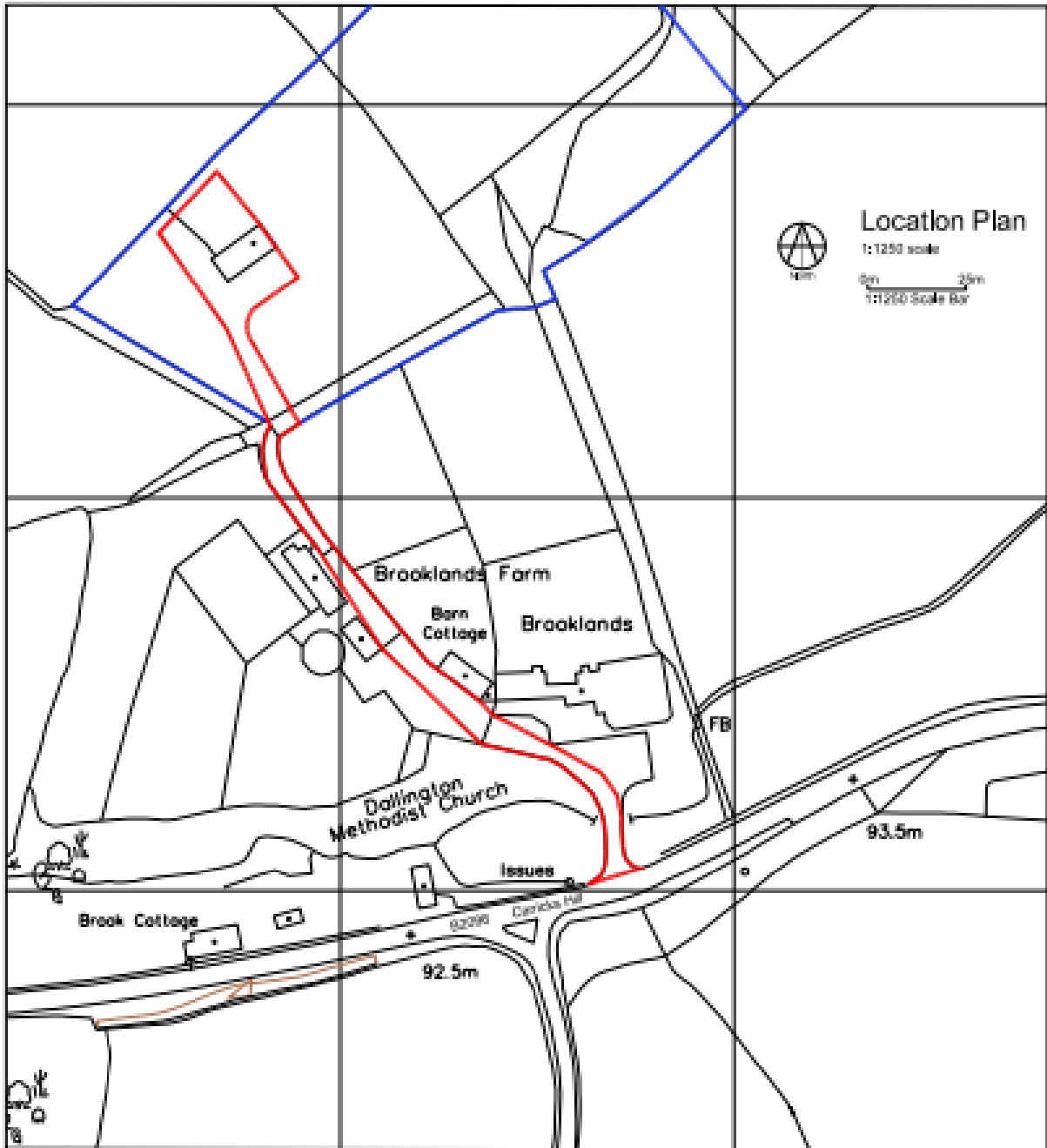


SITE PLAN

RR/2022/1219/P

DALLINGTON

PEPPERPOT BARN  
CARRICKS HILL



## Rother District Council

Report to	-	Planning Committee
Date	-	21 July 2022
Report of the	-	Director - Place and Climate Change
Subject	-	Application RR/2022/1219/P
Address	-	Pepperpot Barn, Carrick's Hill, Dallington, TN21 9JL
Proposal	-	Resubmission application for the change of use of a B1 commercial unit to a mixed use live/work unit (sui generis) along with a single storey rear extension.

