

SITE PLAN

WHATLINGTON

RR/2023/1497/P

Riccards – Land adjacent  
Riccards Lane  
Whatlington



## Rother District Council

Report to - Planning Committee  
Date - 14 December 2023  
Report of the - Director – Place and Climate Change  
Subject - Application RR/2023/1497/P  
Address - Riccards - Land Adjacent Riccards Lane, Whatlington  
Proposal - Proposed demolition of existing outbuildings and the erection of 2 x dwellings.

[View application/correspondence](#)

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

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**Director: Ben Hook**

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**Applicant:** Mr and Mrs Scott  
**Agent:** Finnis Planning Ltd  
**Case Officer:** Mrs Harriet Beckett  
(Email: [harriet.beckett@rother.gov.uk](mailto:harriet.beckett@rother.gov.uk))

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

**Reason for Committee consideration:** Councillor call in - These two dwellings are for family use and will benefit the Area of Outstanding Natural Beauty by removing unsightly outbuildings.

**Statutory 8-week date:** 30 October 2023  
**Extension of time agreed to:** 23 November 2023 (NOT RESPONDED)

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### 1.0 SUMMARY

- 1.1 The proposed application is for the demolition of existing outbuildings and erection of 2 x dwellings. The main issues for consideration are the principle of development, impact on the character of the site, streetscene and Area of Outstanding Natural Beauty (AONB), standard of residential accommodation, impact on neighbouring amenity, highway safety and ecological considerations.
- 1.2 The proposal by reason of the two dwellings overall height, large footprint, volume and overall scale and mass would represent bulky, visually intrusive and overbearing dwellings that would appear incongruous in their location and siting set within an existing plot, to the east of the existing dwelling. As a result, it would materially harm to 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 As well, the site lies within an unsustainable countryside location where occupiers of the proposed development would be highly reliant on private motor vehicles and would not be able to make the fullest possible use of public transport, walking and cycling to access local services and facilities.

1.4 For the reasons explained above, the application is recommended for refusal.

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## **2.0 SITE**

2.1 The site lies to the southern side of Riccards Lane, on the corner of Riccards Lane and Whatlington Road. It is located outside any development boundary and so lies within the countryside and the High Weald AONB.

2.2 A two storey detached dwellinghouse and a number of detached outbuildings set off east occupies the site, which are partially screened from the road to some extent by hedgerow along the front and side boundaries of the site. The property is set back from the highway of Riccards Lane and set lower than the highway with an existing access to the north of the site.

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## **3.0 PROPOSAL**

3.1 Permission is sought for the demolition of the existing outbuildings and the erection of 2 x dwellings. It would be served by the existing vehicular access and would have their own gardens.

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## **4.0 HISTORY**

4.1 No planning history.

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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:

- 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)
- CO6 (community safety)
- 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:
- DRM1 (water efficiency)
  - 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 AONB)
  - DEN4 (biodiversity and green space)
  - DEN5 (sustainable drainage)
  - DEN7 (environmental pollution)
- 5.3 The High Weald Management Plan 2019-2024, National Planning Policy Framework and Planning Practice Guidance are also material considerations.
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## 6.0 CONSULTATIONS

### 6.1 RDC Waste & Recycling – **NO OBJECTION**

- 6.1.1 There are no issues here, bins will be presented on the entrance to the drive where it meets Riccards Lane.

### 6.2 Highways England – **NO OBJECTION**

### 6.3 Romney Marshes Area Internal Drainage Board – **NO COMMENT RECEIVED**

### 6.4 County Ecology – **NO OBJECTION (subject to the imposition of conditions)**

### 6.5 Planning Notice

- 6.5.1 One letter of support was received, which has been summarised below:
- This sympathetically adds housing for local families, with family links to the village.

### 6.6 Whatlington Parish Council – **NO OBJECTION**

- 6.6.1 The Parish Council support the application.
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## 7.0 APPRAISAL

### 7.1 Main issues

- Principle.
- Location.

