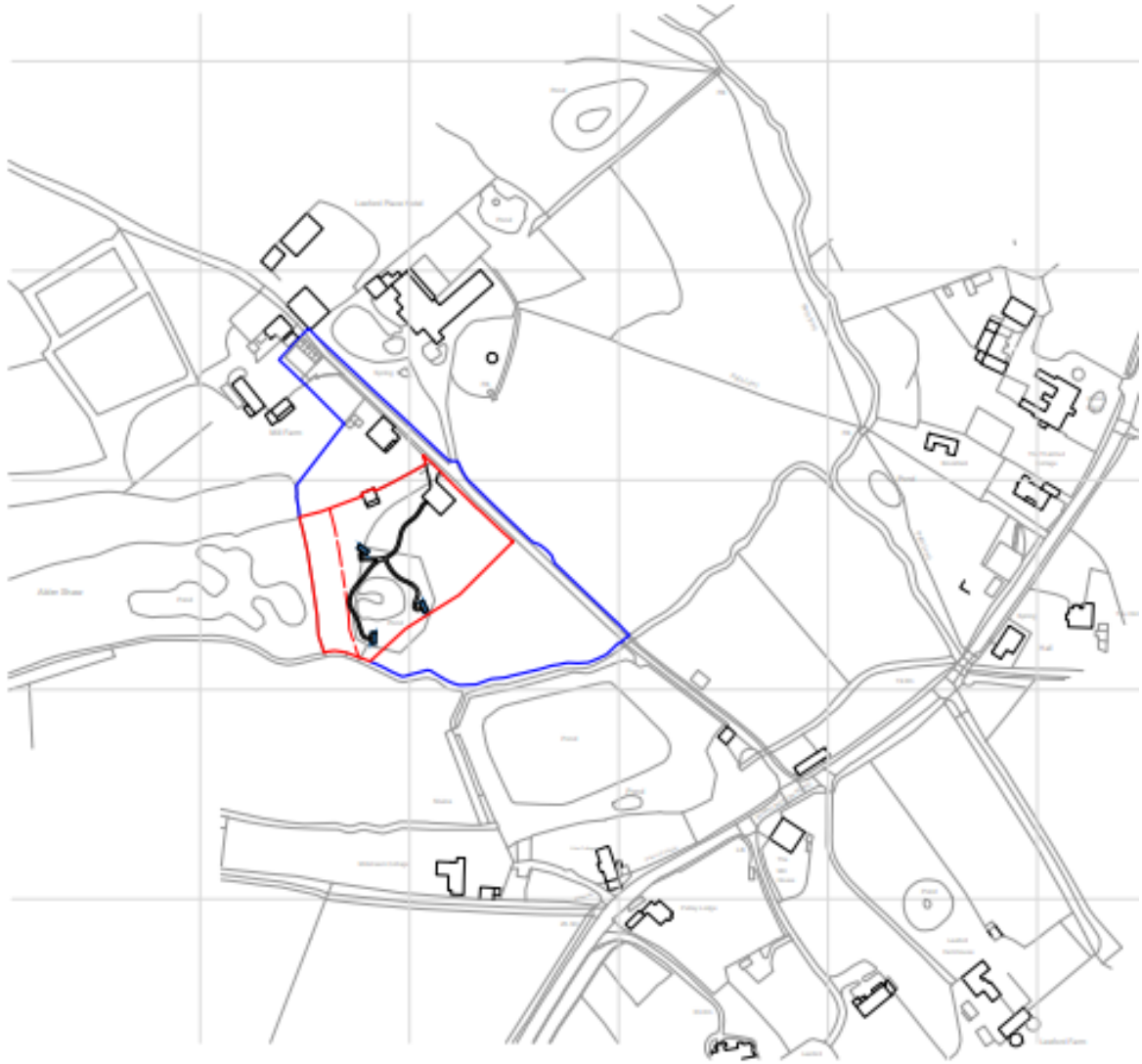


SITE PLAN

RR/2022/2620/P

WHATLINGTON

Mill Farm – Land at
Whatlington Road



Rother District Council

Report to - Planning Committee
Date - 16 March 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2022/2620/P
Address - Land at – Mill Farm, Whatlington Road,
WHATLINGTON
Proposal - Change of use of land at Mill Farm for the stationing of three shepherd huts for tourism use and associated works.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr A. Queiroz and Miss L. Woodridge
Agent: Greenhayes Planning
Case Officer: Mr Ruben Hayward
(Email: ruben.hayward@rother.gov.uk)

