

SITE PLAN

RR/2022/2959/P

BURWASH

Acorn Farm
Shrub Lane



Rother District Council

Report to - Planning Committee
Date - 20 July 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2022/2959/P
Address - Acorn Farm, Shrub Lane, Burwash, TN19 7EB
Proposal - Erection of a new dwelling for a farmworker.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr Woodrofe
Agent: Saunders Rural Solutions
Case Officer: Mr Sam Koper
(Email: sam.koper@rother.gov.uk)

Parish: BURWASH
Ward Members: Councillors J. Barnes and Mrs E.M. Kirby-Green

Reason for Committee consideration: Director – Place and Climate Change **referral:** Local community and Parish Council strongly support the application. It is felt that the dwelling meets the criteria for a new dwelling for a rural worker, living on site would reduce traffic entering/exiting the site, and the proposal would have no direct adverse effect on the Area of Outstanding Natural Beauty.

Statutory 8-week date: 9 February 2023
Extension of time agreed to: 24 March 2023

1.0 COMMITTEE UPDATE

1.1 Following a site visit, this application was previously considered at the Planning Committee meeting on 16 March 2023 and as the minutes note, *DEFERRED FOR:*
FURTHER INFORMATION TO ADDRESS EAST SUSSEX COUNTY COUNCIL HIGHWAYS COMMENTS (A SPEED SURVEY TO BE COMPLETED), TO INCLUDE A CONDITION TO RESTRICT LIGHT POLLUTION AND POTENTIAL FOR RENEWABLE ENERGY MEASURES

During the discussion, the Planning Committee requested that the Applicant complete a speed survey of Shrub Lane and provide details of how the visibility splay issue would be addressed and recommended that the Applicant considered the addition of including renewable energy and dark sky measures e.g. solar PV, battery storage and air source heating smart

glazing and electrochromic glass within their application. It was also suggested that a further condition be added to restrict outside lighting to protect the dark skies.

- 1.2 The applicant has now undertaken the traffic survey and comments have been received from the local Highway Authority. They comment as follows:
- *This application originally attracted highway objection due insufficient visibility either side of the access point. A speed survey has now been provided to justify the reduction in driver sightlines. The speed survey recorded 85th percentiles of 42.9mph for southbound traffic from the northern ATC and 43.5mph for northbound traffic from the southern ATC. This means that visibility splays of 2.4m X 116m are required to the north and 2.4m X 121m to the south. I am satisfied that the appropriate visibility is achievable subject to trimming back vegetation within the applicant's control particularly to the south of the proposed access. It is noted that 3 days of speed survey data is missing on the southern ATC with not all CA185 criteria strictly adhered to. However, due to the fact both the north and south ATC have produced similar speeds and the characteristics of the road taken into consideration, I am satisfied that the speeds recorded are an accurate reflection of speeds on this stretch of the C212 and would not wish for the speed survey to be redone.*
 - *Summary - I therefore do not wish to object to this application subject to the imposition of the following conditions:*
- 1.3 The conditions they propose are in respect of the provision and maintenance of visibility splays; on-site provision and retention of vehicle parking and cycle parking facilities; and minimum dimensions of vehicle parking spaces. The wording of their suggested conditions requires update and reference to Rother policies.
- 1.4 While the Planning Committee were minded to approve the proposal subject to removal of the highway objection, in addition to the submission of the speed survey, the applicant has also taken the opportunity to respond to the concerns set out in the previous agenda and discussions regarding the siting of the development. In summary, it references that the proposed siting resulted from consideration of a number of constraints including: presence of overhead power lines and electrical transformer around the farmyard; maintenance of various field access points around the farmyard; siting outside flood zone 2 and 3; siting with a road frontage to reflect other linear development in the lane; landscaping to the north and south is proposed and if the Committee agreed then additional landscaping could be including via an agreed planning condition.
- 1.5 The previous report is reproduced below.

