

## NOTIFIED 'D' REPORT

**Application No:** RR/2013/2196/P

**Site Address:** COOPERS HILL - LAND AT A265,  
(ADJ TO GHYLL FARM),  
BURWASH

**Development:** PROPOSED REPLACEMENT OF EXISTING  
DILAPIDATED AGRICULTURAL BUILDINGS WITH 5  
DWELLINGS AND NEW ACCESS DRIVE

### CONSULTEES:

<p>Parish Council:</p>	<p>Support a refusal.</p> <p><i>'...1. This is an area of natural outstanding beauty. 2. This would be outside the village stop lines. 3 This is not a brown site. 4. Provision for affordable homes has been made in Burwash village where there is the infrastructure to support it. 5. The access to an already busy road is dangerous. 6. This would be a ribbon development...'</i></p>
<p>Highway Authority:</p>	<p>3 February 2014: Recommended refusal as the existing access at its junction with the A265 has substandard visibility and width and existing hazards would be increased by the additional slowing, stopping and turning which would be created. Comments also included that visibility splays of 2.4m x 215m would be required in both directions and that the proposed access was insufficient in width to accommodate two-way traffic.</p> <p>24 February 2014: In response to amended plans received by the local planning authority on the 17 February 2014 the following additional comments were received: <i>'The 150m visibility splays indicated remain below the minimum distance recommended by MFS and DMRB. In order for any reduction in this guidance to be considered as acceptable a speed survey would need to indicate that average vehicle speeds are below the 60mph limit and appropriate for the distance that can be achieved.'</i></p> <p>In response to the comments above, the agent submitted a speed survey carried out by traffic consultants.</p> <p>The Highway Authority commented further on the 26 March 2014: <i>'...The speed survey results indicate 85%ile vehicle</i></p>

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	<p><i>speeds of 60.7 and 59.04mph on the A265 close to the vehicular access serving the site. The speed survey also indicates that a significant number of vehicles travel at speeds above the 60mph speed limit and often in excess of 70mph. It is noted that these higher speeds occur throughout the day.</i></p> <p><i>The A265 in the vicinity of the site is relatively straight and is characterised by the lack of residential frontages and vehicular accesses. This stretch of road is therefore likely to encourage higher vehicle speeds (as indicated by the speed survey results).</i></p> <p><i>As the access is on a relatively straight section of road between villages it is also more likely that road users will take the opportunity to overtake other vehicles. This is likely to increase the risk of accidents occurring where forward visibility for overtaking vehicles is below the recommended distance. Due to the lack of other vehicular accesses on this stretch of road users are also less likely to expect a slow moving vehicle to be joining the carriageway.</i></p> <p><i>The offset Y distance of 4.5m is unlikely to be beneficial and may encourage vehicles leaving the site to re-join the carriageway without stopping fully at the junction with the major road. Taking into account the relatively high speeds of vehicles approaching in both directions this [is] likely to be detrimental to highway safety, especially if sight lines are below the recommended distance.</i></p> <p><i>Taking the above points and the results of the speed survey into account I can confirm that my concerns regarding the vehicular access serving the site remain. The speed survey results confirm that the A265 in the vicinity of the site is a particularly fast stretch of road and as such any significant relaxation in the visibility requirements at the site access is likely to be to the detriment of highway safety. My recommendation for refusal therefore remains.'</i></p>
Environment Agency:	<p>In the event that planning permission is granted a condition is recommended requiring a remediation strategy for any contamination not previously identified that is found during development.</p> <p>Advice is also provided relating to flood risk, sustainable drainage system techniques, sewage effluent and surface water drainage.</p>

