

SITE PLAN

SEDLSCOMBE

RR/2022/840/P

Land at Beech Farm  
Hawkhurst Road  
Sedlescombe



## Rother District Council

Report to	-	Planning Committee
Date	-	14 March 2024
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/840/P
Address	-	Land at Beech Farm, Hawkhurst Road, Sedlescombe
Proposal	-	Demolition of storage building and roadway and construction of a carbon negative live work unit, parking and restricted curtilage. Landscape and biodiversity enhancements to the wider site and new access to the B2244. Stopping up of access to the northern boundary of the site.

[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 & Mrs J. Vine-Hall on behalf of Mr M. Hodges  
**Agent:** Greenhayes Planning  
**Case Officer:** Mr M. Worsley  
(Email: [matthew.worsley@rother.gov.uk](mailto:matthew.worsley@rother.gov.uk))

**Parish:** SEDLESCOMBE  
**Ward Members:** Councillors B.J. Coupar and C.R. Maynard

**Reason for Committee consideration:** Applicant was an elected Member.

**Statutory 8-week date:** 16 June 2022

**Extension of time agreed to:** TBA

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This application is included in the Committee site inspection list.

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### **1.0 UPDATE AND SUMMARY**

1.1 This application was previously reported to the July 2022 Planning Committee meeting, with an officer recommendation for refusal, but it was resolved by Members to grant planning permission. That decision was subsequently subject to Judicial Review, where one of the grounds of challenge was agreed by all parties. The High Court has quashed that decision and sent it back to Rother District Council for redetermination. The previous report and recommendation have been updated to take into account updates in policy, additional information submitted by the Applicant and comments received by

members of the public. It should also be noted that a subsequent application (RR/2022/2690/P) was submitted to the Council for the same development, but the sole applicant is listed as a Mr M. Hodges.

- 1.2 The site is located within the countryside and the High Weald Area of Outstanding Natural Beauty (AONB). The proposal has been specifically promoted as being of exceptional design quality to meet the requirements of paragraph 84 e) of the National Planning Policy Framework. Whilst the carbon negative features could be considered outstanding in isolation, compliance with paragraph 84 e) of the National Planning Policy Framework requires that the overall design of the house is exceptional, meaning truly outstanding, reflecting the highest standards in architecture. The modular system construction of the proposed dwelling, with generic external appearance, could be replicated on many other sites across the AONB countryside. In Rother alone, planning permission exists for at least six Wunderhaus dwellings. The design is not considered to be bespoke architecture, specific to its place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 84 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (DaSA), paragraph 182 of the National Planning Policy Framework and section 85 of the Countryside and Rights of Way Act 2000.
- 1.3 In line with paragraph 11 d) i) of the National Planning Policy Framework, the identified harm to the AONB provides a clear reason for refusing the development proposed.
- 1.4 On top of the harm to the AONB, the development has been found to represent the creation of a new unjustified dwelling in the countryside contrary to the spatial strategy for Sedlescombe and the district as a whole, the location of the site is unsustainable and no affordable housing contribution has been provided.
- 1.5 The proposed development does not comply with Rother Local Plan Core Strategy, Rother DaSA or Sedlescombe Neighbourhood Plan (SNP) policies or the various provisions contained within the National Planning Policy Framework, including, specifically, paragraphs 84 e) and 182. For the reasons explained the application cannot be supported.

1.6 PROPOSAL DETAILS

<b>PROVISION</b>	
No of houses	1
No of affordable houses	0
CIL (approx.)	£35,010
New Homes Bonus (approx.)	£6,684

## 2.0 SITE

- 2.1 The application site is a field to the west side of Hawkhurst Road (B2244) which measures 0.74 hectares in area. It is located within the countryside, is within the High Weald Area of Outstanding Natural Beauty (AONB) National Landscape and is adjacent to an historic farmstead which includes a grade II listed farmhouse, a converted barn, a converted oasthouse and a farm cottage.
- 2.2 The field is surrounded by trees and slopes away to the south. Vehicular access is currently provided via a shared track with Beech Farm Bungalow to the north. Within the site is a track which leads to a small stable and store building, close to the eastern boundary. A public footpath runs diagonally across the field to the east of the site, on the opposite side of the road.
- 2.3 The site is partly within an archaeological notification area and is within an amber zone for great crested newts, which means that the site contains suitable habitat and great crested newts are likely to be present.
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## 3.0 PROPOSAL

- 3.1 Permission is sought to erect a new detached dwelling close to the northern boundary of the site. A live work unit with ground floor design studio is proposed which is explained to be carbon negative, with the scheme including landscape work (tree and hedge removal and replanting) and aims for biodiversity enhancements. The development is specifically promoted as a design of exceptional quality to meet the requirements of paragraph 84 e) of the National Planning Policy Framework. It is explained to be a modern interpretation of a High Weald vernacular building. The existing single storey storage building, which measures 22 sqm in footprint, and access track would be removed.
- 3.2 The dwelling proposed is of a modular system construction which has been designed by the company 'Wunderhaus Ltd'. On their website it explains that:  
*'The Wunderhaus product range was designed for the development segment and is marketed by selling a license to the developer. They can realise the development via their own construction arm or via Wunderhaus strategic construction partners. The license fee is the equivalent of customary professional fees, and scales down with multiple units of one type, entitling the developer to the use of all plans and elevations, relevant CGIs and other graphics, material specifications and energy and environmental performance criteria for planning purposes, as well as all necessary construction drawings, structural engineer calculations (except foundation specification), procurement schedule, bill of quantities, building regulation documentation, mechanical engineering design and SAP calculation documentation. This has the time advantage of allowing the developer to proceed immediately with planning and construction preparation, rather than designing the scheme first, and therefore saves approximately 12 months.'*
- 3.3 A new access is proposed onto Hawkhurst Road, with the existing access to the north proposed to be stopped up. Earthworks are detailed in the northeast part of the field to accommodate both the new access and dwelling. Section

plans have been submitted to show excavation and building up work would be required, with 1 in 2 and 1 in 4 'fills' detailed. The 'cut' (excavation) is not specified. An attenuation pond is proposed in the southwest corner of the field. This would also require excavation works and building up of the land, with plans indicating a 1 in 3 'cut' and 1 in 2 'fill' would be required.

- 3.4 The application is accompanied by a planning statement, a design and access statement, a biodiversity survey and report (including a response to the County Ecologist's original comments), a tree survey, a heritage statement, a landscape and visual survey, a waste statement and transport report. In addition, information has been provided on the carbon negative credentials of the proposed dwelling, SAP ratings for new properties in Rother, a document detailing the energy ratings and CO2 emissions of all new dwellings tested in Rother between August 2022 to March 2023, U values of the proposed dwelling compared to Passive House standards, together with examples of paragraph 84 e) dwellings that have been granted in neighbouring authorities.

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## 4.0 HISTORY

- 4.1 RR/2022/840/P Demolition of storage building and roadway. Construction of carbon negative live work unit, parking and restricted curtilage. Addition of landscape and biodiversity enhancements to the wider site and new access to the B2244. Stopping up of access to the northern boundary of the site – Recommended for Refusal at Officer Level – Resolved to grant Planning Permission by Members of the Planning Committee – DECISION SUBJECT TO JUDICIAL REVIEW WITH DECISION QUASHED.
- 4.2 RR/86/0691 Erection of dwelling with double garage. Refused. APPEAL DISMISSED.
- 4.3 RR/86/0233 Erection of pig breeding unit for 96 sows and 10 boars with ancillary services. REFUSED.
- 4.4 RR/85/2375 Dwelling house and double garage. WITHDRAWN.
- 4.5 RR/82/1351 Roadway to stable with turning area. Approved CONDITIONAL.
- 4.6 RR/82/0234 Stable and store – APPROVED CONDITIONAL.
- 4.7 RR/80/1908 Outline: Application for erection of two detached dwellings. Refused. APPEAL DISMISSED.
- 4.8 RR/79/2189 Outline: Three dwellings with double garages and service road. REFUSED.

