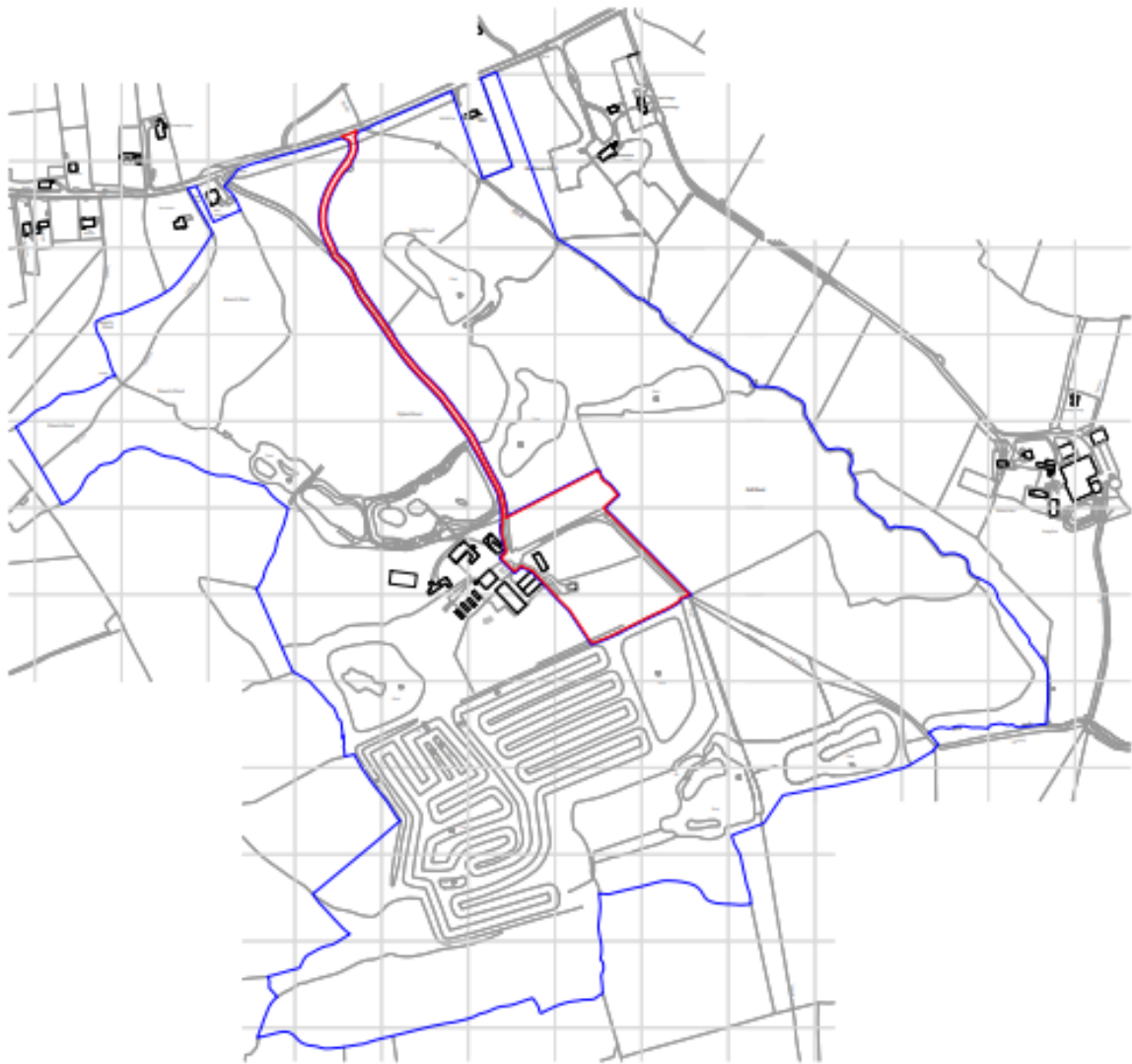


SITE PLAN

CATSFIELD

RR/2023/1465/P

Wylands Farm Campsite,
Powdermill Lane
Catsfield



Rother District Council

Report to	-	Planning Committee
Date	-	12 October 2023
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2023/1465/P
Address	-	Wylands Farm, Campsite, Powdermill Lane CATSFIELD
Proposal	-	Use of land for the siting of caravans/motorhomes (up to 12 serviced pitches) and for camping (up to 30 pitches), to include relocation of existing caravans/motorhomes; creation of an overflow car park (approx. 37 spaces); retention of ancillary building providing toilet, shower, changing and washing facilities to serve those fishing and camping at Wylands (retrospective); and associated works and landscaping.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Yesterday's World Limited
Agent: Kember Loudon Williams
Case Officer: Mrs S. Shepherd
(Email: sarah.shepherd@rother.gov.uk)

Parish: CATSFIELD
Ward Members: Councillor C. Pearce

Reason for Committee consideration: Director – Place and Climate Change referral: to assess Area of Outstanding Natural Beauty impacts and in light of the associated historical considerations at the site.

Statutory 8-week date: 11 October 2023
Extension of time agreed to: 30 October 2023

This application is included in the Committee site inspection list.

1.0 SUMMARY

1.1 This application proposes a new campsite at Wylands, an established commercial and tourism site within the High Weald Area of Outstanding

Natural Beauty (AONB). The campsite is proposed for touring caravans and motorhomes and tents only.