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<p>Building Control Manager:</p>	<p><i>'...would comment with regards to Building Regulations that no mention has been made of the East Sussex Act, the design statement states that the new building will be well insulated but without knowing what those U-values are and given that the U-values are due to change on 6 April 2014 it is not possible to confirm whether the proposal will exceed the regulations or reach the minimum standard? There are also no details of either foul/surface water drainage other than a package treatment...'</i></p>
<p>Planning Notice:</p>	<p>Around 500 objections have been received to the original and re-validated application, including letters from the Campaign to Protect Rural England (CPRE), the National Trust and a comprehensive submission from a locally formed interest group called 'Burwash: Save our fields from concrete'; all of which can be viewed in full on the Council's website.</p> <p>Copies of the local interest group's comments were also sent to Councillors. Many of the objections received state that they object for the same reasons given by the local interest group.</p> <p>There was also one set of supportive comments.</p> <p>Due to the large volume of objections received, they are not able to be replicated in their entirety within this report; however, the main issues raised can be summarised under the following category headings:</p> <p><u>Procedural</u></p> <ul style="list-style-type: none"><li>• In planning terms, affordable housing is not proposed.</li><li>• Disagree that an environmental statement is not required.</li><li>• Numerous inaccuracies within the Design and Access Statement.</li><li>• Applicant and owner are different people.</li><li>• Location of site notice inadequate.</li><li>• No local people were notified.</li><li>• Numerous inaccuracies within the application including the size of the site, the size of the existing buildings, the use of the site and the annotations on the plans.</li></ul> <p><u>Character and appearance, countryside and sustainability</u></p> <ul style="list-style-type: none"><li>• Presumption against housing developments in the countryside.</li><li>• Isolated from nearest villages.</li></ul>

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- Isolated from any local services.
- Heavy reliance on private transport.
- Harmful to the High Weald Area of Outstanding Natural Beauty (AONB) landscape.
- Not appropriate or a need for this to be classed as a rural exception site.
- If allowed, a precedent would be set for further housing on the site and in the countryside and AONB.
- Views from surrounding AONB and Bateman's estate are stunning at present.
- The site is not brownfield as suggested; it is green field.
- The link between Burwash and Burwash Weald would be accelerated.
- Existing buildings are typical in the countryside.
- Contrary to High Weald AONB management objectives.
- Adjoins National Trust land.
- Existing buildings are not being reused, they are being demolished.
- Remainder of the site would be developed in the future.
- Existing buildings are temporary structures.
- Erosion of farm land.
- Contrary to planning policies.
- Views would be blocked towards the Needle and Observatory at Brightling.
- Development would be seen from nearby footpaths and bridleways.
- Inappropriate ribbon development.
- Outside development boundary.
- Does not conform to the principle of sustainable development.
- Owner has let the existing buildings deteriorate and has not maintained the hedges.
- Site is part of one of the best preserved landscapes in Northern Europe.
- Irreplaceable loss of ancient beauty and heritage.
- Light pollution.
- Large executive houses are proposed.
- Dwellings proposed cover a larger area and are much taller than the existing buildings.
- Detrimental to Dudley Valley.
- Replacing the hedge with a fence would be out of keeping with the area.
- Existing buildings have never had pitched roofs.

### Highway safety

- No pavement on A265.

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- Road is notoriously dangerous.
- National speed limit along this stretch of road.
- This stretch of the A265 is regularly used for overtaking, often at excessive speeds.
- An additional access would increase hazards.
- Development wouldn't be suitable for pedestrians.
- No bus-stop nearby.
- Increased likelihood and severity of accidents.
- Visibility is inadequate.
- Unacceptable increase in traffic.
- Traffic survey states 15% of drivers exceed 60mph and half exceed 50mph.
- Land has not been harvested for 25 years so the claimed existing use of the access by farming vehicles is incorrect.
- Residential development would generate more traffic than an agricultural use.
- People have been injured and killed along this stretch of road in the past.
- Blind bends in both directions.
- ESCC has classed the road as a dangerous route for school children.

### Biodiversity

- Local ecology would be adversely affected.
- Screening opinion acknowledges potential for protected species to be present.
- Likely that the hedges would achieve the criteria for 'important hedgerows' status, as defined by the Hedgerows Regulations 1997.
- Numerous fields and meadows in the area have extremely diverse grass and wild flower assemblages.
- Without a rigorous ecological assessment of the site the actual ecological and conservation value of the site will remain unknown.
- Any "mitigation" would, at least, be a gesture.
- Near to some of the best wild flower meadows in this part of the Sussex Weald.
- Potential pollution from the site could damage the ancient woodland in Judins Gill and beyond.
- Ancient hedgerow is of special interest and supports much wildlife.
- Willingford Meadows Site of Scientific Interest (SSSI) is only 700m from the site.
- Ancient woodland below field would be put at risk.