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## 5.0 POLICIES AND LEGISLATION

- 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)
- SRM1 (towards a low carbon future) (part (i) was superseded by the Rother District Council Development and Site Allocations Local Plan)
- SRM2 (water supply and wastewater management)
- CO6 (community safety)
- EN1 (landscape stewardship)
- EN2 (stewardship of the historic built environment)
- EN3 (design quality)
- EN5 (biodiversity and green space)
- TR3 (access and new development)
- TR4 (car parking)

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

- DRM1 (water efficiency)
- DRM3 (energy requirements)
- DHG1 (affordable housing)
- 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 (AONB)
- DEN4 (biodiversity and green space)
- DEN5 (sustainable drainage)
- DEN7 (environmental pollution)
- DIM2 (development boundaries)

5.3 Whilst the Sedlescombe Neighbourhood Plan (SNP) has been 'made', the policy document focuses on site allocations for housing. Policy 1 (development boundary) is relevant.

5.4 The National Planning Policy Framework, Planning Practice Guidance, High Weald AONB Management Plan 2019 – 2024 and High Weald Housing Design Guide are also material considerations.

5.5 In respect of the setting of nearby listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty on local planning authorities, when considering whether to grant planning permission, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

5.6 Under section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) in exercising or performing any functions in relation to, or so as to

affect, land in an AONB the Council must seek to further the purpose of conserving and enhancing the natural beauty of the AONB.

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## **6.0 CONSULTATIONS**

### **6.1 Highway Authority – NO OBJECTION**

6.1.1 Conditions recommended relating to the construction of the access, the provision of visibility splays and vehicle and cycle parking and the position of the access gate (needs to be set back from the road).

### **6.2 County Archaeologist – NO OBJECTION**

6.2.1 Standard archaeology conditions recommended to secure a written scheme of investigation.

### **6.3 County Ecologist – NO OBJECTION**

6.3.1 Comments that the application documentation has not met best practice standards and/or the requirements of the NERC Act and National Planning Policy Framework, but that it is possible that the risks are capable of being mitigated to acceptable levels by the application of planning conditions.

### **6.4 Sussex Newt Officer – NO OBJECTION**

6.4.1 Recommends a condition is imposed requiring the details outlined in the document 'Reasonable Avoidance Measures, Wildlife Matters Consultancy, May 2022' to be carried out in full. An advisory note is also attached.

### **6.5 Planning Notice**

6.5.1 11 objections have been received. The comments are summarised as follows:

- In the countryside.
- Outside a development boundary.
- Site was not allocated within the neighbourhood plan.
- On agricultural land.
- Adverse impact on countryside.
- Contrary to Neighbourhood Plan which opposes ribbon development.
- Sedlescombe Parish council has objected to other proposals for development on this stretch of road.
- Adverse impact on AONB.
- Harmful to the dark sky in the AONB.
- Permission has been refused for houses on the field previously.
- Not clear whether the proposal is compliant with the High Weald Design Guide.
- Adverse impact on wildlife.
- Many trees would be lost which would have a visual impact and adversely impact on wildlife.
- New access would adversely impact on highway safety.
- A long way from the village and associated amenities.

- The field was once part of Beech Farm – restrictive covenants dated 22 May 1935 apply which prohibits the erection of a dwelling within the curtilage of the estate.
- Out of character with the grade II listed Beech Farmhouse. Modular build concept is a far cry from “exceptional” and “outstanding” design.
- Many companies supply kit houses as proposed – nothing special or exemplar about this.
- Unclear how a standard product, however “green”, could be described as of exceptional architectural merit.
- Industrial style design.
- An alarming precedent would be set if this were permitted.
- Business use will bring additional traffic and noise.
- No other businesses nearby.
- The Applicant (Mr Hodges) runs a business as a personal trainer. Noise and traffic would be created – adverse impact on neighbours.
- Inadequate infrastructure.
- New dwelling and tree felling will adversely affect the living conditions of the neighbouring property by overlooking and loss of privacy.
- New planting would take a long time to establish and mature, leaving Beech Farm Bungalow very exposed.
- The site is not previously developed/brownfield.

6.5.2 10 sets of supportive comments received containing the following comments (summarised):

- Good example of a sustainable form of living.
- Energy efficiency stands out against anything else built in Rother.
- Biodiversity dramatically improved.
- Pre-app support from AONB Unit and Conservation Officer.
- Small contained site on a main road.
- Specification of the Wunderhaus is exceptional.
- Eco friendly development.
- Carbon negative development.
- Application addresses the environment, climate change and the energy crisis in a way no other application in Rother has done.
- Meets National Planning Policy Framework paragraph 84 e) tests.
- Biodiversity improvements exceed 10%.

6.5.3 Petition of objection received with nine signatures raising the following concerns (summarised):

- Agricultural land.
- Within the AONB which provides a natural habitat to many threatened species.
- Conflict with Sedlescombe Neighbourhood Plan.
- Inadequate infrastructure.
- Precedent would be set if this were permitted.

## 6.6 **Sedlescombe Parish Council – GENERAL COMMENT**

6.6.1 ‘The Councillors resolved not to comment on this application having declared an interest. They did say that they do support carbon negative development that follow the AONB design guide.’



## 6.7 **Westfield Parish Council – OBJECTION**

### 6.7.1 Comments summarised:

- Unclear who owns the land and who will occupy the house.
- Unsuitable development within the AONB.
- Urban style development.
- Contrary to RDC Policies (DEN1, DEN2, DHG2, RA1, RA2 and RA3).
- Contrary to SNP.
- Outside and not attached to the development boundary.
- 96% of Sedlescombe residents support the protection of the countryside; 94% support preservation of hedgerows and green areas; 93% want new housing to be low visibility and avoid spoiling views.
- Accommodation does not meet the needs of Sedlescombe residents.
- Despite RDC's lack of a sufficient housing land supply arm to AONB is a standout reason to refuse permission as demonstrated in recent court case *Monkhill Ltd v Secretary of State for Housing, Communities and Local Government & Anor (Rev 1) [2021] EWCA Civ 74*.

## 6.8 **Burwash Parish Council – OBJECTION**

### 6.8.1 *'Burwash Parish Council voted to unanimously object to this application for the following reasons:*

- 1) *BPC believe that the Applicant is attempting to alter the interpretation of paragraph 84e (was 80e) of the National Planning Policy Framework to no longer be exceptional but to include standard housing.*
- 2) *This application is outside of the development boundary.*
- 3) *This application is a greenfield site within the Area of Outstanding Natural Beauty (AONB).*
- 4) *This application isn't cited in the Sedlescombe Neighbourhood Development Plan.*
- 5) *A live / work unit has been identified as not being permissible when looking at paragraph 84e.*
- 6) *The proposed design is not in keeping with its surrounding area.*
- 7) *There is no support, comment or opinion given by the High Weald AONB Unit, despite claims otherwise.*
- 8) *The design is factory built, easily replicable and does not reach the high level of paragraph 84e homes leaving it open to the rule of consistency in planning decisions and therefore replicable across the AONB.*
- 9) *Carbon efficiency credentials alone does not reach the high bar needed to evoke paragraph 84e.'*

## 6.9 **Etchingam Parish Council – OBJECTION**

### 6.9.1 *'Etchingam Parish Council wishes to re-iterate its objections to the planning applications for land north of Beech Farm, Sedlescombe, RR/2022/840/P and RR/2022/2690/P.*