- 1.2 There is an Enforcement Notice (EN) on part of Wylands, including this application site, to preclude camping. The existence of an EN prohibiting use of its associated area for the storage of caravans and tents, camping and a caravan site, does not prohibit the submission of nor consideration of a planning application for any of those activities. Any such application falls to be considered in the light of the current development plan and any other materials considerations including the National Planning Policy Framework, Countryside and Rights of Way (CRoW) Act 2000 and High Weald Management Plan.
 - 1.3 Having considered the current relevant planning policies that now pertain to the site and have been evolved since issue of the EN in 1999, it has been concluded that the proposals would comply with the development plan and that they would not result in undue harm. It is considered that the landscape of the AONB would be conserved and additionally enhanced by the landscaping and biodiversity proposals.
 - 1.4 Having considered all aspects of the proposal in the report below, it is concluded that the application site in context with the existing activities and facilities at the site is considered to be acceptable.
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2.0 SITE

- 2.1 Wylands Farm with its international angling centre lies to the south side of Powdermill Lane within the countryside of the High Weald AONB. There is a long winding access road into the heart of the site. The former farmstead comprises a mix of buildings with small and large barns, a pair of bungalow cottages and a mixed part two-storey brick building providing offices and storage and some holiday lets. Under previous planning permission RR/2021/498/P a number of the buildings have been refurbished and some replaced, to provide a farm shop, new tack shop, cafe, storage and small commercial units.
 - 2.2 The site comprises a mixture of lakes, woodland and some open fields with a public footpath traversing through the site, (footpath Catsfield 15a). While not visible from Powdermill Lane, the complex of buildings and uses can be viewed to varying degrees from a public footpath (footpath Catsfield 16a) to the south across the valley to the west of Church Farm.
 - 2.3 The area proposed for the overflow car park lies to the east of the existing farmyard area of buildings and parking, with the proposed campsite and facilities building within the field to the east/southeast of the existing buildings, which slopes gently southwards towards the lakes. Trees and hedging exist to many of the boundaries.
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3.0 PROPOSAL

- 3.1 The application proposes:
 - 12 pitches for caravans/motorhomes.

- Two sections of field for camping (tents), one for 18 pitches and the other for 12 pitches.
 - Retention of the facilities building (already on site) containing WC's and showers, wash up area and new adjacent refuse store for use by campers and those fishing.
 - An area of overspill car parking – 37 spaces, cycle store and bin store for use by visitors to the other commercial uses at Wylands.
 - Additional landscaping and planting.
- 3.2 The application is accompanied by a Planning Statement, Landscape and Visual Appraisal, Landscape Masterplan, Ecological Appraisal, Biodiversity Net Gain appraisal, Flood Risk Assessment and Transport Statement.
- 3.3 The proposal is considered to represent minor development in the AONB by reason of its small scale and limited impacts. It is noted that in terms of an EIA screening, the campsite area itself equates to approximately 1.2ha and as such falls within Schedule 2, 12(e) development of the EIA Regulations. In considering the Schedule 3 criteria of the EIA Regulations, it is concluded that although located in a sensitive area the development is a small scale proposal and there would be no likely significant impacts in terms of noise, waste, contamination, ecology, flooding, traffic or complex construction. Given the nature, scale and location of the proposal would not be significant in terms of the receiving environment and existing land uses and would not result in significant environmental impacts. As a minor development, paragraph 177 of the National Planning Policy Framework which references 'major development' in the AONB, is not engaged.

4.0 HISTORY

- 4.1 Wylands has quite an extensive history with regard to the fishing lakes since 1985, when existing lakes were enlarged, and existing barn was converted to offices and stores. Additional lakes were formed with reference to applications in 1994 and 2012. Various other barns have had applications for associated storage uses. A variety of large-scale camping proposals have historically been refused which resulted in an Enforcement Notice to be issued in 1999.

More recent planning record as follows:

- 4.2 RR/2023/1780/O Certificate of lawfulness for the existing use of land for storage purposes (B8 use). YET TO BE DETERMINED.
- 4.3 RR/2023/1045/P Retention of six timber glamping pods and an ancillary outbuilding providing toilet and washing facilities (Retrospective). APPROVED CONDITIONAL.
- 4.4 RR/2023/757/P Variation of Condition 15 (Hours of operation) imposed on planning permission RR/2021/498/P to extend the hours of operation of the Cafe / Visitor Centre. APPROVED CONDITIONAL.
- 4.5 RR/2022/2506/P Replacement of the existing store building with a new commercial building comprising Class E (offices and

workshops) and B8 (storage use) uses. APPROVED CONDITIONAL.

- 4.6 RR/2022/1895/P Use of land for the siting of caravans/motorhomes (up to 12 serviced pitches) and for camping (up to 30 pitches), to include relocation of existing caravans/motorhomes; creation of an overflow car park (approx. 37 spaces); retention of ancillary building providing toilet, shower, changing and washing facilities to serve those fishing and camping at Wylands (retrospective); and associated works and landscaping. APPROVED CONDITIONAL. Currently the subject of a Judicial Review.
- 4.7 RR/2021/2519/P Erection of a new facilities building to serve those fishing and using the wider site (Retrospective). REFUSED.
- 4.8 RR/2021/498/P Conversion and refurbishment of redundant agricultural buildings and storage sheds to include the change of use of the buildings and operational works: Old Barn Courtyard - Part change of use from ancillary storage sheds to self-catering holiday accommodation (three units), together with operational works (existing offices retained); Workshop Building - Operational works (part retrospective and replacement) and proposed change of use from agricultural storage building to flexible office, workshop, and storage within use classes E (excluding retail uses) and B8, and part change of use to fishing tackle shop (Use Class E); Dutch Barn - Change of use from agricultural barn and cafe, together with operational works, to form a new visitor centre, creative arts hub and cafe (within Use Class E); Hay Barn - Operational works (part retrospective) and proposed change of use from agricultural barn to a farm shop (ground floor) (Use Class E) and offices within Use Class E (excluding retail) (first floor) and Machinery Shed and Easterly Storage Buildings - Operational works (part retrospective) to refurbish and support continued ancillary storage and workshop uses; together with associated landscaping and car parking layout. APPROVED CONDITIONAL.
- 4.9 RR/2019/2518/P Outline: Proposed demolition of existing office, storage and ancillary buildings and clearance of static and touring caravans from site. Construction of new angling centre, vehicle/materials store and 4 No. family lodges. Proposed demolition of existing pair of semi-detached residential cottages and erection of 2 No. replacement detached dwellings. WITHDRAWN.
- 4.10 RR/2016/162/P Outline: New angling centre and relocation of 4 No. static caravans. WITHDRAWN.
- 4.11 RR/2015/3117/P Outline: Erection of two detached dwellings including demolition of existing cottages, offices, outbuildings and barns. WITHDRAWN.

