



## Rother District Council

Report to	-	Planning Committee
Date	-	1 September 2022
Report of the	-	Director - Place and Climate Change
Subject	-	Application ref: RR/2021/2804/P
Address	-	Land adjacent to Villa Flair, Union Street, Flimwell, TN5 7NT
Proposal	-	Erection of a detached bungalow with three bedrooms and a detached store and double garage together with associated hardstanding, turning area and use of existing access on to the B2087.

[View application/correspondence](#)

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**RECOMMENDATION:** It be **RESOLVED** to **GRANT (FULL PLANNING) PERMISSION SUBJECT TO CONDITIONS**

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**Director: Ben Hook**

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**Applicant:** L. Sutton  
**Agent:** Graham Simpkin Planning Ltd  
**Case Officer:** Asma Choudhury  
(Email: [asma.choudhury@rother.gov.uk](mailto:asma.choudhury@rother.gov.uk))

**Parish:** TICEHURST  
**Ward Members:** Councillors Mrs M.L. Barnes and G.S. Browne

**Reason for Committee consideration:** Director - Place and Climate Change referral: This application is 'called-in' by Cllr Mary Barnes for the following reasons:

- *From the owners of The Brackens bungalows point of view it will invade their privacy as the access track is so narrow that vehicles would pass just a metre from the bedroom window.*
- *The application hints at the further development of other bungalows using the same one way track which will bring more vehicles alongside.*
- *The track is not wide enough for large delivery vehicles as it is, so that includes bin lorries and emergency vehicles as well as delivery lorries.*
- *The junction is a narrow opening onto a road where there is excess speeding.*
- *There have been other applications for back land development along this side of the road which have been refused as potential incursions into the AONB.*
- *The site is not in the Ticehurst NP.*

**Extension of time agreed to: 22 July 2022**

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This application is included in the Committee Site Inspection List.

This application was deferred at the July committee in order for a Members site inspection to be carried out.

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## 1.0 SUMMARY

- 1.1 This application proposed a new-build dwelling with associated garaging, utilising an existing access arrangement.
- 1.2 Whilst located outside the development boundary where proposals for new dwellings are generally resisted (save for policy exceptions permitting affordable housing, rural workers dwelling and barn conversions), Rother District Council's (RDC) significant shortfall in the 3-year and 5-year housing land supply weighs significantly in the planning balance.
- 1.3 National Planning Policy Framework Para 11 requires a presumption in favour of sustainable development and that where local development plan policies (including the neighbourhood plan) are out-of-date, permission must be granted unless the adverse impacts of doing so would outweigh the benefits when assessed against the National Planning Policy Framework as a whole.
- 1.4 For the purposes of the National Planning Policy Framework, 'out-of-date' policies includes those policies where the local authority does not have a 3-year and 5-year housing land supply.
- 1.5 Having regard to the National Planning Policy Framework's objective for securing sustainable development, the development proposal would be suitably integrated adjacent to the existing settlement pattern; it would not result in an intrusion of the AONB landscape; the site is located close to public transport providing accessibility to services/facilities in neighbouring villages and towns; and it would contribute to the Councils housing land supply.
- 1.6 The recommendation is therefore approval.

## 1.7 PROPOSAL DETAILS

<b>PROVISION</b>	
No of houses	1
No of affordable houses	0
Other developer contributions 1	0
Other developer contributions 2	0
Other developer contributions 3	0
CIL (approx.)	£23,622
New Homes Bonus (approx.)	£6,684

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## 2.0 SITE

- 2.1 This application relates to a parcel of land on the south side of Union Street, enclosed by road-fronted dwellings to north, dwellings to its east and an

established treeline along its southern boundary – backing onto the Dale Hill Golf Course.