Ward: NORTH BATTLE, NETHERFIELD AND WHATLINGTON
Ward Members: Councillors Mrs V. Cook and K.M. Field

Reason for Committee consideration: Member call in – Inappropriate development within the Area of Outstanding Natural Beauty.

Statutory 8-week date: 27 December 2022
Extension of time agreed to: 23 March 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 The proposal is for the change of use of the site for tourism purposes, incorporating the stationing of three shepherds huts within a field north of Whatlington Road. The application is a resubmission of RR/2021/1868/P and is considered to have addressed the reasons for refusal in that application. The current proposal would be acceptable in principle, including in terms of flood risk, would not detract from the character and appearance of the Area of Outstanding Natural Beauty (AONB), cause undue harm on neighbouring amenities and is found to be acceptable in terms of highway safety and biodiversity impacts, subject to the recommended conditions.

2.0 SITE

- 2.1 The site relates to an area of land situated to the west of Mill Lane bridle path, north of Whatlington Road, adjacent to the agricultural holding of Mill Farm. The area of land proposed for the development measures approximately 0.96 hectares consisting of natural grassland, vegetation and features a small pond. The site has existing access on to Mill Lane.
- 2.2 Mill Lane is a bridle path over which motor vehicles also have rights of passage. Other than Mill Farm, there is another farmstead further up the lane and to the west of the nearby railway line. Leeford Place Hotel also lies a short distance to the north of the development site.
- 2.3 The site location is set deep within the High Weald AONB within the Brede Valley landscape character area. Typical High Weald characteristics are found nearby such as the ancient woodland immediately to the west of the site and the irregularly shaped field within the site.

3.0 PROPOSAL

- 3.1 The proposal is to carry out the change of use of the existing land from agricultural to tourism use in order to facilitate the erection of three shepherds' huts as holiday lets. The shepherds' huts would have a restricted season between March and October. In addition to this, an existing area of hard standing would be expanded to allow sufficient parking for the huts. Walkways would be created between the hard standing and each hut, with both being surfaced in a reinforced plastic grid system, backfilled with soil and seeded. Landscaping works include planting a series of trees and shrubs around the existing pond and between the shepherds' huts. All but two of the existing trees would be retained. The undeveloped field area would feature wildflower planting.
- 3.2 Each shepherds hut would be identical in external appearance, featuring timber clad walls and sheet metal roofing. The external footprint would measure approximately 7m in length by 2m in width with a maximum height of approximately 3m at the crest of the roof. Windows are proposed to the front and rear elevations of each hut, with a single pair of opening doors on the front elevation, accessed via raised steps and a rooflight within the curved roof. The internal layout would feature a bedroom/living/kitchenette area with wood burner and a shower room. Whilst the intended use of the shepherds' huts is intended to be long-standing, the nature of the units allows them to be moveable if necessary. A single security light of a downlit design would be positioned at the entrance to each hut, with no other lighting proposed throughout the site. Each hut would be connected to a sewage treatment plant on the site; waste and recycling bins would be situated at each property for regular emptying by the owner.
- 3.3 During the application process, amended plans were received in order to address concerns relating to the location of the eastern shepherds hut within Flood Zone 3. The amended plans have relocated the shepherds' huts north within Flood Zone 1.

