

SITE PLAN

RR/2022/2791/P

BATTLE

Fir Tree Cottage – Land adjacent to,
Netherfield Road
Netherfield Hill



Rother District Council

Report to - Planning Committee
Date - 22 June 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2022/2791/P
Address - Firtree Cottage – land adjacent to, Netherfield Hill, Battle
Proposal - Change of use of the land from agricultural use to mixed use of agriculture and the stationing of caravans for residential purposes for a temporary period of 3 years (part retrospective)

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Ms S. Smith
Agent: Mr S. McKay
Case Officer: Mr M. Worsley
(Email: matthew.worsley@rother.gov.uk)

Parish: NORTH BATTLE, NETHERFIELD & WHATLINGTON
Ward Members: Councillors S. Burton and K.M. Field

Reason for Committee consideration: Councillor call-in (Councillor Field): Detrimental to Area of Outstanding Natural Beauty and ancient woodland. Development not on a designated traveller site.

Statutory 8-week date: 15 February 2023
Extension of time agreed to: 30 June 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 The proposed development would result in harm to the landscape and scenic beauty of the Area of Outstanding Natural Beauty (AONB) which must be given great weight. The unsustainable location of the site also attracts moderate weight. In addition, intentional unauthorised development has taken place, but this only carries limited weight against the scheme. However, significant weight in favour of the development must be given to the fact that there is a current lack of local provision of Gypsy and Traveller (G&T) sites. There is also no alternative accommodation for the occupiers to move to, which is another significant factor in favour of the development. On top of this

are the personal circumstances of the occupiers of the site, including the best interests of the children, which attract significant weight.

- 1.2 Overall there is conflict between the issues weighing for and against the development. The main factor against the development is the harm to the landscape and scenic beauty of the AONB. In time, once a new Local Plan is adopted with G&T allocations, there is a real possibility of more suitable alternative sites being available. With this in mind, it is important to consider the proposal is for a temporary three-year period. Given the significant issues highlighted weighing in favour of the proposal, in the circumstances, and on balance, the application should be supported.

2.0 SITE

- 2.1 The application site lies to the southern side of Netherfield Hill. It is positioned between Firtree Cottage to the east and Ashes Wood to the west, which is designated as ancient woodland and is also covered by a 'Right to Roam'. There is a Public Right of Way around 200m east of the site linking Netherfield Hill to Ashes Wood to the south.
- 2.2 The site is served by a vehicular access onto Netherfield Hill measuring around 17m in length and 6m in width. There is a screen of trees and vegetation across the frontage, either side of the access. The remainder of the site measures around 80m in width and 37m in depth. The field to the south is owned by the Applicant.
- 2.3 The site is located within the countryside outside of a recognised development boundary. It is within the High Weald AONB and is within the Brede Valley Landscape Character Area.

3.0 PROPOSAL

- 3.1 Permission is sought to change the use of the land from agricultural use to a mixed use of agriculture and the stationing of caravans for residential purposes for a temporary period of three years (part retrospective).
- 3.2 The current proposal follows the refusal of a 2020 planning application (RR/2020/599/P) and subsequent Enforcement Notice which was upheld in November 2021 for the material change in use of the land from agricultural use to a mixed use of agriculture and the stationing of caravans for residential purposes together with associated works. As of November 2022, up until the present, the unauthorised use remains, which is in breach of the Enforcement Notice.
- 3.3 The proposed development differs to the unauthorised use in that the caravans would be moved further away from the ancient woodland adjoining the west boundary of the site, with a separation of approximately 25m detailed on the submitted proposed block plan. A parking area would remain around 15m from the boundary with the ancient woodland. In the area between the parking area and the ancient woodland the proposed block plan shows a meadow would be planted together with a post and rail fence and mixed native hedge on the edge of the parking area.

- 3.4 The site is occupied by two families. One plot is occupied by a female adult with five dependent children and the second plot is occupied by a female adult and two adult sons.
- 3.5 The application is accompanied by a planning statement, a tree report dated June 2020 and confidential information explaining the occupiers' personal circumstances.
- 3.6 In relation to sensitive confidential personal data, the Council is required to comply with the Data Protection Legislation and must not publish any personal information which would breach this legislation. To ensure compliance, information considered to be pertinent to the application has been explained in general terms only.
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4.0 HISTORY

- 4.1 ENF/58/20/BAT Material change of use of land from agricultural use to a mixed use of agriculture and the stationing of caravans for residential purposes together with associated works – Enforcement Notice issued 10 September 2020 – Enforcement Notice upheld at appeal 10 November 2021, with the period of compliance set at 12 months. As of the 10 November 2022, the unauthorised change of use and associated works remain on the site and therefore are in breach of the Enforcement Notice.
- 4.2 RR/2020/599/P Change of Use of land for the stationing of 2 No. mobiles and 2 No. tourers and associated operational development including widening of access, for residential use by Gypsy & Traveller family. (Retrospective) – REFUSED.

