

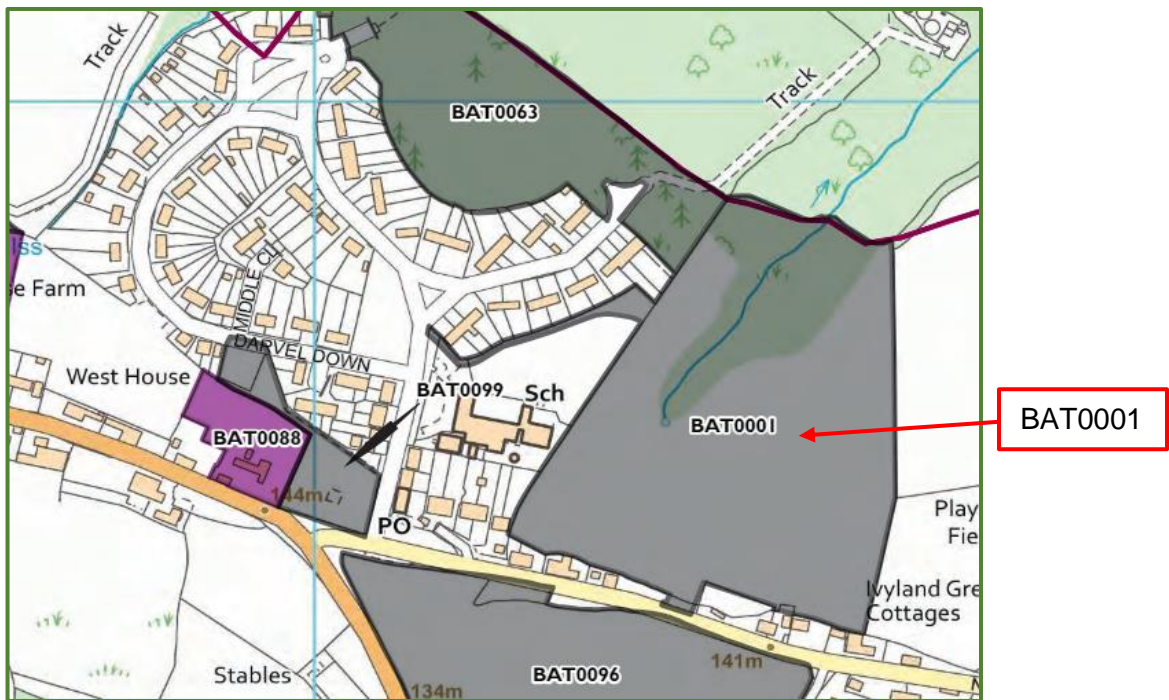
Rother District Council
Planning Policy Department
Town Hall
London Road
Bexhill-on-Sea
TN39 3JX

July 2024

**Rother Draft Local Plan Regulation 18 Consultation
Support for Site BAT0001 - Support for Land east of Darvel Down Site A,
Netherfield**

1) Introduction

- 1.1 This representation document promotes a site as part of the draft Rother Local Plan (2020 – 2040), which is known as Darvel Down Site A, Netherfield. It was assessed within the Council’s Housing and Economic Land Availability Assessment (April 2024), although at that time it was considered unsuitable for residential development. In response to this, further assessment work has been undertaken by the Landowner, in respect of an associated indicative scheme that has been produced to address these concerns which is explained in this report.
- 1.2 The site was given the reference ‘Site ID BAT0001’ in the HELAA and is referenced as ‘The Site’ throughout this Statement. The Assessment Map for Netherfield and the Site Assessment Sheet for Site ID BAT0001 from the HELAA are reproduced in **Appendix 1**. An extract from Assessment Map 3.5 showing The Site’s location is provided below;



- 1.3 The Council's assessment of BAT0001 in the HELAA is provided below;