### Other/general

- Affordable housing is not proposed.
- Adequate affordable housing has already been

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	<p>provided for Burwash.</p> <ul style="list-style-type: none"><li>• Additional pressure on already over used water management and sewage systems in the area.</li><li>• Tourism in the area could be adversely affected – visitors to Bateman's.</li><li>• Tourists visit due to unspoilt landscape.</li><li>• Any employment opportunities would only be short term and unlikely to be for local people.</li><li>• Harder for people to get children into local schools.</li><li>• Water drainage would be adversely affected.</li><li>• Proposal is only for financial gain.</li><li>• More suitable sites within the villages for 'affordable housing'.</li><li>• Substantial new infrastructure would be required.</li><li>• Burwash school and doctor's already full.</li><li>• Not near to any employment.</li><li>• No soil investigation.</li><li>• No soakaway tests.</li><li>• Increased risk of flooding.</li><li>• Application should not be considered.</li><li>• Field has been used for equestrian purposes in 2002-2003 and before and after.</li><li>• Site was sold at auction saying that there was potential for 22 houses – very misleading.</li><li>• Food supply diminished with gradual loss of farmland.</li><li>• Bateman's was home to Rudyard Kipling who wrote many of his best-known works there.</li><li>• The ridge deserves grade I listing – understands it was going to be the last stand against invading Wehrmacht in 1940/1.</li><li>• Site has been purposefully neglected.</li><li>• Planning permission has already been granted for housing on sites in Burwash and Burwash Common.</li></ul> <p><u>National Trust</u></p> <ul style="list-style-type: none"><li>• Immediately adjacent to National Trust land at Bateman's.</li><li>• The Trust is statutorily required to protect their property for the benefit of the nation in the long term.</li><li>• Unsuitable location.</li><li>• Outside of a built up area.</li><li>• Remote to services and facilities.</li><li>• Doesn't represent sustainable development.</li><li>• Site is open and exposed within the AONB.</li><li>• Site slopes towards the River Dudwell to the south.</li><li>• Dwellings will be exposed to views from the south, including from National Trust land.</li></ul>
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- Land is important in terms of the separation between Burwash and Burwash Weald.
- Site is not previously developed land.
- NPPF specifically excludes agricultural land from the definition of previously developed land.
- Market housing is proposed, not affordable housing.
- No benefit to the rural economy.
- Precedent would be set for further residential development of the site in the future.
- Contrary to policies within the NPPF, particularly paragraphs 55 (isolated new houses in the countryside) and 115 (protection of the AONB).
- Contrary to policies within the statutory Development Plan.
- Contrary to Council's emerging Core Strategy.

### 'Burwash: Save our fields from concrete'

The comments from this interest group are extensive. Councillors have been given copies of the material and it can all be viewed in full on the Council's website. All of the issues raised will be considered but are not included in their entirety within this report. The comments can be summarised as follows:

- The development is in one of the most exceptionally beautiful areas of Sussex which must be protected at all costs.
- It is within the protected AONB.
- It adjoins land owned by the National Trust surrounding Bateman's.
- The development is situated in the middle of land dividing Burwash from Burwash Weald. This is contrary to the High Weald AONB Management objective S2 and Rother's policy of maintaining open landscape between villages (EN1(v)).
- Building new houses in the middle of the countryside is not permitted except in extremely limited circumstances. Those conditions are not met.
- Does not qualify as a rural exceptions site for affordable housing.
- Traditional farm buildings are not being converted.
- Existing shed and store are being demolished.
- Risk of damaging local ecology.
- Contrary to tourism policies.
- Risk to highway safety.
- Access from proposed site onto the A265 falls a long way short of published safety guidelines (manual for Streets and DMRB).
- Road survey supports Highway Authority's recommendation for refusal.

