

Report to	-	Planning Committee
Date	-	13 September 2018
Report of the	-	Executive Director
Subject	-	Planning Applications

Head of Service: Tim Hickling

Planning Committee Procedures

Background Papers

These are planning applications, forms and plans as presented in the agenda, pertinent correspondence between the applicant, agents, consultees and other representatives in respect of the application, previous planning applications and correspondence where relevant, reports to Committee, decision notices and appeal decisions which are specifically referred to in the reports. Planning applications can be viewed on the planning website <http://www.rother.gov.uk/planning>

Planning Committee Reports

If you are viewing the electronic copy of the Planning Applications report to Planning Committee then you can access individual reported applications by clicking on the link ([View application/correspondence](#)) at the end of each report.

Consultations

Relevant statutory and non-statutory consultation replies that have been received after the report has been printed and before the Committee meeting will normally be reported orally in a summary form.

Late Representations

Unless representations relate to an item which is still subject to further consultation (and appears on the agenda as a matter to be delegated subject to the expiry of the consultation period) any further representations in respect of planning applications on the Planning Committee agenda must be received by the Head of Service Strategy and Planning in writing by 9am on the Monday before the meeting at the latest. Any representation received after this time cannot be considered.

Subject to the previous reference to delegated items late petitions cannot be considered in any circumstance, as petitions will only be accepted prior to publication of the agenda in accordance with the guidance on submitting petitions found at <http://www.rother.gov.uk/speakingatplanningcommittee>

Delegated Applications

In certain circumstances the Planning Committee will indicate that it is only prepared to grant/refuse planning permission if/unless certain amendments to a proposal are undertaken or the application is subject to the completion of outstanding or further consultations. In these circumstances the Head of Service Strategy and Planning can be delegated the authority to issue the decision of the Planning Committee once the requirements of the Committee has been satisfactorily complied with. A delegated decision does not mean that planning permission or refusal will

automatically be issued. If there are consultation objections, difficulties, or negotiations which cannot be satisfactorily concluded, then the application will be reported back to the Planning Committee or reported via the (internal electronic) Notified D system as a means of providing further information for elected Members. This delegation also allows the Head of Service Strategy and Planning to negotiate and amend applications, conditions, reasons for refusal and notes commensurate with the instructions of the Committee.

Applications requiring the applicant entering into an obligation under section 106 of the Town & Country Planning Act 1990 (as amended) are also delegated.

Order of Presentation

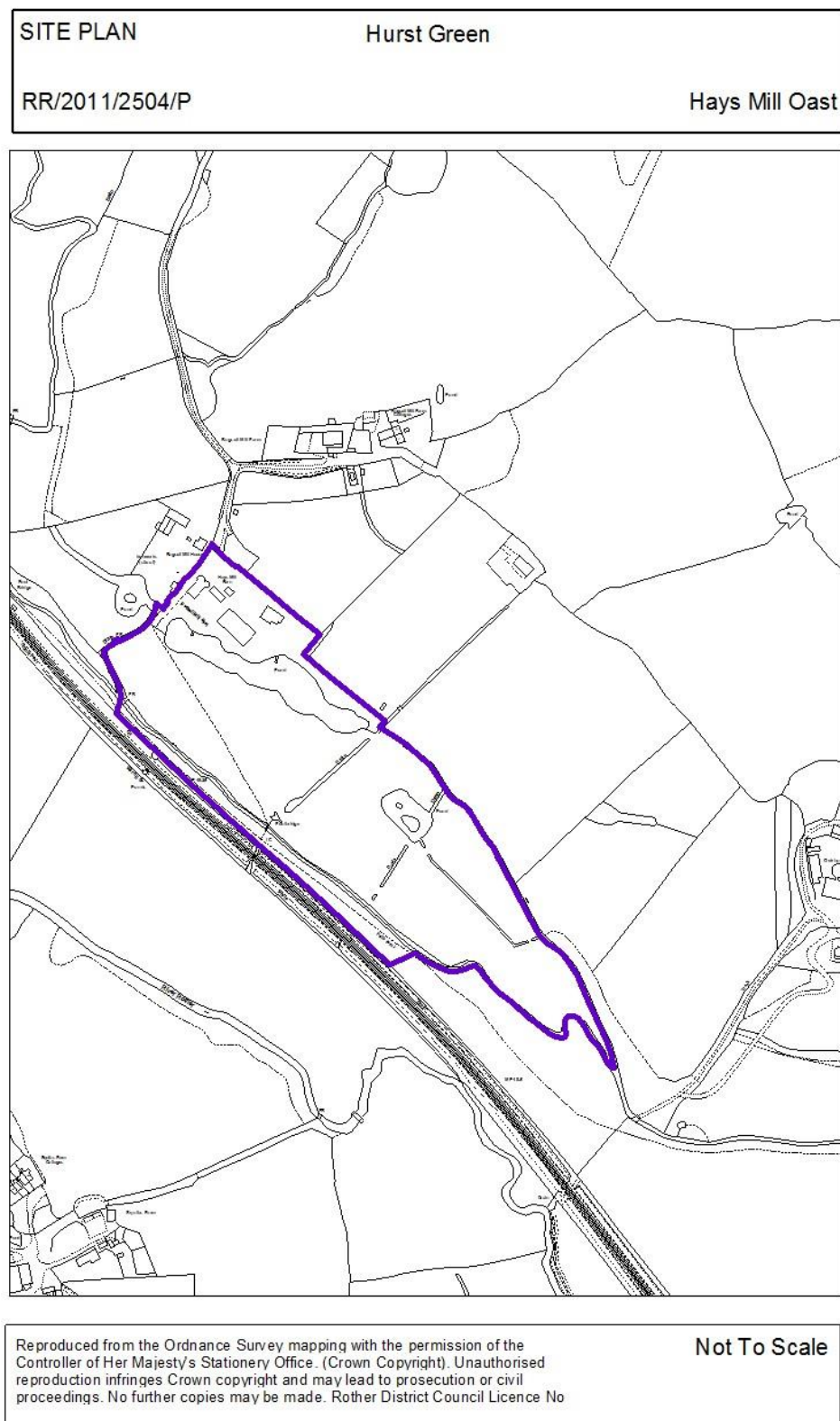
The report on planning applications is presented in the following order as shown below:

6.1 APPLICATIONS ATTRACTING A PETITION (PUBLIC SPEAKING)

REFERENCE	PAGE	PARISH	SITE ADDRESS
<u>RR/2011/2504/P</u>	4	HURST GREEN	Hays Mill Oast

6.2 ALL OTHER APPLICATIONS

REFERENCE	PAGE	PARISH	SITE ADDRESS
<u>RR/2018/1062/P</u>	19	BECKLEY	Coach House – Land adjacent to, Main Street
<u>RR/2018/1580/P</u>	29	CATSFIELD	Skinner's Lane – Land at
<u>RR/2018/1815/P</u>	41	BEXHILL	Bexhill Sea Angling Club, De La Warr Parade
<u>RR/2018/1585/P</u>	51	BEXHILL	16 Terminus Road, West Station Goods Yard
<u>RR/2018/1661/P</u>	56	TICEHURST	Downash House, Unit 5 The Old Oast, Rosemary Lane
<u>RR/2018/1662/L</u>	56	TICEHURST	Downash House, Unit 5 The Old Oast, Rosemary Lane
<u>RR/2018/1881/P</u>	64	TICEHURST	Cottenden – Land at, Battenhurst Road



RR/2011/2504/P

HURST GREEN Hays Mill Oast

Variation/removal of Condition 2 imposed on RR/2005/2745/P to permit rental of building as a separate dwelling house

Applicant: Mr M. Salliss and Mrs H. Salliss
Agent: Robinson Escott Planning LLP (Mr R. McQuillan)
Case Officer: Mr M. Cathcart (Email: mark.cathcart@rother.gov.uk)
Parish: HURST GREEN
Ward Members: Councillors G.S. Browne and Mrs S.M. Prochak

Reason for Committee consideration: Head of Service Strategy and Planning referral: Planning Committee previously considered this undetermined application in 2012

Statutory 8 week date: 26 January 2012

INTRODUCTORY COMMENTS

This application was included on the Committee site inspection list for February 2012 when the matter was first considered. However the site was subsequently inspected by the Committee in May 2016 in connection with later applications.

This is a 2011 planning application which remains undetermined. It was originally reported to the Planning Committee on 16 February 2012, when the Committee resolved to grant planning permission for a temporary three-year period, subject to the satisfactory completion of a section 106 planning obligation (Agreement) to ensure that the building was not sold-off separately but rather, both the converted oast house and barn remained in common ownership.

The Agreement prepared by the Council and sent to the applicants was not completed and in the circumstances the planning permission was never issued. Accordingly, no further action was taken in respect of the planning application. The applicants now, however, have requested that the application be revived.

In light of the passage of time, the adoption of the Core Strategy in 2016, the publication of the Government's National Planning Policy Framework, and further issues arising on this site since 2012, the application is being reported back to the Planning Committee. The application should be considered on its merits now.

1.0 POLICIES

1.1 The following 'saved' policy of the adopted Rother District Local Plan 2006 is relevant to the proposal:

- DS3: Development Boundaries.

1.2 The following policies of the Core Strategy are relevant to the proposal:

- OSS4: General Development Considerations
- RA3: Development in the Countryside
- RA4: Traditional Historic Farm Buildings
- EN1: Landscape Stewardship

- 1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. The National Planning Policy Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities (paragraph 78). Moreover, local planning authorities should avoid the development of new isolated homes in the countryside unless there are special circumstances, such as where the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage (paragraph 79). It includes the requirement that planning decisions should protect and enhance public rights of way and access (paragraph 98). Paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in designated areas such as Areas of Outstanding Natural Beauty (AONB), which have the highest status of protection in relation to these issues; it adds that the conservation and enhancement of cultural heritage is also an important consideration in these areas. The section of the National Planning Policy Framework dealing with the protection of heritage assets states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting (paragraph 189). Additionally, local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including, by development affecting the setting of a heritage asset) (paragraph 190), and they should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal. In determining applications, local planning authorities are required to take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation (paragraph 192). The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).

2.0 SITE

- 2.1 The principal building, Hays Mill Oast, is a stone oast house which has been converted to a residential use. It has planning permission for use as a single dwelling house. Next to the dwelling is a stone barn with planning permission for use as residential (annexe) accommodation in association with the converted oast house (RR/2005/2745/P). The application relates to this barn.
- 2.2 The other principal building within the property is an ancillary outbuilding approved under RR/2009/1152/P, comprising a pool house and personal photographic studio.

- 2.3 The site is within the countryside and is reached via a single farm track from the south side of the A265 at Haremere Hill. The London – Hastings railway line follows the southern edge of the land. A public footpath crosses the site, passing close to the north-western side of the oast house. The site is within the designated High Weald AONB.
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3.0 HISTORY

- 3.1 RR/88/2872 Change of use and conversion of oast to dwelling – Approved conditional.
- 3.2 RR/94/1751/P Change of use and conversion of pigsty/agricultural store (barn) to ancillary store with games room – Approved conditional – including Condition 3: use as ancillary store and games room only.
- 3.3 RR/2004/1791/P New link building to entrance hall, new glazed opening to office/workshop area – Refused.
- 3.4 RR/2005/887/P Creation of new opening to converted barn building – Approved conditional.
- 3.5 RR/2005/2745/P Change of use of ancillary store and games room (barn) to residential, including the erection of a link building and the insertion of roof lights – Approved conditional.
- 3.6 RR/2007/663/P Erection of replacement outbuilding to comprise swimming pool and workshop – Approved conditional.
- 3.7 RR/2009/1152/P Erection of two detached outbuildings: 1) pool house and personal photographic studio, including part outdoor pool; 2) plant room – retrospective – Approved conditional following Committee site inspection on 14 July 2009.
- 3.8 RR/2011/2504/P Variation/removal of Condition 2 imposed on RR/2005/2745/P – To permit rental of building as a separate dwelling house – Delegated for approval by Planning Committee in February 2012 for a temporary three year period subject to the completion of a section 106 planning obligation. The latter was not completed and no planning permission was issued. This is the application now being reported back to Planning Committee.

History since 2012

- 3.9 RR/2016/422/P Change of use of ancillary swimming pool and studio building to self-contained dwelling house within Use Class C3, including variation/removal of Condition 2 of RR/2009/1152/P to use as a separate dwelling house – Refused – appeal dismissed.
- 3.10 RR/2016/423/P Change of use of annexe/ancillary building to self-contained dwelling house within C3, including variation/removal of Condition 2 of RR/2005/2745/P to

allow use as a separate dwelling house – Refused – appeal dismissed.