- 3.4 The application is accompanied by the following plans and documents:
- Existing Block Plan – 6901/EX, dated June 2021
 - Amended Proposed Block Plan – 6901/22/LBP/E, revised 12/1/23
 - Amended Site Plan – 6901/22/3/I, revised 12/1/23
 - Shepherds hut Elevations/Floor Plans – 6901/22/2/A, dated 11/7/22
 - Planning Statement
 - Arboricultural Impact Assessment – dated October 2022
 - Preliminary Ecological Appraisal – dated 4/11/22
 - Flood Risk Assessment – dated 26/1/23
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4.0 HISTORY

- 4.1 RR/2021/1868/P Proposed change of use of land at Mill Farm to create Glamping Site for 6 No. shepherd huts together with associated facilities and enlargement of pond. (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:
- OSS1: Overall Spatial Development Strategy
 - 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 Development
 - TR3: Access and New Development
- 5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:
- DEC2: Holiday Sites
 - DEN1: Maintaining Landscape Character
 - DEN2: The High Weald AONB
 - DEN4: Biodiversity and Green Space
 - DEN7: Environmental Pollution
- 5.3 The following objective of the High Weald AONB Management Plan is also relevant to the proposal:
- Objective S2: To protect the historic pattern and character of settlement.
- 5.4 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.
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6.0 CONSULTATIONS

6.1 Planning Notice

6.1.1 Seven letters of objection for the application have been received. Their comments are summarised as follows:

- Known flood risk in this location.
- Increase in light, noise and traffic pollution.
- Threat to tranquillity of bridle path.
- Risk of “development creep”.
- Harm to local fishery business.
- Unsightly design of huts.

6.2 Whatlington Parish Council – **OBJECTION**

6.2.1 “The Parish Council comments are as 30/11/2022. The Parish Council objects to this application which would be harmful to the environment of our rural parish which is in an AONB and should be protected. It is also possibly in conflict with the Rother Local Plan Core Strategy.

The land is an agricultural field which is liable to flood as the photographs dated 27 November 2022 forwarded to you separately by email show. There are many floods risk Zone 1 areas in the locality which flood, and this is likely to become more common with climate change, and the planned infrastructure would exacerbate this. The adjacent field to the west of the proposed site has flooded twice in November. The location block plan from Pumphouse Designs submitted with the application shows two of the three proposed shepherds’ huts to be within 3m of the marked extent of flood zone. Mill Lane is a bridleway not suitable for extra regular movements especially as it is used regularly by horse riders and walkers. There is no direct access from this site onto the public highways.

We do not believe that the reduction in the proposed number of shepherds’ huts from a previous application from six to three materially alters the key objections of Rother District Council dated 22 February 2022 - that this application would introduce a manmade and engineered platform and 'represent a significant visual intrusion' into this part of the High Weald AONB. If granted and in time the business does not prosper the effects of a change of use to a brown field site could cause future problems for the parish.”

6.3 Environment Agency

6.3.1 “We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.”

6.4 Ramblers Sussex

6.4.1 “The Local Planning Authority will be aware that Ramblers objected to the previous RR/2021/1868/P planning application for this site and will note the proposed conditions we suggested. It is interesting to note that the Applicant has noted our comments on that application about walking along Whatlington Road to Battle, which would be an unsafe activity. We note that they are now promoting the use of Whatlington Public Rights of Way WHA9/1 and WHA8/2 and subsequently BAT/23/1 to gain access to the Whatlington – Battle Road

where a footway is available. However, despite the excellent HW-AONB views that would be encountered on WHA8/2, the segment from TQ 75287 18360 to TQ 75107 17980 involves an ascent of 30m in 230m (i.e. 1 in 7) across an arable field that would be considered very daunting, for many tourist walkers! The Applicant's prediction that walking and cycling journeys to/from the site will predominate over minimal vehicle use of Mill Lane, do not concur with our expectations. The reduction in number of shepherds' huts does not in essence change our view that Mill Lane, being a designated PRoW Bridleway requires significant consideration for pedestrian, equestrian and cyclist users as the priority users. Our concerns about increased vehicle use by non-resident drivers posing increased hazards for the priority users remain.