[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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<b>Applicant:</b>	<b>Mr N. Harding</b>
<b>Agent:</b>	<b>Mr Samuel Finnis</b>
<b>Case Officer:</b>	<b>Mr Michael Vladeanu</b> (Email: <a href="mailto:Michael.vladeanu@rother.gov.uk">Michael.vladeanu@rother.gov.uk</a> )

<b>Parish:</b>	<b>DALLINGTON</b>
<b>Ward Members:</b>	<b>Councillor G.C. Curtis</b>

**Reason for Committee consideration:** Director - Place and Climate Change referral: Previous application history, RDC aware

**Statutory 8-week date:** 5 July 2022  
**Extension of time agreed to:** 28 July 2022

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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 is not considered to be acceptable as it would result in an unjustified introduction of residential development within the countryside, contrary to Policy RA3 of the Rother Local Plan Core Strategy. The site is considered to be an unsustainable location and future occupiers would be reliant on the private motor vehicle to access essential services and community facilities. This would result in adverse environmental effects failing to move towards a low carbon future.
- 1.2 The proposed development does not comply with Rother Local Plan Core Strategy, Development and Site Allocations (DaSA) Local Plan or the

various provisions contained within the National Planning Policy Framework. For the reasons explained the application cannot be supported.

### 1.3 PROPOSAL DETAILS

PROVISION	
No of houses	1
No of affordable houses	0
CIL (approx.)	£21,730
New Homes Bonus (approx.)	£6,684

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## 2.0 SITE

- 2.1 The site is located around 0.7km from the village of Dallington and is served by an existing access off the B2096 and internal access track and yard area. The site forms part of a relatively small field that contains a commercial building which is clad and roofed in sheet metal. Currently parking is provided by an area of hardstanding at the front of the existing commercial building.
- 2.2 The field is surrounded by mature trees and hedgerow which are identified as historic field boundaries. It forms part of the patchwork of irregular shaped fields and pockets of woodland that are characteristic of this part of the Area of Outstanding Natural Beauty (AONB) countryside. The site is visible from the adjacent public footpaths. To the south of the site are stables with associated equestrian related uses of the fields. Closer to the road is a residential property and care home.
- 2.3 The site is located within the High Weald AONB and outside of any defined development boundary and is therefore within the countryside for planning purposes.

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## 3.0 PROPOSAL

- 3.1 This application is a resubmission of a previous refusal at the site for the same scheme and seeks planning permission for the extension of the existing building on the site and the change of use of the building from a Class B1 commercial unit to a mixed use live/work unit (sui generis).
- 3.2 The proposed rear extension would measure 7.78m in width by 6.849m in depth. The rear extension would feature a mono-pitched roof sloping from the ridge height of the current building which is 3.5m down to 2.8m. The proposed commercial element comprises 34% of the resultant overall floorspace and the residential element would comprise 66% of the overall floorspace.
- 3.3 The materials proposed for the extension and the current building on the site are vertical timber cladding and zinc elevations and roof. Hardstanding is proposed in front of the building, a patio is proposed to the rear and side and a post and rail fence is also proposed. The existing site access would be retained as part of the development.

## 4.0 HISTORY

- 4.1 RR/2020/333/P Erection of replacement commercial building for continued B1 Business use. Approved.
- 4.2 RR/2018/1307/P Conversion of redundant agricultural building to a single residential dwelling and installation of ground mounted solar PV panels. Refused and subsequent appeal dismissed.
- 4.3 RR/2021/2691/P Change of use of a B1 commercial unit to a mixed use live/work unit (sui generis) along with a single storey rear extension. Refused.
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## 5.0 POLICIES

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

- PC1 (Presumption in Favour of Sustainable Development)
- OSS1 (Overall Spatial Development Strategy)
- OSS2 (Use of Development Boundaries)
- OSS3 (Location of Development)
- OSS4 (General Development Considerations)
- RA2 (General Development for the Countryside)
- RA3 (Development in the Countryside)
- SRM1 (Towards a Low Carbon Future)
- 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)
- EN7 (Flood Risk and Development)
- TR3 (Access and New Development)
- TR4 (Car Parking)