*Its objection relates to the use of Paragraph 84e of the National Planning Policy Framework as grounds for seeking consent and the potential consequences for the AONB should the applications be granted on those grounds. It notes that the District Council has a duty to protect what is now designated a Historic Landscape and that the National Planning Policy Framework stresses the overriding importance of that task. It notes also, contrary to the Design and Access Statement accompanying the resubmitted application, that the High Court have determined that the presumption in*

*favour of sustainable development, the 'tilted balance', does NOT apply to the AONB (the Monkhill/Surrey Hills judgement), although the Parish Council accepts that under Para 11d of the National Planning Policy Framework it would be possible to deem that the advantages of building a single additional dwelling could outweigh the harm done to the AONB if the latter was insubstantial. The Parish Council would ask that if the Committee were minded to give their consent to the application(s) under Paragraph 11d, that it should make it quite clear that the consent is NOT based on Paragraph 84e. There is a well-founded fear that were this not done, the consistency in decision making required of a Planning Authority could lead to a proliferation of near replicas of this supposedly one-off building across the High Weald. Indeed, there are passages in the Design and Access Statement and supporting documents which suggest that this would be a desirable outcome and that Paragraph 84e should not be limited to "Grand Designs". EPC would suggest that it is not for a Local Planning Authority to modify/erode national policy and particularly not where the nature and character of a historic landscape is concerned.*

*EPC considers that the officer's recommendation to the Planning Committee was correct and that the Committee misdirected itself, albeit for laudable reasons in thinking that the 'green' credential of the building was sufficient to render the design outstanding. It notes that the latest version of the Design and Access Statement (para.4) claims that the building is unique and that it responds to the traditional form of building in the High Weald. While the building with which it is matched photographically is a not uncharacteristic of the High Weald, there are many more architecturally distinguished barns against which it could have been compared.*

*EPC also notes that the Design and Access Statement refers to the recent appeal decision APP/U1430/W/22/3294 724 and asks Members to read the entire judgement, which in fact dismissed the appeal. No one is in any doubt that this is a highly sustainable building, but that is not sufficient to gain consent. It also notes that much is made of the Red Dot award, but significantly that is again for a generic design. The appeal judgement referred to above makes it clear that sustainability alone is not sufficient to warrant consent in terms of Para.84e.*

*EPC accepts that the Wunderhaus design is of great technical merit and successfully delivers on the climate front. Nor has the Parish Council any rooted objection to prefabrication. But to fulfil the requirements of para. 84e, the design must be of outstanding architectural merit and take its design cues from the specific locality. In other words, it must be UNIQUE and specific to place. That is why there have been so few consents given citing Para.80e, now 84e, over the last thirty years. Whatever the merits of the Wunderhaus design it is a product created from substantial prefabricated units and, as study of the Wunderhaus website shows, that generates remarkably similar designs, all of them numbered. The drawings accompanying this proposal confirm that this is WA2 B. Although limited customisation is possible, the fundamental shape of the building is determined by the prefabricated units available.*

*EPC notes that because the consent originally granted was quashed by the High Court on procedural grounds and with the consent of all parties, the remaining objections to the consent were not determined and will almost certainly be pursued by Ticehurst Parish Council acting on behalf of a number of parishes in the High Weald. EPC notes that the question of whether or not a mixed live/work unit can qualify under Para 84e has not been determined.*

*EPC has always agreed with the planning officers statement supporting refusal*

*“The design is not considered to be bespoke architecture, very specific to place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 80 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (DaSA) and paragraph 176 of the National Planning Policy Framework.”*

*Since the build in question is a licensed and numbered design that can be replicated by applicants across the AONB the potential danger to the historic landscape of the High Weald is obvious. EPC believes that officers should advise the Committee that on this and other grounds that, as a matter of planning law, the application cannot satisfy the requirements of para 84e and should be refused.’*

## **6.10 Brightling Parish Council – OBJECTION**

- 6.10.1 *‘Brightling Parish Council remains resolute in its objection to RR/2022/840/P. Approval of this application appears to fly in the face of the intention behind Paragraph 84 of the National Planning Policy Framework - an instrument designed to protect the countryside from inappropriate development. Whilst the enhanced environmental credentials of the proposed building are acknowledged, advances in energy saving technology are being made throughout the housing design industry. As such, the environmental claims of this application do not, in themselves, qualify the design as 'exceptional'. Furthermore, Brightling PC considers protection of the character of the High Weald AONB to be of great importance. It is possible to build ecologically-friendly, sustainable homes using natural, locally-sourced materials that sit well in the landscape - as this plan clearly does not. With a potential increase in 'eco-friendly' building firms, and pressure resulting from poor build-out rates locally, the approval of this application will encourage a proliferation of replicable applications. Brightling PC shares the concerns raised by Etchingam Parish Council and echoes their request that, should the Committee be minded to approve the application under Paragraph 11d of the National Planning Policy Framework, it should be clear that approval is not granted in relation to 84e. Approval under reference to 84e in this instance would establish a worrying precedent for future development, leading to the gradual erosion in the quality of the unique landscape within the High Weald AONB. This proposed building is not the answer to the problem of affordable housing in rural areas, nor the long-term protection of the High Weald.’*

## **6.11 Ticehurst Parish Council – OBJECTION**

- 6.11.1 *‘Ticehurst originally commenced Judicial review proceedings on this application, which was subsequently quashed by the High Court. The sole reason that Ticehurst took that action was to prevent the use of 80 (e) , now 84 (e) to be used as a precedent within protected landscapes - the proposal does not have architectural merit nor is it outstanding, it is model WA/2 of a range of modular designs- and its carbon neutral claims are commendable*

*but not exceptional - all new dwellings should have those credentials. The application is for a live-work unit, which does not fall within 80 e or 84 e. If this application is approved it will undermine every protected landscape on a national basis and would be challenged once again. The site is outside the development boundary and contrasts with the policies within Sedlescombe's Neighbourhood Plan.'*

## **6.12 Mountfield Parish Council**

6.12.1 *'Mountfield Parish Council does not normally comment on applications outside its parish but, given the ramifications of this one, should it gain consent, feels obliged to do so this occasion.*

*Mountfield Parish Council cannot support this application because it is for an isolated dwelling on a greenfield site outside any development boundary and, in our view, does not conform with Para 84e) of the National Planning Policy Framework (2023) in that the design is not 'truly' outstanding. Furthermore, planning consent would create an undesirable precedent and the risk of further harm to the AONB and rural landscapes generally.'*

## **6.13 Hurst Green Parish Council**

6.13.1 *'We strongly object to this application because we do not believe it satisfies the criteria of paragraph 84e ( previously 80e) of the National Planning Policy Framework Paragraph 80 e) requires that "Planning policies and decisions should avoid the development of isolated homes in the countryside unless ... the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area." This 'wunderhaus' is a mid-price, kit form, modular build, house that you can buy from the factory for £300,000. It is intended to be widely and endlessly replicated. Its makers celebrate it on their website as a standardised item, always in stock, the first "off-the-shelf" house available in the UK. See <https://wunderhaus.co.uk/articles-and-awards/>. It is therefore not 'truly outstanding', the normal meaning of which is a design that is bespoke, made with the finest materials and demonstrating uniquely high standards of craftsmanship and beauty; a building that would eventually become grade 1 listed because of its rarity and exceptionalism. It is very difficult to see how this factory-made design "significantly enhances its immediate setting". It is not "sensitive to the defining characteristics of the local area", the normal meaning of which would imply the use of vernacular materials like clay tiles, painted clapboard and local brick. If permission is granted, for reasons of consistency, the construction company offering this house will be able to sell their product to anyone wishing to build on a countryside site within the AONB. This is exactly the opposite of what is intended by paragraph 80e. The fact that it is very well insulated and very cheap to run is not a planning issue. That is a matter for building control, not the planners.'*

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## **7.0 LOCAL FINANCE CONSIDERATIONS**

7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable. The total amount of CIL money to be received is subject to

change, including a possible exemption, but the development could generate approximately £35,010.