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	<ul style="list-style-type: none"><li>• Ancient hedge would be destroyed, which was almost certainly present in medieval times; a good prospect it was there in Roman times and might have been present in Celtic times.</li><li>• Adjacent National Trust estate is an internationally important heritage site.</li><li>• Disagree with many aspects of the submitted Design and Access Statement.</li><li>• Screening opinion produced by the Council is inaccurate and needs to be withdrawn.</li><li>• The development would be visible to many people from the surrounding landscape.</li><li>• History of the site and past ownership explained.</li></ul>
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<b>Comments:</b>	<p><u>Procedural matters</u></p> <p>The stretch of road that the application site is located along has been referred to within the application as the A265, Coppers Hill and Coopers Hill. For clarification, the road is the A265 and this particular part of it is known as Coopers Hill.</p> <p>The description of the proposed development on the application form is: <i>Proposed replacement of existing dilapidated agricultural buildings with new dwellings</i>. At the request of the local planning authority, in order for the proposal to be more accurately described, the description of the development was amended to: <i>Proposed replacement of existing dilapidated agricultural buildings with 5 dwellings and new access drive</i>.</p> <p>The originally submitted application was not accompanied by a correct ownership certificate and as a consequence the application was invalid. The correct ownership certificate was subsequently submitted with confirmation that notice had been served on the owner of the site regarding the proposed development.</p> <p>Site notices were displayed on the road frontage of the site and outside Ghyll Farm. The notices advertised the application to the public as statutorily required. There is no requirement to notify local residents individually.</p> <p>Due to the size of the application site and location within a sensitive area (AONB) the Council adopted a Screening Opinion for the development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011. It was considered that an environmental statement was not required. The document, which includes the reasoning, is available to view on the Council's website.</p>
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In response to the comments received claiming that the screening opinion is inaccurate and needs withdrawing, it is considered that the issues raised by this development are not significant in the context of the Environmental Impact Assessment Regulations. The proposed removal of the roadside hedge and potential impact on an area of ancient woodland close by are considered to be localised issues and would not necessarily have a wider impact. The potential impacts of the development can be appraised within this report which will include an assessment of the impact of the proposal on the AONB, the adjacent national trust land and a SSSI located around 0.8km away.

### Site

The application site is located to the southeast side of the A265 Coopers Hill between the village of Burwash (1.3km to the northeast) and the built up area of Burwash Weald (0.6km to the southwest). The site is roughly rectangular in shape and consists of two fields which are understood to have been previously used for agricultural purposes. A tall mature hedge fronts the road.

There are two disused buildings on the site. One adjacent to the existing access next to the road and the other further southeast, set back from the road.

The two fields measures 3.14 hectares in area, although the area of land proposed to be developed is less than 0.5 hectares.

The site lies within open countryside and is within the AONB. There is an area of ancient woodland on the opposite side of the adjoining field to the south (80-90m from the area to be developed) and a SSSI around 0.8km to the south.

Land owned by the National Trust, which is part of the Bateman's estate, adjoins the site to the east.

The nearest public footpath is more than 100m away on the opposite side of the road. There is another one around 300m to the south.

### Proposal

Permission is sought to demolish the two existing buildings and erect five houses set back from the road to be served by a new access drive. The dwellings would be two storeys and be arranged as an 'L' shaped terrace of three and a semi-detached pair. Parking spaces for 10 vehicles and bin and cycle storage are detailed.

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For the avoidance of doubt, market housing is proposed as opposed to affordable housing. Within the application reference is made to affordable housing policies. However, the agent has clarified that the proposal is for market housing but they would be small starter homes aimed at young first time buyers.

A Design and Access Statement, flood risk assessment, drainage report and speed report accompany the application.

### Legislation

There is a statutory duty upon the local planning authority under the National Parks and Access to the Countryside Act 1949 and the Countryside and Rights of Way Act 2000 to take into consideration the nature, character and purpose of designation of the AONB and to ensure that its character and appearance is not harmed.

The Wildlife and Countryside Act 1981 and Countryside and Rights of Way Act 2000 protect certain animals, birds, marine life, plants, fauna and habitats.

Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings or their setting or any of their features of special architectural or historic interest.

The setting of a heritage asset (including listed buildings) is defined in the National Planning Framework (the Framework) as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

Comments have been received relating to the impact upon the grade I listed Bateman's. Whilst it is appreciated that land which forms part of the Bateman's estate adjoins the application site to the east, the listed building Bateman's is around 1.2km from the area to be developed and is separated by a series of seven fields, a small area of woodland and an access track. The application site is not considered to be within the immediate surroundings in which the listed building Bateman's is experienced and therefore the setting of the building would not be affected. Nevertheless, the impact on the National Trust land will be assessed in terms of it being part of the countryside and the AONB.

