





# Representation Form

## Proposed Submission Development and Site Allocations (DaSA) Local Plan

For official use only

Ref:

Date:

Before completing this form, please read the accompanying **Guidance Notes** which are available at:  
[www.rother.gov.uk/dasa/guidance](http://www.rother.gov.uk/dasa/guidance).

The representation period runs from Friday 26 October until Friday 7 December 2018. **Completed representation forms must be received by the Council no later than 4.30pm on Friday 7 December 2018.**

**Please ensure that you fill in a separate form for each representation you wish to make.**

**The easiest way to submit your representation is to use our dedicated online representation system available at: [www.rother.gov.uk/dasa](http://www.rother.gov.uk/dasa).**

### Completing and submitting this Representation Form online

To complete this Representation Form online, you will need to have either **Adobe Acrobat** or the free **Adobe Reader** software installed. **Adobe Reader** can be downloaded at: [get.adobe.com/reader](http://get.adobe.com/reader).

Please complete all necessary fields and ensure that you enter your name and the date on the last page. Your representation cannot be accepted unless these fields have been completed.

You can submit the form to us by email, either by clicking the **Submit Form** button in the top right corner of the screen, or by clicking the blue **Submit** button at the bottom of the last page of this form. Follow the on-screen instructions ensuring that you enter your Email Address and Full Name if prompted to do so.

Please note that this form cannot be submitted from mobile devices, however it can be saved and emailed to: [dasa.reps@rother.gov.uk](mailto:dasa.reps@rother.gov.uk). Alternatively it can be printed and posted to: Service Manager - Strategy & Planning, Proposed Submission DaSA Local Plan, Rother District Council, Town Hall, Bexhill, East Sussex, TN39 3JX.

**Your details** (If an agent is appointed, complete only Title, Name and Organisation below but complete the full contact details of the agent)

**Agent details** (if applicable)

Title:

First Name:

Surname:

Organisation:

Position:

Address 1:

Address 2:

Address 3:

Postcode:

Telephone:

Email address:



During its examination the DaSA Local Plan will be tested for:

- **Legal Compliance** - This is likely to apply to representations on the way that Rother District Council has prepared the DaSA Local Plan.
- **Soundness** - This is likely to apply to representations on the actual content of the plan.
- **Duty to Cooperate** - This is likely to apply to representations on the way that Rother District Council has engaged with key bodies on strategic, cross boundary matters.

Please read the accompanying **Guidance Notes**, available at: [www.rother.gov.uk/dasa/guidance](http://www.rother.gov.uk/dasa/guidance), for more information about these tests.

**Q1. To which part of the DaSA Local Plan does your representation relate?**

DaSA Local Plan

Sustainability Appraisal

Chapter:

Paragraph:

Volume:

Page:

Policy:

Figure/Inset:

Paragraph:

Figure/Table:

**Q2. Do you support or object to this part of the DaSA Local Plan?**

Support (*go to question 6*)

Object (*please answer questions 3, 4 and 5*)

**Q3. Do you consider the DaSA Local Plan to be legally compliant?**

Yes

No

**Q4a. Do you consider the DaSA Local Plan to be sound?**

Yes (*go to question 5*)

No (*go to question 4b*)

**Q4b. Do you consider the DaSA Local Plan to be unsound because it is not...**

Positively Prepared

Justified

Effective

Consistent with national policy

**Q5. Do you consider the DaSA Local Plan to be compliant with the duty to cooperate?**

Yes

No



**Q6. Please explain your reason for supporting or objecting to the DaSA Local Plan.**

Please also set out what change(s) you consider necessary to make the DaSA Local Plan legally compliant or sound, with reference to **Q3**, **Q4** and **Q5** above. You will need to say why this change will make the DaSA Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

***Please note*** your representation should succinctly cover all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a further opportunity to make additional representations based on the original representation at publication stage.  
***After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues identified for examination.***



**Q7. If seeking a change, do you consider it necessary to participate at the oral part of the examination?**

Yes (*explain why you consider it necessary to participate in the oral examination below*)

No (*go to question 7*)

*Please remember it is the **Inspector** who decides who is heard at examination - as in guidance notes.*

**Q8. Do you wish to be notified of any of the following?**

Please select all that apply. We will contact you using the details you have given us on page 1.