- 7.2 The proposal is one that would provide New Homes Bonus (subject to review by the Government). If New Homes Bonus were paid it could, assuming a Band D property, be approximately £6,684 over four years.
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## 8.0 APPRAISAL

- 8.1 The main issues to consider in the determination of the application include:
- Principle/policy position, which in this case includes the impact of the proposal on the landscape and scenic beauty of the AONB.
  - Setting of nearby listed building.
  - Location.

### 8.2 Principle/policy position

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

*"In dealing with an application for planning permission ... the authority shall have regard to:*

- a) The provisions of the development plan, so far as material to application;*
- b) Any local finance considerations, so far as material to the application; and*
- c) Any other material considerations."*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides:  
*"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".*

- 8.2.2 The site is agricultural land. It is outside of and around 1.5km from the development boundary of Sedlescombe, as defined in the SNP.
- 8.2.3 Being outside the development boundary and within the countryside, the proposal is contrary to Policy OSS2 of the Rother Local Plan Core Strategy, which advocates 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, and Policy DIM2 of the DaSA, which states that outside 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.
- 8.2.4 The proposal is not for agriculture, economic or tourism needs and as such it would be contrary to Policy RA2 of the Rother Local Plan Core Strategy, which provides an overarching strategy for new development in the countryside. Furthermore, as the new dwelling would not be to support farming and other land-based industries, re-use existing agricultural buildings, or provide affordable housing (an exception site) the planning application proposal would

not meet the criteria for development in the countryside set out by either Policy RA2 or RA3 of the Rother Local Plan Core Strategy. The development is considered to be contrary to the development plan spatial strategy taken as a whole. The effect of the development on the AONB and other interests of importance are considered further below.

- 8.2.5 Although the proposed development does not meet any of the Development Plan exceptions relating to new dwellings in the countryside, the National Planning Policy Framework is a material consideration in the determination of this application. Paragraph 84 of the National Planning Policy Framework provides:

*Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

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

- 8.2.6 Whilst the application site is adjacent to a small number of dwellings at Beech Farm, together with a small ribbon of around 20 dwellings, these properties do not constitute a settlement and therefore the location is considered 'isolated' in terms of paragraph 84 of the National Planning Policy Framework.

#### *Applicant's case*

- 8.2.7 The application has been promoted as meeting the paragraph 84 e) exception. Whilst this involves subjective judgement, the interpretation of the wording of paragraph 84 e) provides an element of objective matters to consider. This will be returned to later in the report.

- 8.2.8 The Applicant's design and access statement explains that the challenge of the design was to deliver a property that was consistent with a modern building that you would expect to find in an agricultural setting in the High Weald whilst not creating a pastiche. The overall outward appearance is said to be directly reflective of the shape and size as shown on page 10 of the High Weald Design Guide colour references. The architectural form and its appearance will provide the immediate impression of a typical modern High Weald building and this is key to enable the design to assimilate into its landscape. Thus, despite being an innovative structure in terms of its

performance and function, a key design principle is that the appearance of the building is compatible with the site context and wider landscape character.

- 8.2.9 It is explained that the dwelling is based on the visual form of a traditional barn, adopting the massing and proportions of buildings commonly found within the agricultural landscape of the High Weald. Materials would consist of architectural grade recycled plastic and wood and metal clad roof. No nails or screws would be visible in the cladding. The gutters would be integrated. The roof would include a revolutionary photovoltaic film which would be all but invisible on the roof. This is explained to be unavailable on any other building apart from this design in the UK. The photovoltaic roof would generate 12Kw power working in conjunction with a 10kW energy storage system. There would be no openings along either of the long side elevations, with glazing proposed in either end elevation.
- 8.2.10 In terms of the wider site, non-native tree species are proposed to be removed and replaced with native mixed hedgerows and woodland planting. New habitats would also be created including a new pond and wetland habitat, wildflower meadow, log piles, permanent compost bays and other enhancement works.
- 8.2.11 The design and access statement explains that the core concept would deliver an architecturally outstanding design through a previously unachieved Standard Assessment Procedure (SAP) dwelling energy rating of 117A which is 17% higher than the technical maximum and with only 3% of new dwellings in the UK achieving an 'A' rating. This delivers a previously unachieved 3 tonne carbon dioxide saving per annum. This can be contrasted with the average new build in Rother District in 2021 generating 1.5 tonnes of carbon dioxide per annum. This can be seen at Appendix 4 where the SAP design results are attached. The closest a property has come to this in Rother is the prototype Wunderhaus granted as a replacement dwelling at Campfield, Powdermill Lane, Battle (RR/2019/1613/P). The dwelling generates more electricity than it needs feeding back the excess into the grid and managing fluctuations and night-time usage through a battery back-up with the option of swapping battery power from the battery of an electric car where needed. Smart technology also ensures that more energy is stored when cloudy weather is expected. The house is triple glazed and has no radiators or underfloor heating. Heat is generated through both an ASHP (Air Source Heat Pump) and all other heat sources in the building from lights to washing machines. All heat created is constantly circulated, filtered to be pollen free and anti-allergic and recirculated through an MVHR (Mechanical Ventilated Heat Recovery) system which gently circulates air at a desired temperature. In hot periods the system changes to convert warm air to cool air.
- 8.2.12 It is explained the dwelling would save three tonnes of CO<sub>2</sub> each year making it significantly carbon negative. This compares with the average new build in Rother in 2021 generating 1.5 tonne of CO<sub>2</sub>. In addition, it is explained that this dwelling is easy and quick to construct and costs 20% less than the average build cost of a house with a SAP rating of less than 90A2.
- 8.2.13 The design has also avoided the water tank and pump in roof system for creating water pressure which has always been vulnerable to freezing or leaking by using a pressurized water tank at ground level delivering water without the need for pumps or gravity feed.

- 8.2.14 The dwelling is also explained to be affordable to construct. It has been designed to be manufactured off site and delivered in panel form so construction is efficient both in the factory and on site. The main structure can be constructed on site in just four weeks ready for internal finishing at a cost 20% less than the typical average cost (£2000/sqm v £2400/sqm and £3000/sqm plus for a typical paragraph 84 house).
- 8.2.15 In addition to the performance of the building, modern technology would be incorporated to complement the adaptable and accessible standards of the dwelling to meet independent living to include:
- Podpoint electric car charging socket.
  - Smart phone compatible door entry.
  - Flexible lighting layouts and products.
  - Wireless lighting control.
  - Smart phone lighting control.
  - Smart phone doorbell with motion sensor activated surveillance.
  - Smart phone alarm.
- 8.2.16 The design and access statement concludes by stating that the design, the structure, its layout, its previously unachieved significant carbon saving together with enhancements to the AONB setting and biodiversity improvements results in a development that can be considered of an outstanding design.
- 8.2.17 The founder and Managing Director of Wunderhaus Limited has explained the Wunderhaus to be of a custom-built design and is not in any way a kit or factory-built house in the sense of the term disparagingly used by objectors. He says any design is generic, as it will belong to a group sharing a certain number of characteristics with other designs, for example Belgravia London by Thomas Cubit and indeed their Wunderhaus proposal in the shape of a Barn, the Barn widely and suitably spread throughout the English countryside for 8000 Years. The Longhouse is probably the most generic shape in England's architectural history, it is not a negative, just a classification. He also comments that, whilst not relevant to this application, the use of kit or prefabricated seems to have been given very negative connotations throughout the previous application. He says there are over 50 listed prefabricated designs in the UK. This is because they represent state of the art building at the time they were designed. It is explained that the components of Wunderhaus are manufactured in factories, like all components of any house, a brick is factory build, roof trusses factory built, windows, doors, etc. are all factory manufactured. The biggest component of Wunderhaus is a roof panel measuring 5.3m by 1.2m or twice the size of a standard plaster board. There are over 33 different suppliers and over 60,000 components. For these reasons it is argued that it can hardly be classified as off the shelf. The timber proposed to be used is being sourced from Hurst Estate directly across the road from the site using storm fallen timber. The only material specifically cut in the factory are the structural panels and this is to ensure absolute air tightness in construction. This is said to be common for many Para 84(e) houses where structural panels, steel framework are custom made off site.
- 8.2.18 The Managing Director explains he has named the design the Wunderhaus because of its exemplar and outstanding sustainability credentials never achieved before in Rother and arguably in the UK. The design is a result of