Reasons for refusal:

1. The site is within the countryside outside any defined development boundary, as defined in saved Policy DS3 of the Rother District Local Plan (2006). The application has been assessed against the Council's policies for G&Ts; together with the Government's Planning Policy for Traveller Sites (PPTS). The Council's requirement (under Policy LHN5 of the Rother Local Plan Core Strategy) to identify a further six permanent pitches to be provided between 2016 and 2028 to meet the identified need has been satisfied by the sites allocated under Policies GYP1 and BEX3 of the Development and Site Allocations (DaSA) Plan. The application site is not an allocated site and being outside areas allocated in the development plan, does not accord with paragraph 25 of the PPTS. Determining the application on its planning merits, the use of the site as a G&T site causes harm to the character and appearance of the rural area, and the proposal conflicts with Policies OSS4 (iii), RA2 (iii) (viii), RA3 (v), LHN6 (ii), and EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA Local Plan, saved Policy DS3 of the Rother District Local Plan (2006) and paragraph 172 of the National Planning Policy Framework.

2. The development represents a visual intrusion of caravans, vehicles and other external domestic paraphernalia in a rural, countryside setting which considerably harms the character and appearance of the High Weald AONB, contrary to Policies OSS4 (iii), BA1 (i), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA Local Plan, paragraphs 170 and 172 of the National Planning Policy Framework and Policy H, paragraph 25 of the Planning Policy for Traveller Sites.
 3. The site lies within an unsustainable countryside location where occupiers of the development are highly reliant on private motor vehicles and are not able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development is contrary to Policies PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3 of the Rother Local Plan Core Strategy and paragraph 8 of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.
 4. The development is located within 15m of an ancient woodland, contrary to standing advice produced by the Forestry Commission and Natural England. The development would result in the deterioration of an irreplaceable habitat, an ancient woodland, by way of increased disturbance, lighting from the caravans, compaction of the ground where the touring caravans would be stored and the uncertainty surrounding how foul and surface water drainage would be dealt with. Additionally, the impact of the development on protected species has not been assessed and therefore it has not been satisfactorily demonstrated that the development would not be harmful to them. Paragraph 175 of the National Planning Policy Framework directs that permission should be refused, given that no wholly exceptional reasons or a suitable compensation strategy has been provided. The development also conflicts with Policies EN1 (vi) and EN5 (viii) (ix) of the Rother Local Plan Core Strategy, Policy DEN4 (ii) of the DaSA Local Plan together with standing advice produced by the Forestry Commission and Natural England relating to ancient woodlands.
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| 4.3 | RR/2006/3158/P | Erection of detached two storey dwelling house including dormer windows and rooflights – REFUSED. |
| 4.4 | RR/2005/1001/P | Erection of private stable block of three stables and a hay store – APPROVED CONDITIONAL. |
| 4.5 | A/56/304 | Outline: permission to erect an agricultural dwelling – REFUSED. |

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
- BA1: Policy framework for Battle
- RA2: General strategy for the countryside
- RA3: Development in the countryside
- SRM1: Towards a low carbon future (Note that part (i) was superseded by the DaSA Local Plan)
- SRM2: Water supply and wastewater management
- CO6: Community safety
- LHN5: Sites for the needs of Gypsies and Travellers
- LHN6: Gypsies, Travellers and Travelling Showpeople criteria
- EN1: Landscape stewardship
- EN3: Design quality
- EN5: Biodiversity and green space
- TR3: Access and new development
- TR4: Car parking

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

- DEN1: Maintaining landscape character
- DEN2: AONB
- DEN4: Biodiversity and green space
- DEN5: Sustainable drainage
- DEN7: Environmental pollution
- DIM2: Development boundaries
- BEX3: Land at North Bexhill – infrastructure
- BEX3c: Land east of Watermill Lane
- GYP1: Land adjacent to High Views, Loose Farm Lane, Battle

5.3 The following policies of the ‘made’ Battle [Neighbourhood Plan](#) are relevant to the proposal:

- HD1: Development boundaries
- HD4: Quality of design
- HD5: Protection of landscape character
- HD6: Integration of new housing
- IN2: Maintain and improve existing infrastructure
- IN3: Parking and new development
- IN4: Pedestrian provision and safety
- EN2: Conservation of the natural environment, ecosystems and biodiversity
- EN3: The High Weald AONB and countryside protection

5.4 The National Planning Policy Framework, Planning Practice Guidance (PPG), PPTS and High Weald AONB Management Plan 2019 - 2024 are also material considerations, together with Section 85 of the Countryside and Rights of Way Act 2000, relating to conservation and enhancement of the AONB.

6.0 CONSULTATIONS

6.1 [Highway Authority](#) – **NO COMMENTS RECEIVED**

6.2 Environment Agency – **NO COMMENTS RECEIVED**

6.3 ESCC Gypsy and Traveller Liaison Officer – **NO COMMENTS RECEIVED**

6.4 Planning Notice

6.4.1 20 letters of objection have been received. The concerns raised are summarised as follows:

- Adverse impact on countryside and AONB.
- Highway and pedestrian safety.
- Harm to biodiversity and the environment.
- Breach of enforcement notice.
- Previous permission refused.
- Contrary to Neighbourhood Plan and Local Plan.

6.4.2 One letter general comment has been received. The comment is summarised as follows:

- Tree survey is out-of-date.

6.5 Battle Town Council – **OBJECTION**

6.5.1 *'Council opposes this application which fails to comply with the Battle CP Neighbourhood Plan Policies: IN1 Traffic Mitigation; IN2 Maintain and Improve Existing Infrastructure; IN4 Pedestrian Provision and Safety; EN2 Conservation of the Natural Environment, Ecosystems and Biodiversity and; EN3 The High Weald AONB and Countryside Protection.'*

7.0 LOCAL FINANCE CONSIDERATIONS

7.1 The type of development for which permission is sought is not Community Infrastructure Levy liable.

8.0 APPRAISAL

8.1 Before the main issues are discussed, the planning history of the site and the necessary policy considerations are set out below.