### Policy:

The Rother District Local Plan (2006) policies have been assessed for compliance with the Framework. The

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assessment found that virtually all Local Plan (2006) policies are compliant, with the exception of parts of Policies DS6 (iv) and TR3 (ii).

Now that the Rother District Local Plan (2011-28) - Core Strategy (Core Strategy) has been found 'sound' by the Government's appointed Inspector following examination (subject to modifications), it will, upon adoption, supersede many of the Local Plan (2006) policies (set out in Appendix 1 of the Core Strategy). Other Local Plan (2006) policies that are not listed in Appendix 1 (subject to the above) can continue to be afforded weight by decision takers (paragraph 215 of Annex 1 to the Framework).

The Core Strategy carries considerable weight, having been found 'sound'. The Inspector's Report concluded that the Core Strategy provides an appropriate basis for the planning of the District, providing a number of modifications are made to the plan. It is envisaged that the final version of the Core Strategy will be considered by the Full Council for adoption on 29th September 2014. Upon adoption, it will form part of the development plan for the area.

Relevant Local Plan (2006) policies include:

- DS1, DS2, DS3 and DS4 (development strategy);
- GD1 (general development considerations);
- HG4 (housing layout and design);
- HG10 (dwellings in the countryside);
- TR2 (promoting sustainable transport); and
- TR3 (excluding criterion (ii)) (car and cycle parking standards).

Core Strategy policies relevant to this application include:

- OSS4 (location of development);
- OSS5 (general development considerations);
- RA2 (general strategy for the countryside);
- RA3 (development in the countryside);
- CO6 (supporting community safety);
- EN1 (landscape stewardship);
- EN3 (design quality);
- EN5 (biodiversity and green space);
- EN7 (flood risk and development);
- TR3 (access and new development); and
- TR4 (car parking).

The various provisions of the Framework relating to sustainable development, the protection of the countryside and AONB, good design, new housing, biodiversity, highway safety and flood risk are also necessary considerations.

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Other documents that need to be considered include the High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019 and Natural England standing advice for ancient woodland and veteran trees (issued 7<sup>th</sup> April 2014).

### Issues

- Principle of the proposed scheme and whether it would be a sustainable form of development.
- Character and appearance, including the AONB.
- Highway safety.
- Biodiversity.
- Flood risk and drainage.

### Principle of the development

At the heart of the Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking (paragraph 14).

Paragraph 55 of the Framework states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It also provides that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Policies DS1, DS2, DS3, DS4 and OSS4 direct the majority of development towards the main built-up confines of towns and villages and generally restrict development in the countryside.

Policy TR3 of the Core Strategy provides that new development should minimize the need to travel and support good access to employment, services and community facilities.

The site is located outside of a recognised development boundary but more importantly is within open countryside and separated from any village or built up area and local services by a significant distance. There are no footpaths or public transport links and therefore the development would be private vehicle dependent. Given the remote and isolated location, the application site is not suitable for new housing and the proposal would not represent a sustainable form of development which would be directly in conflict with the underlying sustainable development intentions of the Framework and the policies of the Local Plan (2006) and Core Strategy. As a matter of principle the development is not acceptable.

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It is also worth noting that as part of the Council's Strategic Housing Land Availability Assessment (SHLAA) dated June 2013, a number of sites in and around Burwash, Burwash Weald and Burwash Common were considered. The site in question was not considered as part of that process. A number of other more suitable and sustainable sites have been identified within the village to fulfil the strategic housing objective for Burwash and therefore the site in question would not be suitable for residential development.

### Character and appearance

The application site and its surroundings are characterised by highly attractive rolling countryside, which is part of the AONB, consisting of relatively small, irregularly shaped fields bounded by and forming a mosaic with hedgerows and small woodlands, and typically used for livestock grazing; small holdings; and a non-dominant agriculture. The site is also considered to be a tranquil and remote area with dark night sky.

The primary purpose of AONB designation is to conserve and enhance natural beauty. In pursuing the primary purpose of designation, account should be taken of the needs of agriculture, forestry, other rural industries and of the economic and social needs of local communities. Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment. Natural beauty includes considerations such as wildlife, geological features and cultural heritage but is not restricted by them.

