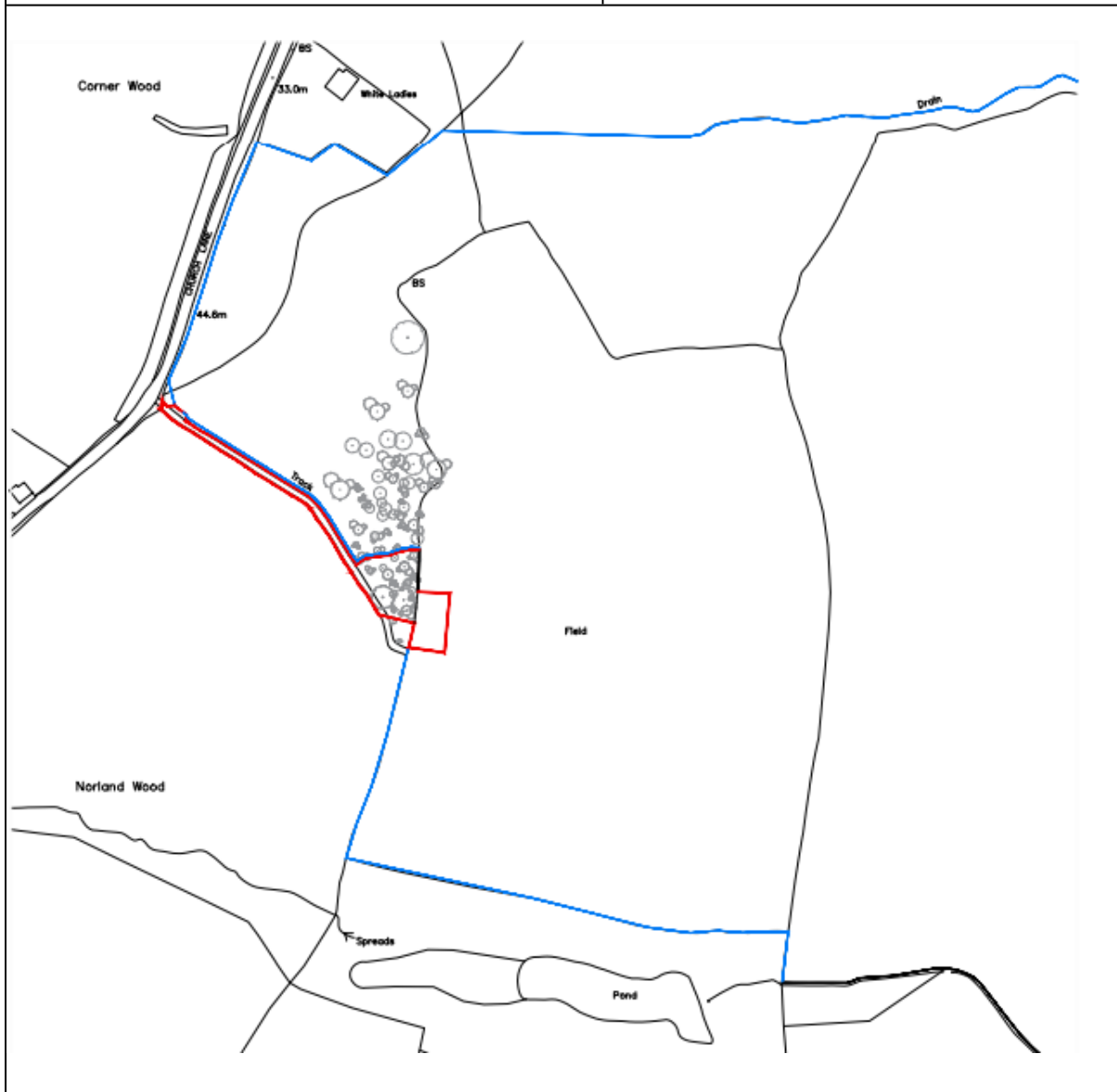


SITE PLAN

PEASMARSH

RR/2022/736/P

Lea Farm – Land at



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Not to Scale

## Rother District Council

Report to - Planning Committee  
Date - 10 November 2022  
Report of the - Director - Place and Climate Change  
Subject - Application RR/2022/736/P  
Address - Lea Farm, Land at,  
Peasmarsh  
Proposal - Erection of single storey semi-permanent timber frame holiday cabin.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Mrs Charlotte Pack  
**Agent:** Mr Rob Pollard  
**Case Officer:** Miss Katie Edwards  
(Email: [katie.edwards@rother.gov.uk](mailto:katie.edwards@rother.gov.uk))

