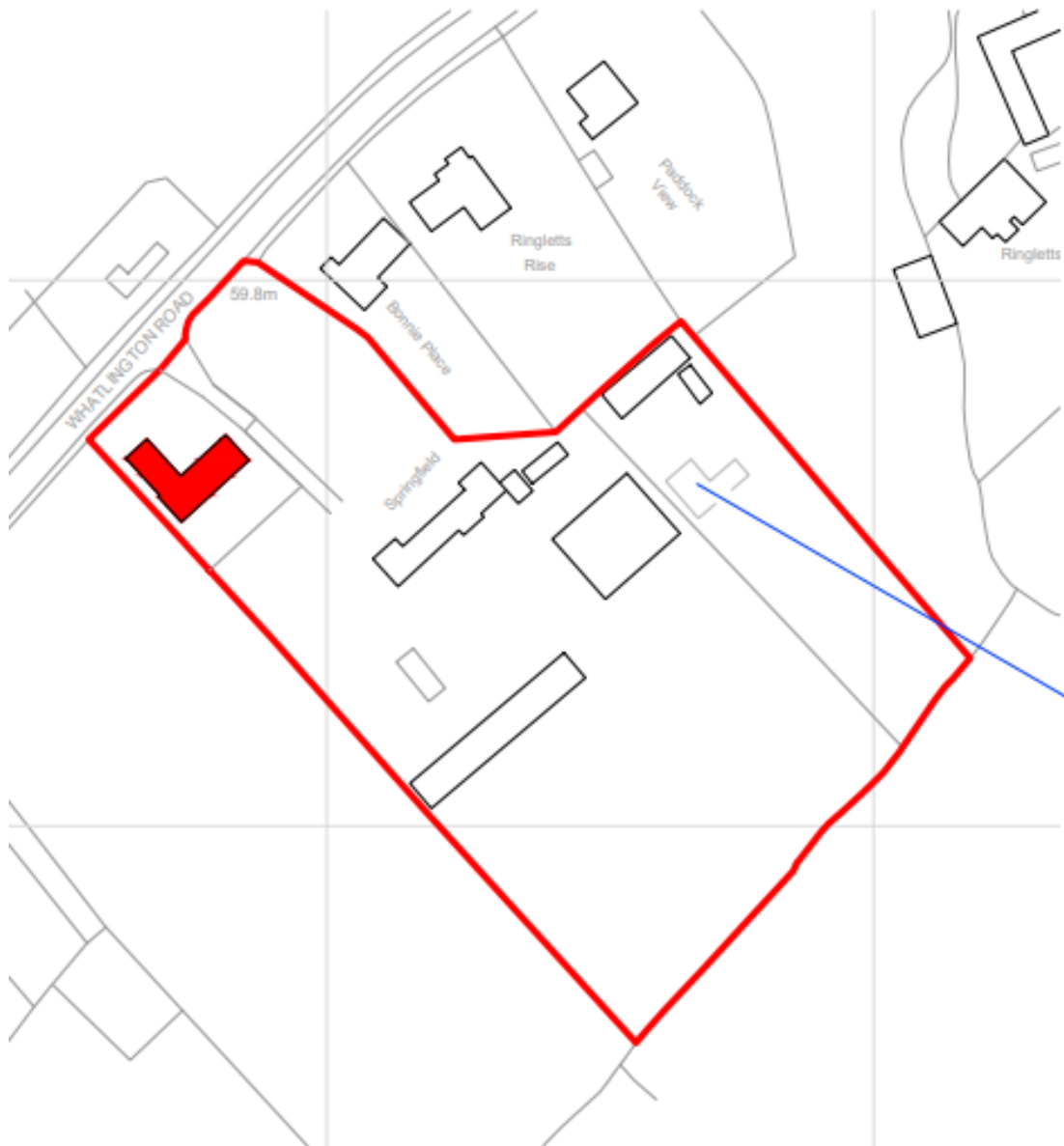


SITE PLAN

WHATLINGTON

RR/2023/1948/P

Springfield
Whatlington Road
Whatlington



Rother District Council

Report to - Planning Committee
Date - 16 November 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2023/1948/P
Address - Springfield, Whatlington Road, WHATLINGTON
Proposal - Proposed demolition of lawful dwelling approved under RR/2019/738/O and erection of replacement dwelling in new location as an alternative to approved replacement dwelling granted under extant planning permission RR/2021/1937/P.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mr R. Vallier
Agent: Pump House Designs
Case Officer: Mrs Harriet Beckett
(Email: harriet.beckett@rother.gov.uk)