We can only re-iterate that if the Local Planning Authority is minded to grant planning permission, Ramblers request that Planning Conditions are applied, which provide for upgraded vehicle driver information signs on Mill Lane. We would expect to see signs installed at the Whatlington Road junction to show the potential presence of pedestrians, equestrians and cyclists on the lane. Further we consider that, due to the narrow nature of Mill Lane, refuges should be created to allow slow moving vehicles to pass the pedestrians, equestrians and cyclists, which implies the need for refuge signs for all users. Additionally, we consider that appropriate notices are required within the site, at its exit onto the lane, to remind non-resident drivers to take care and use caution having regard for the priority users of the lane."

6.5 Sussex Newt Officer

6.5.1 No response.

6.6 County Ecologist

6.6.1 No response.

7.0 APPRAISAL

7.1 A previous application was made on this site for the stationing of six shepherds' huts in the southern part of the field, and a large area of hard-standing for vehicle parking. This was refused due to the significant visual intrusion it would cause on the High Weald AONB and also due to insufficient information on biodiversity and highway impacts. The proposed scheme is halved in number, more sensitively sited around an existing pond and screened with vegetation and new planting. In addition to this, the biodiversity aspects have been addressed with a detailed appraisal, with condition to follow, whilst the highway impact is no longer considered pertinent due to the reduction in units.

7.2 The main issues to be considered are:

- Principle of the development.
- Impact on the character and appearance of the AONB.
- Impact on the amenities of adjoining properties.

7.3 *Principle of the development*

- 7.4 Policy OSS1 of the Rother Local Plan Core Strategy states – The Strategy for the Overall Spatial Development is to: (e) Give particular attention to the ecological, agricultural, public enjoyment and intrinsic value of the countryside, and continue to generally restrict new development to that for which a countryside location is necessary or appropriate to promoting sustainable land-based industries and sensitive diversification, primarily for employment uses.
- 7.5 Policy OSS4 of the Rother Local Plan Core Strategy states – In addition to considerations set out by other policies, all development should meet the following criteria: (iv) It is compatible with both the existing and planned use of adjacent land, and takes full account of previous use of the site.
- 7.6 Policy RA2 of the Rother Local Plan Core Strategy states – The overarching strategy for the Countryside is to: (vii) Support tourism facilities, including touring caravan and camp sites, which respond to identified local needs and are of a scale and location in keeping with the rural character of the countryside.
- 7.7 Policy EC6 of the Rother Local Plan Core Strategy states – Proposals relating to tourism activities and facilities will be encouraged where they accord with the following considerations, as appropriate: (v) It increases the supply of quality serviced and self-catering accommodation; (vi) Appropriate controls are in place that restrict occupancy to that for holiday purposes, whilst not unduly restricting operators from extending their season (subject to visual impact and flood risk considerations, where applicable).
- 7.8 Policy EN7 of the Rother Local Plan Core Strategy states – Flood risk will be taken into account at all stages in the planning process to avoid inappropriate development in areas at current or future risk from flooding, and to direct development away from areas of highest risk. Development will be permitted providing the following criteria are met: (i) Where development is proposed in an area identified as at flood risk, the Applicant will be required to submit a site-specific Flood Risk Assessment which demonstrates that the development will be safe, will not increase flood risk elsewhere, and, where possible, will reduce flooding.
- 7.9 Policy DEC2 of the DaSA states – All proposals for camping, caravan and purpose-built holiday accommodation must: (v) not be in an area at risk of flooding, unless a site specific flood risk assessment has demonstrated that the development will be safe and will not increase flood risk elsewhere.
- 7.10 Policy RA2 of the Rother Local Plan Core Strategy provides support for tourist accommodation within the rural areas, providing that they are of a scale and location that is in keeping with the rural character of the area. Furthermore, Policy EC6 states that such proposals will be encouraged, where they accord with specific considerations. The proposal would be considered to increase the supply of quality self-catering accommodation.
- 7.11 Policy also seeks to ensure that any proposed tourism use would take into account any potential flood risk that may have an impact on the development. The originally submitted plans stationed one of the shepherds huts within Flood Zone 3, however this has been amended to a location further north within Flood Zone 1. Given that the proposed development would now fall

within Flood Zone 1 and is 0.56 ha in size, the planning practice does not require a Sequential or Exception Test to be undertaken. Despite this, it is still acknowledged that there is a known flood risk within the area, and in accordance with Policy EN7, a Flood Risk Assessment has been undertaken and accompanies the application. This assessment sets out mitigation and protection measures as follows:

- Finished floor levels for each development will be elevated approximately 600mm above ground floor level.
- Construction will utilise flood resistant materials and services will be placed as high as practicable to reduce impact of flooding.
- Occupants will sign up for EA Emergency Flood Warning Direct Service.
- Safe egress to Flood Zone 1 will be available.