- 3.11 ENF/7/16/ETC Enforcement notice, issued on 23 November 2016 against – *The making of a material change of use of the Swimming Pool Building to use as a separate self-contained dwellinghouse*. An appeal against the enforcement notice was dismissed and the notice upheld, subject to correction and variation. The description of the breach has been corrected to that set out above. 12 months has been given for compliance.
- 3.12 ENF/110/16/ETC Enforcement notice, issued on 4 May 2017 against – *The making of a material change of use of the Barn to use as a separate self-contained dwellinghouse*. An appeal against the enforcement notice was dismissed and the notice upheld, subject to correction and variation. The description of the breach has been corrected to that set out above. Six months has been given for compliance.
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4.0 PROPOSAL

- 4.1 The application proposal is as set out in the application, which was first reported to the Planning Committee on 16 February 2012. The application is now retrospective, however, as the barn has since been occupied as a separate dwelling.
- 4.2 The proposal seeks planning permission for the occupation of the barn next to the oast house as a separate dwelling for a temporary period of time (five years). The barn presently has planning permission for use as an annexe only; however, the applicants have leased the building to a tenant and as such there has been the making of a material change of use of the barn to use as a separate self-contained dwelling house. The Council took enforcement action against this use. The matter was considered at appeal and the period for compliance with the requirements of the notice is six months from the date of the appeal decision (this was 5 March 2018). The enforcement notice remains in place.
- 4.3 A recent letter (dated 27 July 2018) has been received from the planning agents acting for the applicants. This states that it is a formal request that the notice granting planning permission be issued in respect of the application, following the 2012 Committee resolution. The letter adds that the applicants remain willing to sign the legal agreement under section 106 of the Planning Act.
- 4.4 The letter acknowledges however, that planning officers have indicated that it is necessary to re-advertise the application and put it back to Planning Committee before a decision can be issued, stating that if that remains the Council's position, that the matter is brought back to Committee as soon as possible and that the request to do this is made on a 'without prejudice basis'. The reason the applicants' case is set out in this way is because the agent acting for the client considers that it is *not* necessary for the matter to be referred back to Planning Committee as the delegated decision made by

Members on 16 February 2012 should still stand. The agent's reasons for this are (summarised):

- The Committee resolution placed no time limit on the completion of the legal agreement.
- Whilst the Council's Constitution Part – 8 'Delegations to Officers' states that all section 106 obligations should be concluded within six months, there is officer discretion to extend this.
- As the legal agreement was not sent to the applicants until one year after the resolution to grant planning permission, it is clear that officer discretion was in play.
- The applicant, Mr Salliss, had a significant period of illness in 2013 and 2014.
- Neither the resolution nor the constitution specifically requires the matter to be reported back to Committee before the decision is issued; the legal agreement was prepared and only awaits the applicants' signature to be engrossed.
- The applicant through his wife had been in contact with the Council to confirm both their intention to complete it and the personal reasons why matters had been delayed.
- The agent refers to specific case law to support his assertion that the decision notice can be issued without referring the matter back to Planning Committee.

The letter from the agent (dated 27 July 2018) can be viewed in full on the application website and a copy is attached in the Appendix.

- 4.5 It is mentioned at 4.2 above that a temporary planning permission is being sought in the application. A supporting statement provided by the applicants in 2011 stated that they wished to apply for a change of use to rent (out) the barn over a five year period; it added that, since 2006 they had experienced continuous criminal damage and interference in the quiet enjoyment of their property to the extent that they had had to involve the police. With the barn next door occupied, it would give them that extra security, with the support of CCTV.
- 4.6 No up-to-date information has been provided as to whether the reasons given for wanting the temporary permission still exist today.

5.0 CONSULTATIONS

- 5.1 In view of the applicants' request to revive the application and the requirement to report the matter back to Planning Committee, fresh publicity and consultations have been carried out.
- 5.2 Parish Council:
- 5.2.1 Object. Subsequent appeal decision should be upheld. Precedent if granted.
- 5.3 Highway Authority:
- 5.3.1 No objection.

5.4 Environment Agency:

5.4.1 Any comments will be reported.

5.5 Planning Notice:

5.5.1 A petition of support for the proposal signed by 14 individuals (including the applicants) has been received. A spokesperson for the petitioners will have the opportunity to speak at the Planning Committee meeting.

5.5.2 A petition of objection to the proposal signed by 15 individuals has been received. A spokesperson for the petitioners will have the opportunity to speak at the Planning Committee meeting.

5.5.3 Three letters of objection has been received from the occupiers of Watermill House, Home Farm Barn, (Bugsell Mill Lane) and a local farmer/landowner (summarised):

- My rights of way have been obstructed by people renting the above (property) or their visitors and delivery drivers.
- The applicants have obstructed my right of way, trespassed on my land, erected fencing and a gate blocking my access to my land, as well as harassment, which resulted in legal proceedings and a judgement in my favour at Lewes Crown Court.
- There will be a substantial increase in vehicles to the property, not only by the people who will be renting but also deliveries and visitors. The access lane is narrow and visitors will have to pass close to my house.
- There have been a number of accidents in the lane; proposal increases the risk both to drivers and those pedestrians using the public footpath.
- The noise factor and pollution are further reasons. There is disturbance from a flood light coming on and off during the evening and night.
- There are currently four dustbins and four containers for recycling directly in front of the entrance to my house, in order to service Hays Mill Oast. If approval is granted there will be more. Not only is this unsightly, the smell and possible vermin infestation are further problems that arise.
- Granting planning permission would set a precedent for others in the lane to do the same.
- It is noted that only 3-year permission was allowed after the 16 February 2012 meeting, which would have expired sometime in 2015.
- I can confirm that both the oast and the barn at Hays Mill have been rented at various times and by different tenants well after 2015, in fact up to 2017.
- I still object to this as stated in my initial objections previously supplied in planning applications RR/2011/2504/P and RR/2016/422/P, which included issues on amount of traffic, issues with footpaths and environment plus, now to be added, the considerations and conclusions arising from the three-day planning enquiry held in November 2017.
- After being present at the Public Inquiry November 2017 and listening to the explanations (on Oath) by the main Appellant I fail to see how this recent application can still be resurrected after the very thorough and thoughtful report from the planning Inspector
- As the Inspector said this Barn is ancillary to the main residence – the Oast, the distance between these properties are small and there would be invasion of privacy if separated for tenancy potential. If a wall/hedge is

installed to separate the Oast from the Barn, this will affect an area of outstanding beauty besides destroying a heritage asset and possibly lead to further Planning Issues.

- Regarding obstruction of my Right of Way there is now a further Court Hearing 11 September 2018, the Planning Department need to take this on board as the Right of Way is in front of the Barn.
- Following the previous Court Hearings 2015/2017 a garage and fuel store at Hays Mill Oast had to be re-sited, due to having been partially built on another Claimant's land. This has now caused more restrictive parking/turning facility at the Oast. This is particularly noticeable with furniture removal lorries when tenants from both properties arrive and leave, utility vehicles fuel and cess pit clearance and emergency fire tenders in attendance to just state a few. My Right of Way will be severely restricted by the parking of tenants' vehicles and visitors' vehicles.
- The overall cost of a three day Public Inquiry is huge and it is tax payer's money that supports these Inquiries; the Inspector's report should be regarded as final on both sides and aspects of it not discarded.

6.0 APPRAISAL

6.1. Background:

6.1.1 This application was previously considered by the Planning Committee on 16 February 2012 following a site visit. The Committee resolution to delegate authority to grant a temporary three-year planning permission was subject to the applicants first entering into a section 106 legal agreement. However, that resolution was never acted upon by the applicants and the temporary planning permission was not issued. The 2011 application was never formally withdrawn by the applicants and they are entitled to ask that it be revived. The applicants now wish to sign the agreement and receive the temporary planning permission notice. Moreover, they argue that the delegated decision made on the application back in 2012 should still stand and there is no reason to refer the matter back to Committee.

6.1.2 This last point, however, is not a view shared by officers and accordingly a decision has been made to refer the application back to Planning Committee for further consideration. Over five years has lapsed since the Planning Committee (at that time) made its previous decision and there is no certainty that the 2012 resolution can be relied upon. In accordance with s70(2) of the Planning Act the Local Planning Authority in its determination of planning applications must have regard to the provisions of the development plan, so far as material to the development, and to any other material considerations. Since the passing of the 2012 resolution, new considerations have arisen of which planning officers are aware, and which might reasonably be regarded as 'material' for the purposes of s70(2) of the Act; therefore, it is rational and appropriate that the application should be referred back to Planning Committee for specific reconsideration in the light of the new considerations. In addition to the passage of time (five years), there have been:

- policy changes such as the National Planning Policy Framework 2012, the adoption of the Council's Core Strategy October 2014, and the recently revised National Planning Policy Framework in July this year, all of which have taken place over that period;

- a new chapter in the planning history of the site having commenced with the latest refusal of planning permission (application RR/2016/423/P) and the Council's decision to take enforcement action, both of which took full account of the planning history of the site; and
- the Planning Inspector's decision to dismiss the appeal against the Council's refusal of planning application RR/2016/423/P and also her decision to uphold (with revisions) the enforcement notice that had been issued by the Council in respect of the unauthorised occupation of the barn as a separate dwelling.

6.1.3 Under their delegated authority officers can only proceed to issue a decision notice if they are satisfied: that the Committee is aware of the new factors, that it has considered them with the application in mind, and that on reconsideration the Committee would reach (not might reach) the same decision. Indeed, there is now rather more a likelihood that the Planning Committee would resolve to reach a different decision and refuse planning permission in accordance with the more recent decision on application RR/2016/423/P (indeed this is an observation made by the Inspector in her decision letter on the 2016 appeals (paragraph 103). Having regard to the above and also the case law referred to in the various submissions (*R (on the application of Kides) v South Cambridgeshire DC* (2002) EWCA Civ 1370. and *R (on the application of Dry) v West Oxfordshire District Council and another* (2010) EWCA Civ 1143) the rational judgement is to bring the 2011 application back to Planning Committee.

6.2 The Planning Application:

6.2.1 Whilst any application falls to be considered on its individual planning merits the Inspector's decision letter in respect of the dismissed appeal is a material consideration in the determination of the application. A copy of the appeal decision is attached in full in the separate Appendix. The decision letter covered four separate appeals, which were the subject of a public inquiry in November 2017. These included an appeal against the refused planning application RR/2016/423/P for the use of the barn as a separate dwelling and an appeal against the enforcement notice issued in respect of the use of the barn as a separate dwelling. The Inspector considered the main planning issues in respect of the barn to be as follows:

- Whether the barn and pool studio are acceptably located in principle for use as dwellings, with regard to Rother Local Plan Core Strategy Policy RA3 and the National Planning Policy Framework.
- Whether the barn would provide adequate living conditions for its occupiers, and the effect of the use of the barn as a dwellinghouse use on the living conditions of the occupiers of the oast house.
- The effect of the use of the barn as a dwelling house on the landscape and scenic beauty of the High Weald AONB and the character and appearance of the surrounding rural area.
- Whether the barn and oast house ought to be considered as 'non-designated heritage assets' and, if so, the effect of the use of the barn as a dwellinghouse on the significance of the assets.
- Whether any harm caused by the use of the barn would be outweighed by considerations in favour of either or both developments.

6.3 Location:

- 6.3.1 The barn and oast house are located at the end of an unmade farm track and outside of any defined settlement. The inspector concluded that, whilst the use of the barn as a dwelling conflicts with Policies OSS2 and RA3 of the Rother Local Plan Core Strategy, in terms of location the development would not, however, create an 'isolated new home' in conflict with the Framework as interpreted in *Braintree DC v SSCLG (2017) EWHC 2743* because there are other homes nearby. The inspector concluded that in the light of *Braintree* it would be untenable to find that the proposed use of the barn would result in a 'new isolated home' in the countryside. This would also be the case applying the 2018 National Planning Policy Framework, which replaces the 2012 National Planning Policy Framework.

6.4 Living Conditions:

- 6.4.1 The appeal Inspector found that the use of the barn as a separate dwelling would result in unreasonable loss of amenity for the occupiers of both the existing oast house and the proposed new dwelling within the barn, in conflict with Policy OSS4 (ii) of the Rother Local Plan Core Strategy. This would be as a result of the close proximity and arrangement of the two buildings in relation to each other and the garden area, concluding that each dwelling would lack a private garden area and with clear and close views through the doors and windows, each occupier would suffer a serious lack of privacy inside their homes and the sounds of activity outside would draw attention to, and thus exacerbate, the intrusion.

- 6.4.2 Within the appeal decision letter the Inspector comments:

"70. The harm might be overcome if the patio and lawn were subdivided by a wall, fence or hedge. Indeed, I would expect occupiers of the barn and/or oast house to install or seek to install a means of enclosure if permission is granted for the use. However, there are no plans before me of any such scheme – and I find below that a physical barrier between the oast house and barn would add to harm caused by the appeal use in relation to landscape and heritage interests. This would result in unacceptable harm to The living conditions of its occupiers and those of the oast house."