When the DaSA Local Plan has been submitted for independent examination

When the Inspector's Report is published

When Rother District Council adopts the DaSA Local Plan

**General Data Protection Regulation 2016 and Data Protection Act 2018**

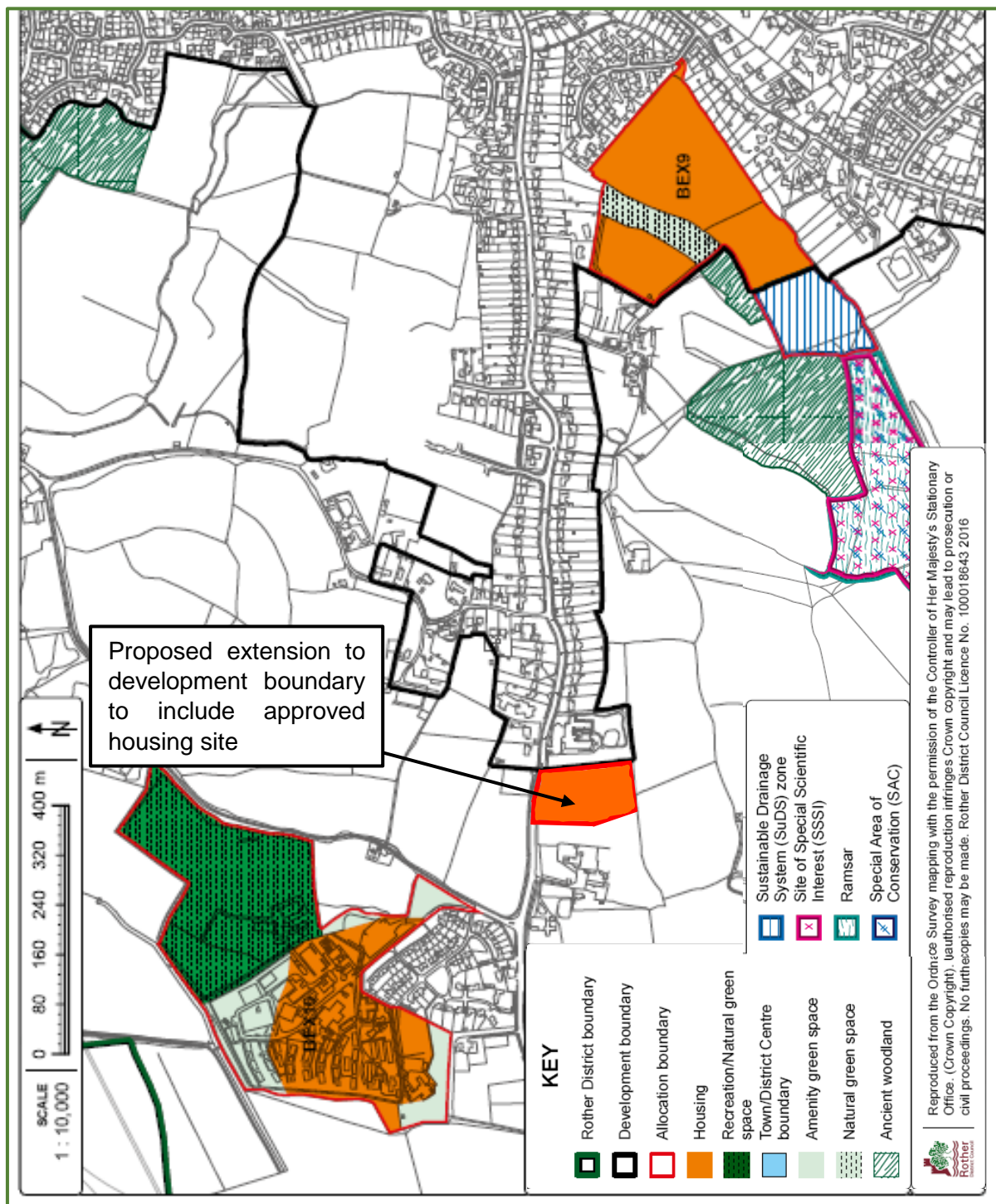
Representations cannot be treated in confidence. Regulation 22 and 35 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended, require copies of all representations to be made publically available. The Council will also provide names and associated representations on its website but will not publish personal information such as telephone numbers, emails or private addresses. By submitting a representation you confirm that you agree to this and accept responsibility for your comments.