- 4.12 RR/2013/754/P To site three additional caravans for holiday/recreational use in the specified location where permission already exists for one caravan to be sited permanently. (up to four caravans have been sited in this location from time to time for in excess of 20 years). REFUSED. Appeal allowed.
- 4.13 RR/2012/151/P Renovation works to junior lake (retrospective). APPROVED CONDITIONAL.
- 4.14 RR/2011/1311/P External improvements to seating area to existing cafe building (erection of pergola and decking). APPROVED CONDITIONAL.
- 4.15 RR/2011/1183/P Change of use from storeroom to fishing tackle shop. APPROVED CONDITIONAL.
- 4.16 RR/2011/1182/P Relocation of touring field. REFUSED.
- 4.17 RR/2011/1027/P Excavation works to and surrounding house lake (retrospective). APPROVED CONDITIONAL.
- 4.18 RR/2009/462/O Lawful use for the land for the siting of two caravans for the purpose of providing holiday accommodation. REFUSED FOLLOWING COUNSEL ADVICE.
- 4.19 RR/2009/460/O Lawful use of the land for the siting of a caravan for the purposes of holiday accommodation. APPROVED. (There is also a planning permission related to this one caravan).

Also pertinent:

- 4.20 RR/1999/2135/O Lawful use of land for the storage of caravans and as a site for touring caravans and tents. Certificate granted. Subsequent Counsel opinion, (set out in the committee report for application RR/2011/1182/P, 25 August 2011), based on a Court of Appeal ruling (Staffordshire CC v Challinor 2007), was sought in relation to the 2009 lawful certificate applications and advised in effect that as the appeal into the enforcement notice had been withdrawn it had taken effect and hence the 1999 certificate did not modify the effect of the enforcement notice. At the time the Council neither withdrew the enforcement notice nor did it seek to prosecute for non-compliance with it. Further Counsel advice had noted:

“Notwithstanding the above strict and, in my view, correct position having regard to the decision of the Court of Appeal in Challinor, it would clearly be unattractive now for the council to seek to rely on the enforcement notice in respect of the uses certified by the CLEUD. As I have noted above, the enforcement appeal was withdrawn on what seems to be the common understanding of the Angling Centre, the Council and even PINs that the issue of the CLEUD obviated the need to pursue the appeal

certainly in respect of the land of which the CLEUD was issued.”

- 4.21 RR/2006/3470/P Renewal of outline consent RR/98/2292/P for the erection of 15 fisherman's cabins, facilities building, workshop/store, new dwelling and conversion of two existing dwelling into one, also resitting of access. Refused. Appeal allowed. Appeal decision QUASHED by High Court, lack of reasons given by Inspector in reaching conclusion.
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5.0 POLICIES

5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:

- OSS2: Use of development boundaries
- OSS3: Location of development
- OSS4: General development considerations
- RA2: General strategy for the countryside
- RA3: Development in the Countryside
- EC6: Tourism activities and facilities
- EN1: Landscape Stewardship
- EN5: Biodiversity and green space
- TR4: Car parking

5.2 The following policies of the [Development and Site Allocations Local Plan \(2019\)](#) are relevant to the proposal:

- DEC2: Holiday sites
- DEN1: Maintaining landscape character
- DEN2: High Weald AONB
- DEN4: Biodiversity and green space
- DEN5: Sustainable drainage
- DEN7: Environmental Pollution
- DIM2: Development boundaries

5.3 The following objectives of the adopted High Weald AONB Management Plan 2019-2024 are relevant to the proposal:

- 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.
- R1: To maintain the historic pattern and features of routeways.
- W1: To maintain the existing extent of woodland and particularly ancient woodland.
- FH1: To secure agriculturally productive use for the fields of the High Weald, especially for local markets, as part of sustainable land management.
- 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.
- LBE2: To improve amenities, infrastructure (including the provision of appropriate affordable housing), and skills development for rural

communities and related sectors that contribute positively to conserving and enhancing natural beauty.

- OQ1: To increase opportunities for learning about and celebrating the character of the High Weald.
- OQ3: To develop and manage access to maximise opportunities for everyone to enjoy, appreciate and understand the character of the AONB while conserving its natural beauty.
- OQ4: To protect and promote the perceptual qualities that people value.

5.4 The National Planning Policy Framework (2023) and Planning Policy Guidance are also material considerations with particular reference to the AONB paragraph 176 and supporting a prosperous rural economy paragraphs 84 and 85.

5.5 Section 85 of the CRoW Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area.

6.0 CONSULTATIONS

6.1 ESCC, Highway Authority – **NO OBJECTION**

6.1.1 Has no objection subject to conditions. Note that from a highways perspective the development proposal is unchanged and therefore comments remain as per previous response.

6.1.2 Comments on existing site, accessibility, site access, parking, on-site turning, traffic generation and highway impact. Concludes:

I have no major concerns regarding the existing access serving the site. Furthermore, the parking provision and turning facilities available within the site are also considered to be acceptable.