7.12 It has also been agreed with the Applicant to operate a restricted season between the months of March and October. Flooding events in the immediate area are far more frequent outside of these months.

7.13 It is considered that the mitigation measures suggested in the Flood Risk Assessment and restricted season would be sufficient to adequately reduce the impacts of a potential flood risk on this site and ensure the safety of the occupants. Outside of the operational season, it is not considered that the flood risk would be significantly increased on the surrounding areas, due to the fact that the additional hard standing area would be small in size and permeable, whilst the shepherds huts themselves would be raised significantly above ground level.

7.14 Some concerns have been raised that the development should not be supported in principle due to the remote location and lack of access to facilities. Policy RA2 would not be supportive of tourism uses within the rural areas if accessibility was believed to be a significant issue. It is important to note that tourist accommodation would not be expected to afford the same accessibility to services as a permanent dwelling.

7.15 The nature of tourist accommodation is such that the users would not require all facilities required for day to day life such as a doctors' surgery or primary school. Due to the fact the accommodation is self-catering, it is also likely that users would bring their own groceries, with only occasional top-up shops needed for more perishable items.

7.16 The High Weald AONB is a popular tourist destination, thanks in part to the variety of walking routes that can be found. It is possible for visitors to reach Battle from the site, via public footpaths within approximately one hour, however it is appreciated that this may be undesirable for some.

7.17 There is a bus stop at the bottom of Mill Lane, and another stop by the Royal Oak, approximately five and 15 minute walk from the site respectively. Buses at Whatlington operate a reduced service compared to other stops, however it is considered a convenient means of transport to reach Battle, Hastings, Robertsbridge or Hawkhurst, all of which could provide all the necessary services required for short-term visitors whilst also allowing them further areas to explore the AONB from. Whilst the bus service does not operate on Sundays, and has some wait times of up to two hours between buses, this is

not considered prohibitive to tourists that would not be under the same time-pressure that commuters or every day travellers would have.

- 7.18 It is therefore foreseen that over a seven day stay at the proposed site, visitors would not be reliant on the use of a motor vehicle for the majority of their stay and could make use of public transport and walking routes during a visit.
- 7.19 Policies are highly supportive of tourism uses within rural areas, and it is considered that the proposal adequately addresses flood risk and would be reasonable accessible for touristic needs. The principle of the development can be supported.
- 7.20 *Impact on the character and appearance of the countryside and AONB*
- 7.21 Policy RA2 of the Rother Local Plan Core Strategy states – The overarching strategy for the countryside is to (viii) Generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 7.22 Policy RA3 of the Rother Local Plan Core Strategy states - Proposals for development in the countryside will be determined on the basis of: (v). Ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.
- 7.23 Policy EN1 of the Rother Local Plan Core Strategy states - Management of the high quality historic, built and natural landscape character is to be achieved by ensuring 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; (vi) Ancient woodlands.
- 7.24 Policy DEC2 of the DaSA states - All proposals for camping, caravan and 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 undeveloped coastline, and be supported by landscaping proposals appropriate to the local landscape character.
- 7.25 Policy DEN1 of the DaSA states - The siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics (see Figure 5 above), in accordance with the Rother Local Plan Core Strategy Policy EN1. Particular care will be taken to maintain the sense of tranquillity of more remote areas, including through maintaining 'dark skies' in accordance with Policy DEN7.
- 7.26 Policy DEN2 of the DaSA states - All development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its

character components, as set out in the High Weald AONB Management Plan. Development within the High Weald AONB should be small-scale, in keeping with the landscape and settlement pattern; major development will be inappropriate except in exceptional circumstances.