8.2 Planning history of the site

8.2.1 Under planning application reference RR/2005/1001/P a stable block building was granted planning permission. No change of use of the land to equestrian was involved. The land and stable block had an agricultural use.

8.2.2 In 2007, under planning application reference RR/2006/3158/P, planning permission was refused for a two-storey dwelling on the site. There were three reasons for refusal which are summarised as follows:

1. The site is within the AONB where policies at the time indicated that development would be carefully controlled to protect the character of the area. The proposal was considered to have a harmful effect on the rural character of the area.
2. The site lies outside of a recognised development boundary where policies at the time restricted the creation of new dwellings.

3. *'By reason of the introduction of a new dwelling utilising the existing access point the additional development would give rise to an increase in vehicular traffic hazards and would be detrimental to the free flow and safety of persons and vehicles by reason of the slowing, stopping, turning and reversing traffic. The access point does not have adequate visibility in either direction for the classification of road...'*

8.2.3 In February 2020, the Applicant purchased the site. In March/April 2020, the stable block building granted under reference RR/2005/1001/P was demolished and replaced with caravans used for residential occupation, which was and remains unauthorised. The retrospective planning application was submitted on the 9 April 2020. At the 13 August 2020 Planning Committee meeting it was resolved to refuse planning permission and issue an Enforcement Notice. The Enforcement Notice was issued on the 10 September 2020, which was subsequently upheld at appeal on the 10 November 2021, with the period of compliance set at 12 months. As of the 10 November 2022, the unauthorised change of use and associated works remain on the site and therefore are in breach of the Enforcement Notice.

8.2.4 Since the Enforcement Notice appeal was determined, the Applicant has employed a new planning agent, who is responsible for submitting the current scheme. They explain that additional information regarding the personal circumstances of the Applicant has now been provided, which was not set out in the planning appeal. They explain that the Applicant failed to be represented by their former planning agent who did not turn up to the virtual written representations appeal. As a result, the agent states the Applicant was not well represented and was not able to fully present their case. This application has been submitted with additional information in an attempt for the Applicant to justify their case.

8.3 Policy considerations

8.3.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Specifically Section 70(2) of the Town and Country Planning Act 1990 states:

"In dealing with such an application the authority shall have regard to:
a) The provisions of the development plan, so far as material to application,
b) Any local finance considerations, so far as material to the application, and
c) Any other material considerations."

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

Using this as the starting point, the development plan consists of the Rother Local Plan Core Strategy, the DaSA and the 'made' Neighbourhood Plans.

8.3.2 Policy LHN6 of the Rother Local Plan Core Strategy, against which all planning applications for G&T sites will be assessed, states:

Site allocations will be made and/or planning permission granted for G&T and Travelling Showpeople sites, when all of the following criteria are met:

- (i) The site is not located in a nature conservation designated area, in an area at risk of flooding (flood zones 3a & 3b or a functional floodplain), in close proximity to a Source Protection Zone or significantly contaminated land.*
- (ii) The site should not result in an unacceptable visual or landscape impact, especially within the High Weald AONB taking account of proposed landscaping or screening.*
- (iii) The site is located within or close to an existing settlement and is accessible to local services by foot, by cycle or by public transport.*
- (iv) The site can be adequately accessed by vehicles towing caravans and provides adequate provision for parking, turning, and access for emergency vehicles.*
- (v) The site is not disproportionate in scale to the existing settlement.*
- (vi) Mixed use sites should not unreasonably harm the amenity of adjoining properties.*
- (vii) In the case of sites for Travelling Showpeople, the site must also be suitable for the storage of large items of mobile equipment.*

Where planning permission is granted, appropriate conditions or planning obligations will be imposed to ensure occupation of the site is restricted to those persons genuinely falling into the definitions of G&Ts and Travelling Showpeople.

8.3.3 Turning to national policy, which is a material planning consideration, Paragraph 23 of the PPTS (2015) sets out that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and the PPTS.

8.3.4 When considering planning applications for Traveller sites, paragraph 24 of the PPTS explains the following issues amongst other relevant matters should be considered:

- a) The existing level of local provision and need for sites.
- b) The availability (or lack) of alternative accommodation for the Applicants.
- c) Other personal circumstances of the Applicant.
- d) That the locally specific criteria used to guide the allocations of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.
- e) That they should determine applications for sites from any travellers and not just those with local connections.

8.3.5 At the end of paragraph 24 of the PPTS it is explained that *“as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances”* (emphasis added). Clearly Green Belt is not relevant in this case, but “any other harm” could include, for example, harm to the AONB, highway safety, ancient woodland, sustainability of location, etc.

8.3.6 Paragraph 25 of the PPTS explains that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

- 8.3.7 When considering applications, paragraph 26 of the PPTS states that local planning authorities should attach weight to the following matters:
- a) effective use of previously developed (brownfield), untidy or derelict land;
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and
 - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 8.3.8 In the event that the occupiers of the site are not considered to meet the definition of G&Ts, the application would need to be determined against Policy RA3 (iii) of the Rother Local Plan Core Strategy, which relates to the creation of new dwellings in the countryside. This policy allows the creation of new dwellings in the countryside in extremely limited circumstances including a) dwellings to support farming; b) the conversion of traditional historic farm buildings; c) the one-to-one replacement of an existing dwelling of similar landscape impact; and d) as a rural exception site to meet an identified local affordable housing need.