**Name/Signature**

**Date**



## Policies Map Inset Map 1a: Bexhill West





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## Appeal Decision

Hearing Held on 6 November 2018

Site visit made on 6 November 2018

**by P W Clark MA(Oxon) MA(TRP) MRTPI MCMI**

**an Inspector appointed by the Secretary of State**

**Decision date: 23 November 2018**

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**Appeal Ref: APP/U1430/W/17/3191063**

**South of Barnhorn Road and West of Ashridge Court Care Centre, Barnhorn Road, Little Common, Bexhill-on-Sea TN39 4QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Park Lane Homes (South East) Ltd against the decision of Rother District Council.
  - The application Ref RR/2016/3206/P, dated 13 December 2016, was refused by notice dated 22 June 2017.
  - The development proposed is residential development including parking and access.
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### Decision

1. The appeal is allowed and planning permission is granted for residential development including parking and access on land South of Barnhorn Road and West of Ashridge Court Care Centre, Barnhorn Road, Little Common, Bexhill-on-Sea TN39 4QL in accordance with the terms of the application, Ref RR/2016/3206/P, dated 13 December 2016, subject to the fourteen conditions appended to this decision.

### Procedural matters

2. The application is made in outline form. Details of access to the site are submitted for approval now. Details of access within the site, appearance, landscaping, layout and scale are reserved for approval later in the event that permission is granted. Because one of the submitted plans showed both access to and within the site and also an illustrative layout, a clarification drawing was submitted at the hearing making clear the extent of the access for which detailed approval is sought at this stage. Because this provides only clarification and no new information, nobody would be prejudiced by my basing my decision on this clarification drawing, which is what I have done.

### Main Issues

3. Although not in dispute, a relevant consideration is
  - The effect of the proposal on the supply of housing and affordable housing in particular.
4. The Council accepts that its concerns with the effects of the proposal on nature conservation and on trees protected by a TPO could be met by conditions (8) and (11). The remaining issues between the two main parties are:



- Whether the proposal would be in a location which is or can be made sustainable<sup>1</sup>.
  - The effects of the proposal on
    - The landscape character and appearance of the area
    - The setting of a listed building (Upper Barnhorn Manor)
    - The living conditions of potential future residents in terms of noise.
5. Although not in dispute between the two main parties, local residents remain concerned about
- The effects of the proposal on highway safety.

## Reasons

### *Sustainable location*

6. A table of travel distances to local amenities is submitted by the appellant. Its contents are not disputed. It shows that, other than bus stops on Barnhorn Road close to the site and a petrol filling station with a rudimentary convenience retail offer, most facilities which people are likely to require for their daily needs are provided at travel distances of between 1.5 and 2.0 kilometres from the site. A railway station and secondary schooling would be more distant still. People would need to travel to reach these facilities.
7. By reference to the commonly cited Chartered Institute of Highways and Transportation's (CIHT) advice *Providing for Journeys on Foot*, these distances can be seen to exceed the "preferred maximum" for journeys on foot. The government's *Manual for Streets* (MfS)<sup>2</sup> advises that walking offers the greatest potential to replace short car trips, particularly those under 2km but walkable neighbourhoods are typically characterised by having a range of facilities within ten minutes' (up to about 800m) walking distance of residential areas. CIHT's advice applicable to this site is consistent with MfS, advising that 800m is an acceptable distance but that 400m is desirable.
8. The National Planning Policy Framework 2018 (NPPF) advises that planning policies and decisions should support development that makes efficient use of land, taking into account the scope to promote sustainable travel modes that limit future car use.<sup>3</sup> Clearly, given the distances involved, walking as a sustainable travel mode would not be promoted by development on this site.
9. The distances involved are more conducive to cycling but, although there are marked cycle lanes on Barnhorn Road passing the site, these extend for only a limited distance and do not connect to any network of cycle routes. In general, the volume and speed of traffic on Barnhorn Road and its configuration would not promote cycle use.
10. But, there are other sustainable transport modes recognised by the NPPF. These include any efficient, safe and accessible means of transport with overall low impact on the environment, including low and ultra-low emission vehicles,

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<sup>1</sup> NPPF paragraph 103; through limiting the need to travel and offering a genuine choice of transport modes

<sup>2</sup> Paragraph 4.4.1

<sup>3</sup> Paragraph 122(c)



car sharing and public transport. By rural standards, the site is well served by a frequent bus service. Material submitted to the hearing demonstrates that reliance on this service<sup>4</sup> to access places of work, schooling and other everyday needs would be a realistic proposition.