Parish: WHATLINGTON
Ward Members: Councillors S. Burton and K.M. Field

Reason for Committee consideration: Member call in:

- This new property will not impact on the street line, which the neighbouring properties have already set. There will be no loss of light or privacy to neighbouring properties. As I believe this home will be for a family member there will be no measurable increase in traffic especially as the turning is an already existing driveway.
- This proposed weather boarding is wood rather than plastic or cement-based weather boarding which is to be commended as is the use of clay roof tiles there are no huge, glazed areas to impact the dark skies policies.
- The plan will have less negative impact on the environment with less hard surfacing leaving the existing lawn and hedgerows to help balance the biodiversity lost to trimming conifers and loss of lawn on the opposite side.
- The building will be screened from the road therefore not affecting the views across the Area of Outstanding Natural Beauty. There are no public footpaths affected by this application.

Statutory 8-week date: 8 November 2023
Extension of time agreed to: 23 November 2023

1.0 SUMMARY

- 1.1 The proposed is for the demolition of a lawful dwelling and erection of replacement dwelling in new location as an alternative to an approved replacement dwelling under extant planning permission RR/2021/1937/P. The main issues for consideration are the principle of development, impact on character of site, streetscene and Area of Outstanding Natural Beauty (AONB), standard of residential accommodation, impact on neighbouring amenity and highway safety.
- 1.2 The proposal by reason of the dwelling's overall height, large footprint, volume and overall scale and mass would represent a bulky, visually intrusive and overbearing dwelling that would appear incongruous in its location and siting set to the northwest of the host dwelling and building line of development in the area. Although described as a replacement dwelling, the new development would occupy an entirely different footprint around 75m from the existing. For these reasons, it would materially harm the character and appearance of the locality, including the surrounding landscape setting and scenic beauty of the High Weald AONB. The proposal would extend built residential form into the AONB having unacceptable character impacts. The proposal would be out of keeping within the locality, resulting in having a harsh urbanising effect upon the existing countryside character of the area through its architectural form, materials and its siting. The proposal would give rise to irreversible harmful impacts upon the High Weald AONB.
- 1.3 For the reasons explained above, the application is recommended for refusal.
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2.0 SITE

- 2.1 Springfield Nursery is located within the grounds of Springfield in Whatlington, on the north side of Whatlington Road and within the High Weald AONB.
- 2.2 The existing lawful dwelling proposed to be demolished is positioned over 29m to the east of the host dwelling 'Springfield' and set over 20m behind the neighbouring dwelling; Ringlett's Rise. The existing dwelling is positioned well into the site, set back over 88m from the road, which is screened by the neighbouring dwelling. The proposed dwelling is sited 75m west from the position of existing lawful dwelling; set just 10m from the road frontage but behind a tall mature hedge line.
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3.0 PROPOSAL

- 3.1 This application seeks planning permission for the demolition of lawful dwelling approved under RR/2019/738/O and erection of replacement dwelling in a new location, described as an alternative to approved replacement dwelling granted under extant planning permission RR/2021/1937/P. However, the 2021 approval was within the curtilage of the authorised dwelling and of a lesser scale. The current application is a resubmission of the previously refused 2023 application, for a 'replacement' dwelling on an entirely separate site.