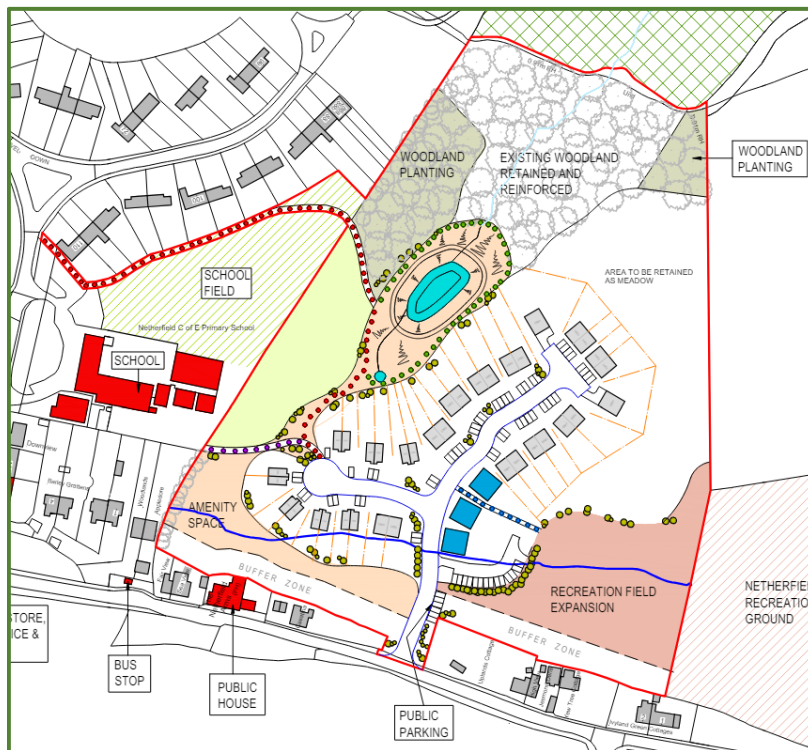
The site comprises a section of open field and a wooded area to the east of residential development at Netherfield. It is a large site, and its development would represent a significant extension to Netherfield. It is sensitive in landscape terms, occupying a highly exposed, ridgetop position. Development would appear prominent and have an urbanising impact, harming the landscape and character of the High Weald National Landscape, an AONB, and the rural setting of Netherfield. Additional constraints include the impact on trees within the site and adjoining ancient woodland, and potential access difficulties, the site being located adjacent to a narrow road with no footways or accessed via a residential cul-de-sac. The site has been subject to two recent dismissed appeals for residential development.

- 1.4 Following this assessment, the Landowner has commissioned a Landscape and Visual Technical Note in relation to an illustrative masterplan, in order to address the concerns relating to visual and landscape impact. This is explained in detail in Section 3 of this Statement.

2) Background to the site

- 2.1 Part of the site was the subject of two dismissed appeals in July 2018. Both outline schemes were for up to 48 dwellings. The appeal references were 3177298 (Appeal A) and 3188117 (Appeal B). The two illustrative site layout plans and the Appeal Decision are reproduced in **Appendix 2**.

Illustrative site layout plan – Appeal A



Illustrative site layout plan – Appeal B



- 2.2 The appeal decisions considered two main planning issues; these being whether the development would be well-related to Netherfield in respect of form and function and also the impact upon the character and setting of the High Weald Area of Outstanding Natural Beauty [now National Landscape].
- 2.3 Regarding the relationship with the village, the main consideration was the proposed pedestrian links from the site to the village. This included one pathway from the site directly to Netherfield Primary School, for pupils only. The second was a pedestrian and cycle pathway from the north western part of the site to Darvel Down.
- 2.4 The footpath link to the primary school was considered to represent 'a strong functional connection' to the village, albeit it was limited to this specific purpose. It was considered that the second pedestrian and cycle link would 'not provide a particularly direct or attractive route between the site and Darvel Down' and as such, it was considered that residents would either try and use alternative routes or drive. Therefore, it was considered that the site would 'remain self-contained and separate' from the village and would not be well-related in form or function. As such, the appeals were partly dismissed on this ground.
- 2.5 Regarding the impact upon the character and setting of the AONB, the main issue was the impact upon longer distance views to the north east of the site. It was considered that 'from the nearest public viewpoint at Mountfield Court, the existing development on the ridge at Netherfield can be clearly seen with the open pasture comprising the

southernmost part of the appeal site behind it'. The part of the site in view was considered to make a significant contribution to the AONB [National Landscape].