**Parish:** PEASMARSH  
**Ward Members:** Councillors L. Hacking and P.N. Osborne

**Reason for Committee consideration:** Call-in by Councillor Hacking - wants to support tourism in the district

**Statutory 8-week date: 21 September 2022**  
**Extension of time agreed to: 15 November 2022**

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This application is included in the Committee site inspection list and was deferred from the last Committee Meeting to enable Members to fully view the application site.

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### 1.0 SUMMARY

1.1 The proposed holiday let would be situated in an unsuitable and unsustainable location within the countryside and High Weald Area of Outstanding Natural Beauty (AONB). The introduction of a new man-made and modern feature in the landscape would be harmful to the character of open fields and ancient woodland in this location with further harm created with impacts to dark night skies. The proposal would lead to increased traffic hazards on Church Street, by reason of the inadequate visibility at the proposed access. There has been no evidence provided showing consideration for the biodiversity and wildlife on site and in the adjoining

ancient woodland. As such this application is contrary to local and national planning policies and is recommended for refusal.

- 1.2 This application was deferred at the 13 October 2022 Committee Meeting as Members were unable to visit the site.
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## **2.0 SITE**

- 2.1 This planning application relates to land within a field situated to the eastern side of Church lane, a country lane situated between Peasmarsh and Rye Foreign.
- 2.2 The site has ancient woodland to the immediate western boundary with further woodland to the north. It is not within any defined development boundary and is within the High Weald AONB.
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## **3.0 PROPOSAL**

- 3.1 This application seeks permission for a single storey detached holiday let and associated access, car parking and landscaping.
- 3.2 The holiday let cabin would include two bedrooms, a shared bathroom and an open plan kitchen, dining and living area. The maximum length of the building would be 16.35m with a maximum depth of 9.2m. Including the decking and covered seating areas, it would have a footprint of around 120sqm. The roof would be modular with a mix of flat and lean-to roof forms with a maximum ridge height of 4.5m. The walls would be faced with charred timber cladding and the roof would be covered with seamed zinc.
- 3.3 The site would be accessed from Church Lane and two parking spaces are proposed to be provided near the start of a new access track, with a footpath to the unit. Landscape planting, including trees and vegetation is proposed surrounding the proposed building.
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## **4.0 HISTORY**

- 4.1 None relevant.
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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 strategy for the countryside
  - RA3: Development in the countryside

- CO6: Community safety
- EC6: Tourism activities and facilities
- EN1: Landscape stewardship
- EN3: Design quality
- EN5: Biodiversity and green space
- EN7: Flood Risk and New Development
- TR3: Access and new development
- TR4: Car parking
- SRM2: Water Supply and Wastewater Management

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

- DEN1: Maintaining landscape character
- DEN2: The High Weald Area of Outstanding Natural Beauty
- DEN4: Biodiversity and green space
- DEN5: Sustainable drainage
- DEC2: Holiday sites
- DHG11: Boundary treatments
- DHG12: Accesses and drives
- DIM2: Development boundaries

5.3 The High Weald AONB Management Plan 2019-2024 is also a material consideration with particular reference to the following objectives:

- Objective S2: To protect the historic pattern and character of settlement
- Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

5.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.

## 6.0 CONSULTATIONS

### 6.1 Rother District Council - Waste & Recycling – **GENERAL COMMENT**

6.1.1 “As this is a holiday cabin they will need to arrange a commercial collection of waste and recycling.”

### 6.2 East Sussex County Council Highways – **OBJECTION**

6.2.1 This application as submitted attracts highway objection due to insufficient visibility either side of the access point.