- 3.2 The proposed build site would be set significantly forward of the existing dwelling, much closer to the road. The walls would be constructed using black weatherboard cladding, and the roof with clay roof tiles. The dwelling would be two storeys, although the first floor accommodation would effectively be provided within the roof space with dormers incorporated into the design. Four double bedrooms are proposed across the ground and first floor, an open plan living and dining area, with a separate kitchen.
- 3.3 The location of the dwelling would be in the same position and orientation as the previously refused 2023 application. This proposed scheme has the following differences:
- The addition of a cycle store;
 - The alteration of design to include half hip roofs; and
 - The removal of the basement.
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4.0 HISTORY

- 4.1 RR/2019/738/O Certificate of lawfulness for the existing use of Springfield Nursery as a single residential dwelling (Use C3). LAWFUL DC APPROVED.
- 4.2 RR/2003/3270/P Use of land as residential curtilage. APPROVED CONDITIONAL.
- 4.3 RR/2021/1937/P Proposed demolition of existing dwelling and outbuilding, and erection of replacement dwelling. APPROVED CONDITIONAL.
- 4.4 RR/2023/156/P Demolition of lawful dwelling approved under RR/2019/738/O and erection of replacement dwelling in new location as an alternative to approved replacement dwelling granted under extant planning permission RR/2021/1937/P. REFUSAL.
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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:
- OSS3: Location of Development
 - OSS4: General Development Considerations
 - RA2: General Strategy for the Countryside
 - RA3: Development in the Countryside
 - EN1: Landscape Stewardship
 - EN3: Design Quality
 - TR3: Access and New Development
 - TR4: Car Parking
- 5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:
- DHG3: Residential Internal Space Standards
 - DHG7: External Residential Areas

- DHG12: Accesses and Drives
- DEN1: Maintaining Landscape Character
- DEN2: The High Weald AONB

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

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

5.4 The National Planning Policy Framework and Planning Practice Guidance are also material consideration – particularly paragraph 176 of the National Planning Policy Framework relating to the conservation of National Parks, the Broads and AONBs.

6.0 CONSULTATIONS

6.1 RDC – Waste & Recycling – NO OBJECTION

6.1.1 There are no issues here as bins will be presented on Whatlington Road.

6.1.2 East Sussex County Council (ESCC) Highways – NO OBJECTION

6.1.3 I would not wish to object to this application, subject to the imposition of conditions.

6.2 Planning Notice

6.2.1 One letter of objection has been received. The concerns raised are summarised as follows:

- Concerns in relation to setting a precedent to build in gardens or fields along the road.

6.2.2 One letter of general comment has been received. The concerns raised are summarised as follows:

- Concerns in relation to if allowed it would subsequently be cited to justify development on the adjacent land.

6.3 Whatlington Parish Council – NO COMMENT RECEIVED

7.0 APPRAISAL

7.1 The main issues to consider include the principle of development, impact on character of site, streetscene and AONB, standard of residential accommodation, impact on neighbouring amenity and highway safety.

7.2 *Principle of development*

7.2.1 The site is outside of any defined development boundary and for the purposes of planning policy the site is located within the countryside. Policies OSS1, OSS2 and OSS3 of the Rother Local Plan Core Strategy are concerned with

the distribution of development, the use of development boundaries and the location of development respectively. Collectively they encourage sustainable patterns of development with most development directed within existing Development Boundaries around settlements.

- 7.2.2 Policy DIM2 of the DaSA states that new development shall be focused within defined settlement boundaries, principally on already committed sites (i.e. sites with planning permission) and allocated sites, together with other sites where proposals accord with relevant Local Plan policies. This policy also states that in the countryside (that is, outside of defined settlement development boundaries), development shall be normally limited to that which accords with specific Local Plan policies or that for which a countryside location is demonstrated to be necessary.
- 7.2.3 With regards to new dwellings in the countryside, the National Planning Policy Framework sets out at paragraph 80 the need to avoid isolated homes in the countryside unless there are special circumstances and examples are given. While the proposed dwelling would not necessarily be isolated in physical terms as there are residential properties either side of the site and on the other side of the road, it would be isolated with regard to access to employment, services and community facilities, as set out under the issue for consideration, sustainable location (see issues section).
- 7.2.4 At the local level, Policy RA3 (iii) of the Rother Local Plan Core Strategy is specific to the formation of new dwellings in the countryside. This states that there are four extremely limited circumstances in which dwellings are allowed: a) Dwellings to support farming and other land-based industries (i.e. forestry and equine-related activities); b) The conversion of traditional historic farm buildings in accordance with Policy RA4; c) The one-to-one replacement of an existing dwelling of similar landscape impact; and d) As a 'rural exception site' to meet an identified local affordable housing need.
- 7.2.5 While the proposal is described as being a replacement of the existing property, the new dwelling would occupy an entirely different location, much closer to the road. The new dwelling would be 75m northwest of the existing. In addition, given the existing dwelling on site is a modest, flat roof single storey building, which obtained status as a residential dwelling through application reference RR/2019/738/O, together with the size and design of the previously approved dwelling, in comparison to that proposed which is significantly larger, this is not considered to be a one-to-one replacement of the existing dwelling of similar landscape impact. Not only in regard to the location and position of the dwelling but also the size and design of the proposed dwelling.
- 7.2.6 Therefore, none of the above circumstances in which new dwellings are allowed in the countryside are considered applicable in this case.
- 7.2.7 Notwithstanding the above, the Council cannot currently demonstrate a five-year supply of deliverable housing sites, which is contrary to the requirement set out in paragraph 75 of the National Planning Policy Framework. Relevant policies for the supply of housing (e.g. Policy RA3 (iii)) in the development plan are therefore out of date and, accordingly, point d (ii) in paragraph 11 is engaged. This states where there are no relevant development plan policies,

