

Our ref: PE/00259/2023

Please ask for: Mrs. Aysegul Olcar-Chamberlin

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Date: 18th January 2024

Sent by email only: helencbroadview@btinternet.com



Lorna Ford
Chief Executive

Town Hall
Bexhill-on-Sea
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Dear Ms Helen Cummins,

Reference	PE/00259/2023
Proposal	Redevelopment of land adjacent to Broadview for residential development (option 1: 1 x two storey Sussex style house and 1 x a small bungalow, option 2: 7 x bungalows or chalet bungalows within self-built plots and option 3: redevelopment of the site up to 15 units including 50% affordable housing) and removal of stables and equestrian facilities.
Address	Land adjacent to Broadview, Heathfield Road, Burwash, TN19 7HN

Please find below the officer's review following the discussion of the various residential development options during the pre-application meeting:

Site Constraints:

The site is outside the defined boundaries of any settlement area and located behind the ribbon development (containing varying style and size dwellings within generous plots) on the north side of Heathfield Road between Burwash Development boundary and Burwash Weald Development Boundary. The site accommodates a detached 3 bed bungalow (Broadview) with 2 bed attached annex surrounded by equestrian facilities and open fields. The access to the bungalow is via a long driveway off Heathfield Road (the A265). The top half of the west side site boundary joins to an ancient woodland. There is a petrol station to the south of the side.

The site is within the High Weald Area of Outstanding Natural Beauty (AONB), SSSI Impact Risk Zone, Great Crested Newts Amber Zone and flood risk zone 1 (low probability of flooding from rivers or the sea).

The site is approximately 320m to the west of the development boundary of Burwash.

Relevant Policies:

1. Rother Local Plan Core Strategy 2014 (CS): Policies OSS1, OSS2, OSS3, OSS4, RA2, RA3, CO6, LHN1, LHN2, EN1, EN3, EN5TR3 and TR4
2. Development and Site Allocations Local Plan 2019 (DaSA): Policies DRM1, DCO2, DHG1, DHG2, DHG3, DHG4, DHG6, DHG7, DHG11, DHG12, DIM1 and DIM2
3. Burwash Neighbourhood Development Plan 2020-2028 (BNDP): Policies GP01, GP03, GP04, GP06, EN02, EN04, EN05, IN01, IN02
4. High Weald AONB Management Plan
5. High Weald Housing Design Guide
6. National Planning Policy Framework 2023 (NPPF): Paragraphs 8, 11, 12, 60, 69, 71, 83, 114, 115, 116, 117, 123, 128, 131, 135, 136, 180, 182, 183 and 186.

Relevant Planning History:

RR/2009/3183/P – Alteration to existing stable building and proposed menage. Approved on 11.02.2010. This permission has not been implemented.

RR/2009/2598/P – Removal of existing bungalow roof & formation of first floor accommodation partly within the new roof structure, dormer windows, erection of side single storey extension, velux windows, internal alterations, replacement of some windows, new drainage plant and removal of outbuilding. Approved on 15.01.2010. This permission has not been implemented.

RR/2009/1801/P – Erection of dwelling to replace existing bungalow and outbuilding. Approved on 17.09.2009.

RR/2006/1364/P – Erection of a two-storey dwelling to replace existing bungalow and outbuilding. Approved on 26.06.2006.

RR/2005/193/P – Change of use of existing domestic building to holiday accommodation with garaging. Approved on 21.03.2005.

RR/2003/1658/P – Change of use of storage building to dwelling. Refused on 28.08.2003. In summary, reasons for refusal:

1. The creation of additional dwelling would have a detrimental impact on the character of the rural area.
2. The proposal fails to protect the character of the AONB.

RR/2000/1566/P – Change of use and conversion of redundant workshop and store to dwelling with vehicular access. Refused on 10.10.2000. In summary, reasons for refusal:

1. The creation of an additional dwelling together with its attendant elements of domesticity in the countryside would have a detrimental impact on effect on the character of the rural area.
2. The proposal would harm the rural character of the High Weald AONB.
3. The proposal would not make a valuable contribution to the rural scene to justify the development of the countryside location.

RR/94/1233/P – Outline: Proposed two bedroom bungalow. Refused on 16.08.1994. In summary, reasons for refusal:

1. In the countryside only dwellings which are essential for the running of an enterprise will be permitted. Agricultural or forestry necessity of the proposed dwellings has not been satisfactorily established.

2. The site is outside the defined development boundaries and therefore countryside protection policy applies.
3. The proposal would cause harm to the rural character of the area.
4. The proposal would result in an intensification of use of an existing access road which is substandard in width at its junction with a major distributor route (A265).

Main Issues

The main issues are the impact of the proposal on the rural character of the AONB and suitability of the site for a residential development due to its countryside location. The shortfall in the Council's 5 year housing land supply also needs to be taken into consideration.

