The Applicant's Design and Access statement references other planning decisions along Marley Lane aiming to justify the development proposed. This includes approvals for two replacement dwelling schemes (Woodland Gap and Oaklea), an approval for a new build at Marbat, an allowed appeal at Battle Great Barn for two holiday cabins and a tent and a new access at Marley House. None of these decisions are directly comparable to the current scheme. There are different policy tests for replacement dwellings, tourist accommodation and new accesses and in respect of Marbat, this was a scheme granted permission by the Planning Committee in 2019 on an infill plot, within the ribbon of development to the north. The current proposal would extend the ribbon of development, encroach on the openness of the green gap, harm the AONB and the setting of the adjacent Grade II listed Battle Great Barn, and would thus have a much more harmful impact than the scheme granted at Marbat. None of the cases referenced are directly comparable to the current proposal.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 The Council has currently only 2.87 years of a required 5-year housing supply which means that the presumption in favour of sustainable development outlined in paragraph 11 d) of the National Planning Policy Framework is applicable to Rother 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.
- 9.2 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.
- 9.3 In terms the harm to the setting of the Grade II listed Battle Great Barn, given that this is less than substantial, paragraph 202 of the National Planning Policy Framework directs that this harm should be weighed against the public benefits of the proposal. The proposal would provide one dwelling, which would do little to improve the housing land supply position within the district. It is acknowledged that there would also be some short-term economic benefits from construction. However, these benefits are not considered to outweigh the harm to the setting of the listed barn.

- 9.4 On top of the harm to the AONB and setting of the listed barn, the development has been found to represent the creation of a new unjustified dwelling in the countryside contrary to the spatial strategy for Battle and the district as a whole, the location of the site is unsustainable and it has not been demonstrated that biodiversity and protected species would not be harmed.
- 9.5 The proposed development does not comply with Rother Local Plan Core Strategy, Development and Site Allocations Local Plan or BCPNP policies or the various provisions contained within the National Planning Policy Framework. For the reasons explained the application cannot be supported.
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## **RECOMMENDATION: REFUSE (FULL PLANNING)**

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### **REASONS FOR REFUSAL:**

1. The site lies outside of the defined development boundary for Battle as set out in the BCPNP. The proposal would conflict with the overall spatial strategy set out in Policies OSS2, OSS3 and BA1 of the Rother Local Plan Core Strategy and Policies HD1 (development boundaries) and HD2 (site allocations) of the BCPNP, which seek opportunities within the development boundary of the town. The site is 0.7km from the edge of Battle 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 80 of the National Planning Policy Framework.
2. The application site is part of an 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 long 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 public footpath to the southeast of the site and the public car park to the south and would encroach on the openness of the green gap designation of the BCPNP. 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 AONB, contrary to Policies OSS4 (iii), BA1 (i), 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), Policies HD5, HD7 and EN3 of the BCPNP and paragraph 176 of the National Planning Policy Framework.
3. 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 long 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 public footpath to

the southeast of the site and the public car park to the south, which would erode and cause harm to the rural setting of the grade II listed Battle Great Barn. Having had regard to Section 66 of The Planning (Listed Buildings & Conservation Areas) Act 1990, the development would cause harm to the rural setting of the Grade II listed building Battle Great Barn, contrary to Policy EN2 (iii) of the Rother Local Plan Core Strategy (2014), Policy EN4 of the BCPNP and paragraphs 197 and 199 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), Policy IN4 of the BCPNP 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.
5. The application site consists of part of an undeveloped field, with mature native hedgerows to the boundaries, and is adjacent to an ancient woodland. Whilst a Preliminary Ecological Assessment has been submitted with the application, the follow up surveys for reptiles, amphibians and hazel dormice recommended within the assessment have not been carried out. It has therefore not been satisfactorily demonstrated that biodiversity and protected species would not be adversely affected by the development contrary to Policy EN5 (viii) of the Rother Local Plan Core Strategy (2014) and Policy DEN4 (iii) of the Development and Sites Allocation Local Plan (2019).

**NOTE:**

1. This decision notice relates to the following set of plans:  
Drawing No. 21008\_P01 dated September 2021  
Drawing No. 21008\_P02 dated September 2021  
Drawing No. 21008\_P03 dated September 2021  
Drawing No. 21008\_P04 dated September 2021  
Drawing No. 21008\_P05 dated September 2021  
Drawing No. 21008\_P06 dated September 2021

**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.