2.0 SUMMARY

- 2.1 The proposal is for the erection of a new dwelling for a farmworker. The main issues for consideration are the principal and justification for the agricultural dwelling, the impact on the character and appearance of the locality within the High Weald Area of Outstanding Natural Beauty (AONB), living conditions for future occupiers, impact on neighbouring properties and highway safety. The proposal is considered to have a harmful urbanising effect in the countryside

and would fail to conserve the landscape and scenic beauty of the High Weald AONB. The proposed development would also lead to increased traffic hazards on Shrub Lane by reason of the inadequate visibility at the proposed access. Therefore, this application is recommended for refusal.

3.0 SITE

- 3.1 Acorn Farm is an active agricultural holding located to the north of Burwash. It is located on the western side of Shrub Lane. The current agricultural buildings are well set back from the road which is also screened by mature hedges and trees.
- 3.2 The farm has been run as an agricultural business since the early 1980s and farms a mix of cattle and sheep over approximately 275 hectares.
- 3.3 The site is not situated within any defined development boundary, and it lies within the remote countryside and the High Weald AONB.
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4.0 PROPOSAL

- 4.1 This application seeks approval for the erection of a new agricultural dwelling.
- 4.2 The proposed dwelling would be located to the north of the existing access of the farm and be positioned relatively close to the road. It would be a chalet style bungalow with accommodation in the roof space.
- 4.3 The new dwelling would be a 3-bedroom, 6 x person house and it would include parking provision for two cars as well as a dedicated storage area for waste and recycling.
- 4.4 The design of the proposed dwelling would be a linear plan form with a dual pitched roof above. The fenestration would be of a modest scale and the roof slope would feature roof light windows on the front elevation with dormer windows on the rear elevation. There would be a modest residential garden location behind and around the dwelling.
- 4.5 The proposed external materials for the new dwelling would be brick plinth and timber weatherboarding for the walls, slate tiles for the roof and black uPVC frames for the windows.
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5.0 HISTORY

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|-----|------------|---|
| 5.1 | RR/87/1933 | Change of use liveries and agriculture. WITHDRAWN |
| 5.2 | RR/87/2862 | Outline: erection of detached dwelling with integral garage served by new vehicular access. REFUSED |
| 5.3 | RR/87/2882 | Temporary mobile home. REFUSED |
| 5.4 | RR/88/1270 | Outline dwelling and garage. REFUSED |

5.5	RR/88/1271	Temporary mobile home to existing farm. REFUSED
5.6	RR/90/2346/P	Mobile home for use in connection with agricultural holding - all year occupation. APPROVED CONDITIONAL
5.7	RR/94/1652/P	Erection of single storey agricultural dwelling with garaging and access. REFUSED
5.8	RR/95/51/P	Erection of single storey agricultural dwelling with garaging new access. REFUSED
5.9	RR/95/535/P	Renewal of permission for stationing a mobile home for agricultural use. APPROVED (TEMPORARY)
5.10	RR/95/1149/P	Single storey agricultural dwelling with garaging and access. APPROVED CONDITIONAL
5.11	RR/2009/1706/P	Extension to kitchen and minor internal alterations. APPROVED CONDITIONAL
5.12	RR/2012/1723/P	Three bay timber framed garage. oak weather boarding on 2 sides and rear. at front, two open bays and third bay enclosed by oak garage doors. APPROVED CONDITIONAL
5.13	RR/2014/1601/P	Removing and re-pitching of garage roof together with construction of dormers to provide additional accommodation for a granny annex. APPROVED CONDITIONAL
5.14	RR/2022/842/P	Erection of a new 2 storey dwelling. REFUSED

6.0 POLICIES

- 6.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1: Presumption in favour of Sustainable Development
 - OSS1: Overall Spatial Development Strategy
 - OSS2: Use of Development Boundaries
 - OSS3: Location of Development
 - OSS4: General Development Considerations
 - RA2: General Strategy for the Countryside
 - RA3: Development in the Countryside
 - SRM1: Towards a low carbon future
 - SRM2: Water Supply and Wastewater Management
 - CO6: Community Safety
 - EN1: Landscape Stewardship
 - EN3: Design Quality
 - EN5: Biodiversity and Green Space
 - EN6: Flood Risk and Development
 - EC5: Support for Key Sectors