Principle of Residential Development

Policies OSS2, and OSS3 of the CS and policy DIM2 of the DaSA require new development to focus within defined settlement boundaries and allocated sites.

As the site is within the countryside policy RA2 (iii) of the CS is relevant and states that new development should be strictly limited to that which supports local agricultural, economic or tourism needs and maintains local character. Furthermore, policy RA3 (iii) of the CS states that new dwellings will be allowed in the countryside in extremely limited circumstances and sets the criteria for such development. According to the criteria, the dwellings need to support farming and other land-based industries and it needs to be demonstrated that the functional need for workers of these industries cannot be fulfilled by other existing accommodation in the area, etc.

Policy RA2 sets out the overarching strategy for the countryside outside the main confines of villages, including:

- (iii) strictly limiting new development to that which supports local agriculture, economic or tourism needs and maintains or improves the rural character.
- (viii) generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.

Paragraph 12 of the NPPF states:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Paragraph 83 of the NPPF states:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will

support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”

Although the shortfall in the Council’s 5 year housing land supply is a significant consideration, the site is in the AONB which is afforded the highest status of protection by paragraph 182 of the NPPF requiring that great weight to be given to conserving and enhancing landscape and scenic beauty in AONBs.

Policy DHG2 of the DaSA states that in exceptional circumstances, planning permission may be granted for small scale residential development outside development boundaries to meet a local housing need for affordable housing in rural areas and sets the following criteria for such development proposal:

- i) it helps to meet a proven local housing need for affordable housing in the village/parish, as demonstrated in an up-to-date assessment of local housing need;
- ii) it is of a size, tenure, mix and cost appropriate to the assessed local housing need;
- iii) it is well related to an existing settlement and its services, including access to public transport;
- iv) the development is supported or initiated by the Parish Council;
- v) The local planning authority is satisfied that the identified local housing need cannot be met within the settlement development boundary; and
- vi) The development does not significantly harm the character of the rural area, settlement or the landscape, and meets other normal local planning and highway authority criteria, in line with other Council policies.

In order the site to be considered as a rural exception site the greater proportion of the proposed dwelling needs to be affordable. That also requires working with the Parish Council or another local group to determine the local affordable housing need including the needs for shared ownership and social or affordable rent in the area. The impact of the proposal on the landscape character of the AONB and the sustainability of the site location in terms of accesses to services and sustainable transport modes would still be given a great weight.

It is unlikely that the Council will support a proposal for a market housing in this location. Any form of affordable housing proposals needs to fulfil the requirements of policy DHG2 of the DaSA and does not endanger highway safety and pedestrian safety.

Impact on the AONB and Biodiversity

Policy EN1 provides for the protection, and wherever possible enhancement, of the district’s nationally designated and locally distinctive landscapes and landscape features including (i) the distinctive identified landscape character, ecological features and settlement pattern of the AONB and (v) open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes.

The site slopes down from the road to the north and adjoins an area of ancient woodland to the west. It forms part of an Early Post-Medieval fieldscape and is exposed long landscape views to the north and visible among gaps between the trees and hedges along the A265. The historic development pattern of this part of the AONB is characterised by ribbon developments between the undeveloped fields alongside the roads and lanes. Even a modest scale residential development in this

location can significantly impact the character and appearance of the AONB as the development of the open fields within the site would be an encroachment into the countryside. This could potentially harm the rural landscape character of the AONB.

The proposals would also impact biodiversity and habitats for protected species if they are present on the site and its surroundings. In the absence of an ecology assessment, the impact of the proposals on the biodiversity and potential presence of protected species cannot be determined.

Access and Highway Safety

Policy CO6 of the CS requires new development to provide a safe physical environment facilitated by safe streets and pedestrian routes and appropriate level of lighting and not to prejudice road and pedestrian safety.

Policy TR3 of the CS requires new development to minimise the need to travel and support good access to employment, services and community facilities as well to ensure adequate, safe access arrangements. Subsection (i) of this policy requires design and layout of new developments to prioritise the needs of pedestrians, cyclists and minimise distance to local public transport nodes.

There is no footway on the north side of the A265 and there are vehicular accesses to the adjoining sites on either side of the driveway leading to the site. The footway is on the other side of the A265. The location of the site could be discouraging for walking and cycling to the nearby services and facilities. Any residential development on this site is likely to heavily rely on cars for transportation. Without the benefit of consulting ESCC Highways it is not possible to give a definite answer whether the site location is sustainable for a residential development in terms of access to sustainable transport modes.

Option 1:

This option would involve erection of a larger Sussex style house and a smaller bungalow on the open land to the west side of Broadview and would result in subdivision of the site into three plots. The proposed dwellings would be accessed via the existing long driveway and would have their own car parking spaces. No detailed design of the proposed dwellings were provided with this enquiry.