6.2.2 The proposal would lead to increased traffic hazards on the U6416 by reason of the inadequate visibility at the proposed access and would therefore be contrary to paragraph 111 of the National Planning Policy Framework 2021.

### 6.3 Planning Notice

6.3.1 One letter of objection was received however this comment is not valid due to the name and address of the objector not being given.

## 6.4 Peasmarsh Parish Council – **GENERAL COMMENT**

- 6.4.1 “Concerns about a development in an isolated, rural location when there is no mention of supporting infrastructure, e.g. utilities, sewerage.”
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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 £12,712.
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## **8.0 APPRAISAL**

### 8.1 Principle of development

- 8.1.1 Policies OSS1, OSS2 and OSS3 of the Rother Local Plan Core Strategy and Policy DIM2 of the DaSA are concerned with the distribution of development, the use of development boundaries and the location of development. Collectively they encourage sustainable patterns of development with most development directed within existing Development Boundaries around settlements.

- 8.1.2 However, there is recognition (both in local and national planning policies) that diversification within the countryside, for employment uses, is beneficial. Therefore, some development, such as tourism (an employment use and income generator), can be considered in a rural location.

- 8.1.3 Policies RA2 (iii) (vii), RA3 (ii) and EC6 (v) of the Rother Local Plan Core Strategy expand on this further and offer support for tourism related development, including in rural locations subject to other considerations.

- 8.1.4 Paragraph 84 of the National Planning Policy Framework relating to ‘supporting a prosperous rural economy’ states that planning decisions should enable a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses; and c) sustainable rural tourism and leisure developments which respect the character of the countryside.

- 8.1.5 Therefore, the principle of rural tourism development in this location can be considered subject to all relevant policies as identified in the below matters.

### 8.2 The effect on the character and appearance of the locality within the countryside and AONB

- 8.2.1 Paragraph 176 of the National Planning Policy Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues.

- 8.2.2 Policy EC6 of the Rother Local Plan Core Strategy sets out that proposals relating to tourism activities and facilities will be encouraged where they accord with the considerations listed, as appropriate. This includes where it (v) increases the supply of quality serviced and self-catering accommodation and is (vii) compatible with other Rother Local Plan Core Strategy policies (including those relating to the AONB)
- 8.2.3 Policy DEC2 of the DaSA Local Plan reflects this and includes the requirement that proposals for purpose-built holiday accommodation must (i) safeguard intrinsic and distinctive landscape character and amenities, paying particular regard to the conservation of the High Weald AONB and be supported by landscaping proposals appropriate to the local landscape character and (vi) accord with other relevant policies of the Plan.
- 8.2.4 Policy OSS4 (iii) of the Rother Local Plan Core Strategy states that development should respect and not detract from the character and appearance of the locality. Policy RA2 of the Rother Local Plan Core Strategy states that the overarching strategy for the countryside is to (viii) conserve the intrinsic value, locally distinctive rural character and landscape features of the countryside. Policy RA3 of the Rother Local Plan Core Strategy states that (v) all development should be of an appropriate scale and will not adversely impact on the landscape character of the countryside.
- 8.2.5 Policy DEN2 of the DaSA Local Plan states that all development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, and that development within the High Weald AONB should be small-scale.
- 8.2.6 Within the DaSA there is a chapter on development within Peasmarsch which states that: *'The development boundary generally tightly encloses the existing built form of the village, together with the residential area identified in the allocation, preventing the expansion of the village into the woodland and fields beyond. The development boundary also largely follows existing residential curtilages to prevent inappropriate backland development from encroaching into the countryside and harming the rural setting of the village'*.
- 8.2.7 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 site itself is situated between open fields and ancient woodland with the closest other property 'White Ladies' sited 240m away, making the site an isolated countryside location. With the recent felling of a section of the woodland to the west of the site the area has become more open.
- 8.2.8 The building as proposed is of a considerable size, larger than many dwelling houses, with a footprint of around 120sqm. By reason of its size, design and detail, it is considered tantamount to the creation of a new dwelling in the countryside. The introduction of a new man-made and modern structure would be a domestication and encroachment in this countryside location which would cause harm to the locality and the AONB. In addition, the building is proposed immediately adjacent ancient woodland. Natural England identify that no development should take place within a minimum of 15m from ancient woodland. That criteria has clearly not been adhered to in this instance. Creating a man-made feature in the landscape