It is evident that the proposed development will result in an increase in the level of traffic visiting the site on a day-to-day basis; however, this increase in traffic is likely to be relatively low with a majority of traffic travelling to and from the site outside of the peak hours of the day. The additional facilities that will be provided within the site will also reduce the need for visitors to travel off site for provisions etc.

With this in mind, I have no major concerns regarding the developments impact on the site access or the surrounding highway network from either a highway safety or capacity perspective.

I therefore do not wish to object to this proposal subject the imposition of conditions set out below.

6.2 ESCC, Lead Local Flood Authority and Pevensey and Cuckmere Drainage Board – **NO OBJECTION**

6.2.1 As previously responded to in application RR/2022/1895/P on 15 September 2022, the information supporting the application in respect of surface water

drainage is satisfactory and addresses all concerns with surface water management and impacts on local flood risk.

6.3 ESCC, Footpaths – **NO COMMENTS RECEIVED**

6.4 Environment Agency – **NO OBJECTION**

6.4.1 Comments summarised:

- We have no objections to this application as proposed.
- They do however note that the access/egress to the site is within Flood Zone 3 and could present danger to some people (e.g. elderly and infirm) during a flood event. As such they advise the Applicant to discuss the proposals with the Emergency Planning Department and seek warning and emergency response details.
- Advice also provided in respect of groundwater protection; Waste on-site; and waste to be taken off-site.
- The comment of the emergency planner is awaited.

6.5 Sussex Newt Officer – **NO OBJECTION**

6.5.1 Note that the proposed development would present a low risk to great crested newts and/or their habitats. However, as the development is within the red impact zone, as modelled by district licensing mapping, an informative is recommended to be attached to any permission.

6.6 High Weald Unit – **NO NEW COMMENTS RECEIVED**

6.6.1 Previously submitted their standing advice.

6.7 Sussex Police – **NO OBJECTION**

6.7.1 Refers the Applicant/Agent to the Commercial Guide 2023 with regard to Secured by Design. References the use of accredited products that are fit for purpose and appropriate along with natural surveillance, access control will assist the development in creating a safe and secure environment in which to partake in leisure and retail activities.

6.8 East Sussex Fire and Rescue – **NO OBJECTION**

6.8.1 Noted that access and water supplies should be properly considered during planning.

6.9 Rother Waste and Recycling – **NO OBJECTION**

6.9.1 As this is a commercial site, they would instruct a private waste contractor.

6.10 Ramblers – **OBJECTION**

6.10.1 Object due to lack of information. Comments summarised:

- Note that the footpath routes are not directly affected but should consider the enjoyment of walking.
- Are pitch spaces suitable?
- Potential conflict between walkers and new access to the caravan/motorhome pitches. Improved signage required.

- Need to maintain boundary landscaping/screening.
- References static caravans - (but these are NOT proposed).
- Suggests planting around the car park be of sufficient height to screen any views from footpath 16a.

6.11 Planning Notice

6.11.1 Two letters of objection received. Raising the following points:

- One from the interested party in the Judicial review, noting that the agent *“invite the Council to once again approve this submission without further delay.” The Applicant is asking the Council to approve a fresh application for a very similar development to that which is the subject of the challenged planning permission.*

My submission is the Applicant’s approach is inappropriate. The legal authorities have established that where an application is considered in such circumstances there is a real risk that the decision cannot be determined fairly.”

- The other states that the proposal will ruin the AONB.
- It is visible from the footpath through the site and that crosses Church Farm.
- Facilities building previously refused.
- Proposals in previously undeveloped field.

6.12 Catsfield Parish Council – OBJECTION

6.12.1 Object to this planning application as the facilities incorporated as part this application have previously been refused by RDC with no enforcement of prior breaches of planning decisions. Furthermore, approval of this application would result in overdevelopment of this site and destruction of the AONB.

7.0 **APPRAISAL**

7.1 The main issues for consideration are:

- Principle of development.
- Impacts on the AONB.
- Ecological impacts.
- Impacts on neighbours.
- Highway impacts.

7.2 *Principle of development*

7.2.1 It is noted with regard to the previous application (RR/2022/1895/P), that objectors contented that the existence of an enforcement notice precluded the submission of and consideration of a planning application for the same nature of development. The existence of an EN does not preclude consideration of such an application and indeed this is in effect affirmed by s180 of the Town & Country Planning Act 1990 (as amended) whereby at (1) it states that:

Where, after the service of—
(a) a copy of an enforcement notice; or
(b) a breach of condition notice,

planning permission is granted for any development carried out before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