In addition to the relevant local plan policies mentioned above, policy GP01 of the BNDP aims to protect the landscape views into and out of the AONB and enhance the landscape character of the AONB and sets criteria for development within the AONB or its settings.

Although option 1 appears to impact the rural character and appearance of the area in less than the other options it should be noted planning applications for even one additional dwellings on this site were refused in the past due their harmful impact to the rural character and appearance of the AONB.

During the pre-app discussions a reference made to an old application for 2 x holiday lets on this site (ref: RR/2005/193/P). The reason the Council approved this application was that it involved conversion of the existing buildings with sympathetic external alterations for tourism purposes. The impact of additional residential dwellings on this site would have a greater impact than that of the schemes involving conversion of the existing buildings on the character and appearance of the area.

The application site is open to long views and proposed dwellings would be on the undeveloped open field therefore they are likely to harm the rural character and appearance of the AONB. If the harm caused to the character and appearance of the AONB cannot be mitigated the Council is likely to support option 1.

Option 2:

This option involves erection of 7 bungalows and chalet bungalows with 3-4 bedrooms to the land to the west of Broadview. The proposed dwellings would have eco aspects including heat source pumps and solar aspects. They would be open market housing with secured option for villagers, or those with a family or employment connection to be priority.

It is unlikely that the Council will support a market housing development on this location as it is in the countryside in the AONB. The proposed development would be open to long views and would result in urbanisation of the rural landscape. This would harm the rural character of this part of the AONB. Furthermore, the High Weald Design Guide discourages dead end / cul-de sac arrangements as they are in common in the High Weald AONB.

This option will also trigger affordable housing contribution. Policy DHG1 of the DaSA requires 40% on-site affordable housing contribution for schemes of 6 dwellings or more (or 0.2 hectares or more) in the rural areas in the High Weald AONB.

The layout of the proposed development would be contrary to the High Weald Design Guide. This option would also be contrary to aims of policies OSS2, OSS3, OSS4, DIM2, RA2 and RA3 of the CS and policies DHG1, DEN1, DEN2 and DEN4 of the DaSA.

Option 3:

This option involves a major residential development up to 15 units including 50% affordable housing contribution. No details of this proposal was provided in the submitted pre-application document and the fee paid for the pre-application is for 2-9 dwellings.

During the pre-application meeting, providing these plots for self-build and custom housebuilding option was also discussed. Self-build or custom build homes provide diversity to the housing market and increase consumer choice. However, they do not automatically come under the definition of affordable housing.

Annex 2 of the NPPF describes 'affordable housing' as housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is essential for local workers).

According to the central government's advice self-build or custom build housing can be delivered as affordable housing subject to proposed developments meet the wider criteria, and self-commissioned schemes can access Affordable Homes Programme funding. The Council expects developers/landowners to work in partnership with a recognised Housing Association or alternative registered affordable housing provider or this type of housing to be built under shared-ownership.

Policy DHG6 of the DaSA states that the Council will support self and custom housebuilding projects subject to compliance with other relevant Local Plan policies. The impact of any self-build or custom build housing schemes on the rural character and appearance of the area would be given a great weight.

As mentioned in the principle of residential development section above the Council is unlikely to support a scheme which has higher proportions of market housing and does not fulfil the criteria under policy DHG2 of the DaSA.

Paragraph 183 of the NPPF states:

“When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and

c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”

Policy DEN2 of the DaSA also states that development within the High Weald AONB should be small-scale, in keeping with the landscape and settlement pattern; major development would be inappropriate except in exceptional circumstances.

Conclusion

Consequently, without the justification for the suitability of the site for housing under the relevant policies mentioned above, any of the residential development options would be unacceptable in principle due to the countryside location of the site and harm to the rural character of the AONB.

As no details of the proposed dwellings were provided, no assessment for the design has been made.

Recommendations:

- You are advised to work with the Parish Council or another local group to justify why exceptional circumstances apply to this site and determine the local affordable housing need including the needs for shared ownership and social or affordable rent in the area.
- Any future application needs to be accompanied by an ecology assessment and landscape visual impact assessment.
- No development including the gardens of the new dwellings should be located within 15m ancient woodland buffer zone.
- In terms of viability of affordable housing development proposals with a smaller proportion of market housing in this location you need to seek advice from a qualified financial viability assessor.
- You are advised to make use of ESCC Highways pre-application service before making a full application for any of the options.
- You are advised to consider High Weald Housing Design Guidance.

This advice is given at officer level having no regard to any statutory and other consultee responses and does not prejudice to the determination of any subsequent planning application by the local planning authority.

Yours sincerely

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Senior / Principal Planning Officer
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