- 7.27 Policy DEN7 of the DaSA states - Development will only be permitted where it is demonstrated that there will be no significant adverse impacts on health, local amenities, biodiversity or environmental character as a result of lighting, noise, odour, land contamination, hazardous and non-hazardous substances and/ or airborne particulates associated with development, including where appropriate, the cumulative impacts of existing and proposed developments. In particular: (i) in relation to noise, consideration will also be given to the character of the location and established land uses; also, in the case of new noise-sensitive development, users of the new development should not be likely to experience unacceptable adverse effects resulting from existing levels of noise; and (ii) in relation to lighting, the proposed scheme is necessary and the minimum required, and is designed to minimise light pollution including light glare and sky glow and to conserve energy, through the use of best available technology, having regard to the lighting levels recommended by the Institute of Lighting Professionals (ILP) for the relevant environmental zone.
- 7.28 The previous application RR/2021/1868/P was refused in part due to an unacceptable visual intrusion on the High Weald AONB. This was attributed to the large number of units (6) and the impact of an engineered landform on the landscape. The current proposal significantly reduces the amount of hardstanding proposed and also ensures that all the units are adequately screened from external views. Additionally, the hard standing area would be screened from view of the shepherds hut by way of a native hedge.
- 7.29 The current proposals would retain all but two of the existing trees on the field and enhance the landscape with additional native shrub and wildflower planting. Each shepherds' hut would be surrounded by natural landscaping and would not be vulnerable to open views. Furthermore, the layout of the site is more cohesive than before, with the huts surrounding the existing pond on the site rather than being scattered across the bottom half of the field.
- 7.30 The design of each shepherds' hut would consist of traditional High Weald materials such as timber cladding and would not be considered a visual intrusion on the landscape. The huts are of an appropriate design for the rural landscape and would respond positively to this location within the AONB.
- 7.31 A public bridleway, WHA/9/1 passes by the site (known as Mill Lane) and would only afford limited views into the site from the entrance. This is not considered to significantly detract from the character of the AONB or the desirability of the route for walkers. Leeford Place Hotel to the north of the site is far more prominent along this route and is considered to have a more urbanising affect than the proposal.
- 7.32 In terms of noise pollution, the addition of three shepherds' huts is unlikely to contribute any significant noise to the surrounding area. It is expected that each hut would be occupied by two people and would not be desirable for large parties. The additional vehicular movements are also insignificant in the totality of the scheme, especially when considering the 17-room Leeford Place

Hotel which would produce a significantly higher number of journeys on a daily basis.

- 7.33 In terms of light pollution, the only lighting proposed on the site would be outside each shepherds' hut in the form of a singular downlighter. This is considered minimal but essential for security purposes and would not contribute any meaningful light pollution that would potentially detract from the dark night skies of the AONB. Visitors would be expected to use torch light to make their way from Mill Lane to the huts.
- 7.34 A buffer zone will be provided of 15m along the western boundary of the site, in order to protect the ancient woodland that lies to the west. This is considered necessary and appropriate in order to preserve the woodland, a character feature of the area and the High Weald AONB. The Arboricultural Assessment submitted with the application sets out measures for tree protection and highlights the two trees that would be removed, and suggests recommendations that should be followed within an Arboricultural Method Statement.
- 7.35 The overall impact of the development on the AONB is not considered to be negative, due to the careful positioning of each hut and extensive screening around each unit. The proposal would integrate well with the existing landscape, and in some places enhances it with additional planting. Furthermore the development would not contribute significant environmental pollution or detract from the rural nature of the lane.
- 7.36 *Impact on the amenities of adjoining properties*
- 7.37 Policy OSS4 of the Rother Local Plan Core Strategy states - In addition to considerations set out by other policies, all development should meet the following criteria: (ii) It does not unreasonably harm the amenities of adjoining properties.
- 7.38 The site is not closely surrounded by neighbouring properties with few residential properties, a farmstead and a hotel at distances in excess of 100m. Any additional activity within the site during its use is unlikely to cause unreasonable impacts upon these properties. Additional vehicular activity is unlikely to be noticeable, given the more intensive use of the lane by users of the hotel further north. Given this, it is unlikely additional traffic would significantly detract from neighbouring amenity.
- 7.39 *Other issues*
- 7.40 *Highway impacts*
- 7.41 Policy CO6 of the Rother Local Plan Core Strategy states - A high level of community safety will continue to be strongly promoted through effective partnership working. A safe physical environment will be facilitated by: (ii) Ensuring that all development avoids prejudice to road and/or pedestrian safety.
- 7.42 The site would make use of an existing access which adjoins Mill Lane. The lane is a bridle path over which motor vehicles also have right of way. Given that the access is pre-existing, it is considered that it could be safely used by