- The character and appearance of the locality, including the landscape and scenic beauty of the AONB.
- The effect of the proposal on the amenities of neighbouring properties.
- Highway safety and parking.
- Ecological considerations.
- Other matters.

## 7.2 Principle

- 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. Being outside the development boundary, the proposal is contrary to Policy OSS2 of the Rother Local Plan Core Strategy and Policy DIM2 of the DaSA, which advocate that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not.
- 7.2.2 The proposal would erect two market dwellings at Riccards, there is no defined settlement boundary around this area. The proposal is then considered to be contrary to Policy DIM2 of the DaSA and OSS2 of the Rother Local Plan Core Strategy. Policy OSS1 'd' does allow for small scale infill and redevelopment to enable local needs for housing and community facilities to be met.
- 7.2.3 Furthermore, the application is not accompanied with any information on local housing needs or how community facilities would be supported by the proposal. It is therefore considered also contrary to Policy OSS2 of the Rother Local Plan Core Strategy. The proposal is unacceptable in principle.
- 7.2.4 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 dwellings would not necessarily be isolated in physical terms as there are residential properties to the side of them as well as 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 third issue for consideration, sustainable location (see issues section).
- 7.2.5 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.
- 7.2.6 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 73 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 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 dwellings would be sustainably located with regard to access to employment, services and facilities; impact on neighbouring amenities; highway safety and parking provision; impact on biodiversity; and drainage.

### 7.3 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 The site is located a significant distance from any settlement with a development boundary. It is around 1.5km from the village of Sedlescombe and more than 2km from the market town of Battle.

7.3.4 It is noted that there are bus stops positioned along Whatlington Road, however both bus stops are set over 400m approximately in distance, one to north and one positioned to the south of the site. Whatlington Road in this location is a rural road, which can be fairly narrow with no footpaths present. Due to this there would be considerable concern with pedestrian safety if planning to use the nearest available public transport.

7.3.5 Whilst it is acknowledged that the proposed dwellings are described within the application as to be used by family members as an annexe, the proposed development description states 2 x dwellings.

7.3.6 It can be considered that occupants of the proposed development would be heavily reliant on private motor vehicles, the least sustainable mode of transport. The site is not considered to be a sustainable location for new dwellings within this location. The development would not be well located in terms of access to public transport and services and would be contrary to the relevant policy aims to minimise the need to travel and to support the transition to a low carbon future.

- 7.4 Character and Appearance within the locality of the High Weald AONB
- 7.4.1 Policy OSS4 (iii) requires all development to respect and not detract from the character and appearance of the locality.
- 7.4.2 Policy DEN1 of the DaSA is concerned with maintaining landscape character. It 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, in accordance with Policy EN1 of the Rother Local Plan Core Strategy.
- 7.4.3 Policy RA3 (iii) lists the exceptional cases of when dwellings are allowed in the countryside including farm workers dwellings, the conversion of traditional farm buildings, one to one replacements and rural exception sites to meet an identified local affordable housing need. Criterion (iv) of Policy RA3 states that extensions to existing buildings and their residential curtilages, and other ancillary development such as outbuildings, fences, enclosures, lighting and signage, should maintain and not compromise the character of the countryside and landscape.
- 7.4.4 Policy EN1 (i) of the Rother Local Plan Core Strategy and DEN2 of the DaSA require development to protect and enhance the landscape and scenic beauty of the AONB which is supported by paragraph 172 of the National Planning Policy Framework.
- 7.4.5 Policy EN3 requires all development to be of a high design quality.
- 7.4.6 The site is located along a lane that is very rural in character with irregular shaped fields and areas of woodland either side, typical of the AONB landscape.
- 7.4.7 The existing buildings present along Riccards Lane are typically consisting of large dwelling set back from the road behind gardens, driveways and parking areas on fairly large plots. The site subject of this application is positioned on the junction corner with the host dwelling positioned close to the road boundary of Whatlington Road. The site appears very open from the street scene and not well screened.
- 7.4.8 The proposal seeks to erect two storey semi-detached dwellings within the plot, one would have three bedrooms and one would have four bedrooms; served by an improved existing access. The proposal includes the use of materials; to the walls brick; to the roof slate tiles.
- 7.4.9 The proposed development intends to set back both dwellings within the plot. It is acknowledged this is to provide parking provisions. While it is appreciated the applicants' intention is to maximise the use of the land, the overall size, design and layout of the proposed dwellings, would create an overbearing nature which within the existing site would not sit comfortably within the character of the plot.
- 7.4.10 A tree report accompanies the application which explains that surveyed on the site were ten individual trees and six groups of trees. The proposed