four years research and design and the building of a prototype so they could test the design. He explains that the design for RR/2022/840/P is quite different in performance and many other build aspects compared to the prototype. He says the design for this application is custom built and there will be no other house like it. The Applicant is customising every aspect of the house, the outer shape, the superstructure, the cladding, the layout is different, the ASHP and PV foils and energy storage system are different and so are all internal finishes and specifications, the kitchen, bathrooms, stairs and lighting etc.

- 8.2.19 It is explained the Wunderhaus has been designed to be constructed in a much shorter period than most builders would expect, taking around seven months pending weather conditions, material availability, a good project manager, etc. This is broken down to allocate four weeks for groundworks, three weeks for the superstructure to be watertight and the internal fit out between three and six months.

#### *Assessment against paragraph 84 e) of the National Planning Policy Framework*

- 8.2.20 It is important to note that in 2021 the National Planning Policy Framework was updated. Previously (National Planning Policy Framework 2019), a new isolated dwelling in the countryside could be acceptable if *'truly outstanding or innovative'*, but the 2021 version of the National Planning Policy Framework removed the *'or innovative'* part, so innovation by itself was no longer enough to meet that first test. Subsequent versions of the National Planning Policy Framework, including the December 2023 update, have retained this approach. The clear intent is to prevent an applicant relying solely on innovative design (i.e. a single piece of technology – such as power generation) to meet the test of being exceptional quality, and instead to encourage truly outstanding design overall. Innovation can still contribute to a scheme being considered truly outstanding, but it is a broader assessment than looking at innovation in isolation.
- 8.2.21 Within the submission the Applicant refers to an appeal for a new dwelling (promoted as complying with National Planning Policy Framework paragraph 80(e) (now 84 (e)), in the countryside on the outskirts of Northiam. Although the appeal was dismissed, the Applicant argues that the Inspector, when considering the sustainability aspects of the scheme in isolation, including the contents of the energy statement, believed the proposed dwelling would fall within a class of architecture that would be regarded as exceptional. However, within paragraph 80(e) (now 84 (e)) there was also the requirement that the development had to significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area, and in that appeal the Inspector concluded that this requirement would not be met, and thus paragraph 80(e) (now 84 (e)) of the National Planning Policy Framework was not fulfilled.
- 8.2.22 Of more relevance to the scheme under consideration, is a development of five dwellings granted planning permission in August 2023 (RR/2023/926/P) on a site partially within the development boundary of Bexhill, which is located outside of the AONB. The Planning Statement for the Bexhill development explained the following:  
*'...The design of each dwelling will meet a high standard of design, reflecting an agricultural style, with a barn like architectural form, with a simple but*

*attractive façade. This barn form minimises openings to the side elevations, with the design interest focused to the end elevations which will include the main fenestrations and greater detailing. The materiality will be of a dark colour, reinforcing this agricultural character, with a fibre cement roof and deliver a high-quality design that creates a modern representation of the rural architectural vernacular...’ ‘...One of the key design benefits is the carbon negative will also seek to utilise renewable energy with integral solar, heat pumps and integral battery storage. The property will also adopt the higher water efficiency standards adopted by the building regulations...’*

8.2.23 Whilst no specific reference is made to the dwellings granted in Bexhill being of a Wunderhaus design, the plans submitted and approved show buildings of the same scale, design and overall appearance as the Wunderhaus. In addition, the approved plans include reference to them being drawn by the designer for Wunderhaus Ltd and have the Wunderhaus drawing no. references on them (WA2EB) (see Figure. 1). When comparing them to the elevation plans submitted for the current application (see Figure 2), the plans approved for the Bexhill scheme are clearly produced by Wunderhaus Ltd.

Figure 1: Approved plan for Bexhill Scheme



Figure 2: Plans Submitted for Current Application RR/2022/840/P



8.2.24 An application for the approval of details reserved by conditions has subsequently been received and determined for the Bexhill scheme. One of the conditions required details of the external materials of the dwellings to be submitted for approval. Figure 3 below is the image supplied, which is clearly a Wunderhaus, and a cropped image taken from their website or catalogue. Figure 4 is an image taken from the Wunderhaus website.

Figure 3: Details Submitted for Discharge of Condition Application for Bexhill Scheme

**Proposed External Materials Pursuant to Condition 3 of RR/2023/926/P - Beeches Farm , Sandhurst Lane, Bexhill**



Figure 4: Image Taken from Wunderhaus Website



8.2.25 The adjective Oxford English Dictionary definition of the word 'exceptional' is *'Of the nature of or forming an exception; out of the ordinary course, unusual, special.'* In addition, the adjective Oxford Dictionary Definition of 'outstanding' is *'That stands out from the rest; noteworthy. Also: remarkable, exceptionally good.'*

8.2.26 The carbon negative credentials of the dwelling, which is claimed would save three tonnes of carbon dioxide per year, are outstanding in isolation. However, in Rother alone, planning permission exists for at least six other Wunderhaus dwellings. This includes five units along Sandhurst Road, Bexhill and the prototype example at Campfield, Powdermill Lane, Battle. Thus, the overall architecture of the building, whilst of a high standard, is not exceptional, as it is not out of the ordinary course, unusual or special. Neither is it 'outstanding', as there are other examples of Wunderhaus dwellings in the district and licences can be bought from the company for the same style of property which could be replicated all over the district and AONB, subject to obtaining planning permission. The high-quality design and carbon negative credentials of the Wunderhaus are not disputed and should be encouraged in suitable locations. However, when objectively assessing the design under the terms of paragraph 84 (e) of the National Planning Policy Framework, it is not of 'exceptional quality' nor 'truly outstanding' and should not be permitted as a new build dwelling in the countryside, which is also within the AONB.

#### *Impact on the AONB*

8.2.27 The site is currently largely undeveloped and is very rural in character, contributing positively to the landscape and scenic beauty of the AONB, albeit with some non-native tree species. The storage building proposed to be removed is a very low-key structure, being single storey and measuring just 22 sqm in footprint. The development would have a domesticating impact on the site and surroundings, with the introduction of a dwelling, a residential curtilage, earthworks, driveway, parked vehicles, entrance gates, boundary treatments and any other associated domestic paraphernalia. For these reasons the proposal would not be sensitive to the defining characteristics of