users of the development. The additional vehicular traffic is not considered significant in the context of the lane and would only be for a few hundred metres from Whatlington Road. Given the nature of this lane and the short distance, it is unlikely that vehicles entering and exiting the site would travel at excessive speed.

7.43 When compared to the previously refused RR/2021/1868/P, this proposal would significantly reduce the vehicular traffic to a level that would not be materially above the current use of the lane. As such it is not considered necessary for a transport assessment to be required.

7.44 Ramblers Sussex suggest that improved signage should be provided at the entrance to Mill Lane in order to remind users of the bridleway that vehicles may also be present on the path. Given the minimal additional vehicular movements that the proposal would generate, this is not considered essential.

7.45 *Impact on biodiversity*

7.46 Policy DEN4 of the DaSA states - Development proposals should support the conservation of biodiversity and multi-functional green spaces in accordance with the Rother Local Plan Core Strategy Policy EN5 and the following criteria, as applicable: (ii) development proposals should seek to conserve and enhance: (a) The biodiversity value of international, national, regional and local designated sites of biodiversity and geological value, and irreplaceable habitats (including ancient woodland and ancient or veteran trees); (b) Priority Habitats and Species; and Protected Species, both within and outside designated sites. Depending on the status of habitats and species concerned, this may require locating development on alternative sites that would cause less or no harm, incorporating measures for prevention, mitigation and (in the last resort) compensation. (iii) in addition to (ii) above, all developments should retain and enhance biodiversity in a manner appropriate to the local context, having particular regard to locally present Priority Habitats and Species, defined 'Biodiversity Opportunity Areas', ecological networks, and further opportunities identified in the Council's Green Infrastructure Study Addendum.

7.47 The previous application RR/2021/1868/P was refused in part due to insufficient information regarding the biodiversity impacts of the proposal. The current proposal has been submitted with a Preliminary Ecological Appraisal. This document sets out the potential impacts on the following:

- Ancient woodland
- Bats
- Great Crested Newts
- Reptiles
- Nesting Birds
- Protected and notable invertebrates
- Protected and notable plants

7.48 The report has set out recommendations in order to protect the biodiversity of the site. It is considered that a condition can be attached in order to approve the details of a method statement, taking into account the recommendations of the Preliminary Ecological Appraisal.