8.4 Main issues

- 8.4.1 The main issues to consider in the determination of this application include:
- i) Whether the families occupying the site meet the definition of a “G&T”.
 - ii) The need for sites for G&Ts, the provision of sites and the availability of alternative sites.
 - iii) The impact of the development on the character and appearance of the area, including the landscape and scenic beauty of the AONB.
 - iv) Accessibility to services and facilities.
 - v) Highway safety.
 - vi) The effect on the adjacent ancient woodland and protected species.
 - vii) The impact on the living conditions of occupants of nearby residential properties.
 - viii) Personal circumstances, human rights and best interests of the children.
 - ix) Intentional unauthorised development.
 - x) The overall balance and whether any harm identified would be clearly outweighed by other considerations. If so, whether this would amount to very special circumstances which would justify the proposal.

8.5 G&T Status

- 8.5.1 The Planning Policy for Traveller Sites (PPTS) defines G&Ts at Annex 1, as:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

The PPTS, and Rother Local Plan Core Strategy Policies LHN5 and LHN6, only apply to G&Ts who meet this definition.

- 8.5.2 It should be noted that prior to 2015, the PPTS definition included additional wording, to also include persons who have ceased to travel permanently for the reasons set out in the definition, which is set out within the glossary of the Rother Local Plan Core Strategy (p.187). However, “or permanently” was removed in the 2015 version of the PPTS. This means that when the Rother Local Plan Core Strategy was adopted in 2014, the PPTS and Policies LHN5 and LHN6 of the Rother Local Plan Core Strategy would have applied to persons who had ceased to travel *temporarily or permanently* for the reasons detailed in the PPTS definition.
- 8.5.3 In respect of the 2015 PPTS definition of a G&T, the recent Court of Appeal judgement in *Smith v. SoS for Levelling Up, Housing and Communities* (31 October 2022) ruled that removing “or permanently” is discriminatory towards G&Ts who had permanently ceased to travel due to old age or illness, but who lived or wanted to live in a caravan. The discrimination was found to be inextricably linked to their ethnic identity (see paragraph 66 of the ruling).
- 6.5.4 At the time of considering the previous planning application in 2020, it was accepted by officers that the occupiers of the site met the 2015 PPTS definition of a G&T, which was helped in part by corroboration by a G&T Liaison Officer at a separate County Council. The Inspector for the subsequently upheld enforcement appeal, determined in November 2021, agreed that the occupiers were G&Ts. The same individuals still occupy the site and therefore, given the short passage of time that has passed, the occupiers of the site can be considered as G&Ts.
- 8.6 The need for sites for G&T, the provision of sites and the availability of alternative sites
- 8.6.1 In terms of development plan policies, Policy LHN5 of the Rother Local Plan Core Strategy (2014) requires provision to be made for five permanent pitches within Rother for G&T over the period 2011-2016, and a further six pitches between 2016 and 2028. These requirements have been met either through implemented planning permissions or through the allocation of two sites (totalling six pitches) within the DaSA (Policies BEX3, BEX3c & GYP1). The DaSA sites are currently unoccupied and do not have extant planning permission.
- 8.6.2 A recent allowed Appeal Decision at Loose Farm Lane, Battle has cast doubt over the deliverability of allocated G&T sites. The Inspector drew attention to the PPTS, which states that in order to be considered deliverable, sites should be available now, offer a suitable location for development and be achievable in the next five years. Whilst the requirements for pitches have been met in accordance with locally assessed needs, it is unclear whether all the allocated pitches have become available. The Inspector’s doubts over deliverability weighed in favour of the proposal and is therefore a material consideration in this case.
- 8.6.3 To support the Council’s new Local Plan, Rother has worked with the East Sussex local authorities to commission a joint [Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment \(GTAA, 2022\)](#) for the study

period between 2021 and 2040. The publication of the GTAA (2022) strengthens the position that was adopted by the Inspector at the appeal for two gypsy and traveller pitches at High Views, Battle, in 2021 (RR/2019/1565/P): that the Council may not currently have a deliverable 5-year supply of pitches, and that the locally set targets contained within the Rother Local Plan Core Strategy are out of date. These factors will need to be given weight in determining planning applications for new gypsy and traveller pitches on unallocated sites, meaning that a lack of need for pitches could not be the sole reason for refusing a planning application for a PPTS-compliant gypsy or traveller site.

- 8.6.4 The GTAA (2022) also identifies a significant accommodation need for G&T in Rother who do not meet the PPTS definition. The Council's emerging Local Plan will need to address this need, and this is likely to be through a criteria-based policy along the lines of Policy LHN6 of the Rother Local Plan Core Strategy. The emerging Local Plan is not, however, at any consultation stage, and any emerging policies can currently be given no weight. If the PPTS definition of G&Ts were to change, in response to the Lisa Smith judgement, then it is likely that (in addition to a criteria based policy for any "windfall" sites), the new Local Plan would also be required to identify land to accommodate the needs of all "cultural" G&Ts, i.e. make sufficient site allocations.
- 8.6.5 While the emerging Local Plan currently has no weight, the fact the East Sussex GTAA (2022) has identified a current need for pitches for both PPTS-compliant and non-PPTS compliant G&Ts, above the need identified and planned for in the Rother Local Core Strategy, is a material consideration in the determination of the current planning application which carries significant weight.