development would require the removal of two individual trees and two groups of trees. Tree protection measures are also incorporated in the report.

7.4.11 The proposed dwellings would be an addition of two new dwellings within the countryside as such it is far more prominent in the streetscene due to the height, bulk and mass. It would be detrimental to the established character and appearance of the area. This proposal is out of keeping with the site, within the High Weald AONB.

7.4.12 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 proposal is considered contrary to Policies OSS4 and EN3 of the Rother Local Plan Core Strategy as well as DEN2 of the DaSA and Objectives 2 and 3 of the High Weald Management Plan.

## 7.5 Living conditions/Neighbouring Amenities

7.5.1 Policy OSS4 requires development to (i) meet the needs of future occupiers, including providing appropriate amenities and the provision of appropriate means of access for disabled users; and (ii) to not unreasonably harm the amenities of adjoining properties.

7.5.2 Paragraph 130 of the National Planning Policy Framework states that planning policies and decisions should ensure that developments (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

## 7.6 Internal Space Standards

7.6.1 Policy DHG3 of the DaSA requires new housing development to achieve, at least, the Government's nationally described space standards. The proposal provides approximately 396sqm of gross internal floor space. This meets the minimum standards; for a two storey three-bedroom (up to) six person dwelling, which is 102sqm and for a two storey four-bedroom (up to) seven person dwelling, which is 115sqm. The proposed dwellings would provide a good standard of housing for any future occupiers.

### 7.6.2 Outside Amenity Areas

7.6.2.1 Policy DHG7 of the DaSA requires new housing development to (i) achieve adequate private external space (normally 10m in length). The proposal for would provide a private garden area for both plots in excess of the minimum requirement stated in the DaSA.

### 7.6.3 Residential Amenity

7.6.3.1 Paragraph 'ii' of Policy OSS4 states that all development should meet the following criteria "...It does not unreasonably harm the amenities of adjoining properties".

7.6.3.2 There are no nearby residential properties other than the applicant's own house and Oast Meadow within the immediate vicinity.



7.6.3.3 The proposed arrangement would see the two dwellings sit adjacent to the east of the existing dwelling, as such the proposal would create a harmful visual outlook to the existing properties. The fenestration to the rear of the plots would allow for some overlooking over the back gardens of the existing residential properties and whilst some intrusion of the properties would exist it is not at a level to warrant refusal.

7.6.3.4 The proposal is therefore considered to align with Policy OSS4 'ii' of the Rother Local Plan Core Strategy.

## 7.7 Highways and parking provision

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 The proposed scheme would be for one four-bedroom dwelling and one three-bedroom dwelling, and each has car parking space for two cars each as well as considerable turning area/car parking space forward of the dwellings is proposed and this is considered acceptable.

7.7.5 The proposal is therefore considered to align with Policies TR3 and TR4 of the Rother Local Plan Core Strategy.

## 7.8 Ecology and Biodiversity

7.8.1 Policy EN5 of the Rother Local Plan Core Strategy and Policy DEN4 of the emerging DaSA requires development to protect and enhance international, national and locally designated sites and avoid harm to biodiversity and habitats.