where there is currently unspoilt fields and woodland would result in a harmful urbanising effect on the countryside landscape and scenic beauty of the AONB. There is no real access track currently with a dirt clearing leading towards the site when viewed from Church Street. The creation of a more useable track with parking for visitors would have an urbanising impact to the country lane.

- 8.2.9 Dark night skies are a valued characteristic of the AONB with sections of the DaSA stating: *'Particular care will be taken to maintain the sense of tranquillity of more remote areas, including through maintaining 'dark skies'' and 'Dark night skies are a valued characteristic of the district's countryside and contribute in particular to the special landscape qualities and natural beauty of the High Weald AONB'*. The proposed holiday let building is of a modern design with large amounts of glazing. The light emitted from the building would create a new level of light pollution in a relatively unspoilt landscape. This is also of particular concern in the proximity to the ancient woodland where lighting at night may disturb the wildlife living there.
- 8.2.10 The development would represent an intrusion of urbanising development in an isolated rural, countryside setting which would considerably harm the landscape and scenic beauty of the AONB.

### 8.3 Sustainability

- 8.3.1 Paragraph 11 of the National Planning Policy Framework sets out a presumption in favour of sustainable development, which is at the heart of the National Planning Policy Framework.
- 8.3.2 The application site would be situated down an access track leading from Church Lane, a country road with the national speed limit and no public walkway or verge and no lighting, so would not be safe for pedestrians or cyclists. The holiday let would be situated 0.4km from Main Street. There are pubs on Main Street with the large Jempson's supermarket a further 1.6km away.
- 8.3.3 Comments from ESCC Highways state that *'The site has some accessibility connections including a PROW that runs to the south of the site. There are some bus services and a public house located to the northwest of the site 730m away. They are not fully accessible by footway, however, making them not the most realistic travel option'*.
- 8.3.4 While paragraph 84 of the National Planning Policy Framework gives conditional support to sustainable rural tourism, the site in this case is located some distance from any settlement with a development boundary and visitors/guests staying at the proposed development would be likely to be heavily reliant on private motor vehicles - the least sustainable mode of transport.

### 8.4 The impact upon neighbouring amenities

- 8.4.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that new development should not unreasonably harm the amenities of adjoining properties.

8.4.2 The site benefits from mature screening in the form of ancient woodland in the direction of the nearest neighbour and is isolated from other dwellings. It is not considered that the application proposal would harm neighbouring amenities.

## 8.5 Highway safety

8.5.1 Policy TR3 of the Rother Local Plan Core Strategy requires new development to have adequate, safe access arrangements and Policy TR4 requires adequate on-site parking to be provided. Policy CO6 states that a safe physical environment will be facilitated by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.

8.5.2 Policy DHG12 (i) of the DaSA states that proposals for new drives and accesses will be supported where they are considered acceptable in terms of highway safety, including for pedestrians and cyclists.

8.5.3 The site is located a distance from any settlement with a development boundary and visitors staying at the proposed development would be likely to be heavily reliant on private motor vehicles.

8.5.4 ESCC Highway Authority was consulted on this application and provided the following comments:

### **Access/Location**

*The site will be accessed from the U6416 via what appears to be an existing access. It is unclear whether the access benefits from any planning history. Upon inspection of Google Maps Historical Street View, the access does not appear usable by vehicles in 2009 or 2011 nor benefit from hardstanding. Nevertheless, this application presents an opportunity to establish and formalise this access with hardstanding.*