8.7 Character and appearance

- 8.7.1 Section 85 of the Countryside and Rights of Way Act 2000 provides that, in exercising or performing any functions in relation to, or so as to affect, land in an AONB, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the AONB. The essential landscape character of the High Weald AONB that makes it special is described within the Statement of Significance within the AONB Management Plan 2019-2024. The plan also sets objectives for the management of the AONB relating to geology, landform and water systems; settlement; routeways; woodland; field and heath; land-based economy and related rural life; and other qualities.
- 8.7.2 Paragraph 174 of the National Planning Policy Framework states that decisions should contribute to and enhance the natural and local environment by a) protecting and enhancing valued landscapes and b) recognising the intrinsic character and beauty of the countryside.
- 8.7.3 Paragraph 176 of the National Planning Policy Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. It explains that the conservation and enhancement of wildlife and cultural heritage are also important considerations.

- 8.7.4 Policy OSS4 (iii) of the Rother Local Plan Core Strategy requires that all development respects and does not detract from the character and appearance of the locality.
- 8.7.5 Policy RA2 of the Rother Local Plan Core Strategy sets out the overarching strategy for the countryside outside the main confines of settlements, including: (viii) generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.
- 8.7.6 Policy RA3 (v) of the Rother Local Plan Core Strategy requires that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside and, wherever practicable, support sensitive land management.
- 8.7.7 Policy EN1 provides for 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 AONB and (v) open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes.
- 8.7.8 Turning to the DaSA, Policy DEN1 provides that 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, in accordance with 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.
- 8.7.9 In respect of the distinctive local landscape characteristics, the site is located within the Brede Valley Landscape Character Area, which the East Sussex Landscape Character Assessment describes in detail. Within the assessment the landscape evaluation of the current condition explains that Brede Valley is a largely unspoilt and tranquil rural landscape with few intrusive features. The landscape is in generally good condition and well managed as farmland with a strong historic structure. Orchards have declined and many disappeared so that associated Oast houses have been converted to residential uses. Agricultural change has led to some gentrification of the rural landscape and villages. As with most of the High Weald landscape the historic field patterns of small fields and significant hedgerows remain intact.
- 8.7.10 Policy DEN2 of the DaSA 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, 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.
- 8.7.11 The High Weald AONB is characterised by green rolling countryside, of a pastoral nature, punctuated by small areas of woodland, small towns, villages and hamlets. The application site lies in an open countryside setting, away from any established settlement. Much of the application site is open

agricultural land mainly laid to grass, surrounded by ancient woodland. In terms of AONB features, the boundaries of the site and field to the south, together with the adjoining field to the east (in separate ownership), are identified as historic field boundaries. The development for which permission is sought is concentrated towards the northwest corner of the field, behind a screen of vegetation which separates it from the road.

- 8.7.12 In determining the upheld Enforcement Notice appeal, the Inspector concluded that the caravans and associated domestic paraphernalia on the site are at odds with the rural character and setting of the surroundings. It was explained that whilst screening planting would go some way to reducing the impact, that argument could be repeated too often to justify unacceptable development to the overall detriment of the AONB. The Inspector found that the development has led to unacceptable harm to the natural beauty and scenic value of the AONB.
- 8.7.13 The Applicant's planning statement accepts that the site is in a landscape sensitive area but argues the AONB is a constraint that affects the majority of the district. It explains that the only settlements which are not affected by the AONB are Bexhill, part of Rye and Camber. To meet the needs of G&Ts across the district, they say sites will need to be located within this landscape constraint.
- 8.7.14 Whilst it is acknowledged the current scheme proposes to move the caravans away from the ancient woodland and replace one of them with a smaller unit, and additional planting would be provided to soften the impact of caravans and domestic paraphernalia from public vantage points, it is still the case that caravans are not characteristic of the immediate landscape. The mobile homes and the touring caravans would still be seen from the road and the surrounding ancient woodland which is covered by a Right to Roam. Views would change with the seasons as the trees and hedgerows come in and out of leaf and for this reason the development is likely to be more visible in the winter months. Whilst a stable block has been demolished, this, together with the previous use of the site, was rural in character. The caravans, on the other hand, appear incongruous and foreign in this countryside setting and change the character of the site to one of residential use. On top of this is the inevitable presence of external domestic paraphernalia such as vehicles, play equipment, washing and lighting at night from inside the caravans which will add to the harmful impact that the development has.
- 8.7.15 For the reasons set out, the development is viewed as representing a visual intrusion of caravans in a rural, countryside setting which considerably harms the character and appearance of the AONB, contrary to Rother Local Plan Core Strategy Policies OSS4 (iii), BA1 (i), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) and DaSA Policies DEN1 and DEN2. There is also conflict with paragraph 176 of the Framework which indicates that great weight should be given to conserving landscape and scenic beauty in the AONB which is afforded the highest status of protection.

8.8 Accessibility to services and facilities

- 8.8.1 The site is within the countryside around 1.5km from the development boundary of Battle and around 2.5km from the centre of the market town, where most of the services are found. The village of Netherfield is also in

excess of 2km from the site. The occupants of the development are dependent on the use of private vehicles for day-to-day requirements, with limited alternatives being available to access any shops, transport or other facilities due to the nature of the lane and its length together with a lack of pavements.