- 7.2.2 The EN was served in 1999 with an application for a certificate of lawfulness for existing use/development (CLEUD) being made around the same time. The certificate in respect of three areas of camping/caravans was subsequently granted and as a result the appeal into the enforcement notice was withdrawn. As noted above in the planning history, subsequent case law and legal advice noted that as the appeal into the EN was withdrawn, the certificate was in effect not considered valid because the certificate could not modify the effect of the EN. The situation around the withdrawal of the appeal, was based on a common shared understanding between the Applicant, Council and PINs that the certificate obviated the need to pursue the appeal against the EN and hence no legal action would be taken to seek compliance with the EN for the specific areas covered by the lawful development certificate. Subsequent applications were granted for one of the areas, statics west of the farmyard (in 2009 and 2013), with touring caravans (nine specified in the certificate) continuing to use the ridge area to the west of the farmyard. While an objector has previously referenced committee decisions in 2010 to seek prosecution with regard to the EN, the counsel advice was against this, as detailed further in the report to committee dated 25 August 2011 in respect of RR/2011/1182/P.
- 7.2.3 The application proposes a new camp site, with an overflow car park for use by the wider site proposed on the area of the unauthorised touring site to the west on the ridge (north of the public footpath 15a). Two field areas to the lower south of this ridge are proposed as campsite for tourers and tents. (It is noted that the two fields immediately south of the public footpath has also been in use during the last year for camping but are mostly clear at the time of writing this report). It is acknowledged that the proposed camping fields are within the area of the enforcement notice but, it is incumbent to consider the proposals in light of any material changes in facts since the enforcement notice was issued and against the current national and local policies.
- 7.2.4 In terms of policy considerations, the site remains within the High Weald AONB with both local and national policy seeking to conserve and enhance its natural landscape and scenic beauty (Paragraph 176 of the National Planning Policy Framework, Policy EN1 of the Rother Local Plan Core Strategy and DEN2 of the DaSA). In addition, Section 85 of the CRoW Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area. The High Weald Management Plan (2019-2024) is also in place and sets out a number of objectives (policies) for the AONB including protection and maintenance as a working landscape. Impacts on the AONB are further explored in a specific section below.
- 7.2.5 Other policy considerations have however evolved since 1999. The Council's first Local Plan was published in 2006, with an update and replacement of several policies via the Rother Local Plan Core Strategy in 2014 and then again following adoption of the Development and Site Allocations Plan (DaSA) in 2019. The National Planning Policy Framework was first published in 2012 with amendments in 2018, 2019, July 2021 and September 2023.

- 7.2.6 Collectively there is now stronger national and local support for proposals that support the rural economy and employment opportunities, including tourism, at paragraphs 84 and 85 of the National Planning Policy Framework; RA2, RA3 and EC6 of the Rother Local Plan Core Strategy; DEC2 of the DaSA; and objective LBE1 and 2 of the HW Management Plan. Subject to considering compliance with the criteria of the relevant policies, there is no objection in principle to the proposals for a camp site and associated facilities building and parking, which would form part of the wider site use as a tourism and local commercial business premises.
- 7.2.7 With regard to the EN, following a visit last year two static caravans to the north of the bungalow are being relocated to the enclosed area to the south of the bungalow. The enclosed area benefits from permissions for four caravans but only has two on site pending the relocation of the two statics. The area on the ridge line being used for nine caravans (subject to the former counsel advice) would be replaced by the overflow carpark. Subject to these two matters being resolved, there would then be no breach of the EN.
- 7.3 *Impacts on the AONB*
- 7.3.1 As noted within Section 85 of the CRoW Act 2000 and paragraph 176 of the National Planning Policy Framework, there is a duty to and great weight is given to, 'conserving and enhancing' the AONB. This is carried through into local policy at EN1 of the Rother Local Plan Core Strategy and DEN2 of the DaSA and further referenced within Policy DEC2 'Holiday Sites' of the DaSA.
- 7.3.2 Policy DEC2 is the most recently adopted policy within the DaSA and states:
- "All proposals for camping, caravan and purpose-built holiday accommodation must:*
- (i) safeguard intrinsic and distinctive landscape character and amenities, paying particular regard to the conservation of the High Weald AONB and undeveloped coastline, and be supported by landscaping proposals appropriate to the local landscape character;*
 - (ii) support the conservation of biodiversity in accordance with DaSA Policy DEN4;*
 - (iii) not significantly detract from the needs of agriculture;*
 - (iv) not unreasonably harm amenities of residents in nearby dwellings;*
 - (v) not be in an area at risk of flooding, unless a site specific flood risk assessment has demonstrated that the development will be safe and will not increase flood risk elsewhere; and*
 - (vi) accord with other relevant policies of the Plan."*
- 7.3.3 Wylands is an established tourism site hosting international angling competitions with a few chalets (7) and static caravans (4) at the site, farm shop, café, tackle shop and other small commercial units. The buildings are centred around the former farmyard/farmstead which lies centrally within the property to the west of the proposed campsite. The main cluster of buildings can be viewed from both public footpaths, footpath 15a running through the site and footpath 16a to the south on the higher valley side at Church farm. The proposed campsite however, and facilities building, is screened from footpath 16a to the south by Church Farm, being set lower down the slope and screened by the changing ground levels and vegetation.

- 7.3.4 It is noted that in 2011 (RR/2011/1182/P) a new campsite area for nine touring caravan pitches was proposed to the 'southwest' of the farmyard buildings and this was refused permission for the following reason:
- The proposed development would be clearly visible in the landscape from the public footpath passing through Church Farm to the south of the site and would constitute an unnatural feature out of character and harmful to the appearance of the High Weald AONB that could not be adequately mitigated by the imposition of planning conditions. The AONB is required to be afforded the highest level of protection and therefore the harm caused by the proposal is judged to be contrary to Policy C3 of the South East Plan and Policies GD1(iv) and (v) and EM10(i) of the Rother District Local Plan.*
- 7.3.5 This proposal looks to utilise field areas to the east/southeast of the farmyard buildings for the camping areas, which are not visible from the footpath 16a by Church Farm. As such the reason for refusal in 2011 is not pertinent to this proposal. The two sites are different and not comparable in wider landscape terms. This application site is visually contained within the landscape due to the lower ground levels but also to the established trees and hedges around the application site and within the adjacent land ownership areas. While camping can be a visible intrusion in an 'open' landscape, it is also a use that does not require any substantial changes to the landscape. In terms of impacts on footpath 15a which runs through the site, the camping areas proposed would be better screened from the footpath, which runs to the west side of the former farmyard and then runs southwards down the track which serves a car park to the lower fishing lakes, skirting the eastern edge of the camping fields. As part of the Landscape Masterplan, it is proposed to enhance the footpath route with additional landscaping, as referenced by the Ramblers.
- 7.3.6 The application is accompanied by an LVIA, landscaping proposals and biodiversity enhancement proposals, as referenced within Policy DEC2. Additional landscaping has also been sought to the western side boundaries with the farmyard area and field to its south. Additional tree and hedge planting associated with the 2021 application is already being implemented. The additional planting proposals would enhance the existing boundaries but also provide new planting along the existing fence lines to provide a more natural appearance reflecting the local landscape character of the AONB, which consists of a mixture of fields, small woodlands and farmsteads connected by historic routeways, tracks and paths.
- 7.3.7 Wylands very much reflects this character, albeit that the use of the site has evolved into one with greater economic and tourism activity. That activity utilises the natural surroundings as well as the former farm buildings that are now in alternative use. Woodland, both ancient semi-natural and non-ancient comprises much of the overall land holding with the fishing lakes and small fields interspersed among the woodland, with the access track containing the public footpath running through the site. The proposal does not require changes to the physical landscape, excepting the 12 bases for the touring caravans/motorhomes, which could subsequently be easily removed if required and which could also become vegetated overtime and which in any event will be screened by the enhanced boundary planting locally and are not visible from wider views outside the site.