- 2.2 Access to the site would utilise an existing access point between two dwellings: Chestnut Cottage to the west and Nos. 1&2 The Brackens to the east.
  - 2.3 The site is within the High Weald Area of Outstanding Natural Beauty (AONB).
  - 2.4 The site lies outside of the development boundary as defined in Ticehurst Neighbourhood Plan (TNP) but is adjacent to it.
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### **3.0 PROPOSAL**

- 3.1 Permission is sought for a detached bungalow and a detached outbuilding comprising a store and double garage, together with associated hardstanding and turning area.
  - 3.2 The existing access on the B2087 is proposed to be used.
  - 3.3 The proposal was the subject of pre-application discussions.
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### **4.0 HISTORY**

- 4.1 The site has a history of refused planning applications for new dwellings in the 1960s and 70s. There are no other relevant planning applications that are relevant to inform this assessment.
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### **5.0 POLICIES**

- 5.1 Rother Local Plan Core Strategy 2014, Policies (CS):
  - 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
  - CO6 Community Safety
  - EN1 Landscape
  - EN3 Design
  - EN4 Management of the Public Realm
  - EN5 Biodiversity and Green Space
  - TR2 Integrated Transport
  - TR3 Access and New Development
  - TR4 Car Parking
  - SRM2 Towards a Low Carbon Future
- 5.2 Development and Site Allocations Local Plan (DaSA):
  - DHG4: Accessible and Adaptable Homes

- DHG7: External Residential Areas
- DHG11: Boundary Treatments 57
- DHG12: Accesses and Drives
- DEN1: Maintaining Landscape Character
- DEN2: The High Weald Area of Outstanding Natural Beauty (AONB)
- DEN4: Biodiversity and Green Space
- DEN5: Sustainable Drainage
- DIM1: Comprehensive Development
- DIM2: Development Boundaries

5.3 Ticehurst Neighbourhood Plan Policies:

- R1 Conserve the Area of Outstanding Natural Beauty
- R2 Maintain Green Gaps Between Settlements
- R5 Support Biodiversity
- H1 The Spatial Plan
- H3 Mix of Housing Sizes and Tenures
- H5 The Design of New Buildings

## 6.0 CONSULTATIONS

6.1 NatureSpace – following re-consultation, **NO OBJECTIONS** subject to a condition to implement avoidance measures.

6.2 County Ecology – **OBJECTION** due to insufficient information.

The County Ecologist was reconsulted following receipt of an ‘ecological mitigation and enhancement strategy’, however, no response received.

6.3 ESCC Highways – **NO OBJECTION** subject to conditions.

6.4 Planning Notice

Six letters with general comments have been received (from five households). The comments are summarised as follows:

- Contradictions in the plan concerning the proposed access arrangement, unclear if on-way system is proposed.
- Increased use of the access serving Villa Flair, together with the proposed (separate) access would result in increased traffic and noise which would harm the residential amenities of adjacent properties, particularly with neighbouring properties laying adjacent to the accesses.
- Loss of privacy, noise, disruption.
- Negative impacts on rights of access. Conflict with covenant.
- Lane is too narrow for larger commercial vehicles.
- Submission indicates further development for residential units.
- Precedent
- Increased highway risk on adjacent B2087.
- Impact to AONB.
- Impact to trees.
- Contrary to Ticehurst Neighbourhood Plan.
- Nature conservation issues with the development of the paddock.

6.5 Ticehurst Parish Council – **OBJECTION**

*This land was put forward during the Ticehurst Neighbourhood Plan call-for sites and rejected on the following grounds:*

- *Access road too narrow for fire engines or deliveries.*
- *Valuable line of mature oaks on the southern boundary of the site.*
- *Covenants relating to the land as not being used for residential were not provided.*
- *Outside development zone.*
- *Potential damage to hedge and trees belonging to the Chestnuts.*

*Furthermore, the drawings are in conflict with planning policy - a stable does not make a paddock area domestic - dangerous precedent. The justification for the three- bed bungalow with inference of intention for further dwellings is disproportionate for elderly parent - PC would suggest that extension to current dwelling would be more appropriate to achieve the level of care. Recommendation for refusal.*

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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 £23,622.
- 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 Principle**

- 8.1.1 The site is located outside any development where DaSA Policy DIM2 seeks to limit development in the countryside unless it accords with specific local plan policies. As such, DaSA Policy DHG2 permits small-scale residential development where it meets an identified local need for affordable housing.
- 8.1.2 Of the Rother Local Plan Core Strategy, Policy LHN3 is essentially a repeat of DaSA Policy DHG2. In addition, Policy RA3, also permits dwelling in the countryside in exceptional circumstances:
- Where there is a demonstrated need for a farmers or rural based dwelling.
  - Conversion of historic farm buildings.
  - The one-to-one replacement of an existing dwelling of similar landscape impact.
- 8.1.3 As such, residential development in this location would be contrary to the local plan and should be refused unless material considerations indicate otherwise.
- 8.1.4 However, The National Planning Policy Framework at paragraph 11 requires *a presumption in favour of sustainable development*, making it clear that when policies for housing provision are out of date, permission, should be granted unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole.

