

SITE PLAN

RR/2022/840/P

SEDLSCOMBE

LAND AT BEECH FARM
HAWKHURST ROAD



LOCATION PLAN

Rother District Council

Report to - Planning Committee
Date - 21 July 2022
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. 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.

[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 C.R. Maynard and J Vine-Hall

Reason for Committee consideration: Applicant is an elected Member.

Statutory 8-week date: 16 June 2022
Extension of time agreed to: 29 July 2022

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 80 e) of the National Planning Policy Framework. Whilst the carbon negative design could be considered outstanding in isolation, compliance with paragraph 80 e) of the National Planning Policy Framework is rightly a very high bar to reach as it should not be able to be achieved often. The modular build comprising of a standard kit-of-parts could be replicated on many other sites across the AONB countryside. 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.

- 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 80 e) and 176. 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 AONB 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 would 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 80 e) of the National Planning Policy Framework. It is explained to be a modern interpretation of a High Weald vernacular building. The existing storage building and access track would be removed.
- 3.2 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.
- 3.3 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, U values of the proposed dwelling compared to Passive House standards, together with examples of paragraph 80 e) dwellings that have been granted in neighbouring authorities.
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4.0 HISTORY

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| 4.1 | RR/86/0691 | Erection of dwelling with double garage. Refused. Appeal Dismissed. |
| 4.2 | RR/86/0233 | Erection of pig breeding unit for 96 sows and 10 boars with ancillary services. Refused. |
| 4.3 | RR/85/2375 | Dwelling house and double garage. Withdrawn. |
| 4.4 | RR/82/1351 | Roadway to stable with turning area. Approved Conditional. |
| 4.5 | RR/82/0234 | Stable and store – Approved Conditional. |
| 4.6 | RR/80/1908 | Outline: Application for erection of two detached dwellings. Refused. Appeal Dismissed. |
| 4.7 | RR/79/2189 | Outline: Three dwellings with double garages and service road. Refused. |
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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)
- 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 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 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 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 10 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 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 cllrs 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]*.

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.
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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 such an application 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, 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 Policy 1 (development boundary) of the SNP which indicates new housing development is not acceptable in this location. It is also the case that the site is some distance (1.5km) from the edge of the settlement of Sedlescombe and therefore is not in line with the spatial strategy of the Rother Local Plan Core Strategy.
- 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.

- 8.2.5 Although the proposed development does not meet any of the Development Plan exceptions provided for relating to new dwellings in the countryside, the National Planning Policy Framework is a material consideration in the determination of this application. Paragraph 80 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 80 of the National Planning Policy Framework.

Applicant's case

- 8.2.7 The application has been promoted as meeting the paragraph 80 e) exception. This is a matter of subjective judgement.

- 8.2.8 The Applicant's design and access statement explains that the challenge of this 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 agricultural 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 SAP 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 saving per annum. This can be contrasted with the average new build in Rother District in 2021 using 1.5 tonne per annum. This can be seen at Appendix 2 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 claimed 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, unlike like the traditional 'paragraph 80-grand designs house', 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 80 house).

8.2.15 In addition to the performance of the building, modern technology would be incorporated to compliment 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.

Assessment against paragraph 80 e) of the National Planning Policy Framework

8.2.17 It is important to note that in 2021 the National Planning Policy Framework was updated. Previously (National Planning Policy Framework 2019) a proposal could be '*truly outstanding or innovative*', but the 2021 version of the National Planning Policy Framework removes the '*or innovative*' part, so innovation is no longer enough to meet that first test. The clear intent is to prevent an applicant relying on innovative design (i.e. a single piece of technology – such as power generation) to meet the test of being truly outstanding, and instead 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.

8.2.18 Paragraph 133 of the National Planning Policy Framework in the section on achieving well-designed 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. However, during the application, evidence has been provided that the designer has recently received a 'Red Dot' award. The red Dot label is 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*'.

8.2.19 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 and hedgerows. There are no footways or street lighting in the rural lane.