- 7.3.8 The facilities building is a simple timber building now painted black to match the adjacent farmyard buildings. An application to retain the building was refused at the end of 2021 (RR/2021/2519/P) as it had not been justified and concerns with regard to its lack of relationship and visibility. The facilities building while visible at close quarters from the farmyard and glimpses from footpath 15a is not visible from outside the site or from footpath 16a. This application details its requirement in association with the campsite proposals and that it is also used by the existing fishermen/women. It is located adjacent a tall hedge with additional landscaping being undertaken now (2021 permission) and as now proposed to its west. The building would not be overtly visible unless within the camping field to its southern side. The existing hedge screens it from footpath 15a, with proposed additional planting screening it from the west. It is not visible from footpath 16a.
- 7.3.9 The overflow carpark to serve the other commercial uses within the site is proposed on the ridge line adjacent to the former farmyard where some views currently exist from footpath 16a at Church farm. The overflow car park is not for use by campers who will park on their camp pitch. The car park is proposed to be for overflow use, primarily summer time but ultimately could be required at any time of the year depending on number of visitors to the wider site. Various other pockets of parking exist around the site adjacent some of the lakes for use by fishermen/women but the availability of parking within the farmyard area given the success of the converted buildings has been found to be lacking on occasion. This area has yet to be reorganised with additional landscaping proposed within the farmyard area as part of application RR/2021/498/P. The additional planting within the farmyard area would soften the appearance of the former farmyard buildings within wider views of the site. An overflow car park is required but a seasonal restriction is not requested as requirement for its use could occur at any time. The overflow car park is to be surfaced with grasscrete or similar to provide a soft surface landscape finish and surrounded by additional boundary planting of hedges and trees, (as illustrated in the Landscape Masterplan), where fences currently exist. The intrusive presence of caravans on this site would be removed. The significant level of new planting would be an enhancement and would screen the car park within wider views of the site.
- 7.3.10 As referenced in the Planning Statement, the proposals are for camping pitches to accommodate touring caravans, motorhomes (a touring vehicle) and tents. These are for short term holiday use and not for use as a sole permanent address. The application is not proposing static caravans and this would require a different description of development to fall within the proposed planning permission. While it is pertinent to apply a condition to any grant of permission to restrict the use of the site for touring pitches only, permission is not being sought for any permanent holiday buildings or structures that would require an occupancy condition for holiday use only, such as is referenced in Policy DEC2 for use with static caravans and holiday lets. It is acknowledged that tents, touring caravans and motorhomes come in different sizes and for tents there are many colours. As a touring site this would not be unusual. However, in order to ensure that the camping activity does not result in any storage of tents, touring caravans or motorhomes on the site, i.e. these temporary structures and vehicles being left on site when not being occupied, it is suggested that condition wording be applied to any grant of permission to preclude this.

- 7.3.11 It is further noted that the proposal seeks the potential for all year use and not a seasonal use. Policy EC6(vi) references the use of occupancy restrictions and states that they should *not be “unduly restricting operators from extending their season (subject to visual impact and flood risk considerations, where applicable):”* As addressed in the preceding considerations, visual impacts are not considered to be harmful in this instance, where even in winter the site remains visually contained. While noting that the access to the site may be impassable in extreme flood conditions, (as noted by the EA), the camping fields themselves are not subject to flood risk and there is a presence of other facilities at the site which could be utilised should persons be unable to exit the site temporarily. The comment of the emergency planner is awaited and may require a condition regarding flood risk warning and evacuation procedures with regard to the access. As such there are no sound reasons to impose a seasonal condition in this instance.
- 7.3.12 Having regard to other potential AONB impacts, dark skies is also a consideration and referenced within Policy EN1(vii) of the Rother Local Plan Core Strategy and the HW Management Plan. There are no requirements for lighting to be associated with the use. Part of the camping experience is to be situated in nature and appreciate the natural surroundings. While the Applicant has advised that external lighting is not required, for consistency with the previous permission granted for alternative uses of the farm buildings, a condition specifically precluding the erection of external lighting could be applied to any permission.
- 7.3.13 Previously objections were also raised with regards to tranquillity, which is a non-physical quality of the AONB. While noise generation may be argued to impact on tranquillity, the use of the site for camping is not considered to be one that would generate significant noise and disturbance and as such would not impact the tranquillity of the site, especially given its context within an existing commercial site.
- 7.3.14 Having regard to the great weight afforded to the conservation and enhancement of the AONB, the proposals would present limited visibility within the site having an impact of local significance only within the site but no more than already exists in respect of the former farmyard area and its buildings. The proposals would not represent wider harm to the AONB beyond the site as, unlike the existing farm buildings, the camping fields are not visible from footpath 16a at Church Farm. As such the impacts given their context within an existing commercial site are not considered to result in harm to the AONB, conserving the landscape character and representing an enhancement of the landscape in the proposals for the additional landscaping and biodiversity, and thus complies with national and local policy as well as the duty within the CRoW Act 2000.