*The U6416 is subject to a derestricted speed limit at the point of access meaning visibility splays of 2.4m X 215m are required either side of the access point in accordance with Design Manual for Roads and Bridges. It is noted that visibility falls below the required standard either side of the access point particularly to the southwest. Because the proposal would result in an intensification of this access regardless, visibility needs to be to standard. No speed data has been provided in order to justify the reduction in driver sightlines. If the Applicant believes speeds are low enough to justify a reduction in driver sightlines, a speed survey should be commissioned. It is also noted that vegetation will require removing within control of the Applicant/the highway extent in order to achieve the appropriate sightlines. This should be demonstrated on a plan.*

8.5.5 The current proposal does not include sufficient visibility either side of the access point and so would lead to an increased traffic hazard on the U6416, contrary to Policy TR3 of the Rother Local Plan Core Strategy, Policy DHG12 (i) of the DaSA and paragraph 111 of the National Planning Policy Framework. Any proposal to improve visibility would result in further erosion of the natural vegetation and character of the lane with further harm to the landscape of the AONB.



## 8.6 Ecology

- 8.6.1 Policy EN5 of the Rother Local Plan Core Strategy and DEN4 of the DaSA requires biodiversity to be protected and enhanced.
- 8.6.2 The site is undeveloped land which has the potential to contain protected species. The site is also in close proximity to ancient woodland. No ecological surveys or habitat assessment have been submitted in relation to the site or proposed use. The Council is unable to assess any impacts on biodiversity or harm to native species or the ancient woodland given the lack of surveys.
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## 9.0 **PLANNING BALANCE AND CONCLUSION**

- 9.1 The proposed holiday let would result in an urbanisation of an isolated rural location and thus be harmful to the countryside and the landscape and scenic beauty of the High Weald AONB.
- 9.2 It is not considered to be a sustainable location for this development, and it would lead to increased traffic hazards on Church Street, by reason of the inadequate visibility at the proposed access.
- 9.3 There has been no evidence submitted to assess impact on biodiversity, ancient woodland or protected species on this undeveloped land adjacent to ancient woodland. Given the location of the building within the required 15m buffer zone of no development with ancient woodland, harmful impacts on ecology and biodiversity cannot be ruled out.
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## **RECOMMENDATION: REFUSE (FULL PLANNING)**

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### **REASONS FOR REFUSAL:**

1. The proposed holiday let, in terms of size, design and siting, would be detrimental to the character and appearance of the locality creating a new urbanising feature in the open landscape. The proposed holiday let would be tantamount to the creation of a new dwelling in the countryside. The new building and glazing would cause harm to the protected dark night skies of the Area of Outstanding Natural Beauty and adjoining ancient woodland. The holiday let would cause harm to the landscape and scenic beauty of the Area of Outstanding Natural Beauty and it would not conserve the intrinsic value and locally distinctive rural character and landscape features of the countryside. It is contrary to Policies OSS4, RA2, RA3 and EN3 of the Rother Local Plan Core Strategy, Policies DEC2 and DEN2 of the Development and Site Allocations Local Plan, objectives S2 and S3 of the High Weald Management Plan and paragraphs 130 and 176 of the National Planning Policy Framework.
2. The proposed development would result in the creation of a holiday let on a site that is considered to be in an unsustainable location as future occupiers would be reliant on the use of private vehicles to access the site and local facilities. This would be contrary to Policy TR3 of the Rother Local Plan Core

Strategy and paragraphs 8 and 105 of the National Planning Policy Framework.

3. The proposal would lead to increased traffic hazards on Church Street by reason of the inadequate visibility at the proposed access and would therefore be contrary to policies TR3 of the Rother Local Plan Core Strategy, Policy DHG12 of the Development and Site Allocations Local Plan and paragraph 111 of the National Planning Policy Framework.
4. In the absence of any ecology or biodiversity surveys, the potential impacts on ancient woodland and protected species – and whether such impacts can be avoided, mitigated or compensated – cannot be properly considered. It has not been demonstrated that it is unlikely that the development will have an adverse effect on the species and no biodiversity mitigation or enhancement proposals are presented. Therefore, the proposal would conflict with Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the Development and Site Allocations Local Plan and paragraph 180 of the National Planning Policy Framework.

**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.