7.49 The Sussex Newt Officer and County Ecologist have not commented on the proposals.

8.0 PLANNING BALANCE & CONCLUSION

- 8.1 The proposal is considered to be acceptable subject to appropriate conditions being attached that would ensure the development is only used for tourist accommodation. The development would accord with Policy RA2 which is supportive of tourism developments within rural areas and could be supported in principle due to the flood risk being appropriately addressed. The development is considered small in scale and sensitive to the prevailing rural landscape of the AONB within this area, whilst additional planting would seek to enhance the surrounding field. The proposal would not cause any undue harm to the amenities of neighbouring properties. Furthermore the additional vehicular movements and use of an existing access would not cause significant concern for highway safety. The findings of the Preliminary Ecological Appraisal can be addressed with a Biodiversity Method Statement that is approved in writing by the Council.
- 8.2 The reasons for refusing RR/2021/1868/P are considered to be adequately addressed with this current application. The number of units has been halved and the location of them more sensitively designed to respond positively to the High Weald location and forming a more cohesive layout that surrounds the pond. The area of hardstanding has been significantly reduced and would consist of permeable materials and the development as a whole would not be considered an intrusive engineered landform. Biodiversity impacts have been adequately assessed, and can be protected by way of condition requiring a method statement to be submitted. The reduction in units no longer poses a significant impact on highway safety.
- 8.3 A similar application for two holiday units within a field has been recently approved within Whatlington Parish (RR/2022/752/P). The proposal was considered acceptable in principle due to policies which support tourism, had an acceptable impact on the AONB due to the minimal scale and sensitive siting and would not have caused harm to neighbouring properties. It is considered that this application at Mill Farm could be granted based on similar reasoning.
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RECOMMENDATION: GRANT (FULL PLANNING)

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 documents:
Existing Block Plan – 6901/EX, dated June 2021

Amended Proposed Block Plan – 6901/22/LBP/E, revised 12/1/23
Amended Site Plan – 6901/22/3/I, revised 12/1/23
Shepherds Hut Elevations/Floor Plans – 6901/22/2/A, dated 11/7/22
Planning Statement
Arboricultural Impact Assessment – dated October 2022
Preliminary Ecological Appraisal – dated 4/11/22
Flood Risk Assessment – dated 26/1/23
Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development hereby permitted shall only be used as tourist accommodation and occupied for that purpose only and none of the buildings shall be occupied as a person's sole or main place of residence.
Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii) EC6 and RA3 (v) of the Rother Local Plan Core Strategy and Policies DEN1, DEN2 and DEC2 of the Development and Site Allocations Local Plan.
4. The holiday let units shall not be occupied for more than 56 days in total in any calendar year by any one person.
Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii) EC6 and RA3 of the Rother Local Plan Core Strategy and Policy DEC2 of the Development and Site Allocations Local Plan.
5. The owners/operators shall maintain an up-to-date register of the names of all owners and/or occupiers of individual shepherds hut on the site, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.
Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies OSS4 (iii) EC6 and RA3 of the Rother Local Plan Core Strategy.
6. The development hereby approved shall operate a restricted season between the months of March and October and the holiday units shall not be occupied outside of these months.
Reason: To ensure that the risks of potential flood impacts on the users of the site would be minimised in accordance with Policy EN7 of the Rother Local Plan Core Strategy.
7. No floodlighting or other external means of illumination of the huts shall be provided, installed or operated at the site without further planning permission.
Reason: To safeguard the special character of the rural area within the High Weald Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.
8. No development shall commence until an ecological method statement is submitted to the Local Planning Authority in accordance with the recommendations contained with the submitted Preliminary Ecological Appraisal, dated 4 November 2022. The method statement shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
Reason: These details are required prior to commencement of works to mitigate the impact of the development on protected species in accordance

with Policy EN5 (ix) of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

9. No development above ground level shall take place on any part of the site until the soft landscaping details have been submitted to and approved by the Local Planning Authority, which shall include:
- a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
 - b) planting plans;
 - c) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
 - e) implementation programme including the recommendations of the Arboricultural Report dated October 2022.

Reason: To ensure the creation of a high quality public realm and landscape setting in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

10. No development shall commence until a scheme for the provision of foul water drainage works including details of the treatment plant have been submitted to and approved in writing by the Local Planning Authority and none of the shepherds' huts shall be occupied until the drainage works to serve the development have been provided in accordance with the approved details.

Reason: The details required are integral to the whole development to ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policies OSS4 (iii) and EN7 of the Rother Local Plan Core Strategy.

11. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment dated 26 January 2023 and the mitigation measures detailed in section 4 (Executive Summary). Where details are required by condition to be submitted and approved by the Local Planning Authority, the details shall accord with the approved Flood Risk Assessment.

Reason: To ensure that the risks of potential flood impacts on the users of the site would be minimised in accordance with Policy EN7 of the Rother Local Plan Core Strategy.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the 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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.