2.6 In the detailed assessment on this matter, the Inspector stated the following;

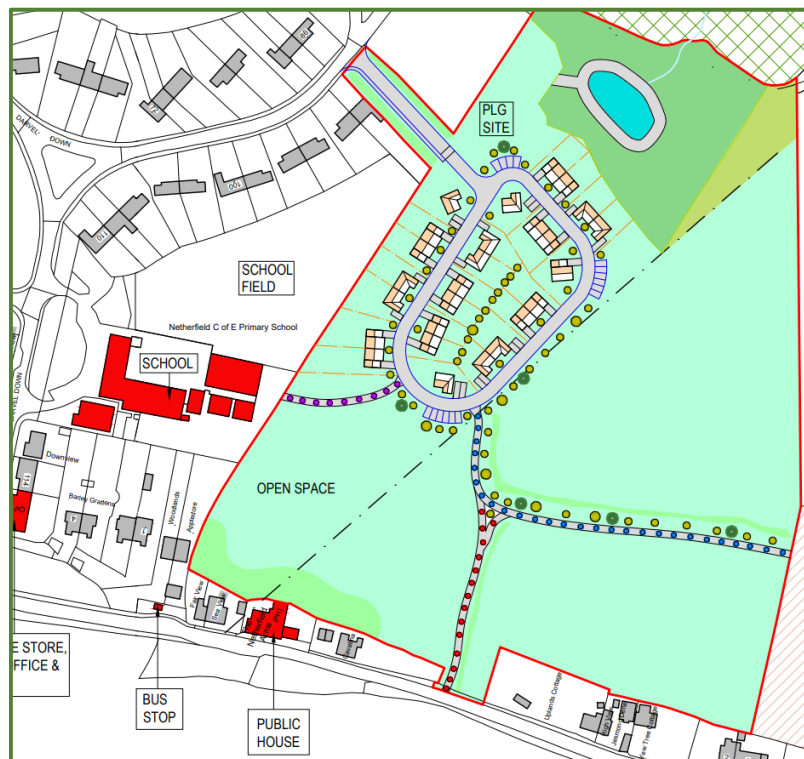
Notwithstanding that the proposed new housing on the appeal site would sit below the buildings on the ridge and that it would, in time, be interspersed by trees and other landscaping, the depth of the development would detract from the linear form along the ridge. This would be even more apparent from Mountfield Court than it would be in Netherfield Road itself. The very presence of development, whether or not screened by trees, would also clearly negate the contribution of the site to the mosaic created by open fields, hedges and woodland. Whilst certain parts of the AONB might be characterised by wooded ridgetop settlements, this is not the case in this particular locality where the only residential development visible in addition to that along the ridge is a few relatively isolated large dwellings. Darvel Down is completely hidden as a result of its topography and relationship with the adjacent woodland.

2.7 As such, the appeals were dismissed on these two grounds.

3) Alternative proposed scheme

3.1 To address the previous planning issues raised on both appeals, a materially different scheme of up to 26 dwellings on a different part of the site is now proposed, which is outlined below and reproduced in **Appendix 3**.

Illustrative layout for alternative proposed scheme for consideration



- 3.2 The amended site layout proposes an alternative vehicular access off the south eastern side of Darvel Down, which would provide a more direct link to the village. The built form would be limited to the north western corner of the site, resulting in a significant reduction in visual impact from the longer distance views from Mountfield Court.
- 3.3 The layout is purely illustrative, but it shows how improved permeability could be created beyond the site, with footpaths to both Netherfield Road to the south and Netherfield Recreation Ground to the south east. The pupil footpath to the Primary School would remain.
- 3.4 As such, it is considered that the previous concerns could be sufficiently addressed, sufficient for this site to be considered as a draft site allocation at the next stage of the draft Local Plan consultation. The case for this is explained in more detail in the following section.