- TR3: Access and New Development
 - TR4: Car Parking
- 6.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DHG3: Residential Internal Space Standards
 - DHG4: Accessible and Adaptable Homes
 - DHG7 External Residential Areas
 - DHG11: Boundary Treatments
 - DHG12: Accesses and Drives
 - DEN1: Maintaining Landscape Character
 - DEN2: The High Weald Area of Outstanding Natural Beauty (AONB)
 - DEN4: Biodiversity and green space
 - DEN5: Sustainable Drainage
 - DEN7: Environmental Pollution
 - DIM2: Development Boundaries
- 6.3 The following policies of the adopted [Burwash Neighbourhood Development Plan 2020-2028](#) are relevant to the proposal:
- GP01: Protection of the AONB Landscape
 - GP03: Development Boundaries
 - GP04: Design Standards
 - GP06: Sustainable Development
 - EN04: Dark Skies
 - EN05: Integration of Landscaping
 - IN02: Parking
- 6.4 [The High Weald Area of Outstanding Natural Beauty Management Plan 2019-2024](#) (AONB Management Plan) is also a material consideration with particular reference to the following objectives:
- S2: To protect the historic pattern and character of settlement
 - S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design
 - FH1: To secure agriculturally productive use for the fields of the High Weald, especially for local markets, as part of sustainable land management
 - FH2: To maintain the pattern of small irregularly shaped fields bounded by hedgerows and woodlands
 - LBE1: To improve returns from, and thereby increase entry and retention in, farming, forestry, horticulture and other land management activities that conserve and enhance natural beauty
- 6.5 [The National Planning Policy Framework](#) (with particular regard to paragraphs 80 and 176) and the [Countryside and Rights of Way Act 2000](#) (with particular regard to section 85(1)) are also material considerations.

7.0 CONSULTATIONS

7.1 [East Sussex County Council Highways](#) – **OBJECTION**

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

7.2 Rother District Council Waste & Recycling – **NO OBJECTION**

7.2.1 There are no issues here as the resident would present on Shrub Lane

7.3 Rural Estates Surveyor – **NO OBJECTION**

7.3.1 It is considered that the application does meet the Local Plan (RA3) and National Planning Policy Framework (paragraph 80(a)) tests for the provision of a rural worker's dwelling.

7.4 Planning Notice

7.4.1 Seven letters of support have been received. The reasons are summarised as follows:

- Sensible to have on-site care for animals
- Unsure smooth running of the farm
- No impact on traffic on Shrub Lane
- Single dwelling is justified
- Application meets para 80 of National Planning Policy Framework
- Harm to AONB not relevant in this case
- No records of accidents on Shrub Lane
- Development is not for profit
- Acceptable siting and design of dwelling
- One new dwelling would not cause a harmful urbanising effect in the countryside
- A condition could be imposed for a hedge around the western boundary of the property

7.5 Town/Parish Council – **NO OBJECTION**

7.5.1 The Planning Committee of Burwash Parish Council met on 30-01-23 and voted to unanimously support this application with the following comments: - The Committee noted their disappointment that this application was refused previously. - The Committee RESOLVED to request that if the planning officer is mindful to refuse this application again, that Cllr Barnes call it into committee. - The Committee noted the overwhelming support from the surrounding community and that the Applicant was a serious and well-respected farmer in need of this on-site accommodation. - The Committee discussed and rejected the refusal submitted by ESCC Highways noting that the report was out of step with the practices already in place for access and further noted that living on site would decrease traffic to the site. The Committee suggested that ESCC Highways reconsider their comments. - The Committee noted that this application was entirely in line with paragraph 80 (a) of the National Planning Policy Framework 'essential need for a rural worker'. - The Committee noted their commitment to protection of the AONB and feel that this application would have no direct adverse effect on the AONB.

8.0 LOCAL FINANCE CONSIDERATIONS

- 8.1 The proposal is for a type of development that is CIL liable. The total amount of CIL money to be received is subject to change, including a possible exemption, but the development could generate approximately £37,952.46
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9.0 APPRAISAL

- 9.1 The main issues to consider in the determination of the application include:
- Principle of development and justification for agricultural dwelling
 - The effect of the proposal on the character and appearance of the area, with particular regard to the location of the site within the High Weald AONB.
 - Living conditions for future occupiers
 - Impact on neighbouring properties
 - Highway safety

9.2 Principle of agricultural dwelling

- 9.2.1 The application site is located in the countryside where most new development is restricted to that which supports local agricultural, economic or tourism needs.