- 8.1.5 As RDC does not have a 5YHLS, within the context of the National Planning Policy Framework (Footnote 8 to Para 11), Policies DIM2 and RA3 must be considered out of date for decision making purposes and planning permission must be granted unless:

11.di: *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*

11.dii: *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.*

- 8.1.6 In terms of 11.di, footnote 7 specifies AONBs and irreplaceable habitats such as ancient woodland, as areas/assets protected by National Planning Policy Framework policies. In this case, the site is in the AONB where restrictive countryside policies apply i.e. in order to preserve the scenic beauty of the landscape. This must be considered in the planning balance alongside 11.dii.

- 8.1.7 In terms of 11.dii, the application must demonstrate that the benefits outweigh the harm, having regard to the National Planning Policy Framework as a whole. In this case, National Planning Policy Framework Paras 78, 79, 80, 105, 110-112. Collectively, these policies require that development is appropriate having regard to its location, its accessibility to a range of services (shops, schools, etc) and accessibility to public transport services i.e. demonstrating the sustainability credentials of the site and the proposal.

It is also noted that the application site falls within the TNP area. This is a material consideration in weighing the planning balance i.e. National Planning Policy Framework Para 14 requires that neighbourhood plans (NP) are factored in to the 'presumption', setting out that the adverse impact of applications for housing, that conflicts with the NP would outweigh the benefits provided it meets the following requirements:

- a) *the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) *the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c) *the Local Planning Authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*
- d) *the Local Planning Authority's housing delivery was at least 45% of that required<sup>10</sup> over the previous three years.*

- 8.1.8 In this case, TNP was adopted in July 2019 - more than two years at the time of writing this report. Furthermore, this local authority has neither a 3-year or 5-year supply of deliverable housing sites, the present housing supply figure being 2.89 years – a significant shortfall. For this reason, in accordance with the National Planning Policy Framework which takes precedence in such circumstances, the TNP is also out-of-date priority.

Consequently, this strengthens the *presumption in favour of sustainable development*.

8.1.9 As such, although the site lies outside the development boundary, it lays adjacent to it. There is an existing pavement on the other side of Union Street and the site is within walking distance of bus stops. It is therefore considered that the proposal would represent a sustainable form of development in terms of its accessibility to services, public transport and its relationship adjacent to a settlement.

## 8.2 **Sustainability**

8.2.1 In considering applications for dwellings in the countryside, an assessment is made of the site's sustainability credentials, primarily in terms of the site's accessibility to a range of services via sustainable transport modes (walking, cycling, public transport etc.). *This is with regard to National Planning Policy Framework Para 105: the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes.*

8.2.2 This way, in assessing the sites location in relation to existing settlements with the greatest amount/range of employment, community facilities and services which are best served by public transport, development can be focussed on the most accessible and well-served locations, thereby contributing to the development of sustainable communities and reduction in our carbon footprint.

8.2.3 This is considered in the context of Rother Local Plan Core Strategy Policy OSS2 which makes allowances for proposals breaching development boundaries (in this case, in the context of National Planning Policy Framework Para 11) having regard to the following:

- i. Existing pattern, form and function of settlements, including of closely 'linked' settlements and important 'gaps' of countryside between them.*
- ii. Character and settings of individual towns and villages.*
- iii. Sensitivity to further development both within the main built up confines and in more rural fringes.*
- iv. Availability of local infrastructure and services.*
- v. Accessibility to facilities and services, and avoiding scattered and ribbon development.*
- vi. Environmental considerations, including the need to conserve designated areas of national and local landscape, archaeological, geological, ecological or historical importance*
- vii. Following physical features, unless this may suggest a potential for development that is inappropriate.*

8.2.4 In addition, National Planning Policy Framework Para 78 requires that decisions should be responsive to local circumstances and Para 79 requires that to promote sustainable development in rural areas, housing should be located where *it will enhance or maintain the vitality of rural communities... identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support service in a nearby village.*