8.8.2 Whilst it is acknowledged that some occupiers of the site have disabilities which means access to public transport is challenging, the development would still undermine the aims of local and national planning policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to facilities. The development is contrary to Policies PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3 of the Rother Local Plan Core Strategy and paragraph 8 of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.

8.9 Highway safety

8.9.1 Policy CO6 (ii) of the Rother Local Plan Core Strategy requires all development avoids prejudice to road and/or pedestrian safety. Policy LHN6 (iv) of the Rother Local Plan Core Strategy requires the site to have adequate access by vehicles towing caravans and provides adequate provision for parking, turning and access for emergency vehicles.

8.9.2 The site access is on the southern side of Netherfield Hill (C96) along a section of the road that is subject to the national speed limit (60mph). The stable block granted in 2005 was served by an access only capable of accommodating one vehicle in one direction at any given time. That access has been widened to around 6m by the current owner and forms part of the development for which permission is sought to retain.

8.9.3 The issue of securing satisfactory visibility splays at the access was discussed and considered at length during the previous application and also looked at by the Inspector in upholding the Enforcement Notice appeal. In summary, it was concluded that satisfactory visibility splays for the development could be secured via condition. There would also be more than adequate space on site to park and turn vehicles. Compliance with planning conditions would avoid harm to highway or pedestrian safety.

8.10 Ancient woodland and protected species

8.10.1 Paragraph 180 (c) of the National Planning Policy Framework states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. Objective W1 of the High Weald AONB Management Plan requires the existing extent of woodland and particularly ancient woodland to be maintained.

8.10.2 Policy EN5 of the Rother Local Plan Core Strategy states that biodiversity, geodiversity and green space will be protected and enhanced, by multi-agency working where appropriate, to (viii) ensure that development retains, protects and enhances habitats of ecological interest, including ancient

woodland, water features and hedgerows, and provides for appropriate management of these features.

8.10.3 Policy DEN4 of the DaSA sets out:

Development proposals should support the conservation of biodiversity and multi-functional green spaces in accordance with 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.

8.10.4 Standing advice produced by the Forestry Commission and Natural England states that the direct impacts of development on ancient woodland or ancient and veteran trees include:

- Damaging or destroying all or part of them (including their soils, ground flora or fungi).
- Damaging roots and understorey (all the vegetation under the taller trees).
- Damaging or compacting soil around the tree roots.
- Polluting the ground around them.
- Changing the water table or drainage of woodland or individual trees.
- Damaging archaeological features or heritage assets.

8.10.5 The standing advice explains that nearby development can also have an indirect impact on ancient woodland or ancient and veteran trees and the species they support. These can include:

- Breaking up or destroying connections between woodlands and ancient or veteran trees.
- Reducing the amount of semi-natural habitats next to ancient woodland.
- Increasing the amount of pollution, including dust.
- Increasing disturbance to wildlife from additional traffic and visitors.
- Increasing light or air pollution.
- Increasing damaging activities like fly-tipping and the impact of domestic pets.
- Changing the landscape character of the area.

8.10.6 The standing advice states that local planning authorities and developers should identify ways to avoid negative effects on ancient woodland or ancient and veteran trees. This could include selecting an alternative site for development or redesigning the scheme.

8.10.7 In terms of the recommended separation of development from ancient woodland, the standing advice states that a buffer zone of at least 15m should be provided to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, a larger buffer zone is likely to be required. For example, the effect of air pollution from development that results in a significant increase in traffic.

8.10.8 The proposed development would be located 15m or more from the edge of the ancient woodland, with native planting proposed in the area between. The submitted plan shows all buildings and structures to be removed from the area between the parking spaces and ancient woodland, which would be an improvement to the historic situation of when the stables were positioned close to the ancient woodland.

8.10.9 Although no formal ecological assessment has been made concerning the effect of increased domestic activity upon the habitat, the increased separation is a significant difference to the previous scheme and a compensation strategy has now been detailed. Overall, and subject to the compliance with relevant landscape and drainage conditions, the proposed development would not adversely impact on the ancient woodland or protected species.

8.11 Living conditions of occupants of nearby residential properties

8.11.1 The immediate neighbouring property to the east, 'Firtree Cottage', is the only nearby residential property that is likely to be directly impacted by the development. Whilst other locals may see glimpses of the development as they drive past or walk by the site, they should not be impacted in any other way.

8.11.2 The proposed repositioning of the caravans would result in them being slightly closer to the shared boundary with Firtree Cottage, although there would still be a separation of more than 40m. Given the substantial separation, no unacceptable overlooking, loss of outlook or loss of light occurs. The development comprises two residential units and are unlikely to generate significant or harmful levels of activity or noise. There are no adverse impacts on the living conditions of the occupants of the neighbouring property 'Firtree Cottage'.

8.12 Personal circumstances, human rights and the best interests of children

8.12.1 Local planning authorities must consider all the circumstances including the personal circumstances of those living on the site. Consideration must be given to Convention rights protected under the Human Rights Act 1998 (in particular Article 8 in the case of development that is someone's home), the best interests of any children affected in accordance with the Children Act 2004, and regard must be had to the Public Sector Equality Duty (set out in Section 149 of the Equality Act 2010). Section 149 provides as follows:

A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

8.12.2 The PPG contains the following guidance:

Should children's best interests be taken into account when determining planning applications?

Local authorities need to consider whether children's best interests are relevant to any planning issue under consideration. In doing so, they will want to ensure their approach is proportionate. They need to consider the case before them, and need to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community. This will include considering the scope to mitigate any potential harm through non-planning measures, for example through intervention or extra support for the family through social, health and education services.