- 9.2.2 At the national level, paragraph 80 of the National Planning Policy Framework says planning decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- “(a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- (d) the development would involve the subdivision of an existing residential building; or*
- (e) the design is of exceptional quality, in that it:*
 - *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.”*

- 9.2.3 At the local level, Policy RA3 (iii) of the Rother Local Plan Core Strategy is relevant. This says that there are four extremely limited circumstances in which new dwellings are allowed in the countryside. These are:
- Dwellings to support farming and other land-based industries;
 - The conversion of traditional historic farm buildings in accordance with Policy RA4;
 - The one-to-one replacement of an existing dwelling of similar landscape impact; and

- As a ‘rural exception site’ to meet an identified local affordable housing need.

9.2.4 In this case the proposal is for a dwelling to support an existing farming enterprise. Policy RA3 (iii) (a) of the Rother Local Plan Core Strategy says:

“Normally accommodation will initially be provided on a temporary basis for a period of three years. Both temporary and permanent dwellings will be subject to appropriate occupancy conditions, and all applications should comply with the following criteria:

- i. Demonstrate a clearly established functional need, relating to a full-time worker primarily employed in the farming and other land-based businesses;*
- ii. Demonstrate the functional need cannot be fulfilled by other existing accommodation in the area;*
- iii. Demonstrate the unit and agricultural activity concerned are financially sound and have a clear prospect of remaining so; and*
- iv. Dwellings are of appropriate size, siting and design.”*

9.2.5 Supporting paragraph 12.64 says:

“In particular, new dwellings may be essential for the proper functioning of land-based businesses (i.e. farming, forestry and equine-related activities). Such businesses should be demonstrably ‘financially sound’, which normally means that permissions will initially be on a temporary basis. Permanent dwellings will normally require the agricultural unit and activity to have been established for at least three years, have been profitable for at least one of them, be currently financially sound and have a clear prospect of remaining so. Careful consideration should also be given to the siting, size and design, as well as access. The siting of new dwellings should be well-related to existing farm buildings or other dwellings, wherever practicable. To ensure that a dwelling remains available to meet the recognised need, occupancy conditions will be applied.”

9.2.6 Having regard to the first three tests set out under Policy RA3 (iii) (a) of the Rother Local Plan Core Strategy, the advice of a Rural Estates Surveyor (RES) has been sought. His comments are as follows:

9.2.7 Regarding (i) (Demonstrate a clearly established functional need, relating to a full-time worker primarily employed in the farming and other land-based businesses) and (iii) (Demonstrate the unit and agricultural activity concerned are financially sound and have a clear prospect of remaining so):

9.2.8 *The information set out in the Planning Statement indicates a large, livestock-oriented business with cattle (145 head of cattle) and sheep (1,000 ewes, plus ewe-lambs and followers).*

9.2.9 *The labour calculation provided in the Statement indicates a labour demand considerably in excess of two full-time workers – and is not disputed – such that the proposed new dwelling would be occupied by a full-time worker.*

9.2.10 *In terms of essential need; there is a legal responsibility to ensure that animals are kept in a manner which accords them freedom from thirst,*

hunger and malnutrition; appropriate comfort and shelter; the prevention, or rapid diagnosis and treatment of injury, disease or infestation; freedom from fear; and freedom to display most normal patterns of behaviour.