7.8.2 Paragraph 180 of the National Planning Policy Framework states that permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for. It also states that the development on land within or outside a Site of Special Scientific Interest (SSSI), and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of SSSI.

7.8.3 The application site is within natural habitat; the High Weald AONB and Romney Marsh Area.

7.8.4 Romney Marsh Area Internal Drainage Board have been consulted on the application and we have not received any comments.

7.8.5 East Sussex County Council Ecologist has been consulted on the application and recommends the application for approval in principle subject to the imposition of conditions. The comment reads; the information is satisfactory and enables the Local Planning Authority to determine that whilst the proposed development is likely to have an impact on biodiversity, those impacts can be mitigated through the application of planning conditions outlined within the response. See full consultee response available online. The recommended mitigation, compensation and enhancement measures are implemented, the proposed development can be supported from an ecological perspective.

## 7.9 Waste and Recycling

7.9.1 The waste and recycling strategy proposed is considered to be acceptable.

## 7.10 Other Matters

7.10.1 No information regarding the management of drainage matters has been provided, therefore these details have not been covered in this report.

7.10.2 These details have not been clarified with the Applicant because of the fundamental objection raised in relation to the adverse impact of the proposed dwellings on the character and appearance of the area and on the High Weald AONB.

## 7.11 Community Infrastructure Levy

7.11.1 The proposal is for a type of development that is Community Infrastructure Levy liable.

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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 National Planning Policy 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 National Planning Policy 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 provide clear reasons for refusing the application. On top of this, the site lies within an unsustainable countryside location.

- 8.4 For the reasons explained, the proposal is contrary to Development Plan policies and the various provisions contained within the National Planning Policy Framework.
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**RECOMMENDATION: REFUSE (FULL PLANNING)**

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**REASONS FOR REFUSAL:**

1. The proposal by reason of the dwellings' overall height, large footprint, volume and overall scale and mass would represent bulky, visually intrusive and overbearing dwellings that would appear incongruous in its location and siting set within an existing plot, to the east of the existing dwelling. As a result, it would materially harm to the character and appearance of the locality, including the surrounding landscape setting and scenic beauty of the High Weald Area of Outstanding Natural Beauty. The proposal would extend built residential form into the Area of Outstanding Natural Beauty countryside 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 Area of Outstanding Natural Beauty. As such, the proposal is contrary to Policies OSS2, OSS4, RA2, RA3, EN1 and EN3 of the Rother Local Plan Core Strategy (2014) and Policies DIM2 and DEN2 of the Development Site and Allocations Local Plan (2019) and paragraphs 176, 130 and 180 of the National Planning Policy Framework and Objectives 2 and 3 of the High Weald Management Plan.
2. The site lies within an unsustainable countryside location where occupiers of the proposed development would be highly reliant on private motor vehicles and would not be able to make the fullest possible use of public transport, walking and cycling to access local services and facilities. The development would be contrary to Policies PC1, OSS3 (v) and TR3 of the Rother Local Plan Core Strategy and paragraph 8 of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.

**NOTE:**

1. This decision notice relates to the following set of plans:  
Drawing No. 25 22 110A, Proposed Ground Floor Plans and Elevations dated 23.08.23  
Drawing No. 25 22 111, Proposed First Floor and Roof Plans dated Jan 2023  
Drawing No. 25 22 112A, Proposed Site Plan and Section dated 23 August 2023  
Planning Statement submitted 19 July 2023  
Preliminary Ecological Appraisal and Bat Survey Report dated 22 May 2023  
Tree Survey Arboricultural Impact Assessment & Tree Protection Plan dated February 2023  
Construction & Traffic Management Scheme submitted 19 July 2023

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-

active way with Applicants and looks for solutions to enable the grant of planning permission. However, in this case the proposal is not sustainable development for the reasons set out and the Council was unable to identify a way of securing a development that improves the economic, social and environmental conditions of the area.