- 6.4.3 In response to this the applicant has now said that the Inspector failed to take into account permitted development, explaining that minor operations permitted by Part 2 Class A of the General Permitted Development Order apply which would facilitate the erection of a wall or a fence up to 2m in height. It is stated that, as this will not require planning permission the applicants, intend to erect such a structure, adding that this will avoid any harm to residential amenity (thereby addressing the Inspector's objection in respect of the amenity issue). However, there are two points to be made in respect of this: firstly, in the appeal decision (paragraph 70 quoted above) the Inspector does raise the possibility of the owner planting a hedge; moreover, she also states that it would be expected that the owners would install (not just seek to install) a means of enclosure. In the circumstances, it would appear the Inspector *did* acknowledge the possibility of some form of barrier being erected without the need for planning permission. Importantly, however, she adds that there are no plans before me of any such scheme. As such it is difficult to assess whether any such barrier would be effective in addressing the loss of amenity issue that had been identified. Secondly, the

Inspector states that a physical barrier between the oast and the barn would add to the harm caused by the appeal use in relation to landscape and heritage interests. This would also apply to any barrier that could be built under permitted development – as the applicants now intend. It is therefore the case that the mitigation measures put forward by the applicants to address the amenity concerns raised by the Inspector would in themselves result in harm to other matters of acknowledged importance. Moreover, it would be inappropriate and irrational for the Local Planning Authority to impose a condition to ensure that the applicants' intended barrier was erected and retained thereafter, in full knowledge that the barrier itself caused harm to landscape and heritage interests.

6.5 Area of Outstanding Natural Beauty:

- 6.5.1 Paragraph 172 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues – in accordance with S85(1) of the Countryside and Rights of Way Act 2000. Rother Local Plan Core Strategy Policy EN1 seeks to protect the distinctive identified landscape character and settlement pattern of the High Weald AONB; the open landscape between clearly defined settlements, including the visual character of settlements, settlement edges and their rural fringes; and tranquil and remote areas, including the dark night sky. Rother Local Plan Core Strategy Policy OSS4 more generally expects development to respect and not detract from the character and appearance of the locality. The significance of the AONB is described further in the High Weald AONB Management Plan 2014-19, which is also a material consideration. This identifies that the character of the High Weald is enriched by locally distinctive and nationally important details including oast houses.
- 6.5.2 The appeal Inspector recognised that the site still has the open and unified character of the 'dispersed farmstead' and it blends into surrounding rolling countryside which is characterised by 'small irregular fields and abundant woods and hedges. Importantly, she found that the oast house, barn and wider site all make a positive contribution to the landscape and scenic beauty of the AONB.
- 6.5.3 In addressing the question as to whether the use of the barn as a dwelling would conserve the landscape of the AONB the Inspector found that the development would have external impacts, notably by increasing local traffic movements and on-site parking (appeal paragraph 78).

"79...., allowing the use would be likely to increase car ownership and usage in reality, because it would mean that there are two large family homes on the site, occupied by two households with independent needs to drive in order to reach shops and services.

80. There are six parking spaces by the oast house and barn – and I heard that the occupiers of the buildings have about three cars each. Both households will have visitors, including couriers and friends. It is not unusual to see or hear vehicles in the countryside, but Bugsell Mill Lane is a quiet road provided only for private access and public enjoyment of the countryside. I find that the use of the barn as a separate dwelling would increase car movements on and parking beside the lane so as to

unacceptably detract from the appearance and tranquillity of the countryside, in part through light pollution and noise.”

- 6.5.4 The Inspector also found that allowing occupation by an additional household would also increase residential activity within the gardens on the site, so that there is more outdoor domestic paraphernalia such as play, garden equipment and external lights; concluding that such increased activity associated with the use of the barn as a dwelling would harm the peaceful character of the area.
- 6.5.5 In the context of the impact of the use of the site on the AONB, the Inspector considered that a further objection from the conclusions that were drawn on living conditions above, is that the use of the barn as a separate dwelling would be unsustainable unless some means of enclosure is installed to give occupiers of the barn and oast house acceptable levels of privacy within their homes and adequate private outdoor space; adding that this would also disrupt the relationship between the oast house and barn and the wider landscape

“84. I conclude that the appeal use would increase residential activity on and near to the site, and create a need for a means of enclosure through open land between the barn and oast house. The development would thereby fail to conserve the landscape and scenic beauty of the AONB, and cause unacceptable harm to the character and appearance of the surrounding rural area – in conflict with Rother Local Plan Core Strategy Policies EN1 and OSS4, and with the National Planning Policy Framework.”

This conclusion equally applies to the 2011 planning application and the resultant impacts of the development on the AONB landscape.

6.6 Heritage:

- 6.6.1 Both the oast house and the barn are ‘historic farm buildings’ and non-designated heritage assets. The National Planning Policy Framework seeks to conserve heritage assets in a manner appropriate to their significance. The Council’s Rother Local Plan Core Strategy Policy RA4 states that proposals for the reuse of traditional historic farm buildings should demonstrate that they are based on a sound and thorough understanding of the significance of the building and its setting in terms of history, layout, use, local relevance and fabric; ensure retention of the building’s legibility and setting; and, through design, maintain the agricultural character and the contribution the building and its surroundings make to the wider rural landscape and countryside character. Their ‘setting’ comprises the expansive green site in which they stand, which includes a public footpath. The use of the barn as a separate dwelling would lead to that building being functionally divorced from the oast house, the likely enclosure of land between the structures, and more car parking and domestic paraphernalia around. It would compromise the legibility and setting of the non-designated heritage assets so as to unacceptably harm their significance.
- 6.6.2 The National Planning Policy Framework (paragraph 197) states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Inspector previously identified that, whilst the level of harm to the heritage assets

would be less than substantial, in carrying out any balancing exercise, any public benefits of the development (including securing the optimum viable use of the barn) would not justify a grant of planning permission.

The Inspector concluded that:

“92. ...permitting the use of the barn as a separate dwelling would cause unacceptable harm to the significance of non-designated heritage assets and that would not be outweighed by public benefits of the development. The use conflicts with the Rother Local Plan Core Strategy Policies RA4 and OSS4, and the National Planning Policy Framework.”

This conclusion equally applies to the 2011 planning application and the resultant impacts of the development on the heritage assets.

6.7 Considerations in favour of the development:

- 6.7.1 At paragraph 114 of the appeal decision the Inspector concludes that the considerations in favour of the development, individually and collectively, do not outweigh the harm caused by the developments and would not justify any grant of planning permission.

7.0 SUMMARY

- 7.1 This application is a 2011 planning application. It was previously considered in February 2012 by the Planning Committee at that time. Members resolved to issue a temporary 3-year planning permission subject to the applicants entering into a section 106 legal agreement. Contrary to the information set out in the recent application supporting letter the draft agreement was produced by the Council and sent to the applicants soon after the Committee resolution (7 March 2012). However, no response was received from the applicants. Subsequent letters were issued; however, the agreement was not signed by the applicants. Whilst no further action was taken on the application by the Council, it was not formally withdrawn by the applicants
- 7.2 Instead new applications were submitted in 2016, which included an application for the use of the barn as a separate dwelling. This was refused planning permission on 31 May 2016. Subsequently an enforcement notice was served by the Council. Appeals were lodged and an appointed planning inspector held a public inquiry in November 2017, which allowed evidence to be taken under oath and witness examined. All the appeals, including that relating to this barn, were dismissed.
- 7.3 The enforcement notice remains in place and the date for compliance with the notice on the barn is 5 September 2018.
- 7.4 Following the dismissed appeals the applicants have requested that the 2011 application be revived and they are now seeking to sign a section 106 for a temporary three year planning permission.
- 7.5 Notwithstanding that only a temporary use of the building was being sought originally, planning circumstances have changed in the five years since the application was previously considered and the appeal decision is a material consideration in the determination of the application that carries great weight.

- 7.6 The applicants argue that the Inspector did not give due consideration to the fact that fences and barriers up to 2m in height could be erected within the site as permitted development and this would address any overlooking, privacy and disturbance issues. No detail of the applicants' intended permitted development barrier or enclosure has been provided and, in any event it would be inappropriate for the Council to condition a mitigation measure that would in itself add to the harm caused by the proposed use in relation to landscape and heritage interests. Notwithstanding the issue of permitted development in relation to erecting barriers or means of enclosure, other aspects of harm identified by the Inspector in respect of the resultant increased activity on the character of the building and their setting within the AONB landscape would still stand.
-

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposed development is not liable for CIL.
-

RECOMMENDATION: REFUSE (FULL PLANNING)

1. Notwithstanding that the barn is not inappropriately located in principle for use as a separate dwelling, the development would by reason of increased domestic activity on the site and including traffic movements to and from the site result in harm to the landscape and scenic beauty of the High Weald AONB and as such would conflict with National Planning Policy Framework (paragraph 172) and Policy EN1 of the Rother Local Plan Core Strategy.
2. The use of the barn as a dwelling separate from Hays Mill Oast would, by reason of functionally divorcing the two buildings, cause harm to the setting and significance of the oast house and the barn as heritage assets, and would conflict with the National Planning Policy Framework (particularly paragraphs 192 and 197) and Rother Local Plan Core Strategy Policies RA4 (iii) and OSS4 (iii).
3. The development would fail to meet the needs of the future occupiers of the oast house and barn, but rather, would by reason of the close proximity and arrangement of the buildings give rise to a situation whereby an unreasonable level of harm to residential amenity would be experienced by the occupiers of both proposed dwellings, in conflict with Policy OSS4 (i) and (ii) of the Rother Local Plan Core Strategy.

NOTE:

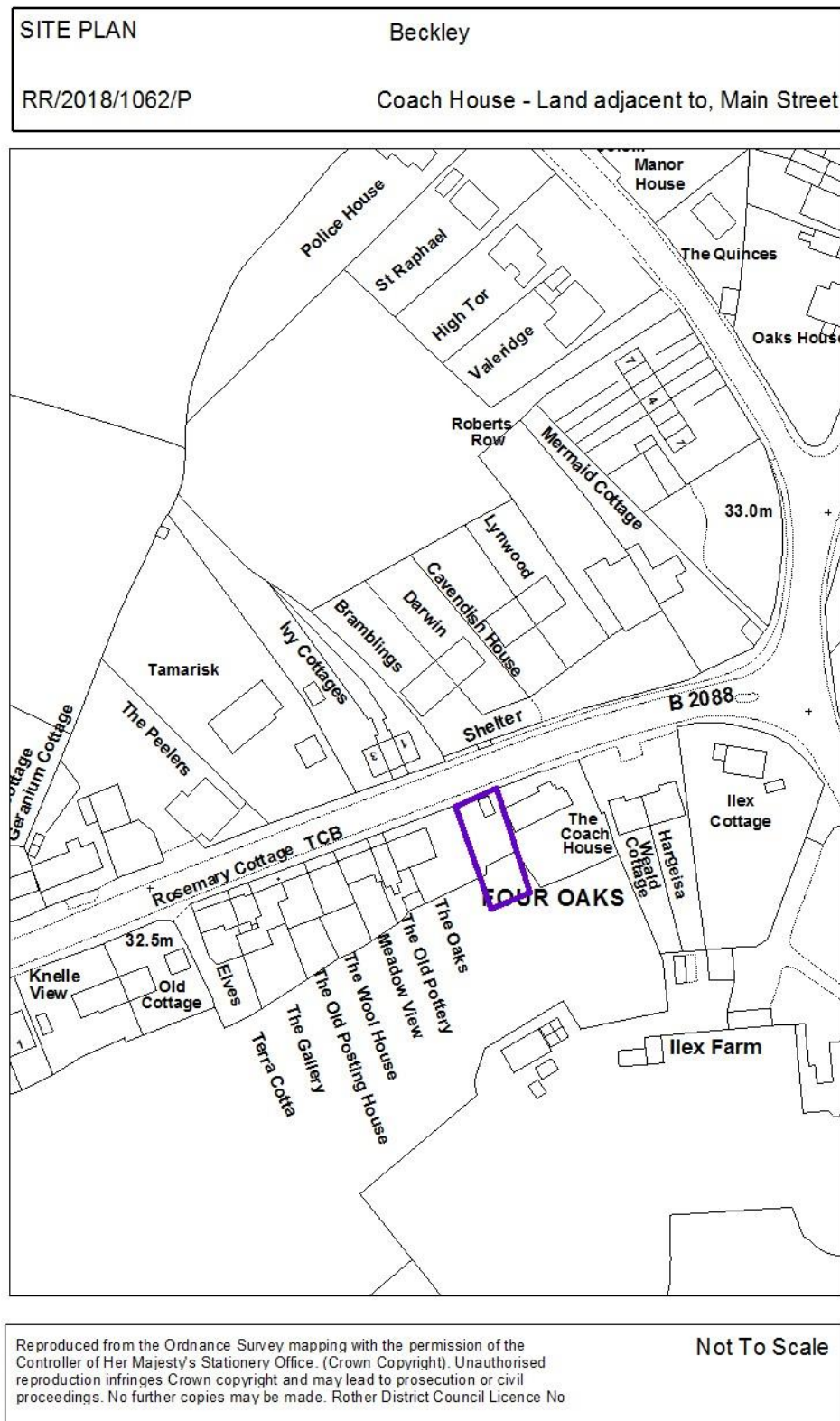
1. This refusal of planning permission relates to the following plans and drawings:
Site Location Plan (stamped 'ESX183808 office copy').
Block Plan with parking spaces shown (no title).