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

- DRM1 (Water Efficiency)
- DRM3 (Energy Requirements)
- 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 (The High Weald AONB)
- DEN4 (Biodiversity and Green Space)
- DEN5 (Sustainable Drainage)
- DEN7 (Environmental Pollution)
- DIM2 (Development Boundaries)

- 5.3 The National Planning Policy Framework, Planning Practice Guidance and High Weald AONB Management Plan 2019-2024 are also material considerations.
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## **6.0 CONSULTATIONS**

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

#### **6.2 Planning Notice**

6.2.1 One letter of objection has been received (from eight representatives). The concerns raised are summarised as follows:

- No difference between previous applications.
- Will open the way for others to purchase a plot of land in an AONB put up a steel framed building and convert it into a house.
- Sui genesis normally applies to theatres, nightclubs and hostels/HMOs.

6.2.2 Seven letters of support have been received (from eight representatives). The reasons are summarised as follows:

- The scheme would improve the appearance of the building.
- Improve security with a 24 hour presence.
- It makes sense for someone to live and work in the same place reducing traffic and carbon emissions.
- By incorporating a high number of energy efficiency measures, and renewable energy generation, the project will contribute to the self-sufficiency of the premises and support low carbon technology development.

### **6.3 Dallington Parish Council – NO OBJECTION**

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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, and the Applicant has stated they wish to claim self-build exemption from the fee, however, the self-build exemption form has not been completed so would need to be done if approval is granted.

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 Application RR/2020/333/P confirms that the business use is acceptable on the site. As such, the primary consideration with this application is the acceptability or otherwise of a residential dwelling being situated on the site.

8.2 The main issues for consideration are:

- Principle of development

- Sustainability
- Impact upon the character and appearance of the area and High Weald AONB
- Impact upon the amenity of neighbouring properties
- Amenity of future occupiers
- Impact upon Ecology
- Highway safety and parking provision

### 8.3 Principle of development

8.3.1 The site is outside of any Development Boundary as defined within the DaSA and is therefore in the countryside where local planning policy only allows new dwellings in very limited circumstances.

8.3.2 Policy OSS2 of the Rother Local Plan Core Strategy 2014 and Policy DIM2 of the DaSA explain that development boundaries around settlements will differentiate between areas where most forms of new development would be acceptable and where they would not.

8.3.3 Policy RA3 (iii) of the Rother Local Plan Core Strategy is specific to the formation of new dwellings in the countryside. The policy states that there are four extremely limited circumstances in which new dwellings are allowed:

- a) Dwellings to support farming and other land-based industries (i.e. forestry and equine-related activities).
- b) The conversion of traditional historic farm buildings in accordance with Policy RA4.
- c) The one-to-one replacement of an existing dwelling of a similar landscape impact.
- d) As a 'rural exception site' to meet and identified local affordable housing need.

8.3.4 The proposed development does not meet the limited criteria for new residential development within the countryside in accordance with Policy RA3. The development would not be for agricultural purposes, a one-to-one replacement of an existing building nor is it a conversion of a traditional historic farm building. The proposal is not an exception site for affordable housing. In accordance with Policies RA3 and OSS2 development would normally be refused as the principle of the development is unacceptable.

8.3.5 However notwithstanding the above, based on the current housing position it is acknowledged that the Council cannot currently demonstrate a five-year supply of housing land with the appropriate buffer. This means that policy restrictions relating to development boundaries must be viewed at the present time as being 'out-of-date'. As a consequence, planning applications fall to be considered in the context of paragraph 11 d) of the National Planning Policy Framework, which states, in accordance with the presumption in favour of sustainable development, where policies are out of date planning permission should be granted unless:

- i) the application of policies in the 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 this Framework taken as a whole.
- 8.3.6 This situation does not mean that housing schemes which are unacceptable on sound planning grounds must now be allowed; however, it does add weight to the benefits that a potential additional source of housing supply would bring when determining the “planning balance”.
- 8.3.7 With regard to point i), footnote 6 excludes AONBs (and other protected sites where development should be restricted) from what has been described as the “tilted balance” where in paragraph 11 it requires approval unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”. In the AONB “great weight” is to be given to protecting its landscape and scenic beauty and it can be considered as a clear reason for refusing development.
- 8.3.8 The merits of the proposal in relation to paragraph 11 are considered below.
- 8.4 Sustainability
- 8.4.1 Paragraph 8 of the National Planning Policy Framework refers to the presumption in favour of sustainable development with its three-overarching economic, social and environmental objectives which should be taken into account when making decisions.
- 8.4.2 Policy OSS3 of the Rother Local Plan Core Strategy states that in assessing the suitability of a particular location for development, proposals should be considered in the context of the need for access to employment opportunities.
- 8.4.3 Policy TR3 requires new development to minimise the need to travel and support good access to employment, services and community facilities.
- 8.4.4 The site is situated outside of any defined development boundary and is neither in proximity to a recognised settlement, or within a cluster of built development. The proposal is in proximity to equestrian development but separated from other dwellings. The village of Dallington, which has a school but few (if any) facilities relevant to day-to-day life is 0.7km away and only accessible along rural roads which are unlit and largely without footpaths. Public transport provision in the area is meagre. As such, shops and facilities could not be easily accessed on foot and occupants of the proposed dwelling would be unlikely to travel other than by use of the private car, the least sustainable mode of transport.
- 8.4.5 Given the above, the development would not provide good access to employment, services and other community facilities. The future occupants of the dwellings would rely largely on the private motor vehicle resulting in adverse environmental effects and failing to move towards a low carbon future. As such, there would be conflict with both local policy and the environmental aims of the National Planning Policy Framework.
- 8.5 Impact upon the character and appearance of the area within the AONB

- 8.5.1 Policy OSS4 of the Rother Local Plan Core Strategy requires all development to (iii) respect and not detract from the character and appearance of the locality.
- 8.5.2 Policy EN1 of the Rother Local Plan Core Strategy seeks to ensure the protection, and wherever possible enhancement, of the district's nationally designated and locally distinctive landscapes and landscape features; including (i) the distinctive identified landscape character ecological features and settlement pattern of the High Weald AONB. Policy DEN2 of the DaSA also seeks to conserve and enhance the AONB. Similarly, paragraph 176 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty of AONBs which have the highest status of protection.
- 8.5.3 Policy EN3 requires all new development to be of a quality design taking into account a variety of factors.
- 8.5.4 The site forms part of a relatively small field which currently contains the building permitted by application RR/2020/333/P. This building measures 15m by 7m and has a ridge height of 3.6m. It has green metal cladding to its elevations with a metal clad roof with hinged doors and roller shutters for access to the building.
- 8.5.5 The field in which the building is located is surrounded by mature trees and hedgerow which are identified as historic field boundaries. It forms part of the patchwork of irregular shaped fields and pockets of woodland that are characteristic of this part of the AONB countryside. The site is visible from the adjacent public footpaths.
- 8.5.6 To the south of the site are stables with associated equestrian related uses of the fields. Closer to the road is a residential property and a care home. There is also another dwelling further up the track to the north-east. The site and its surroundings are very rural in character.
- 8.5.7 The proposal includes a rear extension which would increase the footprint of the building by a third, the extension is required in order to provide the two-bedroom dwelling which is proposed. A gravel yard area is proposed to the front of the building which would be used as car parking and a patio area is proposed to the side and rear of the building. A post and rail fence are proposed around the building which would enclose what would be the residential curtilage of the building.
- 8.5.8 The current building is of a utilitarian appearance with a fairly common form of cladding used within rural areas of the AONB. The proposal is to change the materials used in the external appearance of the building from green metal cladding to vertical timber cladding to the side and rear elevations and a zinc front elevation and roof. This would result in the building having a domestic appearance and not a utilitarian appearance.
- 8.5.9 In the previous refusal at the site for the same development (RR/2021/2691/P) the case officer determined that "the proposed increasing of the building footprint by a third, hardstanding to the front, patio to the rear, post and rail fence and change in exterior materials of the building to timber cladding and zinc would result in a large building on the plot with a domestic



appearance which would be in contrast to the current utilitarian appearance of the building, this would result in a negative impact upon the character and scenic beauty of the High Weald AONB.” As this application is identical to that refused under the previous application there is no reason to come to a different conclusion and it is considered that the changes would be contrary to and harm the natural landscape character and scenic appearance of the AONB to which the Framework affords the highest status of protection in relation to its landscape and scenic beauty. Notwithstanding the above the site would be occupied and lit more frequently and more intensively than would be the case when solely as a commercial property. In addition, residential use would naturally include use of the surroundings for outdoor seating, washing line and other domestic paraphernalia that would further urbanise the character and appearance of the site.