11. A Travel Plan, intended to promote the use of sustainable transport modes, is submitted by the appellant and can be secured by condition (13) as can be facilities to encourage the use of low and ultra-low emission vehicles in compliance with Core Strategy policy TR3 (condition (14)). With such conditions in place, I conclude that the site would not fully qualify as a sustainable location in the sense that there would be a need to travel but that there would be a genuine choice of travel modes, and the development would promote sustainable travel modes that limit future car use. It would therefore breach those parts of policies OSS3 and TR3 of the Rother Local Plan Core Strategy adopted in September 2014 (CS) which require development to minimise the need to travel but would comply with those parts which require electric vehicle charging infrastructure and for the location of development to be considered in the context of the capacity of services and infrastructure and access to employment amongst other matters.

*Landscape character and appearance*

12. The Development Boundary for Bexhill, defined in the Rother District Local Plan adopted in July 2006 (LP) and continued within the CS, closely follows Bexhill's actual limits of development. These form a largely consolidated area of development, triangular in form with its base along the coastline. Two fingers of development project from its north-west flank into the countryside. One of these runs northwards from the local centre at Little Common. The other runs westwards as ribbon development along Barnhorn Road following a topographical ridge of land towards, but stopping short of, the appeal site.
13. The appeal site lies outside but abutting the urban area. The Council suggests that it forms part of a transition zone between urban and rural areas but that is not how it is experienced in practice. It is clearly a part of the countryside, which surrounds it on three sides. Its development would result in a change from undeveloped to developed land. In contrast to nearby sites favoured for development in the Council's emerging Site Allocations Plan which are either brownfield sites or form additional consolidation between the existing projecting fingers of development, it would represent a further projection of the urban area to a greater distance into the countryside.
14. That does not represent an absolute bar to development but the NPPF advises that planning decisions should contribute to the local environment by recognising the intrinsic character and beauty of the countryside amongst other matters. The appeal site sits at a point of transition between two landscape character areas; the High Weald and the Pevensy Levels. It is a characteristic of the former that development is often sited along prominent ridge lines, as this appeal proposal would be. The elevated position of the appeal site means that it is widely visible from the latter to the south and south-west. There is no suggestion that the development of the site would be restricted to the noisiest part of the site near to the road. It would extend in depth into the site so it would be more visible than the existing ribbon development along the ridgeline to the east of the site. But the appeal site is not, itself, within a designated

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<sup>4</sup> Or a specific school service which is also provided along Barnhorn Road



landscape and there is no evidence to suggest that it is valued in any way out of the ordinary.

15. The Council's Core Strategy Landscape Assessment describes the quality of the Barnhorn Manor 5B Character Area landscape within which the appeal site sits as ordinary, of medium value with a moderate sensitivity to development. I have no reason to disagree with its assessment of the character area as a whole; a "modest ability to take [a] low profile development with [a] rich woody content. [It] has potential for special character [but] if special character is not achieved then it could result in a visual disaster."
16. As seen from footpath 62b to the south, the site forms only the upper third of the three fields which lie between Barnhorn Road on the ridge line and the drain at the bottom of the slope. Encroaching scrub is already beginning to provide it with a rich woody content. As the Council's own Landscape Assessment implies, much would depend on the details of appearance, landscaping and layout which are reserved matters, not before me, but there is nothing in the evidence which is before me which suggests that these matters are incapable of acceptable resolution, even though the two illustrative layouts which were submitted do not provide evidence of that special character.
17. The access proposed would require the removal of some of the leylandii which currently form a continuous row along the ridgeline. Although the ridgeline is characterised by trees, including conifers such as the protected trees at Ashridge Court, their continuity outside the site is less relentless and largely comprises deciduous trees so the break in the continuity of evergreens caused by the formation of the access would not be unacceptable or out of character. There is, in any event, some doubt in the mind of the County's landscape architect about the likely longevity of this tree screen even if the appeal were dismissed. I concur with that advice.
18. I conclude that the development of this site would cause a degree of harm in that it would inevitably result in a reduction in the extent of countryside and so a loss of its intrinsic character and beauty. The proposal would be contrary to Local Plan policy DS3, continued through Core Strategy policy OSS2, which seeks to confine the majority of development within settlement boundaries and Core Strategy policies OSS1(e) which recognises the intrinsic value of the countryside and EN1(v) which seeks the protection of open landscape between clearly defined settlements.
19. Nevertheless, the development of the site, on a ridgeline forming the upper third of the hillside would be consistent with a recognised key characteristic of the High Weald and so the harm would be limited and could be limited still further by matters to be considered at another time. Other elements of the Council's reasons for refusal such as its references to a high density, inward looking estate and invocation of Core Strategy policies OSS3, OSS4 and EN3 concern reserved matters which are not for consideration in this appeal.