The rationale behind objective S2 of the the High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019 is to protect the distinctive character of towns, villages, hamlets and farmsteads and to maintain the hinterlands and other relationships (including separation) between such settlements that contribute to local identity. Objective FH2 seeks to maintain fields and field boundaries that form a part of the habitat mosaic of the High Weald; and to maintain this key component of what is a rare UK survival of an essentially medieval landscape.

Paragraph 115 of the Framework requires great weight to be afforded to conserving the landscape and scenic beauty of AONBs, which have the highest status of protection in relation to landscape and scenic beauty. Paragraph 14 provides that where specific policies in the Framework, including AONB policies, indicate that development should be restricted then the presumption of

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granting permission should not apply. Paragraph 111 of the Framework specifically excludes agricultural and forestry land from the definition of previously developed land.

The provision of a residential development within the field and removal of the roadside hedge would disrupt the ancient field and settlement pattern of this part of the AONB, would have an urbanising impact on the rural surroundings and would spoil the tranquility of the area. In addition, the likely introduction of street and external domestic lighting into this remote field would disrupt the dark night sky. Consequently, the proposed development would cause substantial harm to the landscape and scenic beauty of this part of the AONB.

### Highway safety

The application site is next to a section of the A265 which has a 60mph speed limit. It has been noted from the submitted speed survey that a significant number of vehicles travel at speeds above 60mph and often in excess of 70mph. These higher speeds occur throughout the day.

The Highway Authority has commented that because of the high speeds and lack of existing accesses, this stretch of the road is likely to be used for overtaking, therefore increasing the risk to highway safety.

Due to the fast nature of this part of the A265, the Highway Authority require 2.4m x 215m splays to be provided and would not relax this due to the risk to highway safety. Visibility splays at the access onto the A265 of only 150m are proposed. This is considered to be substandard visibility, and as a result, existing hazards would be increased by the additional slowing, stopping and turning of vehicles which would be created. This would be detrimental to highway safety.

The East Sussex County Council Car Ownership Parking Demand Tool calculates that 12 parking spaces are required for the development. Whilst only 10 are proposed, there appears to be adequate room within the application site for an additional two spaces to be provided. In the event that planning permission was granted, a condition could be attached to secure these extra spaces.

### Biodiversity

Paragraph 118 of the Framework states that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees

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found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss. This is supported by Core Strategy policy EN5(viii). Policy EN5(ix) requires developers to integrate biodiversity into development schemes by avoiding adverse impacts from development on biodiversity or habitat, or where wholly unavoidable, provide appropriate mitigation against or compensation for any losses. In any event, developers will also be expected to consider and promote opportunities for the creation and/or restoration of habitats appropriate to local context.

Having considered the Natural England standing advice for ancient woodland and veteran trees (issued 7<sup>th</sup> April 2014) the separation of 80-90m between the area to be developed and the nearest area of ancient woodland is considered sufficient for no direct harm to the ancient woodland occurring. In the event that planning permission was granted, conditions could be imposed relating to drainage and lighting.

The Willingford Meadows Site SSSI is around 0.8km to the south of the site. Using the Natural England Impact Risk Zone GIS dataset for SSSIs, there is no duty to consult Natural England on the type and size of development proposed when a proposed development is this far away. Given the separation, the risk posed to the SSSI is considered to be low.

The roadside hedge is likely to be many hundreds of years old. It is proposed to be removed as part of the development in order to achieve improved visibility splays. This aspect of the scheme would result in the loss of a habitat of ecological interest and, in the event that planning permission was granted, a condition could not secure satisfactory mitigation as the hedge would be lost.

No ecological report accompanies the application. The screening opinion acknowledges the potential for protected species to be affected by the proposed development. However, the view taken was that mitigation is likely to be achievable to prevent a significant impact. In the event that planning permission is granted mitigation work could be secured via condition in order to safeguard any ecological features (excluding the roadside hedge) or protected species.