Paragraph: 028 Reference ID: 21b-028-20150901

Revision date: 01 09 2015

- 8.12.3 The Local Planning Authority is advised that the five school aged children occupying the site are currently home schooled as they do not have a permanent address to secure places. This is supported by the fact that the occupiers of the site currently utilise a "care of" address for all their correspondence.
- 8.12.4 Through the consideration of the previous planning application, together with additional confidential information received as part of the current application, the Local Planning Authority has been advised that the female adult with two adult sons and two of the children living on the site have significant medical conditions and learning difficulties. In respect of the female adult, the medical information provided suggests various ongoing health issues. They are registered at a surgery more than 30 miles away. Turning to the two adult sons, their main carer is their mother, which is evidenced by social care professionals and related correspondence. The correspondence also explains the adult sons would not be able to occupy a public site or one where another family resides due to their medical conditions and learning difficulties. Evidence has been provided to substantiate their health issues. It demonstrates that the sons have significant medical needs, and they are not able to live independently. A care arrangement for the sons is in place which has been tailored around other family members who live in close proximity to the site.
- 8.12.5 In respect of the two dependent children with medical and educational needs, no evidence has been provided by way of letters from medical or educational practitioners.
- 8.12.6 If planning permission is refused, and any subsequent appeal is dismissed, it is likely that the families would have to leave the site. This would result in the interference with their human rights regarding Article 8 of the European Convention on Human Rights. It encompasses respect for family life and the home. It is consistent with relevant caselaw that the best interests of children should be a primary consideration in any decision on the application, although is not necessarily the determining factor.
- 8.12.7 At the time of determining the 2020 planning application and when the Inspector upheld the subsequent Enforcement Notice appeal, there was considered no reason why very similar benefits could not be achieved on another settled site, such as those allocated in the DaSA. On this basis there

was considered an alternative site available which, at that time, reduced the weight which could be given to the families' personal circumstances.

- 8.12.8 However, as set out earlier in the report, there are significant doubts over the deliverability of the allocated DaSA sites. In addition, the 2022 needs survey identifies that additional pitches will be needed in the district.
- 8.12.9 The best interests of the children living on the site are to remain on the site and for the development to be retained as provided. An ordered and settled site would afford them the best opportunity of a stable, secure and happy family life, opportunities for education, ready access to health and other services (albeit the site is not considered to be sustainably located) and opportunities for play and personal development.
- 8.12.10 Given there is real uncertainty over suitable alternative sites to accommodate the families in a safe and reasonable way, in the circumstances, the best interests of the children and personal circumstances of the other occupiers of the site must be given significant weight.

8.13 Intentional Unauthorised Development

- 8.13.1 It is Government policy that intentional unauthorised development is a material consideration that should be weighed in the determination of planning applications and appeals. The written ministerial statement announcing this policy expressed concern that where the development of land has been undertaken in advance of obtaining planning permission there is no opportunity to appropriately limit or mitigate the harm that may have been caused. However, it is considered relevant to note that planning legislation allows for retrospective planning applications and that guidance on how much weight the aforementioned policy should be given is not clear. Furthermore, the planning system is not intended to be punitive but to secure compliance with legitimate planning objectives. It is also considered relevant to have regard to the specific circumstances of this matter and the challenges posed by COVID-19, which is when the occupiers first moved onto the site.
- 8.13.2 Nevertheless, in 2020 there was intentional unauthorised development, but given this was at the time of the COVID-19 lockdown and the overall circumstances, including the personal needs of occupiers of the site, this carries limited weight against the development.

9.0 **PLANNING BALANCE AND CONCLUSION**

- 9.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise. It is therefore necessary for the planning application to be assessed against the policies in the Development Plan and then to take account of other material planning considerations including the National Planning Policy Framework and PPTS.
- 9.2 The development represents a visual intrusion of caravans in a rural, countryside setting which considerably harms the character and appearance of the AONB. On top of this is the presence of external domestic paraphernalia such as vehicles, play equipment, washing and lighting at night

from inside the caravans which add to the harmful impact that the development has. For these reasons the development conflicts with Policies OSS4 (iii), BA1 (i), RA2 (viii), RA3 (v), EN1 (i) (v) and LHN6 (ii) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA, paragraphs 174 and 176 of the National Planning Policy Framework. In accordance with paragraph 176 of the National Planning Policy Framework, great weight must be given to the harm that the development has on the landscape and scenic beauty of the AONB.