9.2.11 *But, at a more practical level, there is an essential need to live on site during lambing to ensure that the welfare of ewes and lambs is not compromised during difficult lambings (due to mis-presentation). Managing a flock of over 1,000 ewes prior to, during and post lambing (from, say December to June) is an arduous task and needs the provision of on-site supervision to ensure the welfare of the ewes and lambs is not compromised. Distocia in sheep is common, partly due to the regular occurrence of twins, triplets and occasionally more lambs, and the difficulty in ensuring that the right lamb is presented in the correct manner for birth; intervention needs to be timely. In addition, there is the need to:*

- *help lambs to “find” the udder promptly to ensure appropriate intake of colostrum;*
- *remove lambs where triplets (or quads) are born and foster onto ewes with single lambs (or no lambs);*
- *apply iodine to navel cords, ear tag, vaccinate, and generally ensure their health is properly monitored; and*
- *provide prompt attention to ewes with post-partum complications such as prolapses or infections.*

9.2.12 *These practical issues were examined at appeal in Hertfordshire in 2012, with the Inspector reporting, in relation to approximately 150 ewes:*

“During lambing, the stockman needs to be able to attend to the ewes at all times of the day and night, and thus must live on or adjacent to the site. The lambing season lasts for only a few months, but the demands on the stockman during this period, and the needs of the animals, make the need for a dwelling for at least part of every year indisputable. At other times of year, it might be possible to live off-site, but the appellant quite fairly points out that this would not be a very practical arrangement, nor would it help to attract good calibre staff. Retaining a temporary dwelling on the site in perpetuity, for seasonal use, would therefore not be a sustainable long-term solution. Throughout the year, an on-site dwelling would allow closer and more regular supervision of livestock, and a rapid response to any emergencies, and thus would be in the interests of animal welfare.”

Here there are over 1,100 ewes.

9.2.13 *There is also a need to be available to provide for similar needs with the cattle. Cows giving birth and young calves all need appropriate and prompt care to ensure their well-being as a lack of proper supervision can result in livestock deaths.*

9.2.14 *In such circumstances, it is accepted that there is an essential need for a worker to live on site to provide for the needs of the livestock. In this case, the dwelling will ensure a smooth succession process for the son who is an essential part of the farm’s labour, and without whom the viability of the business would likely be detrimentally effected.*

9.2.15 *Farm business accounts have been provided that demonstrate that this business has generated profits in excess of £50,000 in each of the past*

three years –the business is clearly profitable. T. Woodroffe (assumed to be the Applicant's son) is also identified as a partner in the business, albeit the partnership percentage splits are not indicated, and appears to part of the succession process.

- 9.2.16 *Although a detailed accounts' analysis has not been provided (for the agricultural elements -v- the contracting and sales businesses), for the purposes of this assessment it is accepted that this rural business is sufficiently profitable to meet the financial test for the foreseeable future.*
- 9.2.17 With regards to (ii) (Demonstrate the functional need cannot be fulfilled by other existing accommodation in the area), the application provides comparable examples of other available properties in the local area and states that they would exceed that which is affordable, and that the construction of the new dwelling would be a more financially economical option.
- 9.2.18 Whilst a detailed breakdown of the construction costs has not been provided, it is acknowledged that the cost of land would not need to be factored in as the Applicant already owns the site where the dwelling is proposed. Therefore, it is accepted that the functional need could not be fulfilled by other existing accommodation in the area.
- 9.2.19 Therefore, it is considered that the principle of the dwelling is acceptable as the application meets the Local Plan Policy RA3 and National Planning Policy Framework paragraph 80(a) tests for the provision of a rural worker's dwelling.

9.3 Impact on character and appearance within the AONB

- 9.3.1 The Government's approach to the natural environment is set out in the National Planning Policy Framework. Paragraph 174 says planning decisions should protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. Paragraph 176 says 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. Paragraph 185 seeks to limit the impact of light pollution on intrinsically dark landscapes.
- 9.3.2 The Countryside and Rights of Way Act 2000 s85(1) also outlines the duty of public bodies in exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, and that local authorities shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.
- 9.3.3 Policy OSS3 (vi) of the Rother Local Plan Core Strategy requires planning decisions to be considered in the context of the character and qualities of the landscape. Policy
- 9.3.4 RA2 (viii) says the overarching strategy for the countryside is to conserve the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside. Policy RA3 (v) says proposals for development in the countryside will be determined on the basis of 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.