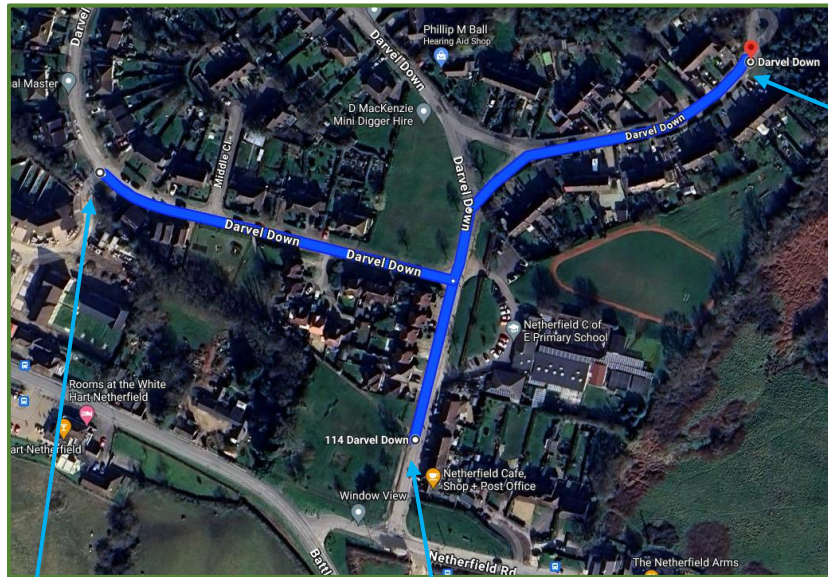
4) Grounds of The Site being allocated for housing development

- 4.1 It is considered that The Site is available, achievable and deliverable for up to 26 dwellings and this section sets out the material planning policy and other considerations in favour of The Site being r a draft site allocation at the next stage of the draft Local Plan.

i) Sustainable relationship to the village

- 4.2 As referenced, the alternative scheme would be to provide a vehicular access directly onto Darvel Down, which would be achieved by demolishing three properties which is under the ownership of the landowner. This would provide residents with a much more direct route to the services and amenities in the village, such that the maximum walking time for all residents to the centre of the village would be just 5 minutes or 0.3 miles, with those at the northern part of the scheme being just three minutes. This would ensure that the services are easily within walking distance, unlike the previous appeal schemes. Indeed, the walking route would be either a shared surface or a pavement for the duration of the route, as opposed to a pathway previously proposed. The link to the primary school would remain. As such, this alternative scheme would represent a material improvement compared to the previously dismissed appeals and would now be much better related in both form and function in the village.
- 4.3 Indeed, the junction between the proposed site entrance and Darvel Down would be a virtually identical distance to the village centre as the recently approved 25 unit scheme (known as Land at Darvel Down) recently approved on the south eastern side of the village (permission nos. RR/2017/2308/P and RR/2019/921/P), as shown by the Google Maps extract overleaf.

Extract from Google Maps showing the comparison between The Site and the Darvel Down development © Google Maps



Entrance to Darvel Down site

Village centre

Entrance to The Site

- 4.4 The Darvel Down site was considered to be acceptable in accessibility terms, as confirmed by the Officer Report for permission no. RR/2017/2308/P, which states that;

Accessibility

The closest bus stops to the site are located on Netherfield Road approximately 350m from the site access. Bus services are very limited and do not provide a useable alternative to private car for most residents of the village. The facilities and services available in the area are limited although they do include a primary school, post office/convenience store and two pubs/restaurants. These facilities are within walking distance of the site and a good pedestrian route is available.

Taking the above observations into account the site is not considered to be ideally located from an accessibility perspective; however, with a post office, a primary school and pub/restaurants in relatively close proximity the proposal could not be refused on accessibility grounds.