- 9.3 In addition, the location of the site is unsustainable. The development undermines the aims of local and national planning policies, which seek to direct development, and that of residential accommodation in particular, to settlements where there is ready access to facilities; as well as being contrary to local and national policies on moving to a low carbon future. The development conflicts with Rother Local Plan Core Strategy Policies PC1, OSS3 (v), SRM1 (vii), LHN6 (iii) and TR3, which are broadly consistent with the National Planning Policy Framework's aim to promote and encourage sustainable transport. Given that the development consists of just two residential units, the harm is somewhat limited, but should still be afforded moderate weight.
- 9.4 It is acknowledged that intentional unauthorised development took place in 2020. However, given this was at the time of the COVID-19 lockdown and the overall circumstances, including the personal needs of occupiers of the site, this only carries limited weight against the development.
- 9.5 Notwithstanding the issues weighing against the development, there are significant doubts over the deliverability of allocated sites for G&Ts within the DaSA. On top of this, the East Sussex GTAA (2022) has identified a current need for pitches for both PPTS-compliant and non-PPTS compliant gypsies and travellers, above the need identified and planned for in the Rother Local Plan Core Strategy. This is a material consideration in the determination of the current planning application which carries significant weight.
- 9.6 At the end of paragraph 24 of the PPTS it is explained that "*as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh.....any other harm so as to establish very special circumstances*". In this case the best interests of the children living on the site do fall to be considered. They are a primary consideration. As explained earlier in the report, given there is real uncertainty over suitable alternative sites to accommodate the families in a safe and reasonable way, in the circumstances, the best interests of the children and personal circumstances of the other occupiers mean it is best for them to remain on the site and this must be given significant weight.
- 9.7 Issues relating to highway safety, ancient woodland, protected species and neighbouring amenity are neutral factors provided conditions are imposed on any planning permission and these are complied with.
- 9.8 In summary, the proposed development would result in harm to the landscape and scenic beauty of the AONB which must be given great weight. The unsustainable location of the site also attracts moderate weight. In addition, intentional unauthorised development has taken place, but this only carries limited weight against the scheme. However, significant weight in favour of

the development must be given to the fact that there is a current lack of local provision of G&T sites. There is also no alternative accommodation for the occupiers to move to, which is another significant factor in favour of the development. On top of this are the personal circumstances of the occupiers of the site, including the best interests of the children, which attract significant weight.

- 9.9 Overall there is conflict between the issues weighing for and against the development. The main factor against the development is the harm to the landscape and scenic beauty of the AONB. In time, once a new Local Plan is adopted with G&T allocations, there is a real possibility of more suitable alternative sites being available. With this in mind, it is important to consider the proposal is for a temporary three-year period. Given the significant issues highlighted weighing in favour of the proposal, in the circumstances, and on balance, the application should be supported.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The use hereby permitted shall be discontinued, and the caravans removed from the site on or before 22 June 2026.
Reason: The residential use of the site is not considered suitable on a permanent basis in this location due to the harm it causes to the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty but is permitted on a temporary basis due to current lack of local provision of Gypsy and Traveller sites. There is also no alternative accommodation for the occupiers to move to and the personal circumstances of the occupiers mean it is in their best interests to remain on the site at the current time. A temporary permission will time limit the harm to the landscape and natural beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1(i) and LHN6 of the Rother Local Plan Core Strategy.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Location Plan (2022-1321v1-Location dated 4 October 2022)
Block Plan (2022-1321v1-ExistBlock dated 4 October 2022)
Block Plan (2022-1321v1-PropBlock dated 4 October 2022)
Reason: For the avoidance of doubt and in the interests of proper planning
3. Within two months of the date of the decision, the site shall be laid out in accordance with the approved block plan (2022-1321v1-PropBlock dated 4 October 2022)
Reason: To protect the ancient woodland adjacent to the site, including any protected species that may be present, from increased disturbance, lighting from the caravans and compaction of the ground where the touring caravans would be stored in accordance with Policies EN1 (vi) and EN5 (viii) (ix) of the Rother Local Plan Core Strategy, Policy DEN4 (ii) of the Development and Site Allocations Local Plan, paragraph 180 of the National Planning Policy Framework, together with standing advice produced by the Forestry Commission and Natural England relating to ancient woodlands.

4. Within two months of the date of the decision, a soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of species, planting method and a plan showing the position of the planting. The scheme shall be planted in the next planting season following written approval by the Local Planning Authority. If within a period of five years from the date of planting any tree or plant is removed, uprooted, destroyed or defective, another tree or plant of the same species and size as originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
Reason: To enhance the setting of the development in the interests of conserving the natural beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1(i) and LHN6 of the Rother Local Plan Core Strategy.
5. Within two months of the date of the decision, a scheme for the provision of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Within two months of the written approval of the Local Planning Authority, the foul and surface drainage works shall be provided and thereafter maintained in accordance with the approved details.
Reason: 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.
6. Within two months of the date of the decision, visibility splays measuring 2.4m by 95m to the northwest and 2.4m x 155m to the southeast shall be provided. The visibility splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
7. Within six months of the date of the decision, the access shall be reconstructed in accordance with the attached HT407 diagram.
Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway in accordance with Policy CO6 (ii) of the Rother Local Plan Core Strategy.
8. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such. The occupation of the site shall also be restricted to only Ms Sherri McCallister and Ms Susan Smith and their dependants.
When the land ceases to be occupied by those named above, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored in accordance with a scheme and timetable that has first been submitted to and approved in writing by the Local Planning Authority.
Reason: The proposed development is only acceptable on a temporary 3-year basis due to the personal circumstances of the Applicant and their way of life, which mean that they meet the definition of a "gypsy or traveller".

9. There shall be no more than two pitches within the site. On each of the two pitches hereby approved no more than two caravans shall be stationed at any one time, of which no more than one shall be a mobile home or a static caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

Reason: To conserve the natural beauty of the High Weald Area of Outstanding Natural Beauty in accordance with Policies EN1(i) and LHN6 of the Rother Local Plan Core Strategy.

10. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and no commercial activities, including burning, shall take place on the land, including the storage of materials, plant or waste.

Reason: Reason: To preserve the amenities of the locality, in accordance with Policy OSS4(ii) of the Rother Local Plan Core Strategy.

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.