- 9.3.5 Policy EN1 says: *“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 Area of Outstanding Natural Beauty; and
(vii) tranquil and remote areas, including the dark night sky.”
- 9.3.6 Policy DEN1 of the DaSA Local Plan says 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.
- 9.3.7 Policy DEN2 says 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.
- 9.3.8 The site lies in a remote location within the open countryside of the High Weald AONB. The area is characterised by large open fields and areas of woodland, interspersed with sporadic development. The siting of the proposed dwelling would be located within the undeveloped field to the north of the access track and west of the main road.
- 9.3.9 The siting of the proposed dwelling would be somewhat well related to the existing agricultural unit, having a shared access from the main road, however, it would be separated from the cluster of agricultural buildings and the existing farm dwelling to the south.
- 9.3.10 The proposal would result in a new dwelling in the countryside. In this respect, the residential development proposed would protrude into an existing open, undeveloped field and the urbanised domestic form and design of the dwelling would be out of keeping with the wider rural landscape.
- 9.3.11 The impact of the dwelling would be exacerbated by its illumination during the hours of darkness, which would have a detrimental effect on the dark night sky.
- 9.3.12 Furthermore, the creation of a dedicated domestic garden associated with the new dwelling would compound the urbanisation of the land, especially if domestic outbuildings, paraphernalia, and landscaping are put in place. The associated parking area and parked cars would add to this.

- 9.3.13 Consequently, the proposed development would have a harmful urbanising effect in the countryside and would fail to conserve the landscape and scenic beauty of the High Weald AONB, in conflict with the above policies.
- 9.3.14 It is noted that the residential development would not be readily visible in public views given the mature screening along the roadside. However, national and local planning policies seek to protect the intrinsic character and beauty of the countryside, which would be harmed in this case.
- 9.4 Living conditions for future occupiers
- 9.4.1 Policy OSS4 (i) states that all development should meet the needs of future occupiers, including providing appropriate amenities.
- 9.4.2 Paragraph 130 of the National Planning Policy Framework states *planning policies and decisions should ensure that development create places with a high standard of amenity for existing and future users.*
- 9.4.3 In considering new residential development, it is important to appreciate that they will provide the living environment for people for decades to come. Therefore, all new residential development should be capable of accommodating the reasonable expectations of likely occupiers, including in terms of outdoor space and cater for practical needs, such as parking and access and refuse and recycling facilities.
- 9.4.4 The proposed dwelling would meet the nationally described space standards with regards to internal floor area for the type of dwelling proposed. It would also provide adequate space at the front of the site for parking, cycle storage and waste and recycling storage. The proposed garden area is also considered to be of an acceptable scale.
- 9.5 Impact on neighbouring properties
- 9.5.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that new development should not unreasonably harm the amenities of adjoining properties.
- 9.5.2 The dwelling and structures are sited away from neighbouring buildings and as such, do not appear overbearing or result in harmful overlooking. With regard to agricultural use of the land, this is a use that is expected within a countryside location and indeed, the land is currently in such use.
- 9.6 Highway safety
- 9.6.1 Policy TR3 of the Rother Local Plan Core Strategy requires new development to have adequate, safe access arrangements. Policy TR4 (i) of the Rother Local Plan Core Strategy requires adequate on-site parking to be provided.
- 9.6.2 Policy CO6 (ii) Rother Local Plan Core Strategy states that a safe physical environment will be facilitated by ensuring that all development avoids prejudice to road and/or pedestrian safety.