8.5.10 It is therefore considered that the proposal would detract from the character and scenic beauty of the High Weald AONB and is therefore contrary to Policy EN1 of the Rother Core Strategy, Policy DEN2 of the DaSA and paragraph 176 of the National Planning Policy Framework.

## 8.6 Amenity of future occupiers

8.6.1 Policy OSS4 (i) of the Rother Local Plan Core Strategy requires all development to meet the needs of future occupiers, including providing appropriate amenities.

8.6.2 Policy DHG3 of the DaSA requires all new dwellings to meet the minimum internal space in line with the Nationally Described Space Standards (NDSS).

8.6.3 The proposal would result in the creation of a two-bedroom dwelling. The dwelling would meet the requirements of NDSS.

8.6.4 Turning to external space, Policy DHG7 (i) of the DaSA normally requires private rear garden spaces of at least 10m in length. The proposed property would achieve this minimum garden size.

8.6.5 The DaSA Policy DRM1 requires all new dwellings to be designed to achieve enhanced water consumption levels of no more than 110 litres per person per day through the optional Water Efficiency Standards through Building Regulations. If the proposal was to be recommended for approval this would be secured via a planning condition to ensure that higher water efficiency standards above the baseline are achieved in compliance with the DaSA.

8.6.6 The DaSA has also introduced Policy DHG4 which states that the Council has adopted the Optional Technical Building Regulations for accessible and adaptable homes. All dwellings are required to meet enhanced M4 standards above the M4(1) baseline and that all new homes should meet M4(2) standards. If the application was recommended for approval this would be secured by a planning condition. Securing this by planning condition would ensure enhanced access standards are achieved and will allow the Building Control body to check compliance of a development against the Optional Technical Building Regulations M4(2) standards. The

optional technical standards cannot be secured under building regulations unless triggered by a condition on the planning decision.

## 8.7 Amenity of Neighbouring properties

8.7.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy requires development to not unreasonably harm the amenities of adjoining properties.

8.7.2 The proposed dwelling and business use would be located a sufficient distance away from neighbouring properties and as such would not impact the residential amenity of the neighbouring properties.

## 8.8 Ecology

8.8.1 Paragraphs 174 & 180 of the National Planning Policy Framework seek to protect and enhance habitats and biodiversity and this is reflected in Policy EN5 of the Rother Local Plan Core Strategy and Policies DEC2 (ii) and DEN4 of the DaSA.

8.8.2 A Preliminary Ecological Appraisal (PEA) undertaken by The Mayhew Consultancy and dated October 2021 and submitted as part of this application identifies no concern in terms of impacts on statutory and non-statutory designated sites. However, a number of recommendations have been made within the report as to how to manage the development both during construction and during occupation so that to minimise the impact of the development as much as possible and to enhance biodiversity on site. Should the application be recommended for approval these recommendations can be ensured via conditions.

## 8.9 Highway safety and parking provision

8.9.1 Policy CO6 of the Rother Local Plan Core Strategy facilitates a safe physical environment by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.

8.9.2 Policy TR4 (i) of the Rother Local Plan Core Strategy requires development to meet the residual needs of the development for off-street parking having taken into consideration localised circumstances and having full regard to the potential for access by means other than the car, and to any safety, congestion or amenity impacts of a reliance on parking off-site whether on-street or off-street.

8.9.3 Policy DHG7 (ii) of the DaSA requires car parking and cycle storage to be provided in accordance with Policy TR4 and East Sussex County Council's 'Guidance for parking at new residential development'.

8.9.4 The existing site access would be retained as part of the development and hardstanding would be installed in front of the building to provided parking space and turning space for vehicles. As such, the proposal is considered acceptable in terms of the highway's safety and parking provision.

## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 The principle of the business use on the site has been established by previous applications and granted planning permissions. As such, the primary issue with this application is the acceptability of the creation of a dwelling on the site and its impact upon the character and appearance of the High Weald AONB.
- 9.1.1 Paragraph 11 of the National Planning Policy Framework says planning decisions should apply a presumption in favour of sustainable development. At this time the Council accepts that it is unable to demonstrate a 5-year supply of deliverable housing sites. This is contrary to the requirement set out in paragraph 74 of the National Planning Policy Framework. Relevant policies for the supply of housing in the Development Plan are therefore out of date and, accordingly, point 'd' in paragraph 11 is engaged. This states that where there is no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in the Framework that protects areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this regard, as identified in the planning report assessment, it is the case that harm would be caused to the High Weald AONB, which is one of the policy areas referred to in footnote 7 to paragraph 11; that harm alone provides a clear reason for refusing the proposal, and the so-called tilted balance in favour of development is not engaged.
- 9.1.2 The proposal would provide the social and economic benefits arising from the construction of additional homes.
- 9.1.3 However, the proposed development is not considered to be acceptable as it would result in an unjustified introduction of residential development within the countryside, contrary to Policy RA3 of the Rother Local Plan Core Strategy. The site is considered to be an unsustainable location and future occupiers would be reliant on the private motor vehicle to access essential services and community facilities. This would result in adverse environmental effects failing to move towards a low carbon future.
- 9.1.4 Furthermore, the development would be located well outside of any defined development boundary and would be within the countryside and the High Weald AONB which has the highest status of protection in relation to landscape and scenic beauty. The result of the proposal would be to extend the existing building on the site by a third, change the external appearance of the building from utilitarian to domestic by way of installing timber cladding to the side and rear elevations and zinc to the front elevation, install hardstanding to the front of the building, a patio to the side and rear and a post and rail fence. The extension combined with the alterations would result in a development which would detract from the character and scenic beauty of the High Weald AONB by creating a large building of domestic appearance and changing the character of the plot to domestic as well. This would result in unjustified intrusion and harmful encroachment into the countryside and would have an urbanising impact that would detract from the defining rural characteristics of the surrounding area.

- 9.1.5 The proposed development therefore would not accord with Policies OSS2, OSS4, RA2, RA3, and EN1 of the Rother Local Plan Core Strategy, Policies DEN2 and DIM2 of the DaSA or paragraph 176 of the National Planning Policy Framework.
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## **RECOMMENDATION: REFUSE (FULL PLANNING)**

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### **REASONS FOR REFUSAL:**

1. The site is located outside of the any development boundary and is within the High Weald Area of Outstanding Natural Beauty (AONB) where all new development is carefully controlled to protect the quality of the AONB landscape, which has the highest status of protection in relation to landscape and scenic beauty. The proposed extension of the building on the site, change in exterior materials, associated works and use of the extended building as a part business and part residential use would result in an unjustified intrusion and harmful encroachment into the countryside and would have an urbanising impact, which would detract from the defining rural characteristics of the surrounding area. The development would fail to conserve or enhance the landscape and scenic beauty of the High Weald AONB and would not accord with Policies OSS2, OSS4, RA2, RA3, and EN1 of the Rother Local Plan Core Strategy, Policies DEN2 and DIM2 of the Development and Site Allocations Local Plan or paragraph 176 of the National Planning Policy Framework.
2. The site lies within an unsustainable countryside location where occupiers of the proposed new dwelling would be highly reliant on private motor vehicles to access essential services and community facilities. The development would therefore be contrary to Policy TR3 of the Rother Local Plan Core Strategy and paragraph 104 of the National Planning Policy Framework which seeks to minimise the need to travel and to support the transition to a low carbon future.

### **NOTE:**

1. For the avoidance of doubt the application is refused based on the following plans and documents:  
Site Location Plan, Drawing No. 01 Rev P1, dated November 2021  
Proposed Floor Plans, Drawing No. 06 Rev P1, dated November 2021  
Proposed Elevations, Drawing No. 07 Rev P1, dated November 2021  
Proposed Site Plan, Drawing No. 08 Rev P1, dated November 2021  
Proposed Perspective View, Drawing No. 09 Rev P1, dated November 2021  
Personal Statement, undated  
Preliminary Ecological Appraisal, Ref: EA/108721, dated October 2021  
Planning Statement, undated.

**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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and

due to the harm, which has been clearly identified within the reasons for the refusal, approval has not been possible.