or the policies which are most important for determining the application are out of-date, granting permission unless:

- i. the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (such as AONB or Ancient Woodland); or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

7.2.8 It therefore remains necessary to consider the overall impact of the proposed development, particularly in this case in terms of its effect on the character and appearance of the area, including the landscape and scenic beauty of the AONB; whether the dwelling would be sustainably located with regard to access to employment, services, and facilities; impact on neighbouring amenities; highway safety and parking provision.

7.3 *Sustainable location*

7.3.1 Policy OSS3 of the Rother Local Plan Core Strategy states that in assessing the suitability of a particular location for development, proposals should be considered in the context of the need for access to employment opportunities.

7.3.2 Policy TR3 of the Rother Local Plan Core Strategy, amongst other things, requires that new development minimises the need to travel and supports good access to employment, services and community facilities.

7.3.3 As already mentioned, within the DaSA, this site is outside of the development boundary. Despite there being a nearby hourly bus route and bus stops fairly close by, the site is not considered to be a sustainable location for a new dwelling. Nevertheless, the proposed development is for a replacement dwelling, albeit larger in scale, and therefore its impact on additional traffic generation would be minimal. On this basis, an objection in terms of the sustainability of location is not raised.

7.4 *Character and Appearance of site, streetscene and AONB*

7.4.1 Policy OSS3 of the Rother Local Plan Core Strategy states that in assessing the suitability of a particular location for development, proposals should be considered in the context of (vi) the character and qualities of the landscape.

7.4.2 Policy OSS4 of the Rother Local Plan Core Strategy requires development to (iii) respect and not detract from the character and appearance of the locality.

7.4.3 Policy RA2 of the Rother Local Plan Core Strategy states that the overarching strategy for the countryside is to (viii) conserve the intrinsic value, locally distinctive rural character and landscape features of the countryside.

7.4.4 Policy RA3 of the Rother Local Plan Core Strategy states that (v) all development should be of an appropriate scale and will not adversely impact on the landscape character of the countryside.

- 7.4.5 Policy EN1 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN2 of the DaSA require development to protect and enhance the distinctive landscape character, including (i) the AONB.
- 7.4.6 Policy DEN1 of the DaSA states that the siting, layout and design of development should maintain and reinforce the natural and built landscape character of the area in which it is to be located, based on a clear understanding of the distinctive local landscape characteristics.
- 7.4.7 Paragraph 126 of the National Planning Policy Framework states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.
- 7.4.8 Paragraph 130 of the National Planning Policy Framework states that planning policies and decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 7.4.9 Paragraph 134 of the National Planning Policy Framework states that permission should be refused for development that is not well designed, taking 'into account any local design standards or style guides in plans or supplementary planning documents.
- 7.4.10 Paragraph 176 of the National Planning Policy Framework states that development within the setting of AONB should be sensitively located and designed to avoid or minimise adverse impacts.
- 7.4.11 A replacement dwelling was granted (RR/2021/1937/P), on the footprint of the existing dwelling (RR/2019/738/O). Overall, it was judged that the previous approved scheme against the relevant planning policies and in consideration, it was concluded that the proposal would have an acceptable landscape impact to the one it would replace and would preserve the landscape and scenic beauty of the AONB.
- 7.4.12 Nevertheless, the proposed dwelling subject of this application would not be erected over the top of the footprint of the existing dwelling and would be positioned to the northwest of the host dwelling, around 75m away. It would have a much larger footprint than the previously approved dwelling. It would be significantly larger in height and overall mass than the existing dwelling and previously approved dwelling. The sheer increase in size, its location, scale and design would result in the proposed dwelling not having a similar landscape impact as the existing. The proposed dwelling would have a significant adverse impact on the countryside and the landscape and scenic beauty of the AONB.
- 7.4.13 Whilst it is appreciated that the site is fairly well screened by vegetation and is not particularly prominent in the wider landscape, these factors do not justify erecting such a large replacement dwelling of the design proposed, as this reasoning could be allowed too often to the complete detriment of the intrinsic qualities of the countryside and the AONB designation.