- 9.6.3 Policy DHG12 (i) of the DaSA Local Plan states that proposals for new drives and accesses will be supported where they are considered acceptable in terms of highway safety, including for pedestrians and cyclists.
- 9.6.4 Paragraph 111 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.6.5 The East Sussex County Council Highways Authority have been consulted on this application and have given the following comments:
- 9.6.6 Access / Location:
- 9.6.7 *The site is located and will be accessed from a private driveway which serves Acorn Farm. Shortly to the east, the driveway connects to Shrub Lane (C212). The C212 is subject to a derestricted speed limit at the point of access meaning visibility splays of 2.4m X 215m are normally required either side of the access point. After conducting a site visit, it is evident visibility splays fall far below the required standard either side of the access point which is not acceptable due to the intensification of the access.*
- 9.6.8 *The land either side of the access, including the dwelling known as 'Bramlyns' appears to be within control of the Applicant. There is potential to therefore trim back vegetation within the Applicant's control/ the highway extent to improve visibility. The Applicant will then need to undertake a speed survey in accordance with CA185 to justify a reduction in driver sightlines if the Applicant believes speeds are low enough to justify the reduction on this stretch of the C212.*
- 9.6.9 *While it is acknowledged the Applicant has stated that the dwelling will be for a farm worker negating the commute to work, this may not be the case in the future, and I would argue ancillary trips in association with a 3-bedroom dwelling would still result in an intensification of the access. Because the C212 at the point of access is relatively straight in alignment, I would still have concerns about vehicles travelling at higher speeds.*
- 9.6.10 *Furthermore, this application therefore presents an opportunity to provide a much safer access securable via condition. The access to Acorn Farm from the C212 is wide enough to sufficiently accommodate the two- way flow of traffic. The access is in good condition and would not require upgrading.*
- 9.6.11 Internal Layout
- 9.6.12 *Two parking spaces will be provided for the dwelling. There is scope to provide additional parking on the driveway to accommodate any overspill. I am satisfied there is sufficient space for vehicles to turn and exit the site in a forward gear.*
- 9.6.13 *The Council encourages developers to include charging facilities for electric vehicles at all properties with off-street parking in accordance with current guidance as set out in the National Planning Policy Framework.*
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- 9.6.14 *Cycle Parking should be provided in accordance with East Sussex County Council Standards which is two spaces for 3-bedroom dwellings. Cycle storage should be safe, covered and secure.*
- 9.6.15 *In accordance with ESCC guidance 'refuse & recycling storage at new residential developments within the Eastbourne, Hastings, Wealden and Rother council areas' residents should not be required to carry waste more than 30m and refuse vehicles should be able to reach within 25m of the storage point for collection. It is assumed that the site cannot accommodate a large refuse vehicle and will operate with a kerbside collection. Therefore, a communal waste/ storage point should be considered in order to meet the above requirements.*
- 9.6.16 Accessibility
- 9.6.17 *The site is poorly connected to public transport with no train stations located within an acceptable walking distance. It is acknowledged, however, that there are bus stops located approximately 850m to the south of the site. They are not accessible by footway, however, and provide a limited service making them not the most realistic alternative to private car use.*
- 9.6.18 In light of these comments, the Applicant has been asked to address the above issue with regards to visibility and conduct a speed survey to potentially reduce the required splays either side of the access. However, no further information has been provided to overcome this objection from the Highways Officer.
- 9.6.19 Therefore, given the potential intensification of the access and lack of required visibility either side of the access, the proposed development would lead to increased traffic hazards on Shrub Lane.

10.0 PLANNING BALANCE AND CONCLUSION

- 10.1 The proposal does meet the policy requirements for the provision of a new agricultural dwelling in the countryside and would provide an adequate level of living accommodation for future occupiers without resulting in any harm to neighbouring properties. However, the proposal would have a harmful urbanising effect in the countryside and would fail to conserve the landscape and scenic beauty of the High Weald AONB. The proposed development would also lead to increased traffic hazards on Shrub Lane by reason of the inadequate visibility at the proposed access. Therefore, this application is recommended for refusal.

RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The proposed residential development would have a harmful urbanising effect on the countryside. The proposal would be an alien and obtrusive development within the otherwise rural character and appearance of the countryside that would cause harm to the landscape and scenic beauty and

dark night sky of this part of the High Weald Area of Outstanding Natural Beauty, in conflict with Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v) & EN1 (i & vii) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan, Policies GP01 and EN04 of the Burwash Neighbourhood Development Plan, paragraphs 174, 176 and 185 of the National Planning Policy Framework and Section 85(1) of the Countryside and Rights of Way Act 2000.

NOTE:

1. This refusal relates to the following plans:
 - Location & Block Plan, Drawing No. PHA-PL-001A, dated 25/05/22
 - Site Plan, Drawing No. PHA-PL-007, dated 02/12/2022
 - Proposed Site Plan, Drawing No. PHA-PL-008, dated 04/01/22
 - Proposed Floor Plans, Drawing No. PHA-PL-004, dated 17/12/21
 - Proposed Elevations, Drawing No. PHA-PL-005, dated 17/12/21

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.