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively

and proactively in determining this application by identifying matters of concern with the proposal and (since the formal request for determination was made by the applicant on 27 July 2018) determining the application within a timely manner, clearly setting out the reason for refusal. The issues of concern are fundamental to the proposal and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

[View application/correspondence](#)



RR/2018/1062/P

BECKLEY Coach House – land adj, Main Street

Proposed new dwelling with off-street parking

Applicant: Mr and Mrs E. Brotherton
Agent: Elevations Limited
Case Officer: Mr Scott Carey (Email: scott.carey@rother.gov.uk)
Parish: BECKLEY
Ward Members: Councillors I.G.F. Jenkins and M. Mooney

Reason for Committee consideration: Member referral – Councillor M. Mooney

Statutory 8 week date: 22 June 2018

Extension of time agreed to: 19 September 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

1.1 The following ‘saved’ policy of the Rother District Local Plan 2006 is relevant to the proposal:

- Policy DS3 (Proposals within Development Boundaries).

1.2 The following policies of the Rother Local Plan Core Strategy are relevant to the proposal:

- Policy PC1: Presumption in Favour of Sustainable Development.
- Policy OSS2: Use of Development Boundaries.
- Policy OSS3: Location of Development.
- Policy OSS4: General Development Considerations.
- Policy RA1: Villages.
- Policy CO6: Community Safety.
- Policy EN1: Landscape Stewardship.
- Policy EN2: Stewardship of the Historic Built Environment.
- Policy EN3: Design Quality.
- Policy TR3: Access and New Development.
- Policy TR4: Car Parking.

1.3 The National Planning Policy and Planning Policy Guidance are also material considerations.

2.0 SITE

2.1 The Coach House is a dwelling on the southern side of the B2088 just west of the roundabout at Four Oaks. It is set within the development boundary for

Beckley as defined within the Rother District Local Plan (2006), and within the High Weald Area of Outstanding Natural Beauty (AONB).

- 2.2 The land in question is existing side garden to the property, sited to the west of The Coach House.
-

3.0 HISTORY

- 3.1 RR/2017/2029/P Proposed change of use of agricultural land to domestic garden for The Coach House. (Retrospective) - Approved conditionally 25 October 2017.
-

4.0 PROPOSAL

- 4.1 The proposal is to erect a new dwelling within the side garden of the existing property, on the western side of the plot. A two storey, three bed dwelling is proposed, with a parking area for two vehicles to the front.
- 4.2 While a turning area is also shown, in reality the parking area would not provide sufficient space for turning at any time that two cars were parked at the front. The parking area would be accessed by an existing dropped kerb, which is currently used for parking purposes by occupiers of the Coach House.
- 4.3 The proposed dwelling would be constructed with a brick plinth and weatherboarding, with a clay tiled roof, similar to the dwellings either side of the plot. It would have a pitched roof with second pitched roof at a right angle extending towards the rear. The front elevation of the new dwelling would be sited in line with the Coach House to the east and marginally behind 'The Oaks' to the west, with the rear elevation extending further back than these two neighbouring properties.
-

5.0 CONSULTATIONS

5.1 Parish Council:

5.1.1 Recommend refusal:

- Over development of the site.
- Concerns regarding parking, tight within the designated area.
- No turning space and vehicles would be backing into or out of the area onto a fairly busy road.
- Immediately outside of the land, there are bus stops on both sides of the road.

5.2 East Sussex County Council – Highways:

5.2.1 No objection subject to conditions.

5.3 East Sussex County Archaeologist:

5.3.1 Recommend a watching brief condition.

5.4 Planning Notice:

5.4.1 Five letters of objection (summarised):

- Just another case of making quick money without concerns for the rest of the residents.
- Over-development of the land.
- Very small space for a house and two parking spaces. New house will stick out at the back of the property and onto the pasture.
- Will obscure current views.
- Added pressures to existing parking issues.
- Highway safety on a fast and busy road.
- Bus stop near the new proposed dwellings will create problems.
- Loss of light to neighbouring property.
- In our rear garden, what is currently trees and sky will become a 2-storey building blocking out a significant portion of sky, space and light to our rear garden.
- Will feel extremely overbearing.
- The elevation of the property will significantly overshadow our rear garden.
- Proposed garden of the development is reclaimed agricultural land requiring stock fencing.
- Rear boundary of neighbouring garden also requires stock fencing as it faces onto agricultural land.
- Overlooking of neighbours rear garden and property, including bedroom windows.
- Noise and disturbance from the proposed development.
- Development will require the removal of at least one tree directly adjacent to my property that affords me privacy to my rear garden.

6.0 APPRAISAL

6.1 The main issues to consider are:

- The effect of the proposal on the character and appearance of the area.
- The effect of the proposal on the living conditions of future and neighbouring occupiers.
- Highway matters.
- Impact on existing trees.

6.2 Character and appearance:

6.2.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy seeks to ensure that development proposals respect and do not detract from the character and appearance of the locality.

6.2.2 The site lies within a built-up residential area with a wide variety of dwellings. The proposed dwelling is of a conventional design, in keeping with the character and appearance of the neighbouring properties, and of a modest

scale in relation to these properties. While a new dwelling would be noticeable in the street scene, it is no further towards the roadside than other properties in the area. In addition, the proposed subdivision of the existing plot would result in plot sizes for the new dwelling and host property that are comparable to others in the surrounding area. Separation distances between the new dwelling and neighbouring dwellings would also be comparable to others in the area.

- 6.2.3 For the above reasons the proposal cannot be said to detract from the character and appearance of the locality.

6.3 Living Conditions:

- 6.3.1 Policy OSS4 (i) of the Rother Local Plan Core Strategy requires all development to meet the needs of future occupiers, including providing appropriate amenities.

- 6.3.2 The subdivision of the existing plot would result in a smaller garden for the host property and a modest sized garden for the new dwelling. There is currently no requirement for a minimum garden area nevertheless it is considered that the outdoor space proposed, of over 10m in depth, would be adequate for future occupiers. A restriction on “permitted development” rights, secured by condition, is proposed to ensure that adequate outdoor amenity space is retained for future occupiers of the new dwelling.

- 6.3.3 Policy OSS4 (ii) of the Rother Local Plan Core Strategy seeks to ensure that development proposals do not unreasonably harm the amenities of adjoining properties.

- 6.3.4 The critical relationships are between the proposed dwelling and the Coach House to the east, and The Oaks to the west. The new dwelling would be sited in line with both these neighbouring dwellings, in a central position within the proposed plot.

- 6.3.5 With regard to impacts on ‘The Oaks’ to the west, the new building will impact on the side garden area although the measure of separation between the side elevations of the two buildings would be 9m. There is also an existing tree on the shared boundary within a separate ownership, which would soften the impact. Therefore, whilst the new dwelling would be clearly visible from the rear garden of ‘The Oaks’, it would not be so overbearing as to erode the outlook enjoyed therefrom to an unacceptable degree.

- 6.3.6 In relation to privacy, no first floor windows are proposed facing this neighbouring property. Concern has been expressed regarding the perceived overlooking from the rear garden of the proposed property. It should be noted that a previous permission relating to the land in question, concerning an extension of residential garden for The Coach House (Ref: RR/2017/2329/P), included a condition which related to the planting of a hedgerow around the boundary, including on the boundary between the new dwelling and The Oaks. This hedgerow has been planted, and in time would provide natural screening so as to avoid overlooking. In all other respects the relationship is not unconventional.

- 6.3.7 With regard to impact on The Coach House, while there is a shorter distance between this property and the proposed dwelling, it is not an unusual

relationship with a neighbour in a built-up area, and in addition no windows are proposed facing towards the Coach House.

6.4 Highway Matters:

6.4.1 Policy CO6 (ii) of the Rother Local Plan Core Strategy seeks to ensure that development proposals avoid prejudice to road and/or pedestrian safety.

6.4.2 Policy TR4 requires proposals to meet the residual needs of the development for off-street parking, taking into account consideration of localised circumstances.

6.4.3 In relation to the proposed vehicular access and parking arrangements, the existing dwelling, The Coach House, already has parking space located on the eastern side of the dwelling. With regard to the proposed parking area for the new dwelling, the Highway Authority has commented as follows:

“The new dwelling will be served by an existing vehicular crossover which currently provides access to a parking area serving The Coach House. The Coach House will retain some on-site parking (two spaces plus a garage) which is accessed via a second vehicular crossover located to the east of the building.

Any new vehicular access off of a classified road generally requires a turning area within the site; however, both of the access points and parking areas serving the site are existing. It is also noted that a number of the neighbouring properties are served by a similar access and parking arrangement and with this in mind an objection based on lack of turning would be difficult to justify in this instance.”

6.4.4 A bus stop flag pole is located close to the access which will serve the new dwelling. Ideally a distance of 1.5m would be provided between the access and the pole, and in order to achieve this distance it may be necessary to move the pole slightly further to the west. This however is an issue which can be resolved should planning permission be granted, as the access is existing and already used for vehicle parking; therefore the situation would not be too dissimilar should the proposal meet with the Council’s approval.

6.4.5 In light of the above advice from the Highway Authority, there is no objection to the proposal on highway grounds.

6.5 Impact on Trees:

6.5.1 While there are no significant trees within the application site itself, there are some larger trees in close proximity to the proposed dwelling, in particular, a Thorn tree on the western boundary, within the neighbours’ garden at ‘The Oaks’, and a large Beech tree to the north, within an existing field. Following concern regarding the potential impact on these trees, the agent has commissioned an arboricultural impact assessment relating to these trees. The report states that the thorn tree is a C Grade tree, of low quality with an estimated life expectancy of at least 10 years, and the Beech tree a B Grade, of moderate quality with a life expectancy of at least 20 years. The report concludes that a proportion of the nominal Root Protection Area of both trees encroaches onto part of the proposed rear patio area, however it is possible to undertake the proposal while providing adequate tree protection measures

to both these trees. These mitigation measures can be secured by condition on any approval granted.

6.6 Other Matters:

- 6.6.1 The site is situated within a defined Archaeological Notification Area identifying the medieval and post-medieval hamlet of Four Oaks. As such, there is potential for the development to affect archaeological deposits and features and so a condition is required to mitigate any impacts.
-

7.0 SUMMARY

- 7.1 In line with both local policy and government guidance, the proposal is considered to represent a sustainable development, contributing to the housing stock in Beckley.
- 7.2 The design and appearance of the dwelling is acceptable with regard to impact on the environment and on the High Weald Area of Outstanding Natural Beauty.
- 7.3 The siting and scale of the dwelling is also considered not to have an adverse impact upon the amenities of adjacent properties, both from an overbearing and overlooking perspective.
- 7.4 Finally, a tree report has been provided, indicating mitigation measures to be put in place to safeguard the health and well-being of nearby trees.
- 7.5 Subject to appropriate conditions, planning permission is recommended for approval.
-

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing No. 15.720/02A dated Jun '18
Drawing No. 18/970 dated Jan '18
Drawing No. 18/970/2 dated Jan '18
Drawing No. 18/970/4 dated Aug '18
Arboricultural Report Jul 2018
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

3. No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure that the development reflects the character and/or appearance of the adjacent dwelling and to preserve the visual amenities of the area in accordance with Policies OSS4 (iii) of the Rother Local Plan Core Strategy.
4. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within three months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
Reason: To ensure that the archaeological and historical interest of the site is safeguarded and recorded in accordance with Policy EN2 (vi) and to comply with paragraph 189 of the National Planning Policy Framework.
5. During the course of development the tree protection works outlined in the Arboricultural Impact Assessment (Ref AR/65218) dated July 2018 shall be followed. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard [3998 (Tree Work)].
 - b) If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
 - c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to 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 in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
 - d) No fire shall be lit within 10m from the outside of the crown spread of any tree which is to be retained.
 - e) No equipment, machinery or structure shall be attached to or supported by a retained tree.
 - f) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.
No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the Local Planning Authority.

Reason: To ensure that trees are not damaged or otherwise adversely affected by building operations and soil compaction to enhance the appearance of the development in accordance with Policies OSS4 (iii) and EN3 (ii) (e) of the Rother Local Plan Core Strategy.