- 8.2.20 Compliance with paragraph 80 e) is rightly a very high bar to reach as it should not be able to be achieved often. The intent to explore modern design within the context of the High Weald AONB Housing Design Guide (2019) (pg. 27) is welcomed, namely: 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.'*
- 8.2.21 The Design Guide notes that new development should have respect to 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'*.
- 8.2.22 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.
- 8.2.23 The proposed development is for a modular build comprising of a standard kit-of-parts, and while this type of modern architecture is very limited in the AONB, the building remains generic and could be constructed anywhere in the UK, including many of the historic farmsteads found across Rother.
- 8.2.24 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.
- 8.2.25 The proposed development would set a precedent for other developments within the AONB. The dwelling is of a modern modular design rather than bespoke to the AONB and consequently does not contribute positively to setting or development of contemporary design in this protected landscape.
- 8.2.26 The proposal would make significant landscape changes to the site including the removal of boundary hedgerows and 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.
- 8.2.27 It is noted that the County Ecologist and High Weald AONB Unit (pre-application advice) 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.

- 8.2.28 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 Planning Statement (paragraph 62) explains that 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.
- 8.2.29 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.
- 8.2.30 Whilst the carbon negative design could be considered outstanding in isolation, compliance with paragraph 80 e) is rightly a very high bar to reach as it should not be able to be achieved often. The modular build comprising of a standard kit-of-parts could be replicated on many other sites across the AONB countryside. 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 DaSA and paragraph 176 of the National Planning Policy Framework.

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 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.*

- 8.3.3 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.
- 8.3.4 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.

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 There are no bus stops near to the site and no other public transport options. Occupiers of a dwelling on the site would therefore 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.
- 8.4.3 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 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

Affordable housing

8.5.1 In Sedlescombe, DaSA Policy DHG1 (iv) (a) requires 40% on-site affordable housing to be provided on schemes of six or more dwellings or 0.2 hectares or more. In this case the site is more than 0.2 hectares in area and no affordable housing provision is proposed which conflicts with Policy DHG1. Nevertheless, if permission were granted, a financial contribution towards affordable housing could be secured via Section 106 Planning Obligation, which would overcome this issue.

Archaeology

8.5.2 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

8.5.3 A Phase 1 Habitat Survey and Biodiversity Report and Tree Report accompany the application. Within the County Ecologist's initial comments further information was requested to assess the potential impact of the development on bats. This information was provided.

8.5.4 Given the nature, scale and location of the proposed development, the County Ecologist has advised that there 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.

8.5.5 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, as confirmed by the County Ecologist and Sussex Newt Officer.

8.5.6 If permission were granted conditions would need to be imposed to secure a non-licensed method statement for the protection of hazel dormice, an ecological design strategy and a landscape and ecological management plan (LEMP) to ensure the long term management of habitats, species and other biodiversity features.

Highway safety

8.5.7 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 160m would be achievable. 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.

- 8.5.8 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

- 8.5.9 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

- 8.5.10 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 in excess of 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. Specifically Section 70(2) of the Town and Country Planning Act 1990 states:

"In dealing with such an application 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".

- 9.2 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.

- 9.3 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 80 e) of the National Planning Policy Framework. Whilst the carbon negative design could be considered outstanding in isolation, compliance with paragraph 80 e) of the National Planning Policy Framework is rightly a very high bar to reach as it should not be able to be achieved often. The modular build comprising of a standard kit-of-parts could be replicated on many other sites across the AONB countryside. 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 DaSA and paragraph 176 of the National Planning Policy Framework.
- 9.4 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, the location of the site is unsustainable and no affordable housing contribution has been provided.
- 9.6 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 80 e) and 176. 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 and Policy 1 of the Sedlescombe Neighbourhood Plan, which seek opportunities within the development boundary of the village. 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 80 of the National Planning Policy Framework.

2. The modular build comprising of a standard kit-of-parts could be replicated on many other sites across the AONB countryside. 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.
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 176 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 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 measures more than 0.2 hectares in area. Policy DHG1 (affordable housing) of the Rother Development and Site Allocations Local Plan states that in the High Weald Area of Outstanding Natural Beauty 40% on-site affordable housing is required on schemes of six or more dwellings or 0.2 hectares or more. No affordable housing is proposed, either on-site or as a financial contribution, contrary to Policy DHG1 (iv) (a) of the Rother Development and Site Allocations Local Plan.

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 dated 24.3.22
Drawing No. WA2E 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.