- 4.5 The illustrative site layout plan from permission no. RR/2017/2308/P and the Officer Report are reproduced in **Appendix 4**.

4.6 As such, in the interest in consistency the newly proposed access route should now be considered to provide suitable accessibility into the village.

4.7 Furthermore, the previous appeal decision at This Site considered that the previous schemes would have benefits from the creation of 'publicly accessible open space' and also a footpath link from Darvel Down across the site to Netherfield Recreation Ground to the east, stating that;

The route provided by the combined foot/cycle path considered under Main Issue 1 would also provide an off-road option for existing residents of Darvel Down to access the recreation ground and village hall at the eastern end of the village. Notwithstanding my findings about the value of this path as a functional link between Darvel Down and the appeal site, this would be of benefit, particularly to those residents without a car. The route might also be attractive for recreational purposes for those wishing to walk in the countryside.

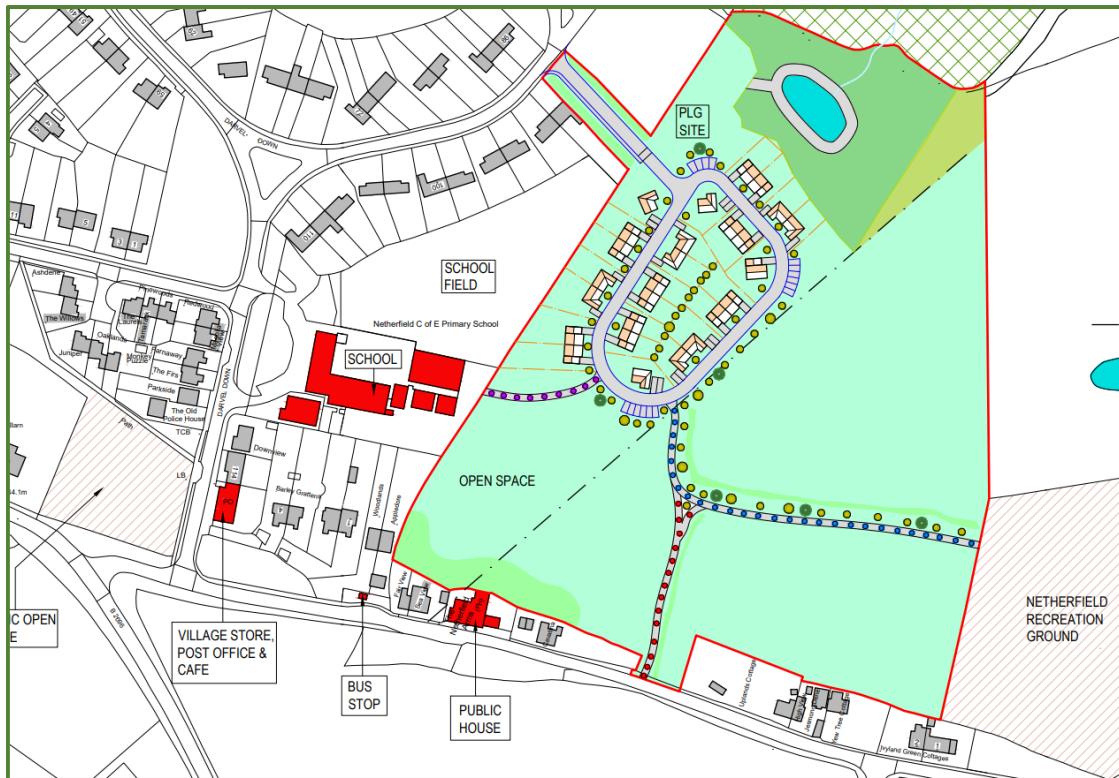
4.8 The amended layout would provide a more direct, off-road route for residents of Darvel Down (and other residents in the village) compared to the previous schemes and thus, it would result in an increased benefit. The reduced quantum of the scheme would also provide scope for increased public open space.