6. No part of the development shall be first occupied until pedestrian visibility splays of 2m by 2m have been provided either side of the vehicular access onto Main Street in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.
Reason: In the interests of road safety in accordance with Policies CO6 (ii) and TR4 of the Rother Local Plan Core Strategy.
7. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans (Drawing No. 15.720/02A dated Jan '18). The area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
Reason: To provide adequate off-road car-parking provision for the development in accordance with Policies CO6 (ii) and TR4 of the Rother Local Plan Core Strategy.
8. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
Reason: To provide alternative travel options to the car in accordance with Policies CO6 (ii) and TR4 of the Rother Local Plan Core Strategy.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order) with or without modification), no windows or other openings (other than those expressly authorised by this permission) shall be inserted into the east facing elevation or roof slope.
Reason: To preclude overlooking and thereby protect the residential amenities of the neighbouring occupiers in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), no extensions, as defined within class A of Part 1 of the Schedule 2 of the order, shall be carried out on the site otherwise than in accordance with a planning permission granted by the Local Planning Authority.
Reason: To ensure appropriate development of the site, to maintain appropriate amenity levels for future occupiers of the new property, and also to safeguard the amenities of the adjoining properties in accordance with Policy OSS4 (i) and (iii) of the Rother Local Plan Core Strategy.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address

those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

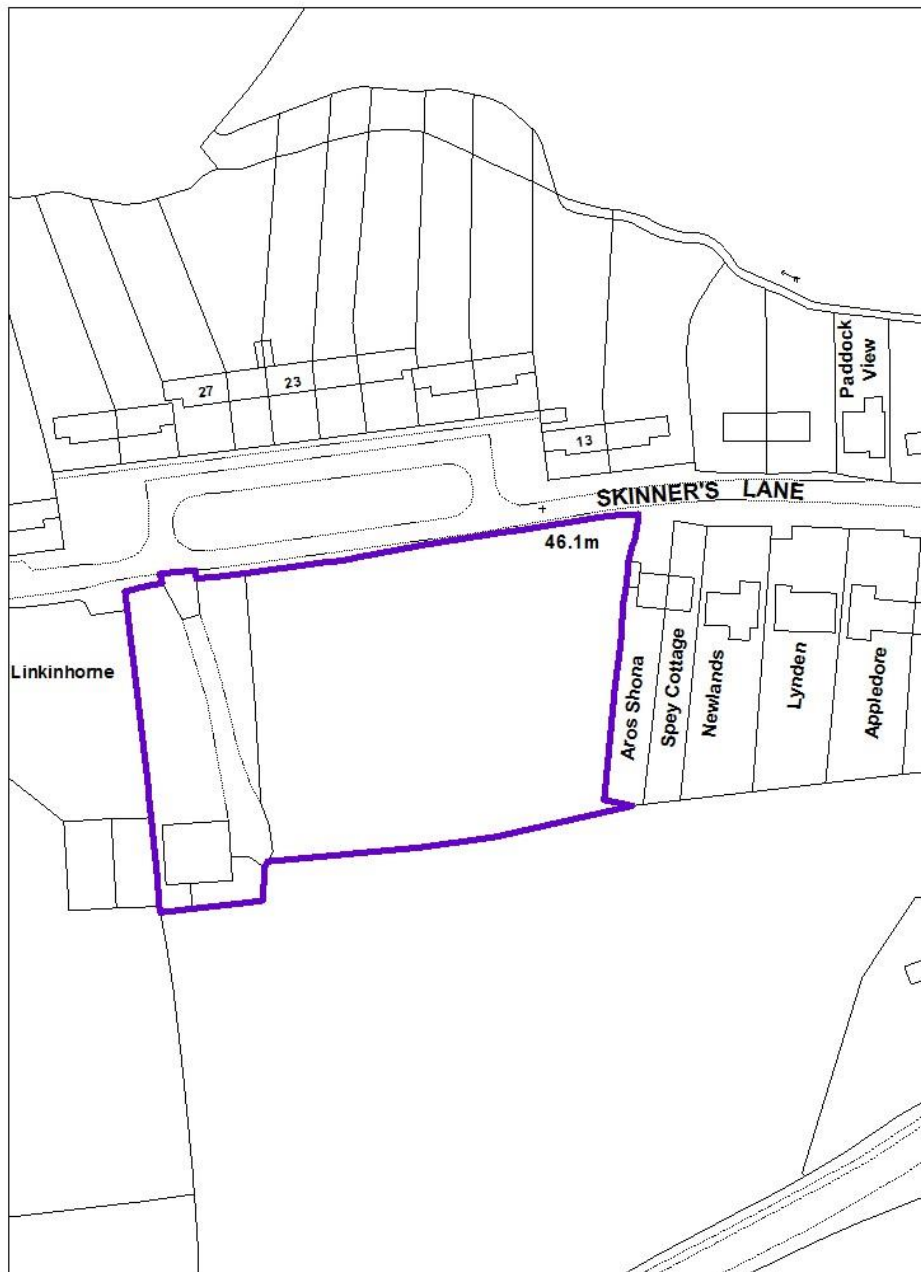
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SITE PLAN

Catsfield

RR/2018/1580/P

Skinner's Lane - Land at,



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Not To Scale

RR/2018/1580/P

CATSFIELD Skinners Lane – land at

Erection of nine houses, comprising four x 3-bed semi-detached houses, four x 2-bed terraced houses, and one x 4-bed detached house, with associated car parking, landscaping, and access

Applicant: Lennox Construction Limited (St Leonards on Sea)
Agent: CLM Planning
Case Officer: Mr M. Cathcart (Email: mark.cathcart@rother.gov.uk)
Parish: CATSFIELD
Ward Member: Councillor G.C. Curtis

Reason for Committee consideration: The agent is related to a member of staff

Statutory 8 week date: 14 August 2018

Extension of time agreed to: 18 September 2018

This application site was inspected by the Planning Committee in November 2016 following which planning permission was granted for residential development on this site.

1.0 POLICIES

1.1 The following ‘saved’ policies of the adopted Rother District Local Plan (2006) are relevant to the proposal:

- DS3 – Use of Development Boundaries.

1.2 The following policies of the Local Plan Core Strategy (2014) are relevant to the proposal:

- OSS2: Use of Development Boundaries.
- OSS3: Location of Development.
- OSS4: General Development Considerations.
- RA1: Villages.
- RA3: Development in the Countryside.
- SRM2: Water Supply and Wastewater Management
- LHN1: Achieving Mixed and Balanced Communities.
- EN3: Design Quality.
- EN5: Biodiversity and Green Space.
- TR4: Car Parking.

1.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. The following parts of the National Planning Policy Framework are particularly relevant to the development proposal:

- Paragraph 11 the presumption in favour of sustainable development.

- Paragraph 38 decision-making.
- Paragraphs 47-48 determining applications.
- Paragraphs 59, 60 and 65 delivering a sufficient supply of homes.
- Paragraphs 67-68 identifying land for homes.
- Paragraphs 73, 74 and 75 maintaining supply and delivery of housing (including maintaining a five-year supply of deliverable housing sites).
- Paragraphs 77-79 rural housing.
- Paragraph 80 building a strong, competitive economy.
- Paragraphs 102-103 promoting sustainable development.
- Paragraph 122 achieving appropriate densities.
- Section 12 achieving well-designed places.
- Section 15 conserving and enhancing the natural environment.

2.0 SITE

- 2.1 The application site (some 0.53 hectares) fronts the southern side of Skinners Lane and comprises part of an open field. It was previously used for grazing horses. There is a mature hedge along the frontage of the lane and an existing agricultural access and track towards the western end of the site. While the site is outside the settlement of Catsfield, as identified within the Rother District Local Plan (2006) Proposals Map, it is adjacent to the settlement. A ribbon of residential development along Skinners Lane, is located opposite the application site and also next to (east of) the application site. The application site ground levels slope gradually from the south downward towards Skinners Lane.
- 2.2 The application site is outside the designated High Weald Area of Outstanding Natural Beauty (AONB), which abuts the northern boundaries of the village.

3.0 HISTORY

- 3.1 RR/2010/1597/P Outline: Road frontage development for erection of four pairs of semi-detached dwellings and one detached dwelling – Refused – Appeal Dismissed.
- 3.2 RR/2011/1037/P Outline planning permission for the erection of six detached bungalows – Refused – Appeal dismissed.
- 3.3 RR/2015/1418/P Outline: Development of twelve private dwellings incorporating four affordable housing units – Withdrawn prior to determination.
- 3.4 RR/2015/3119/P Outline: Development of twelve private dwellings incorporating four affordable housing units – Refused.
- 3.5 RR/2016/2534/P Construction of nine houses, comprising four x 3-bed semi-detached houses, four x 2-bed terraced houses, and one x 4-bed detached house, with associated car parking, landscaping, and access – Approved – (this is an extant permission which to date has not been implemented; the current application is a revised scheme).

4.0 PROPOSAL

- 4.1 This application is a revised resubmission and is submitted as an alternative to the present full planning permission that is in place on the site (RR/2016/2534/P). The current application is also a full planning application. The application site area remains the same, as does the number of houses, the layout arrangement, as well as the parking and access provision.
- 4.2 As before the layout plan shows a residential layout in the form of a staggered line of development, fronting, but set back from, the southern side of Skinners Lane. This shows nine units in total (four x semi-detached; four within a terrace; and one detached). The semi-detached units are shown as having integral garages. The proposed properties are all two storey with plain tiled, hipped roofs, incorporating gables and chimneys. The properties with garages are shown to have catslide roofs at the side. Other external materials are described as brick walls to the ground-floor tile hanging above.
- 4.3 The application form states that 20 No. vehicle parking spaces would be provided. In addition to this, however, four integral garage parking spaces are shown on the plans.
- 4.4 As before the plans show the existing roadside hedge (to Skinners Lane) as being retained but for the creation of a new access onto the lane to serve the development (including the creation of a 25m visibility splay).
- 4.5 The Principal Differences:
- 4.5.1 The principal differences between the current application and the previously approved scheme are outlined below:
- Plots 1,2,7 and 8 (semi-detached houses) – the width and height remains as previously approved; however the depth has been increased from 7.2m to 9.3m and the design incorporates a catslide-type roof to the rear and roof dormers at first floor level in lieu of full-height windows. Internal alterations are also proposed.
 - Plots 3-6 (terrace) – the width and height remains as previously approved; however, the depth has increased from 7.1m to 9.5m and the design again now incorporates a catslide-type roof and a series of roof dormers. Alterations to the internal arrangement are also proposed.
 - Plot 9 – the width and height remains as previously approved; however, the two storey rear wing is shown increased in depth from 2.6m to 6.2m. Some alterations to the internal arrangement are also proposed.
 - The previous application proposed that foul drainage from the new houses would be dealt with by way of the installation of a pumping station together with a new foul water rising sewer, to connect with the existing mains sewer adjacent to the Ninfield Road (B2204); the current application proposes instead that this would be dealt with by the existing foul sewer and a connection would be made to an existing sewer in Skinners Lane.
 - The application proposes a track at the side of the development (adjacent to the existing property Aros Shona) to give access to the land at the rear.

5.0 CONSULTATIONS

5.1 Parish Council:

- 5.1.1 Catsfield Parish Council does not object to this application in principle. Members do have concerns regarding foul drainage and recommend an additional flow be implemented.

5.2 Highway Authority:

- 5.2.1 Any comments received prior to the Committee meeting will be reported.

5.3 Southern Water Services:

- 5.3.1 *“The submitted plan shows the proposed foul connection going into a sewer serving the neighbouring property not shown on public records. An investigation of the sewer is required to determine its ownership. Should the sewer be found to be private, the applicant should ensure himself that he has adequate rights to utilise the intervening private drainage system. Otherwise the connection to the public sewer system could be requisitioned under Section 106 of the Water Industry Act. All other comments in our letter dated 17/07/2018 remain valid”.*

- 5.3.2 Southern Water’s comments in their (earlier) 17/07/2018 letter raised no objection in principle, and included the following:

- *Foul drainage:* Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. An appropriate informative should be attached to any consent.
- *Surface water drainage:* The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities.

- 5.3.3 The full text of comments from Southern Water can be viewed on the planning website.

5.4 Environment Agency:

- 5.4.1 Has assessed this application as having a low environmental risk and therefore has no comments to make.

5.5 Lead Local Flood Authority (East Sussex County Council):

- 5.5.1 No objection in principle subject to the imposition of conditions: *“whilst the application documentation has not met all the County Council’s requirements, it is possible that the risk is capable of being mitigated to acceptable levels by the application of planning conditions which are outlined in this response”*

The full text of the response can be viewed on the planning website.

5.6 Planning Notice:

No comments received.

6.0 **APPRAISAL**

6.1 The principle of residential development on the site has been established by the granting of planning application RR/2016/2534/P in November 2016. That planning permission is presently still extant. The current application is an alternative scheme and is a full planning application. The number of dwellings, the housing mix, the layout, form and height of the development remain the same as the previous permission. The principal changes relate to the ground floor footprints of the dwellings and particularly, an increase in their depth. The deeper properties would allow the roof slope to be continued down at the rear of the properties in the form of a catslide. Rear first floor windows would be provided by dormers inserted into the extended rear roof slopes. The presence of a series of individual hipped roof dormers would be a particular characteristic of the rear of the properties. This however backs-on to the rear agriculture land and would not be prominent in landscape terms. The prominent elevation is the front elevation, which faces the public highway (Skinners Lane). In terms of overall appearance this elevation would remain very much as previously approved. As previously stated, the ridge heights of the buildings would remain unchanged and the revised development would be no more prominent than the previously approved scheme. In terms of the detailed matters of layout, scale, and external appearance the proposed scheme would be an acceptable alternative to that previously approved.