- 8.2.5 Collectively with Para 105, the development site is considered a sustainable location owing to its accessibility via sustainable transport modes to a range of villages with a greater range of services. The proposal would therefore contribute to the local economy of neighbouring villages.
- 8.2.6 In this case, Flimwell is not well served by services and facilities etc. However, the nearest settlement of Ticehurst which is within 1.5 miles of the site has a range of shops, cafes, restaurants, schools and medical services. In terms of accessibility:
- a) the site has access onto a public footpath providing a safe route to Ticehurst within reasonable walking distance.
  - b) There is a bus stop within 2 minutes' walk of the site providing services to Ticehurst, Wadhurst, Tunbridge Wells and Hawkhurst – all of which provide further onward services including train stations.
- 8.2.7 Finally, the application site comprises a small paddock, bound by residential properties to the north and east, so it is contiguous with the adjacent settlement. In addition, the site is contained by screening treeline and a golf course immediately to the south. As such, the development proposal would be readily absorbed into the backdrop of the adjacent settlement. Combined with the vegetative screening and the adjacent golf course, the development of the site would not appear as an intrusion into the countryside.
- 8.2.8 As such, having regard to Section 2 of the National Planning Policy Framework (Achieving Sustainable Development), together with Rother Local Plan Core Strategy Policies PC1, OSS2, OSS3, OSS4, RA1, RA5 and DaSA policies DEN1 and DEN2, the proposal would meet the three overarching objectives (economic, social and environmental) of sustainable development.
- 8.2.9 The principle of residential development on this site is therefore supported.

### 8.3 **Character, Appearance, Landscape Character**

- 8.3.1 The site lies within the AONB where both local and national planning policy give great weight to conserving and enhancing the landscape character and scenic beauty of this nationally designated landscape.
- 8.3.2 As set out under Paragraph 8.2.6. the site lies contiguous with the existing settlement. Furthermore, there are two other dwellings (Villa Flair and The Glen) which have a back-land setting adjacent to the site. The proposal would therefore appear in keeping with the existing pattern of development. In addition, the treeline along the southern boundary screens the development of the site from any immediate or long-range views.
- 8.3.3 The scale and design of the proposed dwelling is relatively modest. A condition is attached to secure a material scheme appropriate to the AONB landscape character (notwithstanding the material details in the application submissions). In addition, Union Street comprises a mixed character of dwellings, of various size and with a mixed material pallet. There is also a scattering of backland properties across the settlement. As such, the proposal would not appear uncharacteristic with the existing pattern of development. Also, being recessive behind existing road-fronted dwellings, the proposed dwelling would not appear prominent in the street scene.

- 8.3.4 It is considered appropriate to remove Class E PD rights, particularly as any Class E structure/building could adversely affect the trees located to the south of the application site. any loss of trees as a result would harm the verdant boundary which informs the rural setting of the Flimwell village.
- 8.3.5 The Parish Council's comments are noted and a larger part of this site was submitted as part of the neighbourhood plan 'call for sites' in December 2016. However, 15 dwellings were suggested, with six dwellings noted as being more likely. Comparatively, this application relates to a smaller part of the field and is for one dwelling only.
- 8.3.6 Overall, the proposal complies with Rother Local Plan Core Strategy Policies OSS4, RA1, RA3, EN1 and EN3, combined with DHG11, DEN1 and DEN2, which collectively requires development to be of an acceptable scale and design having regard to the character of the surrounding landscape – in this case, the site being on the edge of the village of Flimwell but also contained by the golf course.

#### 8.4 **Highway/Access**

- 8.4.1 Neighbouring properties have raised concerns regarding the access arrangement and the impact to residential amenity.
- 8.4.2 Presently Villa Fair can be accessed using two separate access points: the main access is between Woodland Glen and Woodcote; and the secondary access (serving the application proposal) is between the Brackens and Chestnut Cottage.
- 8.4.3 The submissions suggest that both accesses could be utilised to provide a 1-way arrangement but insufficient details have been provided demonstrating how this could be achieved. Notwithstanding, there are inherent issues with such an arrangement.
- 8.4.4 The main access also serves The Glen (adjacent dwelling east of Villa Flair). Ingress for the occupants/visitors to Villa Flair and the proposed dwelling using this access as a one-way system would not prevent the occupants of The Glen egressing via the same access. This would be the same for the secondary access i.e. the occupants of Villa Flair and the proposed dwelling egressing the site could still be obstructed for the occupants of The Bracken's ingress.
- 8.4.5 A condition to secure a one-way system is therefore considered futile as it does not affect neighbours' rights of access.
- 8.4.6 Nevertheless, the red-line site area only includes the secondary access, so this application is considered on that basis.
- 8.4.7 The existing access could potentially be used with indefinite frequency, everyday – this is an existing access point and there is no recourse in Planning to control its use. Comparatively, the vehicle activity associated with the provision of 1 dwelling is limited comprising peak activity in the morning/evening with random activity across the day i.e. deliveries etc.