7.4 *Ecological impacts*

- 7.4.1 The application is accompanied by an Ecological Appraisal and Building Inspection for the application site with completed Biodiversity Metric and Net Gain calculation (even though this is not yet a statutory requirement). Ancient woodland lies to the east of the site on the other side of footpath 15a and also separated by an area of non-designated woodland. The proposals are located well outside the recommended 15m buffer zone for protection of the ancient woodland.

- 7.4.2 Other protected habitats are within the wider vicinity (off site) of the site but due to the small scale nature of the proposals, there would not be any significant impacts to them.
- 7.4.3 No protected species were found within the car park or campsite areas and retention and enhancement of existing boundary vegetation would negate the need for any further surveys.
- 7.4.4 The following enhancements are recommended within the Ecological Appraisal:
- Bat boxes in the wider site.
 - Sensitive lighting.
 - Grassland management and log piles for reptiles and stag beetles.
 - Bird boxes.
 - Enhanced boundary planting.
- 7.4.5 The landscaping proposals also include native hedge enhancement and new planting as well as additional tree and orchard planting. These additions all improve habitats as well as enhancing the landscape. Conditions can be applied to ensure provision of the enhancements.
- 7.6 *Impacts on neighbours*
- 7.6.1 Policy OSS4(ii) of the Rother Local Plan Core Strategy sets out that proposals should not unreasonably harm the amenities of adjoining properties. There are no immediate neighbours in close relationship with the site and as such there are no impacts to the residential amenities of any dwellings, whether by virtue of loss of light, massing, overlooking, noise or vehicular activity associated with the proposals for a campsite.
- 7.7 *Highway impacts*
- 7.7.1 The full comments of the Highway Authority can be found on the website and are summarised above. In conclusion they advise that *“The additional facilities that will be provided within the site will also reduce the need for visitors to travel off site for provisions etc. With this in mind I have no major concerns regarding the developments impact on the site access or the surrounding highway network from either a highway safety or capacity perspective.”*
- 7.7.2 Subject to conditions no objections were raised. Conditions require maintenance of visibility splays at the entrance with Powdermill lane, provision of parking (size to meet the standards) and cycle parking in accordance with the plans.
- 7.7.3 With regards to impacts on the public footpath 15a which runs through the site, the comments of the Ramblers are noted. It is also noted that footpath 15a shares its route with the entire length of the access road into the site from Powdermill Lane and follows the track around the eastern side of the proposed camping fields, which provides vehicular access to the southern fishing lake. The proposed access into the field for the 12 pitches for the caravans/motorhomes, would represent a minor increase in use of the existing track. The track has width with its grass verges for a vehicle and pedestrians to utilise it and pass each other. Given this minor increase in

traffic and the nature of the shared access/footpath that already exists, the proposal is not considered to represent harm to pedestrian users of the public footpath.

7.8 *Flood Risk*

7.8.1 As noted by the LLFA and Drainage Board, the proposals do not represent any significant increase to surface water drainage on the site, permeable surfacing being utilised for the car park and grass pitches for the 12 caravan/motorhome pitches. Foul drainage for the site has already been the subject of scrutiny in respect of the application in 2021 and also does not raise any concerns.

7.8.2 The EA note that the access may be impassable during extreme flood conditions but equally do not raise objection to the proposed development in relation to flood risk. They have suggested that the Applicant have discussion with the emergency planning department. The comment of the emergency planner is awaited.

7.9 *Other Matters*

7.9.1 It is noted that not all objections raised in respect of the application reference RR/2022/1895/P have been remade nor those matters referenced which have been raised with regard to disputing the previous report and now subject to consideration by the High court. This report includes reference to those other matters. However, the decision of the High Court is still awaited. As the Applicant has made a new application for an identical development, the Members are hereby requested to consider this application on its merits.

8.0 **PLANNING BALANCE AND CONCLUSION**

8.1 The existence of an EN prohibiting use of its associated area for the storage of caravans and tents, camping and a caravan site, does not prohibit the submission of nor consideration of a planning application for any of those activities. Any such application falls to be considered in the light of the current development plan and any other material considerations including the National Planning Policy Framework, CRoW Act 2000 and High Weald Management Plan.

8.2 Having considered the current relevant planning policies that now pertain to the site and have been evolved since issue of the EN in 1999, it has been concluded that the proposals would comply with the development plan and that they would not result in undue harm. It is considered that the landscape of the AONB would be conserved and additionally enhanced by the landscaping and biodiversity proposals.

8.3 Ecology, neighbours, highways and flood risk, would similarly be unharmed and the proposals would provide additional tourist facilities encouraging visitors to the area and supporting the rural economy and employment opportunities.

8.4 With regard to potential breaches of the EN, as detailed above the remaining area of concern is related to the nine caravans on the ridge line. If permission

is granted it is recommended that a condition be applied to remove the caravans within a set time frame and to implement the overflow carpark and landscaping enhancements in their place. Compliance with such condition would then remove the potential breach in compliance with the EN.