4.9 For reference, the pedestrian links to the village for the previous scheme for Appeal B and the alternatively proposed layout are compared overleaf.

Illustrative site layout plan – Appeal B



Illustrative layout for alternative proposed scheme for consideration



- 4.10 The second main planning issue raised in the recent appeal dismissals was the impact upon the character and setting of the High Weald National Landscape. It was considered that the impact upon long reaching views from Mountfield Court in particular, would result in landscape harm. This was primarily due to the built form being largely at the southern part of the site, at the highest and most prominent land level.
- 4.11 As such, the Landowner has commissioned an updated Landscape and Visual Technical Note (LVTN), which has re-assessed the views from Mountfield Court, amongst other key viewpoints. The LVTN and its Appendices are reproduced in **Appendix 5**.
- 4.12 This Assessment concluded that the relocation of the housing to the north western part of the site would substantially reduce landscape and visual effects compared to previous schemes on this site. The site would also be closely aligned with the existing Darvel Down estate which the appeal Inspector stated is 'completely hidden as a result of its topography and relationship with the adjacent woodland'. The land on the remainder of the large site would create the opportunity for extensive landscape planting and biodiversity improvements as part of the proposed layout.
- 4.13 Local views to the proposed housing as shown on the new masterplan would be limited, arising primarily from nearby receptors, including the recreation ground to the east, some houses on Netherfield Road to the south and the directly adjacent Darvel Down estate. The new masterplan ensures a substantial offset from houses on the ridgeline that follows by Netherfield Road, thereby preserving the broad views from that area.
- 4.14 Wider landscape views, assessed through a detailed zone of theoretical visibility analysis and a photomontage prepared from near Mountfield Court, indicate extremely limited visibility of housing as set out on the new masterplan. This is due to the new housing being positioned in the western part of the site, at a lower level in relation to the ridgeline at Netherfield Road and next to large areas of woodland and hedgerows (the same area of woodland that restricts views towards Darvel Down).
- 4.15 Overall, it is considered that the alternative scheme could be designed to conserve the landscape setting of the High Weald National Landscape, with any minimal and localised harm being outweighed through the delivering of much-needed housing on the site together with the potential for sympathetic landscape planting and biodiversity improvements.
- ii) No impact upon neighbouring dwellings**
- 4.16 The site would be sufficiently distanced from any neighbouring dwellings. There would also be a sufficient separation distance from the access road to the closest property to the south adjacent to the site entrance, which can be mitigated by new landscape planting and fencing.

iii) Other matters

- 4.17 The Site is located entirely within Flood Zone 1.
- 4.18 There are no tree preservation orders on The Site. All built form (including the access road) would be at least 50m from the ancient woodland on the northern part of The Site. The site layout would be outside of the priority habitat on the northern part of The Site.
- 4.19 The retention of the vast majority of The Site would present an opportunity for comprehensive landscape strategy that could achieve a significant biodiversity net gain.

5) Summary

- 5.1 Overall, this Statement has demonstrated that The Site is available, achievable and deliverable for approximately 26 dwellings, a net gain of approximately 23 dwellings.
- 5.2 Although there have been two recently dismissed appeals on the site, the development proposed in those cases were at the southern part of the site, which is the most prominent in surrounding views. Walking distances from all new houses were proposed via an indirect footpath.
- 5.3 By comparison, the alternative scheme proposed would be at the north western part of the site, obscured from long distance views from Mountfield Court which was a key reason for the recent appeals being dismissed. Equally, all residents would be within a short walking distance of Darvel Down, along either a shared surface or pavement, which promotes walking and cycling significantly more than the previously proposed schemes.
- 5.4 There would be no harmful impact upon residential amenity and the scheme can be designed to be acceptable in all other respects.
- 5.5 Overall, it is considered that the previous reasons for the two appeals on the site being dismissed can be fully addressed by the amended scheme. As such, for the reasons stated The Site should be taken forward as a draft site allocation for up to 26 dwellings at the next draft Local Plan stage.