### Flood risk and drainage

The accompanying flood risk assessment explains that the site is located within flood zone 1 which is low risk (fluvial flooding). No other risks were identified that could adversely affect the site. The proposed development

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	<p>would increase the risk of flooding. However, mitigation would be provided in the form of a Sustainable Urban Drainage System (SuDS).</p> <p>No objection to flood risk has been raised by the Environment Agency. Drainage could be satisfactorily managed by condition.</p> <p><u>Conclusion</u> The provision of five new dwellings in the middle of the countryside would not represent a sustainable form of development and is therefore unacceptable as a matter of principle.</p> <p>In addition, the development would cause substantial harm to the landscape and scenic beauty of the AONB, would cause a danger to highway safety and would result in the loss of the historic road side hedge which is considered to be a habitat of ecological interest.</p> <p>The proposed development would conflict with policies contained within the Local Plan (2006) and Local Plan – Core Strategy, together with the various provisions of the Framework and hence, for the reasons explained, the application cannot be supported.</p>
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### **INTENDED DECISION: REFUSE (FULL PLANNING)**

1. The site is located outside of a recognised development boundary but more importantly is within open countryside and separated from any village or built up area and local services by a significant distance. There are no footpaths or public transport links and therefore the development would be private vehicle dependent. Given the remote and isolated location, the application site is not suitable for new housing and the proposal would not represent a sustainable form of development which would be directly in conflict with the underlying sustainable development intentions of local and national planning policy. As a matter of principle the proposed development is unacceptable and contrary to saved policies DS1(i, ii, iv, v & xii), DS2(i & iv), DS3, DS4, GD1(iv), HG4(ii), HG10 and TR2 of the adopted Rother District Local Plan (2006), policies OSS4(i, ii & vii), OSS5(iii), RA3(iii) and TR3 of the emerging Rother District Council Local Plan – Core Strategy and paragraphs 6, 7, 9, 14, 17 and 55 of the National Planning Policy Framework.
2. The provision of a residential development within the field and the removal of the roadside hedge would disrupt the ancient field and settlement pattern of this part of the High Weald Area of Outstanding Natural Beauty, would have an urbanising impact on the rural surroundings and would spoil the tranquility of the area. In addition, the likely introduction of street and



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external domestic lighting into this remote field would disrupt the dark night sky. Consequently, the proposed development would cause substantial harm to the landscape and scenic beauty of this part of the High Weald Area of Outstanding Natural Beauty contrary to saved policies DS1(vi & ix), GD1(iv, v & vi) and HG10 of the Rother District Local Plan (2006), policies OSS4(vi), OSS5(iii), RA2(viii), RA3(iii & v) and EN1(i, v, vii & viii) of the emerging Rother District Council Local Plan – Core Strategy, paragraphs 17 and 115 of the National Planning Policy Framework and objectives S2 and FH2 of the the High Weald Area of Outstanding Natural Beauty Management Plan 2014-2019.

3. The stretch of A265 adjacent to the application site has a speed limit of 60mph, although the speed survey accompanying the application indicates a substantial number of vehicles travel in excess of 60mph. The proposed visibility splays of 150m onto the A265 are inadequate for this fast section of road, and as a result, existing hazards would be increased by the additional slowing, stopping and turning of vehicles which would be created. This would be detrimental to highway safety and contrary to saved policy GD1(iii) of the adopted Rother District Local Plan (2006) and policy CO6(ii) of the emerging Rother District Council Local Plan – Core Strategy.
4. The roadside hedge is likely to be many hundreds of years old. It is proposed to be removed as part of the development in order to achieve improved visibility splays. This aspect of the scheme would result in the loss of a habitat of ecological interest contrary to saved policy GD1(vii) of the adopted Rother District Local Plan (2006), policies RA2(viii) and EN5(i, viii & ix) of the emerging Rother District Council Local Plan – Core Strategy and paragraphs 109 and 118 of the National Planning Policy Framework

### Note

This decision notice relates to the following set of plans:

Drawing no. 242/Study/01 dated January 2014;

Drawing no. 001 dated July 2013;

Drawing no. 002 dated July 2013;

Drawing no. 003 dated July 2013; and

Drawing no. 004B dated March 2014.

### **NATIONAL PLANNING POLICY FRAMEWORK:**

In accordance with Article 31 Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Agent. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reasons for the refusal, approval has not been possible.

## **NOTIFIED 'D' REPORT**

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