- 8.5 On balance and having regard to all the considerations set out above, the proposals are considered to be policy compliant subject to the imposition of conditions.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Location Plan Drawing No. 6754/22/LP/A, dated Jun 22
Block Plan Drawing No. 6754/22/BP, dated May 2022
Site Layout Drawing No.6754/22/2/C, dated Jul 22
Landscape Masterplan Phase 2 Drawing No. 3025-APA-ZZ-OO-LA-L-1000 rev P3, dated 17/11/22
Toilet/Shower Block Drawing No. 6754/101/1, dated September 2021
Refuse and Cycle Storage Drawing No. 6754/RS2/A, dated Jun 22
Refuse and Cycle Storage Drawing No. 6754/R+CS/A, dated Jun 22
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Within seven months of the date of this permission, by 12 May 2023, all caravans of whatever sort shall be removed from the field area north of footpath 15a and the overflow car park and landscaping of that area shall be implemented upon removal or within the next planting season, in accordance with the approved plans, Drawing No. 6754/22/2/C, dated Jul 22 and Drawing No. 3025-APA-ZZ-OO-LA-L-1000 rev. P3, dated 17/11/22.
Reason: To ensure removal of caravans potentially in breach of the Enforcement Notice on the site and improve the character and appearance of the site and thus enhance the landscape of the High Weald Area of Outstanding Natural Beauty having regard to Policy EN1 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan.
4. Prior to commencement of the use of the camping areas or overflow car park hereby approved, full details of the landscaping for the site in accordance with the approved Landscape Masterplan Phase 2, shall be submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - a) indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development;
 - b) planting plans;

- c) written specifications (including cultivation and other operations associated with plant and grass establishment);
- d) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- e) implementation programme (all tree and hedge planting to be undertaken as soon as possible and before 31 December 2024).

All landscape works shall be carried out in accordance with the approved details and in accordance with the programme agreed with the Local Planning Authority and if within a period of 10 years from the date of the planting any tree or plant, it is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant of the same species and size as that 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 appearance of the development and conserve and enhance the landscape character and scenic beauty of the site within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 and EN1 of the Rother Local Plan Core Strategy, Policies DEC2, DEN1 and DEN2 of the Development and Site Allocations Local Plan, paragraph 176 of the National Planning Policy Framework and various objectives within the High Weald Management Plan.

5. Prior to the commencement of use of the camping or car park areas, full details of the mitigation and enhancements in respect of protected species, habitats and biodiversity set out within the (a) Preliminary Ecological Appraisal and Building Inspection report by 'The Ecology Partnership' dated June 2022 and (b) the Biodiversity Net Gain Calculation report by 'The Ecology Partnership' dated 26 July 2022, where not part of the landscaping details, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented before 31 December 2024.

Reason: To conserve and enhance the habitat and biodiversity of the site enhance the appearance of the development and conserve and enhance the landscape character and scenic beauty of the site within the High Weald Area of Outstanding Natural Beauty, in accordance with Policies EN1 and EN5 of the Rother Local Plan Core Strategy, Policies DEC2, DEN1, DEN2 and DEN4 of the Development and Site Allocations Local Plan and paragraph 176 of the National Planning Policy Framework.

6. No part of the development shall be first occupied until the visibility splays of 2.4m x 160m westbound and 2.4m x 215m eastbound have been provided at the proposed site vehicular access onto Powdermill Lane. Once provided the 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 of the Rother Local Plan Core Strategy.

7. The development shall not be occupied until parking and cycle areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles and cycles.

Reason: To ensure the development has on-site parking provisions and in order that the development site is accessible by non-car modes and to meet the

objectives of sustainable development, in accordance with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

8. The proposed parking spaces shall measure at least 2.5m x 5m (add an extra 50cm where spaces abut walls).
Reason: To provide adequate space for the parking of vehicles, in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

9. The site shall not accommodate more touring pitches than those specified on the approved site layout plan, Drawing No. 6754/22/2/C, dated Jul 22, i.e. maximum of 18 tent camping pitches to the northern field, 12 tent camping pitches to the south west field area and 12 pitches for touring caravans/motorhomes. The touring pitches shall not be utilised for storage purposes and no caravan, motorhome or tent shall be left on site unless it is in occupation.
Reason: To restrict the density and nature of development at the site thereby controlling the level and nature of activity and enabling maintenance of the existing and proposed landscaping of the site, so as to conserve and enhance the landscape and scenic character of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 and EN1 of the Rother Local Plan Core Strategy, Policies DEC2, DEN1 and DEN2 of the Development and Site Allocations Local Plan, paragraph 176 of the National Planning Policy Framework and various objectives within the High Weald Management Plan.

10. No external lighting shall be erected at the site unless in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. Any scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage.

Illuminated area m²	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1,000
Over 10.00	n/a	300	600	600

Environmental Zones

Zone Surrounding	Lighting Environment	Examples
E0 Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1 Natural	Intrinsically Dark	National Parks, Areas of Outstanding Natural Beauty etc.
E2 Rural	Low District Brightness	Village or relatively dark outer suburban locations
E3 Suburban	Medium District Brightness	Small town centres or suburban locations
E4 Urban	High District Brightness	Town/city centres with high levels of night-time activity

The guidance advises that, where an area to be lit lies on the boundary of two zones or can be observed from another zone, the limits used should be those applicable to the most rigorous zone, in this case E0 or E1.

Reason: To prevent light pollution within the dark skies of the High Weald Area of Outstanding Natural Beauty, in the interests of the amenities of the area and to protect the dark sky environment, in accordance with Policies OSS4 (iii), RA3 (v) and EN1 of the Rother Local Plan Core Strategy, Policies DEN2 and DEN7 of the Development and Site Allocations Local Plan and Objective OQ4 of the High Weald Management Plan.

NOTES:

1. The Applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stages of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.
2. The Applicant is reminded of the advice within the letter of 6 September 2023 from the Environment Agency with regard to groundwater protection; Waste on-site; and waste to be taken off-site.
3. The Applicant is reminded that no implementation should take place before the end of six weeks from the date of the decision.

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.