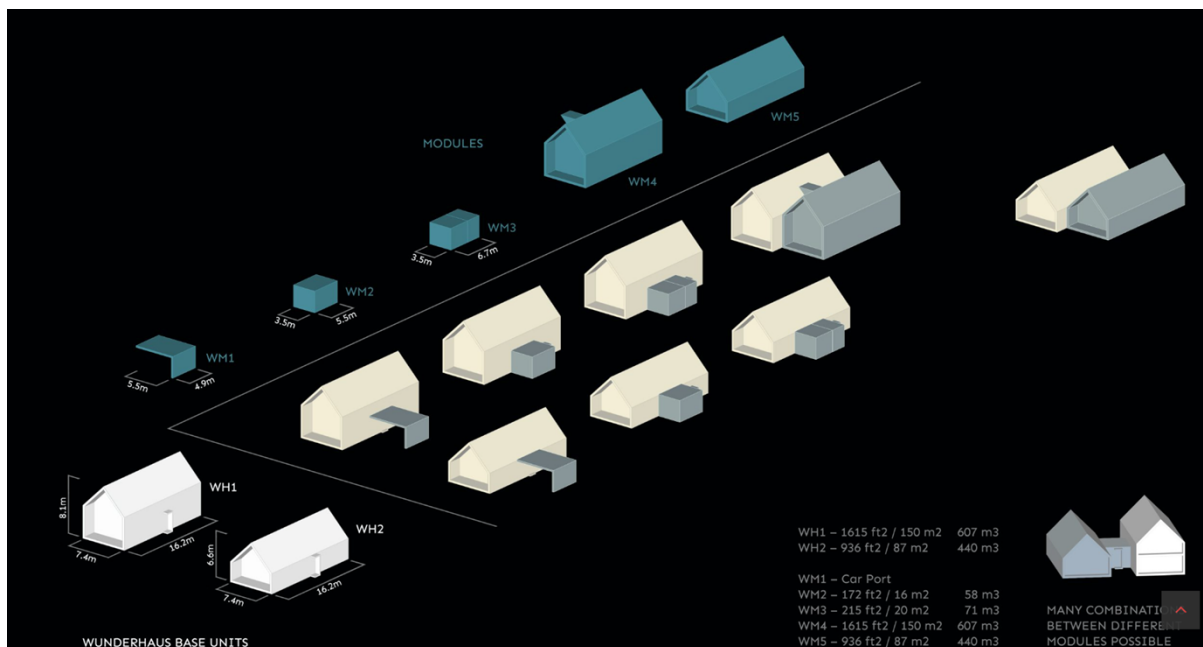
the area. It would be out of keeping with rolling countryside and encroach upon an important green gap between sporadic residential development.

- 8.2.28 The removal of vegetation which is alien to the AONB and its replacement with native hedgerows and trees, including species such as Oak, Field Maple and Hornbeam, together with wildflower meadow planting, pond and wetland provision, would all be enhancements, which is acknowledged by the County Ecologist. However, this is a relatively small site, so such enhancements are limited. In addition, the dwelling and other built development would have a negative suburbanising impact on the largely undeveloped rural site, which would be visible from the road. The limited landscape benefits relating to replacement planting and other ecological improvements, coupled with the negative suburbanising impact of the built development, would lead to an overall negative impact on the immediate setting of the site, and would not *'significantly enhance'* it as required by paragraph 84 e) of the National Planning Policy Framework.
- 8.2.29 Paragraph 138 of the National Planning Policy Framework in the section on achieving well-designed and beautiful places states that in assessing applications, regard should be had to any recommendations made by Design Review Panels. No Design Review Panel has been used in the evolution of this scheme. There is no requirement to use a design review panel for paragraph 84 e) dwellings. However, having an independent team of design experts review a proposal such as this would assist in the decision-making process. The High Weald AONB Unit's pre-application advice refers to the potential of a design review panel being used. Other paragraph 84 e) proposals across the country have also made use of this service. Nevertheless, during the application, evidence has been provided that the designer has received a 'Red Dot' award for a ready to launch design concept. The Red Dot label is said to be the most internationally recognised label for quality and successful design. The awards stated that the design of the product was *'an outstanding feat of accomplishment'*. In addition, the product has been awarded the 'Sustainable Living 2023 Silver Winner' at the London Design Awards; the '23/24 Best of the Best' and a 'Special Reward' at the Lifestyle and Innovation Awards; and the 'Top Design Winner in 2023 ECO DESIGN/Green: Residential Sustainable Development via the European Product Design Award.
- 8.2.30 The High Weald AONB is characterised by green rolling countryside, of a pastoral nature, punctuated by small areas of woodland, small towns, villages and hamlets. The application site lies in an open countryside setting, away from any established settlement, although it is acknowledged there is a small ribbon of residential development to the south and the historic farmstead to the north. The application site is open agricultural land laid to grass, surrounded by mature trees. There are no footways or street lighting in the rural lane.
- 8.2.31 In seeking design of exceptional quality that is truly outstanding, paragraph 84 e) sets a high bar that will not be achieved often. Modern design within the context of the High Weald AONB Housing Design Guide (2019) can be appropriate. Page 27 notes that *'the prevailing High Weald built character is very much variations on a theme'; '2-storey in height'; 'the roofscape is distinctive'; and, 'Contemporary architecture, well executed, can create innovative interpretations of vernacular buildings, tying them into the High*

*Weald sense of place by referencing local patterns of development and building forms.'*

- 8.2.32 The Design Guide advises that new development should have respect for the High Weald's village and landscape setting, built form, use of materials, colour, and building detailing. That the built form '*is informed by the cumulative composition*'.
- 8.2.33 In this regard the proposed dwelling has architectural merit and addresses some of the intent of the Design Guide. However, the Guide goes further in Policy G7 (Building appearance, local details and sustainable design) in promoting buildings that are '*genuinely "of the place"*' (pg32) in terms of contemporary design, detailed key elements, local crafts and skills, and materials. This should be read as bespoke architecture, very specific to place, thus making it exceptional.
- 8.2.34 The proposed development is of a modular system construction. The founder and Managing Director of Wunderhaus Limited has explained the Wunderhaus to be of a custom-built design and is not in any way a kit or factory-built house, with over 33 different suppliers and over 60,000 components utilised in the buildings. All these points are acknowledged, and while this type of modern architecture is very limited in the AONB, the external appearance of the building remains very much generic and could be constructed anywhere in the UK, including many of the historic farmsteads found across Rother. Figure 5 is an image taken from the Wunderhaus website showing the configurations of their building range.

Figure 5: Wunderhaus Configurations



- 8.2.35 Taking a broader review of the related built elements, the new access, excavation works and building up of the land, parking area and a possible retaining structure would further distract from the purity of form with the potential to make the building appear as an isolated and incongruous element in the AONB landscape.

- 8.2.36 The Wunderhaus dwelling is of a modular system construction, replicable via purchasing a licence via the designer and founder, rather than a bespoke design to the AONB and consequently the built development would not contribute positively to the setting or development of contemporary design in this protected landscape.
- 8.2.37 The proposal would make significant landscape changes to the site including the removal of mature trees; creating a cut-and-fill platform for the dwelling; parking hardstanding and terracing to the building; construction of an attenuation pond with cut-and-fill; and domestication of the site for residential use. Individually and collectively these changes affect the very character of the site and how the site conserves or enhances the setting of the AONB.
- 8.2.38 It is noted that the County Ecologist and High Weald AONB Unit (pre-application advice for RR/2022/840/P) are broadly supportive of the landscape improvements proposed, subject to conditions to secure an ecological design strategy and a landscape and ecological management plan (LEMP). It is also the case that the Applicant has provided evidence that the appropriate felling licences have been obtained from the Forestry Commission for the tree removal.
- 8.2.39 In respect of the landscape design, there is concern that a domestic fringe would be provided to the building rather than creating an AONB 'landscape led' response to site and building. The design does not explore the residential use of outdoor space, the relationship with the retained oak tree, and functional requirements of bin and cycle storage. There are concerns, that over time, the resident may expand into the landscape areas with additional built elements to address leisure and functional requirements currently not detailed. The north-east corner of the site will be made a domestic garden which materially effects the overall site cohesion and setting. It is therefore suggested that the landscape response is unresolved.
- 8.2.40 In addition, there are concerns over the new, dedicated site access. This would reinforce the linear development along Hawkhurst Road, creating views into the site of a parking forecourt (rather than reading a building over the top of boundary hedgerows) making it highly visible from the public road vantage point. It would also introduce gates and piers into the landscape setting which would emphasise the domestic nature of the site. The section plans provided indicate that a large flat platform would be provided to host the dwelling, access and parking area. Significant excavation and building up of the land would be required resulting in manmade features in a naturally undulating landscape. The sections provided downplay the impact and have not been taken through the areas where there would be the greatest changes in levels.
- 8.2.41 Whilst the carbon negative features could be considered outstanding in isolation, compliance with paragraph 84 e) requires that the overall design of the house is of exceptional quality that is truly outstanding, reflecting the highest standards in architecture. The modular system construction of the dwelling, with generic external appearance, could be replicated on many other sites across the AONB countryside. The overall design is not considered to be bespoke architecture, specific to its place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the

proposal would not meet the exceptional requirements of paragraph 84 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA, paragraph 182 of the National Planning Policy Framework and section 85 of the Countryside and Rights of Way Act 2000.