6.2 Other Matters:

6.2.1 Highways:

6.2.1.1 No comments have been received in respect of the consultation carried out with the Highway Authority. It is noted, however, that no objection was raised by the Highway Authority in respect of the previously approved development (RR/20162534/P) subject to conditions.

6.3 Foul Drainage:

6.3.1 Whilst the current application proposes connecting to an existing sewer in Skinners Lane, it is known to be the case that the previous application submission had identified technical and/or land ownership issues associated with this; as a consequence, an alternative foul drainage strategy was agreed, which involved the installation of a private pumping station. The present proposal does not, however, identify any need for this. Clarification has been sought regarding the changed approach to dealing with foul drainage. Southern Water has indicated that it would have no objection in principle to the revised approach; however, following re-consultations, has said that an investigation into the Skinners Lane sewer would be necessary to determine sewer ownership and should it not be possible to utilise this for any reason, a connection to the public sewer system could be requisitioned under the Water Industry Act. In addition to this, a fall-back position could be the installation of a private pumping station, as per the previous (extant) permission. Therefore, whilst it should be possible to achieve foul drainage

disposal for the development the details of the proposed means of drainage cannot be approved under the application. In the circumstances, in the event that members are minded to approve the application a pre-commencement condition would be required to cover the details of foul drainage disposal.

6.4 Affordable Housing:

- 6.4.1 Under present policy there is no requirement for affordable housing to be provided as part of this proposal.

6.5 Archaeology:

- 6.5.1 Conditions imposed on the previous planning permission included requirements for an archaeological Written Scheme of Investigation (WSI), its implementation, and subsequent post investigation and publication. The archaeological conditions have since been discharged under the previous application following the receipt of satisfactory details. In the circumstances there would be no need to impose archaeological conditions in the event that the current application is granted planning permission.

7.0 SUMMARY

- 7.1 Planning permission has previously been granted for the erection of nine dwellings on this site. That planning permission has not been implemented but presently remains extant. The current application is a revised scheme, which would be an acceptable alternative to that previously approved.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The Council has adopted CIL and this is a development for which CIL would be charged in respect of all residential units.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan: Drawing No. 1725/LP1
Block Plan and Landscape Details: Drawing No. 1725/SL1
Roof Plan: Drawing No. 1725/RP1
Plots 1, 2, 7, 8 Ground Floor Plans: Drawing No. 1725/01
Plots 1, 2, 7, 8 Elevations: Drawing No. 1725/02
Plots 3 to 6 Ground and First Floor Plans: Drawing No. 1725/04

Plots 3 to 6 Elevations: Drawing No. 1725/05
Plot 9 Floor Plans: Drawing No. 1725/07
Plot 9 Elevations: Drawing No. 1725/08
Contextual Elevations/Site Sections: Drawing No. 1725/CE1
Drainage Scheme: Drawing No. E11078/01 rev. C
Drainage Scheme: Drawing No. E11078/02 rev. B

This shall include the design details of all fenestration, doors, eaves and gable details, porches, and chimneystacks shown on the 1:50 plans and elevations drawings. The annotation relating to the external materials is not however approved in respect of the proposed type of hanging tiles.

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

3. The proposed external materials to be used in the construction of the dwellings (facing bricks and roof tiles) shall be as described in the application. The proposed make and type of hanging tiles is not however, approved. Details of an alternative hanging tile shall be submitted for the consideration and approval of the Local Planning Authority and only tiles, as approved, shall be used in the development.

Reason: To ensure a development of high quality urban design, appearance and architectural quality, in accordance with Policy EN3 of the Rother Local Plan Core Strategy, and the National Planning Policy Framework.

4. No above ground works shall commence until the type, (make and colour) of the proposed permeable block paving to be used in the surfacing of road surfaces, footpaths, parking courts, parking spaces, and other areas of hard-standings have been submitted and approved by the Local Planning Authority, and the development shall thereafter be carried out as approved and in accordance with an agreed implementation programme:

Reason: To ensure the creation of a high quality public realm, landscape setting and architectural quality in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy and the National Planning Policy Framework.

5. Before occupation of the buildings hereby permitted commences, a collection point and storage facilities for refuse and recycling shall be provided within the site, in accordance with the details set out on the approved plan. The areas shall be retained in that use thereafter, with all bins and containers available for use, maintained and replaced as need be.

Reason: To safeguard the visual amenities of the locality and in the interests of providing a sustainable development in accordance with Policy OSS4 of the Rother Local Plan Core Strategy.

6. Protective fencing in accordance with BS 5837:2012 shall be erected to protect those trees and hedgerows identified in the application as to being retained during and after the course of the development. This shall include the existing hedgerow along the frontage of the site, which shall be retained with the exception of those plants required to be removed to create the access points. The protective fencing shall be kept in place until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local

Planning Authority.

Reason: The site contains trees and hedgerows at its margins which contribute to the character of the area and should be conserved to ensure that the development integrates within the landscape in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

7. All new planting and other landscape works shall be carried out in accordance with the approved details (Drawing No. 1725/SL1). The planting/works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority and if within a period of five years from the date of the planting any tree or plant is removed, uprooted, destroyed or dies, [or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective] another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development and to ensure a high quality public realm taking account of the characteristics of the area and to accord with Policies EN3 and OSS4 (iii) of the Rother Local Plan Core Strategy.

8. Construction of the development shall not commence until additional details of the design of the pond, together with an assessment to demonstrate that the condition of the ditch would be satisfactory, have been submitted for the consideration and approval of the Local Planning Authority in consultation with East Sussex County Council as Lead Local Flood Authority (LLFA). The information above shall include the follows details:

- a) The drainage strategy submitted with the application should be carried forward to the detailed design and implementation.
- b) Evidence that the condition and capacity of the ditch is sufficient to accommodate run-off from the site should be provided and supported by hydraulic calculations for all rainfall events including the 1 in 100 (plus climate change).
- c) The location and condition of the existing ditch should be investigated up to its outfall. The findings of this investigation should be submitted to the LLFA. Any required improvements to the condition of the ditch should be carried out prior to discharging into this ditch. This should demonstrate an understanding of the outfall and any potential impact on the flood risk of downstream areas.
- d) The detailed design of the attenuation pond should be supported by hydraulic calculations. These calculations should consider all rainfall events including the 1 in 100 year event (plus climate change).
- c) A maintenance and management plan for the entire drainage system should be submitted to and agreed by the Local Planning Authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system. The appropriate authority for maintenance needs to be satisfied with the submitted details.
- d) Prior to occupation of the development, evidence (including photographs) shall be submitted showing that both the drainage system and the proposed property level resilience measures have been constructed as per the final agreed detailed designs

The development shall only be carried out in accordance with the approved details.

Reason: To ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policy SRM2 of the Rother Local Plan Core Strategy.

9. Construction of the development shall not commence until full details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water Services. The development shall only be carried out in accordance with the approved details.

Reason: To ensure the satisfactory drainage of the site and to prevent water pollution in accordance with Policy SRM2 of the Rother District Local Plan Core Strategy.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), the garages hereby approved shall retained for such use and shall not be altered internally or externally for use as habitable accommodation.

Reason: To ensure a satisfactory level of off-road parking facilities so as not to prejudice the free flow of traffic and conditions of general safety along the highway and to accord with Policy TR4 of the Rother Local Plan Core Strategy.

11. During any form of earthwork, excavations and/or building construction work that are carried out as part of the development, suitable vehicle washing equipment should be provided within the site, to the approval of the Local Planning Authority, to prevent contamination and damage to the adjacent roads.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large and to accord with Policies OSS4 (ii) (iii) and TR3 of the Rother Local Plan Core Strategy.

12. Prior to the commencement of development a Construction Management Scheme shall be submitted for the consideration and approval of the Local Planning Authority. This shall include details of how during the implementation of the development the movement of delivery vehicles and construction traffic will be managed; details for an onsite compound for contractors' vehicles and plant machinery and materials, and provision for parking of site workers' vehicles within the site during the construction period. The development shall only be carried out in accordance with the Construction Management Scheme and any additional method statement approved by the Local Planning Authority.

Reason: In the interests of highway safety and for the benefit and convenience of the public at large. Traffic from the site could have impacts from the initial groundwork stage of the construction works and a pre-commencement condition is necessary to ensure that measures are put in place to ensure that these are controlled and minimised in accordance with Policies OSS4(ii) and TR3 of the Rother Local Plan Core Strategy.

13. The new accesses shall be in the position shown on the submitted plan (Drawing No. 1725/SL1) and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted.

Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway and in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

14. The access serving the residential development shall not be used until visibility splays measuring 2.4m x 43m are provided in each direction at the junction with the major road. The splays shall be cleared of all obstructions exceeding 600mm in height and kept clear thereafter.

Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway and in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

15. The development shall not be occupied until parking areas have been provided in accordance with the submitted plan (Drawing No. 1725/SL1) and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles

Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway and in accordance with Policy TR4 of the Rother Local Plan Core Strategy.

16. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the submitted plan (Drawing No. 1725/SL1) and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;

Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway and in accordance with Policy TR3 of the Rother Local Plan Core Strategy.

17. The buildings shall not be occupied until the existing vehicular access/field gate has been stopped-up to vehicles and the verge and hedge reinstated as indicated on the submitted plan (Drawing No. 1725/SL1).

Reason: In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to enhance the visual amenities of the locality in accordance with Policies TR3 and OSS4 of the Rother Local Plan Core Strategy.

NOTES:

1. The development is subject to the Community Infrastructure Levy (CIL). Full details will be set out in the CIL Liability Notice which will be issued in conjunction with this decision. All interested parties are referred to <http://www.rother.gov.uk/CIL> for further information and the charging schedule.
2. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk. Please read Southern Water's New Connections Services Charging Arrangements document, which has now been published and is available to read on its website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

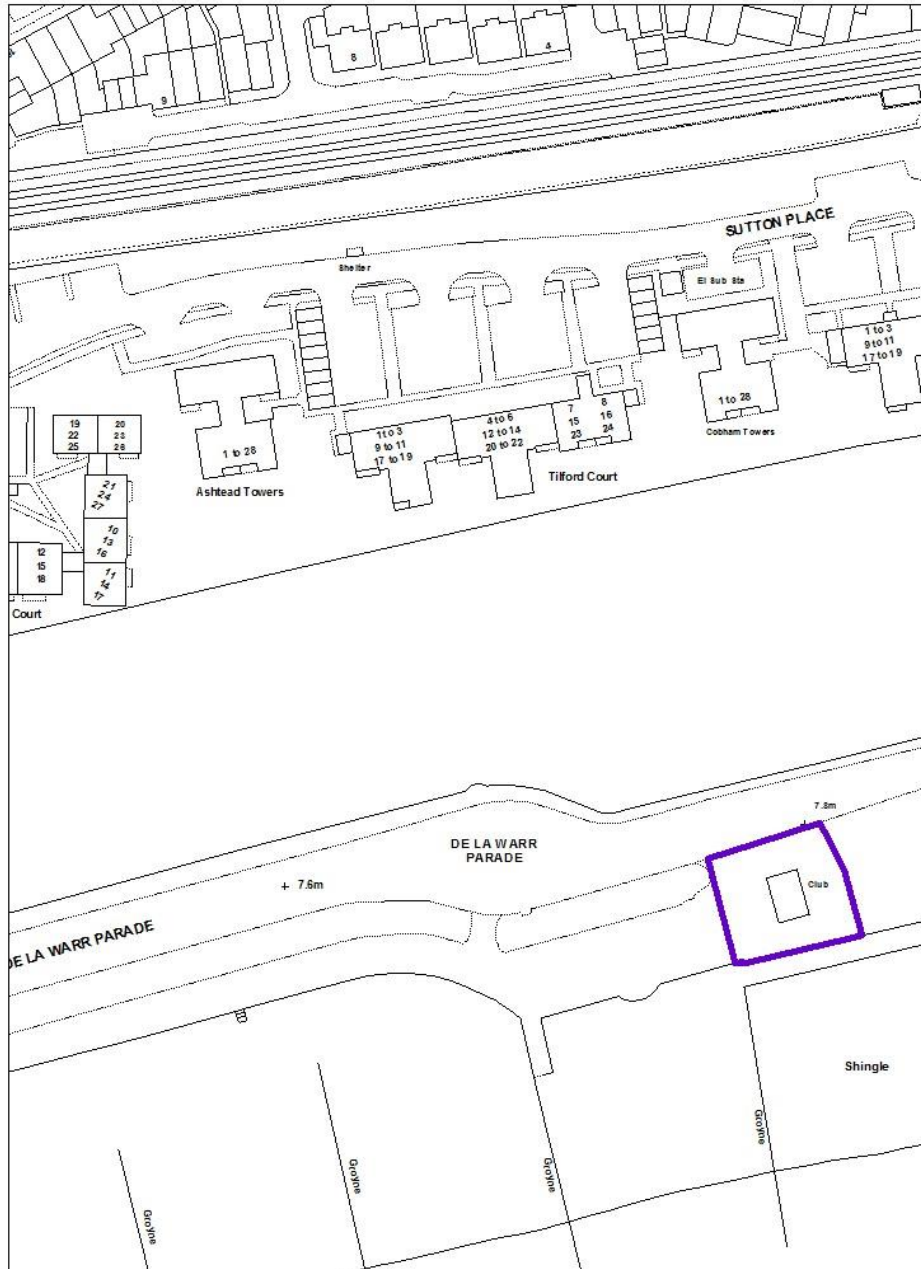
[View application/correspondence](#)

SITE PLAN

Bexhill

RR/2018/1815/P

Bexhill Sea Angling Club, De La Warr Parade,



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Not To Scale

RR/2018/1815/PBEXHILL
Parade

Bexhill Sea Angling Club, De La Warr

Demolition of existing Sea Angling Club and construction of a new single storey Sea Angling Club with separate kiosk and public toilet facilities

Applicant:

Rother District Council

Agent:

RX Architects

Case Officer:

Mr E. Corke

(Email: edwin.corke@rother.gov.uk)

Parish:

BEXHILL

Ward Members:

Councillors P.R. Douart and I.R. Hollidge

Reason for Committee consideration: Council owned land and application

Statutory 8 week date: 5 September 2018

Extension of time agreed to: 18 September 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

1.0 The following 'saved' policy of the Rother District Local Plan (2006) is relevant to the proposal:

- Policy DS3: Proposals within Development Boundaries.