7.4.14 Policies OSS4, RA2 and RA3 seek to maintain the character and appearance of the countryside and the landscape and scenic beauty of the AONB. The provision of a two-storey dwelling of the scale and design proposed would be harmful to the surrounding countryside's open character and the landscape and scenic beauty of the AONB.

7.4.15 It is therefore considered that the proposal would be out of keeping within the locality, resulting in a harsh urbanising effect upon the existing countryside character of the area. The proposal would give rise to irreversible harmful impacts upon the High Weald AONB. The proposed development would have a detrimental impact on the streetscene and wider setting of the High Weald AONB, contrary to local and national planning policies.

7.5 *Standard of residential accommodation*

7.5.1 Policy DHG3 of the DaSA requires new housing development to achieve the Government's nationally described space standards.

7.5.2 Four double bedrooms are proposed across the ground and first floor. For a 4b8p unit, 124sqm is required with 3sqm of built in storage.

7.5.3 For a four-bedroom dwelling, the minimum gross internal floor areas and storage would be achieved by the development. The development would meet these aspects of the policy and is acceptable in this regard.

7.5.4 Policy DHG7 (i) of the DaSA states that an appropriate level of useable external space should be provided. For dwellings, private rear garden spaces of at least 10 metres in length will normally be required. The proposal would accord with this requirement.

7.5.5 Policy DHG7 (iii) requires sufficient bin storage and collection points to be provided on all new residential developments. ESSC Highways have advised, as per the below, that the collection arrangements are satisfactory.

7.5.6 ESCC's best practice guidance: 'Refuse & Recycling Storage at New Residential Developments within the Eastbourne, Hastings, Wealden and Rother Council Areas' states that any external bin store should be within 30m of an entrance of a property and within 25m of the collection point where the collection vehicle will stop. The plans suggest the bins will be located on Whatlington Road on collection day. This is considered acceptable.

7.6 *Impact on neighbouring amenity*

7.6.1 Policy OSS4 (ii) of the Rother Local Plan Core Strategy states that all development should not unreasonably harm the amenities of adjoining properties. Such as, result in loss of light and privacy, causing an overbearing presence and causing intrusion such as through noise, activity and unsocial hours, lighting etc.

7.6.2 The proposed dwelling would not be situated in close proximity to other residential properties, to the extent that concerns would arise in respect of overlooking and loss of privacy. Similarly, the dwelling is not considered to cause an overbearing impact or result in a sense of enclosure.

7.6.3 Given its residential use and position away from other residential uses, it is not considered that any significant or harmful noise generation, activity or unsocial hours would arise from the development.

7.7 *Highway Safety*

7.7.1 Policy CO6 of the Rother Local Plan Core Strategy states that a safe physical environment will be facilitated by (ii) ensuring that all development avoids prejudice to road and/or pedestrian safety.

7.7.2 Policy TR3 of the Rother Local Plan Core Strategy requires new development to ensure adequate, safe access arrangements.

7.7.3 Policy TR4 of the Rother Local Plan Core Strategy relates to parking provision and requires development to (i) meet its residual needs for off-street parking.

7.7.4 ESCC Highways department were consulted with throughout the course of the application, who raised no objection subject to the imposition of conditions in the event of an approval.