#### *Setting of listed building*

20. To the west of the site, across an intervening field used as a paddock, sits Upper Barnhorn Manor, a listed building. It turns its back, comprising largely blank walls, towards the site. Its curtilage is separated from the intervening paddock by a flint wall without openings. This paddock, the appeal site and the site of Ashridge Court to the east were once a single field but now subdivided



by trees and hedgerows. Other than physical juxtaposition, there is no visible evidence of a functional relationship between this former farmhouse and this particular field.

21. The significance of this heritage asset is as historical evidence of the layout and disposition of a Sussex farmhouse of its time. There is also architectural interest of a vernacular nature. Although the site formerly comprised part of a field which juxtaposes the heritage asset and provides part of its visual setting when seen from a footpath in countryside to the south, it does not, unlike the immediate curtilage which forms the farmyard, contribute to an understanding of either of these elements of significance.
22. I therefore conclude that the development proposed in this appeal would cause no harm to the significance of this heritage asset. The proposal would therefore comply with Core Strategy policy EN2(iii) which requires development affecting the historic built environment to preserve the clear legibility of locally distinctive vernacular building forms and their settings.

#### *Living conditions*

23. Barnhorn Road carries a heavy volume of traffic. This creates noise which spreads over the site. An external noise environment exceeding World Health Organisation guidelines for moderate or serious annoyance<sup>5</sup> would be experienced by greater or lesser parts of the site. However, not all of the site is affected to an unacceptable degree and in any event this environment can be modified by noise barriers<sup>6</sup> to produce acceptable external living conditions and by the detailed design of buildings to provide acceptable internal living conditions. These details are not before me but there is no information to show that an acceptable solution cannot be achieved on site.
24. I therefore conclude that acceptable living conditions in terms of noise for potential future residents are capable of being achieved. The issue is not a bar to development but will need close consideration of reserved matters to ensure that the requirements of Core Strategy policies OSS3 and OSS4 are met. These require consideration of contamination, air quality and living conditions of future occupants amongst other matters.

#### *Highway safety*

25. Barnhorn Road is part of the A259 and carries heavy traffic. Third parties point out that the A259 as a whole has had the record of being the most crash-prone road in the UK in the recent past. However, the appellant points out that these incidents have occurred in other parts of the A259 where higher speeds are more prevalent. The accident record in the vicinity of the site is not out of the ordinary and speeds are generally below the 40mph limit imposed.
26. Traffic modelling suggests that, at peak hours, people driving cars and wishing to turn right out of the development might have to wait over a minute before securing a safe interval in the traffic flow. My informal site visit, prior to the hearing, took place at a busy time of day and did not suggest that the modelling was misleading. I have no reason to disagree with the Statements of Common Ground reached between the appellant, Highways England and East Sussex County Council as highway authority and therefore conclude that

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<sup>5</sup> Equal to British Standard BS8233 desirable and upper guideline values

<sup>6</sup> Including earth mounding, acoustic fencing, walls or buildings themselves used as noise barriers



highway safety would not be unacceptably affected by the development proposed. Condition (6) is necessary to secure the implementation of the access as approved.