1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:

- Policy PC1: Presumption in Favour of Sustainable Development.
- Policy OSS2: Use of Development Boundaries.
- Policy OSS3: Location of Development.
- Policy OSS4: General Development Considerations.
- Policy BX1: Overall Strategy for Bexhill.
- Policy SRM2: Water Supply and Wastewater Management.
- Policy CO1: Community Facilities and Services.
- Policy EN3: Design Quality.
- Policy EN4: Management of the Public Realm.
- Policy EN7: Flood Risk and Development.
- Policy TR4: Car Parking.

1.3 The National Planning Policy Framework and Planning Practice Guidance are also material considerations.

2.0 SITE

- 2.1 The application relates to the existing Bexhill Sea Angling clubhouse building, which is located in a relatively isolated but prominent seafront position at the eastern end of the promenade on De La Warr Parade, adjacent to the beach and close to Galley Hill. The existing building is a modest-sized single-storey box-like structure, which was constructed in the 1970s and is painted white. There are public off-street parking areas to the east and west of the building.
- 2.2 The site is within the development boundary for Bexhill and is also in Flood Zone 3.
-

3.0 HISTORY

- | | | |
|-----|----------------|--|
| 3.1 | B/73/0757 | Outline: to erect 60ft long by 20ft wide club house on a 75ft wide by 30ft deep – Granted. |
| 3.2 | RR/74/0838 | Erection of a single storey sea angling club headquarters – Granted. |
| 3.3 | RR/75/0674 | Single-storey sea angling club HQ and car park for six cars – Granted. |
| 3.4 | RR/76/0938 | Erection of a single storey club building and provision of 6 car parking spaces – Granted. |
| 3.5 | RR/77/1515 | Erection of an open fronted porch – Granted. |
| 3.6 | RR/78/0759 | Erection of flag pole – Granted. |
| 3.7 | RR/2001/1919/P | Extend existing hall to form external conservatory area on south side of building – Granted. |
| 3.8 | RR/2016/2056/P | Change of use of land from parking area to site a temporary porta-cabin – Granted. |
-

4.0 PROPOSAL

- 4.1 The proposal is for replacement of the existing single-storey building with a larger single-storey building of a contemporary design incorporating, amongst other things, a new Sea Angling clubhouse, teaching space, fishing store, a separate modest-sized public kiosk and three separate public conveniences. The scheme includes hard and soft landscaping on land around the new building, together with a public seating area. The proposal would bring the new building up to the end of the promenade, effectively creating a terminus for promenade users.
- 4.2 The proposed building would be more than three times the width of the existing building (21.4m compared to 6m) when viewed from De La Warr Parade and would have more than three times the internal floorspace (over 170sqm compared to 49sqm). The new building would be orientated with the clubhouse and teaching space facing south towards the beach and the public kiosk and outside seating area facing west, in view of promenade

users. The public conveniences would face north, in view of road users and residents of the flats in Sutton Place.

- 4.3 The proposed palette of external materials consists of a mixture of dark stained vertical timber cladding, natural timber cladding and concrete (including board marked concrete) under a single ply membrane flat roof.
- 4.4 The application has been amended since it was first publicised in response to the comments received from the Environment Agency and Southern Water. Revised drawings have been submitted, which show the following:
- the position of the combined rising main based on Southern Water's drainage plan;
 - the footprint of the proposed building moved 1m to the south to ensure a minimum separation distance of 4m to the combined rising main;
 - a 500mm reduction in the width of the building; and
 - existing external ground levels and the proposed finished floor level of the replacement building.
-

5.0 CONSULTATIONS

5.1 Highway Authority:

- 5.1.1 Does not consider it necessary to provide formal comments. Advises that the minor planning application guidance (2017) should be consulted.

5.2 Southern Water:

- 5.2.1 No objection subject to the imposition of conditions and an informative. Advises that the exact position of a combined rising main must be determined on site before the layout of the proposed development is finalised. Generic advice has been provided about securing either an appropriate buffer zone around the Galley Hill Bexhill Wastewater Treatment Works, within which development sensitive to odour is excluded, or developer funding to provide measures at the Works to control odours.
- 5.2.2 Full comments are available to view online.

5.3 Environment Agency:

- 5.3.1 Objects as the submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.
- 5.3.2 Full comments are available to view online.

5.4 South East Water:

- 5.4.1 No comments received.

5.5 Planning Notice:

- 5.5.1 Four letters of support from four individual addresses. The reasons for support are summarised as follows:

- Great idea to improve and modernise the existing club.
- This end of the seafront needs refreshments for the public.
- Addition of toilets.

5.5.2 Five general comments from five individual addresses summarised as follows:

- Improved facilities are welcomed.
- Inappropriate design.
- Development anywhere along the East Parade should be a matter of public consultation.
- Detrimental to the safety of cyclists.
- Increased traffic generation may result in cars being parked on the public highway.
- Existing public toilets should be upgraded.
- The building should include holiday flats.
- A changing space toilet for disabled visitors should be looked into.

5.5.3 16 letters of objection from 14 individual addresses. The reasons for objecting are summarised as follows:

- Inappropriate design; no architectural distinction or ambition.
- No need for more public toilets.
- Additional toilets will invite unsavoury behaviour and more camper vans to stay in the area at night.
- A kiosk is not needed.
- One planning notice displayed at the site is insufficient publicity.
- Loss of view.
- Insufficient information is shown or being made available with regard to the potential impact of this proposal to local residents, to users of East Parade, or for beach-hut owners, especially those on East Parade.

5.5.4 Bexhill Heritage objects to the proposal and urges that it be refused for the following reasons:

- The design of the building is of insufficient quality for this prominent site on the increasingly significant eastern end of Bexhill's East Parade. This gateway site on the Coastal Culture Trail, and its surroundings, will not be enhanced by the proposed building and it will fail to match the long-term vision of the seafront and the substantial improvements already implemented and still envisaged.
- The proposal is in conflict with Policy EN3 of the adopted local plan, section (i) and (ii) a) and g).

5.5.5 All of the comments received are available to view in full online. Any further comments received will be reported to Committee.

6.0 APPRAISAL

6.1 The application site is within the development boundary for Bexhill and as such there is a presumption in favour of development, subject to environmental considerations. In this respect, the main issues are:

- Design and impact on the character and appearance of the area.
- Impact on the living conditions of neighbouring occupiers.
- Flood risk and drainage.

6.2 Design and impact on the character and appearance of the area

- 6.2.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy seeks to ensure that development proposals respect and do not detract from the character and appearance of the locality.
- 6.2.2 Policy EN3 of the Rother Local Plan Core Strategy and paragraphs 124 and 127 of the National Planning Policy Framework require development to be of good design quality, contributing positively to the character of the site and its surroundings.
- 6.2.3 The site is located in an isolated seafront position away from existing built development in the surrounding area and, as such, the design of the replacement building should be considered on its individual merits. The existing building is a modest-sized single-storey box-like structure, which was constructed in the 1970s. It is not a building of any architectural merit and does not make a positive contribution to the character and appearance of the surrounding area.
- 6.2.4 The replacement building, by reason of its larger footprint in particular, would be more prominent than the existing building in views from the surrounding area including the promenade to the west, the flats in Sutton Place to the north and from Galley Hill to the east. However, it has been designed as a low single-storey structure with well-articulated elevations incorporating different materials and varied detailing. The contemporary design approach featuring natural and stained timber in particular seeks to reflect the beach side location and follows the recent trend for new development in coastal locations elsewhere in the district.
- 6.2.5 In addition to the above, the proposal would enhance the public space at the end of the promenade, both in terms of the visually attractive design of the new building and the provision of public facilities (i.e. kiosk, outside seating area and public conveniences) for promenade users.
- 6.2.6 Comments have been received about the design and its quality for this prominent site on the increasingly significant eastern end of Bexhill's East Parade. The proposal would replace an existing poor quality building with a new building considered to be of good design quality. The site does not demand an especially iconic architectural statement and while it is a more architecturally modest building nevertheless it has been well designed, has clarity in design terms and is appropriate in this setting. As such it will contribute positively to the character of the site and its surroundings.

6.3 Living Conditions:

- 6.3.1 Policy OSS4 (ii) of the Core Strategy seeks to ensure that development proposals do not unreasonably harm the amenities of adjoining properties.
- 6.3.2 The proposed replacement building would have more than three times the internal floorspace of the existing building and would include new facilities and external plant such as a kiosk and air source heat pump. However, the proposed uses are relatively low-key and the development would be well separated from residential properties including the beach huts to the west and the flats in Sutton Place around 90m to the north. As such, the potential

for noise to give rise to significant adverse impacts on the health and quality of life of existing residents in the locality is considered to be very low.

- 6.3.3 The potential for the development to result in light pollution to the detriment of residential amenity is similarly considered to be very low because of the separation distances involved. Low-level lighting is proposed externally and limited window openings would face the flats in Sutton Place.

6.4 Flood Risk and Drainage:

- 6.4.1 Policy EN7 of the Core Strategy and Paragraph 163 of the National Planning Policy Framework seek to minimise flood risk.

- 6.4.2 The site is in Flood Zone 3, which is defined as having a high probability of flooding from the sea in the Planning Practice Guidance.

- 6.4.3 With regard to the risk from tidal flooding, the Environment Agency (EA) currently objects to the proposal on the grounds that the submitted Flood Risk Assessment fails to provide sufficient detail regarding the impacts of climate change and the effect of a range of flooding events including extreme events on the safety of people and property. The planning agent for the application has sought to address the EA objection through the submission of amended drawings showing existing external ground levels and the proposed finished floor level of the replacement building. The agent has also confirmed that the ground floor construction can be a masonry/block-work type with cladding fixed over. These details have been forwarded to the EA for further comment.

- 6.4.4 In terms of drainage, it is proposed to dispose of foul and surface water via the existing public sewer. Whilst this is likely to be acceptable for the disposal of foul sewage, in relation to surface water this would only be permitted by Southern Water where it is demonstrated to be necessary and where adequate capacity exists to serve the development. Infiltration (e.g. soakaway) or the use of an existing watercourse are the preferred means of surface water disposal. As such, a surface water drainage condition is required to ensure that surface water from the development is properly managed. Southern Water also seeks to ensure that all existing drainage infrastructure is protected during the construction period. Again, this is a matter that can be dealt with by condition.

- 6.4.5 Southern Water has advised that the exact position of a nearby combined raising main, which is shown on the Proposed Site Block Plan, must be determined on site before the layout of the proposed development is finalised. The reason for this is that no development or new tree planting should be located within 4m either side of the external edge of the combined rising main. This matter should be addressed prior to determining the application, as the position of the building may change following on-site investigation.

- 6.4.6 In addition to the above, Southern Water states that the proposed development site is located approximately 37m from Galley Hill Bexhill Wastewater Treatment Works, a facility which has the potential to cause unpleasant smells. Generic advice has been provided about securing either an appropriate buffer zone around the Wastewater Treatment Works, within which development sensitive to odour is excluded, or developer funding to

provide measures at the Works to control odours. However, specific details relating to the proposal (e.g. whether the development proposed is sensitive to odour, the size of the buffer zone required etc.) have not been provided by Southern Water and an objection has not been raised in relation to this matter. Ultimately, the proposal is for replacement of the longstanding Sea Angling clubhouse building, which has been located in the vicinity of the Wastewater Treatment Works for many years, with a new Sea Angling building, albeit with enhanced facilities. As such, it is not considered likely that the proposal would lead to complaints about odour, which is Southern Water's concern.