8.2.42 The High Weald AONB Unit's pre-application advice to the Applicant focussed on the proposed materials, siting of the live/work unit, landscaping and demarcation of the proposed garden.. The AONB Unit's letter specifically states: *'...I would generally not comment on the first bullet point as I am not an Architect, and the Local Planning Authority usually has access to such expertise (either in-house or through a Design Panel) to advise it on such matters...'* *'...You also spoke about plans to remove the other non-native conifers along the roadside and the western boundary (planted to sub-divide the original field sometime in the early 20th century) and I support their replacement with native trees and hedgerows. The addition of a pond in the lowest part of the site to the south is also supported...'* *'...The above comments are advisory and are made without prejudice to the Unit's formal response to any future planning application. They are not necessarily the views of the High Weald AONB Joint Advisory Committee...'* The letter does not conclude whether the AONB Unit are supportive of the scheme or whether it meets the National Planning Policy Framework paragraph 80 e) (now 84 e)) policy test. Whilst the advice within the letter is limited, officers do not disagree with what the AONB Unit stated.

### 8.3 Setting of nearby listed building

8.3.1 Policy EN2 of the Rother Local Plan Core Strategy states that development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected, will be required to (iii) preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies.

8.3.2 Paragraph 203 of the National Planning Policy Framework states:  
*In determining applications, local planning authorities should take account of:*  
a) *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*  
b) *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*  
c) *the desirability of new development making a positive contribution to local character and distinctiveness.*

8.3.3 Paragraph 205 of the National Planning Policy Framework states:  
*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

8.3.4 The proposed dwelling would be sited around 70m south of the grade II listed Beech Farm House. Surrounding the farmhouse to the south and east is a



collection of buildings which form the historic farmstead. This includes Beech Bungalow, The Old Barn, Beech Cottage and Beech Oast.

- 8.3.5 The 1872 Ordnance Survey map shows the historic farmstead to be in place. At this time Beech Bungalow is shown to be a simple single linear range set at an offset angle. The Old Barn had additional linear ranges to both side elevations. The bungalow has been significantly altered and extended in the past 20 years. In addition, the cottage has also been significantly increased in size. However, the oast and barn do retain their identity as former agricultural buildings.
- 8.3.6 The farmstead buildings are arranged in a loose cluster which has some historic significance and can be considered a non-designated heritage asset.
- 8.3.7 The proposed dwelling would be positioned around 70m from the listed farmhouse, 30m southeast of the bungalow, 50m southeast of the barn, 88m from the cottage and more than 100m from the oast. Native screening would be provided on the boundaries of the site. Given the separation and natural screening proposed, it is considered that the development would not adversely impact on the setting of the listed farmhouse or the legibility or setting of the historic farmstead. This view is supported by the Council's Conservation Officer last in post at the Council.

#### 8.4 Location

- 8.4.1 The site is located adjacent to an historic farmstead and at the end of a small ribbon of development. However, it is still within the countryside, remote from any town or village or other built-up area. It is around 1.5km from the village of Sedlescombe and its associated shops, school and other services. There are no pavements or streetlights along this section of the road.
- 8.4.2 Whilst there are no physical bus stops near to the site and no other public transport options, additional information has been submitted during the application to advise that the Stagecoach 349 bus service from Hawkhurst to Hastings operates along Hawkhurst Road and passes the site. A Stagecoach representative has provided written confirmation that they operate a 'hail and ride' service on this route, meaning occupiers of the proposed dwelling would have access to a bus service which runs seven times a day (roughly every two hours) in each direction Monday to Saturday and five times (roughly every two hours) in each direction on Sundays and Public Holidays. In addition, the agent has advised that the site would be served by FlexiBus, which is a flexible, on-demand rideshare service. It is for areas with limited or no bus service. Residents can book a FlexiBus journey to their nearest town, train station, hospital and other key destinations. It is also known as DRT (Demand Responsive Transport). However, the ESCC website advises that FlexiBus operates exclusively for places not served by a regular transport service. You cannot book a FlexiBus journey to travel along an existing public transport route. Given there is a somewhat limited bus service operating along Hawkhurst Road, it is not clear whether the FlexiBus service would be an option for future occupiers.
- 8.4.3 Although occupiers of the proposed dwelling on the site would have access to this bus service, it is somewhat limited, and therefore they are likely to be heavily reliant on private vehicles, the least sustainable form of transport. It is

noted that an electric vehicle charging point has been incorporated into the design which would encourage the occupiers to use electric vehicles. However, this is not something that could be enforced and there is also the issue of visitors and deliveries driving to and from the site.

- 8.4.4 The development would not be well located in terms of access to public transport and services and would undermine the aims of local and national planning policies, which seek to direct development, and that of residential accommodation, to settlements where there is ready access to services and facilities. The development is contrary to Policies OSS3 (v), SRM1 (vii) and TR3 of the Rother Local Plan Core Strategy and paragraphs 8 and 110 (a) of the National Planning Policy Framework which seek to minimise the need to travel and to support the transition to a low carbon future.

## 8.5 Other issues

### *Archaeology*

- 8.5.1 Whilst the eastern part of the site is within an archaeological notification area, associated with the route of the Hastings to Ashford Roman Road, the County Archaeologist is happy for any permission to be subject to conditions securing a programme of archaeological works.

### *Biodiversity*

- 8.5.2 A Phase 1 Habitat Survey and Biodiversity Report, follow up surveys and Tree Report accompany the application. During the application, the County Ecologist requested alterations to the Dormouse Management Strategy, Ecological Design Strategy, Landscape and Environmental Management Plan and the Landscape Strategy Plan, which were subsequently provided by the Applicant.
- 8.5.3 The County Ecologist has advised that the surveys/reports are now all aligned in terms of timing of works. Suitable dormouse habitat will be cleared in one phase between November and February under supervision from a suitably qualified ecologist. If a dormouse, dormouse nest, GCN (or other protected species) is encountered at any stage of work, all works must stop immediately as the scheme is proceeding under a non-licenced approach. Both dormice and GCN are fully protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended, and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, as amended, making them European Protected Species.
- 8.5.4 The EDS confirms that an appropriate seed mix will be used to create wildflower grassland and the EDS provides a full wildflower species list, which is welcomed. No objection to the use of Hurst Estate's wildflowers was ever made in the 16 Jan 2023 response, as suggested in the EDS. The concern was the reference in The Landscape Strategy to the use of a proprietary seed mix (Emorsgate EM6), which has now been rectified.
- 8.5.5 The addition of native floating aquatic species to oxygenate the pond, refinement of the emergent aquatic plant species list and inclusion of full plant species detail in the EDS (transferred from the LEMP) have all been made,

and this is welcomed. The required changes to native tree and shrub planting details and provision of ground cover plant details have also been made.