7.8 *Trip Generation*

7.8.1 The Applicant has not submitted trip generation analysis for this development. However, a development of this size is unlikely to result in a significant impact on the local highway network.

7.8.2 Therefore, it is not considered this development will result in a significant impact on the local highway network.

7.9 *Vehicular Access*

7.9.1 The site has an existing vehicle access from an access road from Whatlington Road and this is to remain the same as part of the proposed development. However, a new access road from the existing drive is proposed as part of the proposed development.

7.9.2 The new access is to be approximately 7m wide. In accordance with Manual for Streets, an access should measure a minimum distance of 4.8m to ensure two vehicles can pass simultaneously. However, given the proposal is for one dwelling, it is unlikely that two vehicles will be entering and exiting at the same time. Therefore, in this instance, the access is considered acceptable.

7.9.3 It should be noted that the construction of the new access may be subject to a S278 agreement and should be undertaken by an approved contractor under an appropriate licence.

7.10 *Parking Provision*

7.10.1 In accordance with the ESCC's parking calculator, the proposed development would require two parking spaces. The site is proposed two car parking spaces, and this is considered acceptable.

- 7.10.2 ESCC parking guidance requires the minimum dimensions of parking bays to be 5m x 2.5m, with an additional 0.5m in either/both dimensions if the space is adjacent to a wall or fence.
- 7.10.3 The Applicant is also proposing a turning area, which would allow vehicles to enter and exit the site in forward gear.
- 7.11 *Cycle Parking*
- 7.11.1 In terms of cycle parking provision, there would need to be storage for two bicycles for the dwelling, to be in accordance with ESCC's guidance. ESCC requires cycle parking to be in a safe, secure and covered location. The scheme would provide cycle storage, so would be considered to meet this guidance.
- 7.12 *Community Infrastructure Levy (CIL)*
- 7.12.1 The proposed development is a type that is liable for CIL.
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8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 The site lies outside of the development boundary as delineated by the DaSA.
- 8.2 As noted, the Council is currently unable to demonstrate a five-year supply of land for housing. This triggers the presumption in favour of sustainable development test set out in paragraph 11(d) of the National Planning Policy Framework. This states that where policies most important for determining the application are out-of-date, permission should be granted unless:
- i. The application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 8.3 Paragraph 11 (d) (i) is engaged in this instance due to the adverse impact of the proposed development on the landscape and scenic beauty of the AONB which provides a clear reason for refusing the application.
- 8.4 The proposal conflicts with Development Plan policies together with the various provisions contained within the Framework and therefore the application cannot be supported.
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RECOMMENDATION: REFUSE (FULL PLANNING)

REASONS FOR REFUSAL:

1. The proposal by reason of the dwelling's overall height, large footprint, volume and overall scale and mass would represent a bulky, visually intrusive and overbearing dwelling that would appear incongruous in its location and siting set to the northwest of the host dwelling and building line of development in the

area. Although described as a replacement dwelling, the new development would occupy an entirely different footprint around 75m from the existing. For these reasons, it would materially harm the character and appearance of the locality, including the surrounding landscape setting and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB). The proposal would extend built residential form into the AONB having unacceptable character impacts. The proposal would be out of keeping within the locality, resulting in having a harsh urbanising effect upon the existing countryside character of the area through its architectural form, materials and its siting. The proposal would give rise to irreversible harmful impacts upon the High Weald AONB. As such, the proposal is contrary to Policies OSS2, OSS4, RA2, RA3, EN3 of the Rother Local Plan Core Strategy (2014) and Policies DIM2, DEN2 of the Rother Development and Site Allocations Local Plan (2019) and paragraphs 126, 130, 134 and 176 of the National Planning Policy Framework and Objectives 2 and 3 of the High Weald Management Plan.

NOTE:

1. This refusal of planning permission relates to the following drawings and documents:
Drawing No. 7468/LBP, Location / Block Plan dated 20 December 2022
Drawing No. 7468/23/3, Proposed Site Layout dated 1 August 2023
Drawing No. 7468/23/2, Proposed Dwelling Elevations dated 1 August 2023
Drawing No. 7468/23/1, Proposed Dwelling Floor Plans dated 1 August 2023

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, 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.