- 8.4.8 Whilst this would not prevent vehicle activity associated with the remaining paddock (which remain associated with Villa Flair), this paddock is a small area, further reduced, and would not require significant maintenance on a daily basis.
- 8.4.9 Amended plans have been provided, indicating a 4.5m wide track (10m long) at the access point which would provide space for vehicles to pass each other away from the main road junction.
- 8.4.10 Given the constraints of the lane, presently shared by a total of three existing properties: Nos.1 and 2 The Brackens and Villa Flair, and its junction with a relatively busy classified road, it is considered necessary to attach a pre-commencement condition requiring a construction management plan – without which, raises significant issues concerning highway safety.
- 8.4.11 Furthermore, given that this is a shared access, this would be necessary to provide the widened access prior to implementing the works to prevent any potential obstruction to neighbour's access during the course of the construction.
- 8.4.12 A condition is attached restricting the conversion of the garage/store. The space within the frontage of the dwelling is somewhat constrained but manageable for turning purposes but the loss of the garage would potentially constrain on-site turning and egress. As there is no other available space for access/turning relief along the shared (single-lane-width) access nor any on-road parking along Union Street which is a classified road, it is considered appropriate to restrict the use of the garage in order to ensure adequate parking remains for the dwelling.
- 8.4.13 Overall, the proposal seeks to improve an access point. Together with the provision of on-site turning and parking, the proposal complies with Rother Local Plan Core Strategy Policy DHG12 and DaSA Policies TR3 and TR4.

## 8.5 **Neighbouring Amenity**

- 8.5.1 The proposed dwelling, owing to its single-storey form, distance from neighbouring properties, combined with the boundary hedges and trees providing a good degree of privacy, is not considered to be significant as to warrant a recommendation for refusal.
- 8.5.2 The proposal therefore *does not unreasonably harm the amenities of adjoining properties*, complying with the Rother Local Plan Core Strategy Policy OSS4.

## 8.6 **NatureSpace – Great Crested Newts (GCN)**

- 8.6.1 Following initial objections from NatureSpace (based on a lack of detailed assessment) an ecological mitigation and enhancement strategy (EMES) has been provided which includes a reasonable avoidance measures. NatureSpace have withdrawn their objections subject to the imposition of condition which secures the implementation of the avoidance measures, together with an informative note concerning the Applicant's responsibilities under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981.

8.6.2 The proposal therefore complies with the Rother Local Plan Core Strategy Policy DEN4 and DaSA Policy EN5 which collectively seek to protect protected species.

## 8.7 **Ecology**

8.7.1 Following initial objections from the County Ecologist (also, based on a lack of detail), the EMES includes a more detailed mitigation and enhancement provision. Conditions are attached to ensure the recommendations set out in the EMES are implemented.

8.7.2 A landscaping plan would also be required by condition to include a detailed landscaping and management scheme to ensure biodiversity net gain provisions are implemented and maintained.

8.7.3 The proposal therefore complies with the Rother Local Plan Core Strategy Policy DEN4 and DaSA Policy EN5 which collectively seek to protect and enhance biodiversity.

## 8.8 **Trees**

8.8.1 The submitted arboricultural report includes a tree protection plan. This includes details of protective fencing and areas for manual excavation.

8.8.2 The position of the protective fencing is considered to be acceptable. However, the proposed areas for manual excavation would appear counter-intuitive given that foundations are still required which would presumably require more depth/width than the depth of the tree/hedge root – both the proposed garage and dwelling would be within the RPAs of the boundary hedges. It is more likely that parts of the hedge will have to be cut back. As per Para 8.7.2 of this report, a landscaping plan for a comprehensive hedgerow scheme would be required to compensate for the potential harm/loss of hedgerow.