- 8.5.6 Clarification on the finalised number and location of hibernacula, log piles, buried deadwood buckets, bird boxes, bat boxes, insect homes and hedgehog homes has been provided on the revised Landscape Strategy. Details of the box types for bird, bat, hedgehog and insect have been provided in the revised EDS.
- 8.5.7 The Planning Statement explains the proposal will secure 33% bio-diversity gains for habitat and 167% gains for hedgerow improvements which have been calculated by the Kent Wildlife Trust's BNG assessment. The details are set out in the Landscape and Ecology Management Plan (LEMP) and agreed with the County Ecologist. Given the nature, scale and location of the proposed development, the County Ecologist has advised that there is unlikely to be any significant impacts on the nature conservation interests of the AONB or any other sites of nature conservation importance. They also confirmed that the project is likely to deliver biodiversity net gains, which is accepted by officers.
- 8.5.8 In respect of protected species, from the information provided, the building proposed for demolition offers negligible bat roost potential. This is also the case for trees proposed for removal. Sufficient safeguards would also be put in place for badgers, breeding birds, hazel dormice and hedgehogs. The Reasonable Avoidance Measures (RAMS) detailed for amphibians and reptiles is also broadly acceptable.
- 8.5.9 If permission were granted conditions would need to be imposed to secure compliance with the non-licensed method statement for the protection of hazel dormice, the ecological design strategy and the landscape and ecological management plan (LEMP) to ensure the long-term management of habitats, species and other biodiversity features.

#### *Highway safety*

- 8.5.10 A new vehicle access is proposed onto Hawkhurst Road together with a grasscrete parking and turning area which would include a gate to be set back from the road. Visibility splays measuring 2.4m x 215m would be required. The Highway Authority has raised no objection to the access, parking or on-site turning facilities. It is noted that they have commented that the development is not well located from an accessibility perspective but say that a recommendation for refusal on accessibility grounds would not be justified as some local facilities are available within walking distance. This view is not shared by the Local Planning Authority. There are no pavements along this stretch of the road and no streetlights meaning that walking into the village would not be particularly inviting to future occupiers who are likely to rely mainly on private vehicles.
- 8.5.11 If permission were granted conditions could be imposed relating to the construction of the access, the provision and retention of visibility splays, the provision and retention of parking and turning spaces, the provision of cycle storage and that the proposed gates are set back at least 5.5m from the edge of the highway.

### *Living conditions of neighbouring properties*

- 8.5.12 The nearest neighbouring property is Beech Bungalow which is around 30m to the north of the proposed dwelling. Due to the separation, orientation and lower ground level of the proposed dwelling, it would not adversely impact on the occupiers' living conditions by way of overlooking, appearing overbearing or causing loss of light.

### *Living conditions of occupiers*

- 8.5.13 The proposed live work unit would exceed the nationally described space standards in compliance with DaSA Policy DHG3 and would also incorporate a garden measuring more than 10m in length to comply with DaSA Policy DHG7.

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## **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 Planning legislation holds that the determination of a planning application shall be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.2 The Council has currently only 3.09 years of a required 5-year housing supply, as set out within the Housing Land Supply and Housing Trajectory April 2023 position statement (published December 2023), which under the National Planning Policy Framework means that the most important policies for determining the application are deemed to be out of date, and planning permission should be granted 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; 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.
- 9.3 The site is located within the countryside and the High Weald AONB. The proposal has been specifically promoted as being of exceptional design quality to meet the requirements of paragraph 84 e) of the National Planning Policy Framework. Whilst the carbon negative elements of the design could be considered outstanding in isolation, compliance with paragraph 84 e) of the National Planning Policy Framework requires that the design of the house as a whole is of exceptional quality and truly outstanding. The modular system construction of the dwelling, with generic external appearance could be replicated on many other sites across the AONB countryside. In Rother alone, planning permission exists for at least six Wunderhaus dwellings. The design is not considered to be bespoke architecture, specific to its place, and thus is not exceptional design quality. In addition, there are concerns over elements of the landscaping, domestication of the site and the creation of a new access with associated earthworks. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 84 e) of the National Planning Policy Framework and would also be harmful to the landscape and scenic beauty of the AONB, contrary to Policy EN1 (i) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the DaSA, paragraph 182 of the National Planning Policy Framework and section 85 of the Countryside and Rights of Way Act 2000.

- 9.4 Although the provision of one additional dwelling can be considered a benefit, together with the BNG that could be secured by condition, given the small scale of the development, such benefits only attract limited weight. Moreover, in line with paragraph 11 d) i) of the National Planning Policy Framework, the identified harm to the AONB provides a clear reason for refusing the development proposed.
- 9.5 On top of the harm to the AONB, the development has been found to represent the creation of a new unjustified dwelling in the countryside contrary to the spatial strategy for Sedlescombe and the district as a whole and the location of the site is unsustainable.
- 9.6 Paragraph 14 of the National Planning Policy Framework has been referenced in the Planning Statement accompanying the application, which states:  
*'In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits...'*
- This is subject to certain qualifying criteria, one of which is that the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made. The SNP was made in April 2018 and therefore paragraph 14 does not now apply.
- 9.7 The proposed development does not comply with Rother Local Plan Core Strategy, Rother DaSA or SNP policies or the various provisions contained within the National Planning Policy Framework, including, specifically, paragraphs 84 e) and 182. The development therefore conflicts with the development plan and there are no material considerations that indicate that planning permission should be granted. For the reasons explained the application cannot be supported.

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## **RECOMMENDATION: REFUSE (FULL PLANNING)**

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### **REASONS FOR REFUSAL:**

1. The site lies outside of the defined development boundary for Sedlescombe as set out in the Sedlescombe Neighbourhood Plan. The proposal would conflict with the overall spatial strategy set out in Policies OSS2, OSS3, RA2 and RA3 of the Rother Local Plan Core Strategy, Policy DIM2 of the Development and Site Allocations Local Plan, and Policy 1 of the Sedlescombe Neighbourhood Plan. The site is 1.5km from the edge of Sedlescombe and fails to meet the spatial strategy policy requirements of the district. In addition, the proposed development does not meet any of the exceptions for providing new dwellings in the countryside under Policy RA3 (iii) of the Rother Local Plan Core Strategy or those for isolated new homes listed in paragraph 84 of the National Planning Policy Framework.
2. The modular system construction of the proposed dwelling, with generic external appearance could be replicated on many other sites across the AONB countryside. The design is not bespoke architecture, specific to its place, and

thus is not exceptional design quality. These elements lead to the conclusion that the proposal would not meet the exceptional requirements of paragraph 84 e) of the National Planning Policy Framework.

3. The application site is a largely undeveloped undulating field which contributes positively to the rural character of its surroundings. The proposed development would involve earthworks which would introduce unnatural and man-made features into the landscape. On top of this is the urbanising impact that the proposed dwelling would have, with associated driveway and parking area, together with inevitable external domestic paraphernalia. The development would result in the rural character of the field changing to residential use which would be visible from the road. The development would represent an unjustified intrusion of residential development in a rural, countryside setting which would fail to conserve or enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty, contrary to Policies OSS4 (iii), RA2 (viii), RA3 (v) and EN1 (i) (v) of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Development and Sites Allocation Local Plan (2019) and paragraph 182 of the National Planning Policy Framework.
4. The site lies within an unsustainable countryside location where occupiers of the 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 is contrary to Policies PC1, OSS3 (v), SRM1 (vii) and TR3 of the Rother Local Plan Core Strategy (2014) and paragraphs 8 and 114 (a) 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. 7095/LBP dated March 2022  
Drawing No. 7095/100 dated May 2022  
Drawing No. WA2P revision B dated 24.3.22  
Drawing No. WA2E revision A dated 3.3.22  
Drawing No. GHA-BEC-LS-001 revision C dated 10/02/22

**NATIONAL PLANNING POLICY FRAMEWORK:** In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons 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.