*Housing supply*

27. The Council's annual average housing requirement is currently 525 dwellings. Its most recent Housing Land Supply analysis shows that it can claim a 3.44 year Housing Land Supply. This is agreed between the main parties. That same document claims that the expected provisions of the emerging Site Allocations plan and of Neighbourhood Plans will enable the Council to meet and exceed its Core Strategy target by 2027/2028.
28. That is approximately nine years into the future and in any event there can be no guarantee that all the allocations suggested in the emerging plan will be confirmed during examination or proceed to implementation. Moreover, the annual average housing requirement is expected to continue to rise until about 2023/4 as the Council continues to miss its target before falling abruptly towards the end of the plan period. That is the context within which the small contribution<sup>7</sup> towards alleviating the housing shortfall which this site could make must be evaluated. It therefore has a benefit over and above the benefit normally ascribed to the provision of housing in that it is available now, when the shortage is acute.
29. It is intended that the site should provide affordable housing meeting the Council's policy requirements. Condition (5) will secure this intention. That is also a benefit to be taken into account as the supply of affordable housing has also fallen short of Core Strategy expectations in parallel with the shortfall in the delivery of housing generally. But the Council has been achieving affordable housing as approximately 35% of all completions compared with 30% required by policy so there is no disproportionate benefit arising from the provision of affordable housing in accordance with policy in this case.

*Habitats Regulations Appropriate Assessment*

30. A little way to the south of the site is the area of the Pevensey Levels which is a designated Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Ramsar site. The site lies approximately 430m from the nearest boundary of these designations but within the SSSI impact zone and within the Pevensey Levels hydrological catchment area. The application of the Habitat Regulations was considered in paragraph 6.7.1 of the Council's Committee report and the need for an Appropriate Assessment effectively screened out as a result of assurances relating to mitigation measures to be secured by condition given by English Nature following consideration of the appellant's outline surface water drainage scheme and flood risk and drainage assessment report.
31. However, in April 2018 the Court of Justice of the European Union issued a judgment (colloquially known as "People over Wind") which effectively ruled that mitigation measures should be assessed within the framework of an Appropriate Assessment and that it is not permissible to take account of such mitigation measures at the screening stage. It follows that an Appropriate Assessment is necessary in this case as the likelihood of a significant effect on

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<sup>7</sup> About 5-6% of one year's requirement



the SSSI/SAC/Ramsar site without mitigation has been established through potential effects on its hydrology (impacts on water quality or quantity discharging from the site). Potential impacts in terms of Functional Land were eliminated during the Council's earlier screening and I agree with that finding.

32. In addition to the material submitted with the original application, on which English Nature previously commented, the appellant has also provided, specifically for this appeal, a Report to Inform a Habitats Regulations Assessment (including Appropriate Assessment) which has in turn been the subject of comment from Natural England. The following Appropriate Assessment draws on that material.
33. The Conservation Objectives for Pevensey Levels SAC are to ensure that its integrity is maintained or restored as appropriate and that the site contributes to the Favourable conservation status of its Qualifying Features by maintaining the extent and distribution, structure and function and supporting processes of the habitats of qualifying species, their population levels and distribution within the site. The qualifying species is the Lesser Whirlpool Ram's-horn Snail. It occurs in unpolluted calcareous waters where a dense aquatic flora is present. At present the conservation status of the SSSI is "unfavourable recovering". Natural England's Site Improvement Plan prioritises issues of inappropriate water levels, invasive species and water pollution.
34. The development proposal has the potential, either by itself or in combination with other sources to contribute to contaminated runoff reaching the protected site and also to changes in runoff rates as the result of impermeable surfaces. It could thus affect both water levels and water pollution and thus harm the Conservation Objectives of the protected site. Mitigation is therefore necessary to prevent these adverse effects, both during the construction phase and during the normal operation of the development on completion.
35. An Appropriate Assessment should be proportionate to the case. Because details of the quantity, appearance, landscaping, layout and scale of development are not submitted at this stage, precise details of mitigation measures cannot be specified now. Information provided by the appellant has established the principle that discharge of foul drainage to a public sewer and a two-stage Sustainable Drainage Scheme (SuDS) for surface water drainage could both reduce the run-off to pre-development levels and trap contamination arising from the site. In principle a Construction Management Plan could do the same for the construction period.
36. Neither of these measures is integral to the development nor would they be automatically included at reserved matters stage so the mitigation required at this stage is to secure the submission of these details at reserved matters stage and to secure that the development is to be carried out and subsequently operated in accordance with the details as approved at that stage. This can be done by conditions applied in allowing this appeal.
37. In so far as the proposed mitigation will be effective in avoiding any changes to water quality or quantity at the protected site, then it follows that this development cannot make more likely or more significant such effects in combination with any other plan or project. With conditions (7 (ix)) and (9) in place to provide mitigation, I conclude that there would be no adverse effect on the integrity of the Pevensey Levels SAC/Ramsar site arising from the development proposed.