8.8.3 The submitted arboricultural report is not comprehensive and does not include details of the trees to be retained/removed. A tree plan is required by condition which should indicate the retention of most trees, particularly of those along the southern boundary of the site as these maintain the rural character of the settlement edge and contribute to the wider AONB character.

8.8.4 There is a silver birch located at the southern end of the access – on the west side of the track and within the boundaries of the adjacent dwelling, Chestnut Cottage. Given its proximity to the access, there is potential to impact on the silver birch. A landscaping plan (required by condition) would be required to include details of all trees to be retained and details of new tree planting to mitigate for the potential impact to existing trees.

8.8.5 Overall, alongside the ecological value of retaining those trees, these trees also serve to mitigate the impact of new development and preserve the landscape character of the AONB. The proposal therefore complies with the Rother Local Plan Core Strategy Policies OSS4 and RA1 and DaSA Policies DHG11, DE1, DEN5 and EN5 which collectively seek to mitigate impact to biodiversity and protect the landscape character.

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## 9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 9.2 For the purposes of the National Planning Policy Framework, Rother District Council is unable to demonstrate either a 3-year or 5-year supply of housing so the relevant development plan policies are not up-to-date. The National Planning Policy Framework states that plans and decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the National Planning Policy Framework 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.
- 9.3 In this instance, it is concluded that on balance, taking account of the above assessment, the adverse impacts of the proposal, including upon areas or assets of particular importance as detailed in the main body of the report, would be significantly and demonstrably outweighed by the benefits when assessed against the policies in the Framework taken as a whole and engaging Paragraph 11(d) of the National Planning Policy Framework. Conditional planning permission should be granted.
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### **RECOMMENDATION: GRANT (FULL PLANNING)**

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#### **CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Reference:	Date:
BDS-VF-P02	18/11/2021
BDS-VF-P04	18/11/2021
BDS-VF-P03, Revision D	12/04/2022
BDS-VF-P01, Revision B	12/04/2022
GRS Arboricultural Consultant: Arboricultural Report- ref: GRS/TPP/AMS/74/21	18/11/2021
Native Ecology: ecological mitigation and enhancement strategy	29/05/2022

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No part of the development hereby approved, including the demolition of the existing outbuilding, shall begin until a Construction Management Plan has been provided, which shall include the following:
  - a) A plan indicating the parking of all vehicles associated with the widening of the access, the clearance of the site and the construction of the new dwelling.
  - b) A plan indicating the storage area for the construction rubble, construction materials and machinery, equipment etc.
  - c) A time management plan for (a) and (b).Reason: This pre-commencement condition is necessary in the interests of and for the safety of persons and vehicles on the site and on the adjoining road, and to minimise obstruction and loss of amenity to adjoining properties, having regard to Policies CO6, TR2 and OSS4 of the Rother Local Plan Core Strategy and DIM1 of the Development and Site Allocations Local Plan 2019.
4. Prior to implementing any part of the development hereby approved, details of the layout of the reconstructed (widened) access shall be submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority.  
Reason: This pre-commencement condition is necessary in the interests of and for the safety of persons and vehicles on the site and on the adjoining road, and to minimise obstruction and loss of amenity to adjoining properties, having regard to Policies CO6, TR2 and OSS4 of the Rother Local Plan Core Strategy and DIM1 of the Development and Site Allocations Local Plan 2019.
5. No part of the development hereby approved, shall begin, until the approved access (as per Condition 4 of this decision notice) has been constructed and completed in accordance with the agreed details (which shall comply with the specification as set out on Form HT407 which is attached to and forms part of this permission).  
Reason: This pre-commencement condition is necessary in the interests of and for the safety of persons and vehicles on the site and on the adjoining road, and to minimise obstruction and loss of amenity to adjoining properties, having regard to Policies CO6, TR2 and OSS4 of the Rother Local Plan Core Strategy and DIM1 of the Development and Site Allocations Local Plan 2019.
6. No works or development shall take place until a detailed plan indicating all trees to be retained (or removed) has been submitted to, for the approval in writing by the Local Planning Authority and implemented accordingly. Within five years from the date of the occupation of the dwelling hereby permitted, the following shall apply
  - a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
  - b) If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.Reason: This pre-commencement condition is necessary to ensure that the trees are not damaged or otherwise adversely affected by building operations and soil compaction. The retention of these trees ensure a high quality public realm taking account of the characteristics of the area and the sites' rural

setting within the AONB having regard to Policies EN1 and EN3 Rother Local Plan Core Strategy and DEN1 and DEN2 of the Development and Site Allocations Local Plan 2019.