### *Conditions*

38. Between them, the two main parties suggest that twenty-nine conditions would be necessary to make this development acceptable. I have considered these in the light of national Guidance and the model conditions attached to the otherwise now cancelled circular 11/95 *the Use of Conditions in Planning Permissions*, preferring the wording of the latter where appropriate.
39. Many of the suggested conditions are unnecessary or inappropriate at this stage because they relate to matters not before me but which would be submitted for consideration as reserved matters in any event or the need for the condition can only be seen once reserved matters are submitted. This includes suggestions related to noise, height, landscaping, tree planting, badger protection, materials, levels, external furniture, landscape management, car and cycle parking and internal access. Their omission at this outline stage should not be taken to mean that the developer has carte blanche in relation to those matters or that the provisions of the development plan would not fall to be considered at reserved matters stage.
40. In addition to conditions already canvassed in this decision letter, the first three conditions are required by law in connection with outline consents. Specification of the approved drawings in condition (4) allows the minor variation provisions of the act to be engaged. An archaeological condition (10) reflects the recommendations of the appellant's own Archaeological Assessment. Condition (12) is necessary because details of boundary treatment would not necessarily be provided through reserved matters and need to be considered by the Council to ensure that the character and appearance of the scheme would achieve the special character envisaged by its Core Strategy Landscape Assessment.

### *Conclusions*

41. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. This proposal both breaches and complies with different parts of development plan policies OSS3 and TR3 in that it would not fully qualify as a sustainable location in the sense that there would be a need to travel but that there would be a genuine choice of travel modes, and the development would promote sustainable travel modes that limit future car use. Conditions could make it compliant with some further development plan provisions but it would be in conflict with others, notably DS3, OSS2, OSS1(e) and EN1(v) which are seeking to minimise the impact of development on the countryside. Moreover, there are other material considerations, such as the effects on housing land supply, to be taken into account. There is, therefore, a balance to be struck.
42. The NPPF advises that decisions should apply a presumption in favour of sustainable development but to achieve sustainable development involves three overarching objectives which are interdependent. Although this scheme would help to ensure that sufficient land is available in the right time and the right place to support growth and would protect the designated natural and historic environment, I am not convinced that it is the right type of land in that it is greenfield, located in the countryside, and so would not fully meet the economic or environmental objectives of sustainable development. As it cannot be said to be sustainable development in all respects, the presumption



in favour of sustainable development cannot apply, even if it were not disapplied in this case by virtue of paragraph 177 of the NPPF which advises that the presumption does not apply where a development requires Appropriate Assessment.<sup>8</sup> The balance to be struck is therefore a balance with no presumption in favour.

43. I have concluded that the site would not fully qualify as a sustainable location but that there would be a genuine choice of travel modes, and the development would promote sustainable travel modes that limit future car use so that harm arising from its peripheral location would be moderated. There would be harm to the landscape character and appearance of the area but, as I have concluded, it would be limited. That same landscape effect would have some limited effect on the setting of a listed building but no harm to the significance of the heritage asset would ensue. Living conditions for future occupants of the site would require special measures to be made acceptable but those are readily achievable. There would be no unacceptable effect on highway safety. The benefits of housing provision would be small but at a time of local shortage likely to endure for up to a decade to come. It remains a government objective that the supply of homes is significantly boosted and so I conclude that this benefit is sufficient to outweigh the limited harm which would result from breach of those development plan policies which seek to protect the countryside and direct development to sustainable locations. I therefore allow the appeal.

*P. W. Clark*

Inspector

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<sup>8</sup> Applicable at the time of writing this decision, even though the government is consulting on a proposal to alter the provision.



## CONDITIONS

- 1) Details of the access within the site, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The access to the development hereby permitted shall be carried out in accordance with the following approved plans: Location plan 4377/LP dated November 2016 and Extent of Proposed Access plan 2016/3286/010 dated October 2018.
- 5) No development shall take place until a scheme for the provision of affordable housing as part of the development shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
  - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord involved;
  - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.

- 6) No other development shall take place until the highway improvements comprising the site access, visibility splays and right turn lane as shown in approved RGP drawing 2016/3286/010 dated October 2018 have first been provided for construction traffic use and no part of the development shall be occupied for its permitted use until all other highway improvements shown on the approved drawing including the footway extension and uncontrolled pedestrian crossing have been completed and made available for public use. The access shall be retained available for use thereafter.



- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - viii) delivery, demolition and construction working hours.
  - ix) The mitigation measures to protect the integrity of the Pevensey Levels SAC during construction specified in paragraph 5.2.1 of the Report to Inform a Habitats Regulations Assessment (including Appropriate Assessment) by Aspect Ecology reference 5524 HRA vf/DM/LB dated 29 October 2018.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 8) No site clearance, preparatory work or development shall take place until a scheme for the protection of trees to be retained on or overhanging the site (the tree protection plan) and the appropriate working methods in relation to those trees (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any protected area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
- 9) No development shall take place until details of both foul and surface water drainage shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling shall be occupied until the drainage works to serve the development have been completed and made operational. The drainage works shall be retained operational thereafter.
- 10) No development shall take place until the implementation of a programme of archaeological works has been secured in accordance with



a Written Scheme of Investigation, Analysis, Publication and Deposition which has first been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

- 11) No development shall take place (including any ground works and site clearance) until the translocation of protected reptiles to a receptor area identified in the layout to be submitted and approved as a reserved matter has taken place in accordance with the measures set out in section 3 of the Ecological Mitigation Statement by Camber Ecology dated April 2018 submitted with the appeal.
- 12) No development above ground level shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, height, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details. No dwelling shall be occupied until its boundary treatment has been completed.
- 13) No part of the development hereby approved shall be occupied until the Residential Travel Plan prepared by RGP dated November 2016, reference PKLG/16/3286/TP02, submitted with the application, has been brought into effect and retained thereafter together with a scheme for providing the Travel Plan Coordinator with funding in accordance with paragraph 5.1.3 of the Residential Travel Plan.
- 14) No dwelling shall be occupied until details of a scheme of electric vehicle charging infrastructure has been submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details.



## APPEARANCES

### FOR THE APPELLANT:

Jonathan Clay BSc LLB(Hons)	Of Counsel
Mike Pickup BA(Hons) MRTPI	Managing Director, Town & Country Planning Solutions
Angus Jeffery BSc(Hons)	Director, Landscape Visual
PHD(Cantab) CMLI	
Jonathan Edis BA(Hons) MA	Managing Director, Heritage Collective
PhD MCIfA IHBC	
Neil Rowe BSc (Hons) MCIHT	Director, Russell Giles Partnership Ltd
Nathan Gregory BSc(Hons) MSc	Acoustic Consultant, Southdowns Environmental Consultants Ltd
MIOA	

### FOR THE LOCAL PLANNING AUTHORITY:

Nichola Watters	Planning Policy Team Leader, Rother DC
Jo Edwards BA(Hons) MRTPI	Major Applications and Appeals Manager, Rother DC
Virginia Pullan CMLI	Landscape Architect, East Sussex CC
Amy Fearn BSc(Hons)	Affordable Housing Officer Rother DC

### INTERESTED PERSONS:

Diana Hughes	Local resident
June Levell	Local resident

## Additional DOCUMENTS submitted at hearing

- 1 Copy of letter from Council to Inspectorate dated 18 September 2018
- 2 Drawing 2016/3286/010
- 3 Statement of Common Ground agreed between Rother District Council and Park Lane Homes (SouthEast) Ltd
- 4 Response to Hearing Agenda by RGP
- 5 Five prints of computer responses to travel searches
- 6 Landscape and Visual appraisal photomontages
- 7 Responses to the Appellant's Report to Inform an Appropriate Assessment