7. No development shall commence on site, including storage of equipment, machinery, materials etc. until the protective fencing, as indicated on the approved plan (ref: BDS-VE-P03, submitted with the Arboricultural Report authored by GRS Arboricultural Consultants, received 18/11/2021) is installed and retained in situ for the duration of the construction works.  
Reason: This pre-commencement condition is necessary to ensure the protection of trees and hedgerows during construction and the creation of a high-quality public realm and landscape setting in accordance Policies EN1 and EN3 Rother Local Plan Core Strategy and DEN1 and DEN2 of the Development and Site Allocations Local Plan 2019.
8. No development above ground level shall take place until details or samples of the materials to be used in the construction of the external surfaces of the dwelling and garage hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure that the development reflects the character and/or appearance of the existing building and to preserve the visual amenities of the area in accordance with Policy OSS4(iii) of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Rother Development and Site Allocations Plan.
9. The development shall not be occupied until a parking area (which shall measure a minimum of 5m x 5m with an extra 50cm where the parking spaces abuts a wall) and turning space for vehicles has been provided and constructed in accordance with the approved plans which shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be obstructed.  
Reason: To provide adequate space for the parking of vehicles and on-site turning, and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policies TR4 and OSS4 of the Rother Local Plan Core Strategy and DIM1 of the Development and Site Allocations Local Plan 2019.
10. The development shall not be occupied until a cycle parking area has been provided in accordance with the approved plans which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles  
Reason: In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development having regard to Policies TR3 and OSS4 of the Rother Local Plan Core Strategy and DIM1 of the Development and Site Allocations Local Plan 2019.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), the garage hereby approved shall be retained for such use and shall not be altered internally or externally for use as habitable accommodation.

Reason: To ensure a satisfactory level of off-road parking facilities so as not to prejudice the free flow of traffic and conditions of general safety along the highway, having regard to Policy TR3 of the Rother Local Plan Core Strategy and DIM1 of the Development and Site Allocations Local Plan 2019.

12. No above ground-level development pertaining to construction of the dwelling and garage/store hereby approved shall take place until the hard and soft landscaping details have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out and completed prior to the first occupation of the dwelling hereby approved and retained thereafter.

Reason: To ensure a high quality public realm taking account of the characteristics of the area having regard to Policies EN1 and EN3 of the Rother Local Plan Core Strategy and DEN1 and DEN2 of the Development and Site Allocations Local Plan 2019.

13. All ecological mitigation and enhancement measures/works shall be carried out in accordance with the details contained in the 'Ecological mitigation and enhancement strategy' authored by 'Native Ecology' and received 29/05/2022.

Reason: To ensure that the measures considered necessary are carried out as specified for the protection of bats and measures for the mitigation of any harm to them likely to be caused by the development, as per Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) requirements.

14. The development hereby approved shall be implemented strictly in accordance with the recommendations stated in section [2.39] of the supporting document [Ecological Mitigation and Enhancement Strategy, Native Ecology, May 2022].

Reason: To minimise the impacts of development on biodiversity, in accordance with Policy EN5 Rother Core Strategy 2014, paragraphs 174 and 180 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006."

#### **NOTES:**

1. General Nature Conservation Note: The Applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. You are advised that it may be necessary, as per submitted reports, to continue to engage a suitably qualified and experienced professional to remain compliant with existing detailed biodiversity method statements, strategies, plans and schemes and remain compliant with protected species legislation. If protected Species are present, work should cease and a suitably qualified and experienced professional and/or Natural England be consulted.
2. NatureSpace Note: The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not



provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

3. No-Implied Right Note: The granting of planning permission does not grant or imply the right to construct on adjoining property or to enter onto adjoining property without the consent of the owners of that property in order to carry out construction work or subsequent maintenance work.

**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 assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.