6.5 Other Matters:

- 6.5.1 The proposal would result in the loss of some off-street car parking spaces to the east and west of the existing building, which has the potential to displace parking onto De La Warr Parade. However, De La Warr Parade has sufficient parking capacity to accommodate any modest increase in demand for on-street parking which may arise as a result of the proposal.
- 6.5.2 Local residents are concerned that the provision of additional public toilets would attract unsavoury behaviour and more camper vans to stay in the area at night. However, the claim that additional public toilets would attract unsavoury behaviour is unsubstantiated. In addition, as with other public toilets in the district, the new toilets would be closed at night. As such, the proposal would not result in more camper vans staying in the area at night.
- 6.5.3 There is also concern that the replacement building would spoil the existing 'beautiful' view. However, whilst the new building would be more prominent than the existing building because of its larger footprint in particular, it would be a low single-storey structure. As such, existing views would not be unduly compromised. In any case, loss of view is not a material planning consideration.
- 6.5.4 Some local residents do not want to look at toilets on the roadside elevation of the building. However, there is nothing inherently wrong with providing toilets on the roadside elevation of this well-designed building. A planter is proposed in front of the toilets, which would provide some screening of these public facilities.
- 6.5.5 Local residents are concerned that the Council has failed to publicise the application properly. However, the Council has fulfilled its statutory duty with regard to publicising the application. A planning notice was displayed near the land to which the application relates for the statutory 21 days.

7.0 SUMMARY

- 7.1 The proposal is for a well-designed replacement building, which will contribute positively to the character of the site and its surroundings, and will provide enhanced facilities for the local community and visitors to Bexhill.
- 7.2 It will impact little on the living conditions of existing residents in the locality. Subject to addressing the Environment Agency's objection, establishing the exact position of the combined rising main relative to the proposed building, and with the imposition of appropriate conditions to ensure that the proposal

has an acceptable impact on the environment, planning permission should be granted for the proposed development.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

8.1 The proposed development is not liable for CIL.

RECOMMENDATION: GRANT (PLANNING PERMISSION) DELEGATED (SUBJECT TO ADDRESSING THE ENVIRONMENT AGENCY'S OBJECTION AND ESTABLISHING THE EXACT POSITION OF THE COMBINED RISING MAIN RELATIVE TO THE PROPOSED BUILDING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
Drawing No. 01017_50 (Site location plan) dated 27/06/18
Drawing No. 01017_150 (Proposed Site Block Plan) dated 28/08/18
Drawing No. 01017_225 (Proposed Ground Floor Plan) dated 28/08/18
Drawing No. 01017_226 (Proposed Roof Plan) dated 28/08/18
Drawing No. 01017_350 (Proposed Elevations) dated 28/08/18
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.
3. No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water and the development shall not be occupied until the surface water drainage works to serve the development have been provided in accordance with the approved details.
Reason: These details are integral to the whole development and are therefore required prior to the commencement of works to ensure the satisfactory drainage of the site in the interests of flood risk avoidance, in accordance with Policies OSS3 (ii), SRM2 and EN7 of the Rother Local Plan Core Strategy.
4. No development shall commence until measures for the protection of existing drainage infrastructure during the construction period of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water and the development shall be carried out in accordance with the approved details.
Reason: These details are required prior to the commencement of works to ensure protection of the existing drainage network, in accordance with Policies OSS3 (ii) and SRM2 of the Rother Local Plan Core Strategy.

5. No development above ground level shall take place until samples of the materials and finishes to be used in the construction of the external surfaces of the replacement building and street furniture hereby permitted 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.
Reason: To ensure the satisfactory appearance of the development in the surrounding area, in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.
6. No development above ground level shall take place until the hard and soft landscaping details for the whole site have been submitted to and approved in writing by the Local Planning Authority and the development shall not be occupied until the hard and soft landscaping has been carried out in accordance with the approved details.
Reason: To ensure the satisfactory appearance of the development in the surrounding area, in accordance with Policies OSS4 (iii) and EN3 of the Rother Local Plan Core Strategy.

NOTES:

1. A formal connection to the public sewage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

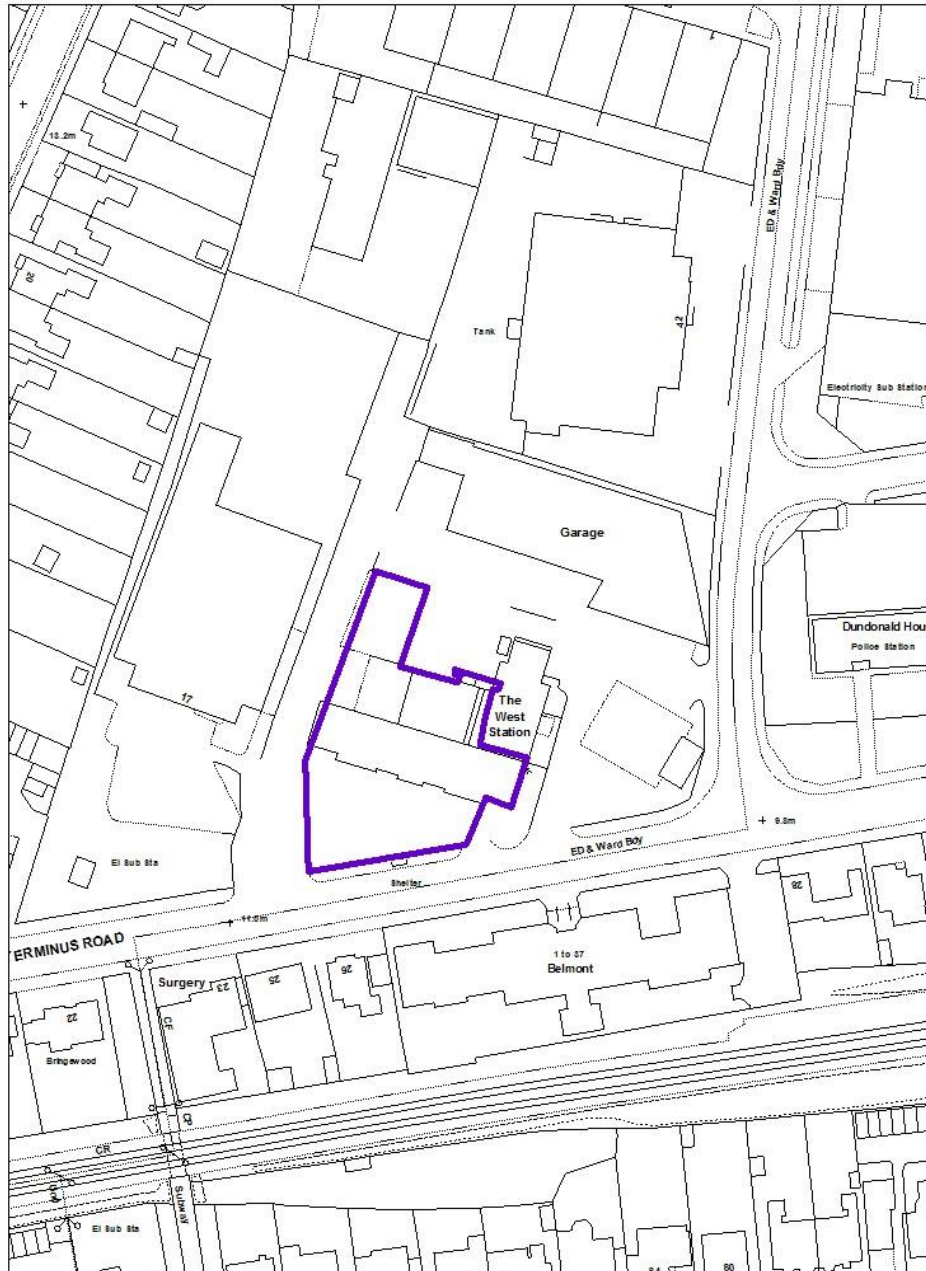
[View application/correspondence](#)

SITE PLAN

Bexhill

RR/2018/1585/P

16 Terminus Road, West Station Goods Yard,



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Not To Scale

RR/2018/1585/P

BEXHILL 16 Terminus Road, West Station Goods Yard

Retain existing A1 and A3 use together with Sui Generis use as an auction house. Extension of seating area in cafe

Applicant:

Betz Limited

Case Officer:

Mr S. Batchelor

(Email: samuel.batchelor@rother.gov.uk)

Ward Members:

Councillors Mrs D.C. Earl-Williams and D.B. Oliver

Reason for Committee consideration: Council owned land

Statutory 8 week date: 16 August 2018

Extension of time agreed:

1.0 POLICIES

- 1.1 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:
- OSS4: General Development Considerations
 - BX1: Overall Strategy for Bexhill
 - EC7: Retail Development
- 1.2 The National Planning Policy and Planning Policy Guidance are also material considerations.
- 1.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
-

2.0 SITE

- 2.1 This application relates to an established retail premises accommodated within the former Bexhill West railway station, which is a grade II listed building. The site is located within the development boundary of the town but outside the Bexhill Town Centre Shopping Area as defined in the 2066 Local Plan, which at its nearest point lies 370m to the east.
- 2.2 The site is located within a mixed commercial/ industrial/ residential area. The building is set back from the road and there is a car park in front.
-

3.0 HISTORY

- 3.1 RR/2013/1367/P Change of use to Class A1 (shops), partly restricted to sales of antiques, and café within Class A3 (restaurants and cafes). Granted.
- 3.2 RR/2010/1746/P Change of use from auction rooms (sui generis) to A1 retail for sales of antiques. Granted.
- 3.3 B/77/1913 Change of use from scenery store into auction salerooms. Granted.
-

4.0 PROPOSAL

- 4.1 The applicant wishes to retain the existing antique retail and café uses on site (as allowed by planning permission RR/2018/1585/P) and 're-introduce' an auction room which has historically existed at the property.
- 4.2 They also wish to extend the café seating into the north-western portion of the building adjacent to the existing café.
-

5.0 APPRAISAL

- 5.1 For all intents and purposes planning permission is sought for the mixed use of the premises as an antique retail centre, café and auction rooms.
- 5.2 The use of the premises for the retail of antiques and as a café has already been allowed by the previous consents. Therefore, the main consideration here is whether the partial change of use of the building to be used as an auction room, along with a small increase in the café seating area, is acceptable having regard to the character of the area and neighbouring amenities.
- 5.3 The proposed use of the main hall as an auction room is similar in nature to the existing retail activity on the site – i.e. the buying and selling of goods. The nature of auctions would likely mean that activity at the site may be more concentrated at certain times (during the auctions themselves), but, given the generous parking available at the site and the relatively accessible location close to the town centre and by public transport there are no concerns with this arrangement.
- 5.4 Given the existing use the building and the level of separation from more sensitive residential properties it is not considered that the proposal would result in any harm to the character of the area or to neighbouring residential amenities.
- 5.5 The proposal does not result in any physical alterations to the listed building and the use proposed, which is not too dissimilar to the existing uses, is not considered to harm the building's special interest.
-

6.0 SUMMARY

- 6.1 The proposal will introduce an auction house use into premises with an existing antique retail and café use. The additional use would not significantly alter the function of the premises and as such there will be no harm to the character of the area or neighbouring residential amenities. The proposal is recommended for approval.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In accordance with section 91 of the Town & Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).

2. The premises shall be used for the sales of antiques only and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), with the exception of:

- i. The area outlined in pink on the submitted undated and untitled coloured floor plan, which may be used, as part of the overall mixed use as a café (in Class A3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)).
- ii. The area outlined in yellow to the north-western side of the café and annotated as “FOR ADDITIONAL SEATING FOR CAFÉ” on the submitted undated and untitled coloured floor plan, which may be used, as part of the overall mixed use as ancillary seating for the café referred to in paragraph (i) above.
- iii. The area outlined in yellow to the south-eastern side of the café and annotated as “AUCTION ROOM” on the submitted undated and untitled coloured floor plan, which may be used, as part of the overall mixed use as an auction house (sui generis) when not in use for the retail sale of antiques.

In respect of the above the whole premises shall be occupied only as a single planning unit and areas specified in paragraphs (i), (ii) and (iii) above shall only be accessed by customers via the main entrance, as described on the submitted undated and untitled coloured floor plan.

Reason: The site is set outside the defined shopping area for Bexhill where an unrestricted Class A1 retail premises of this size would require further assessment in accordance with Policy EC7 of the Rother Local Plan Core Strategy.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), within the café hereby approved no primary cooking of food (except reheating in a microwave oven) shall be undertaken without the written permission of the Local Planning Authority.

Reason: To ensure the development does not result in odour nuisance in the interests of protecting the amenities of neighbouring occupiers in accordance with Policy OSS4 of the Rother Local Plan Core Strategy.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

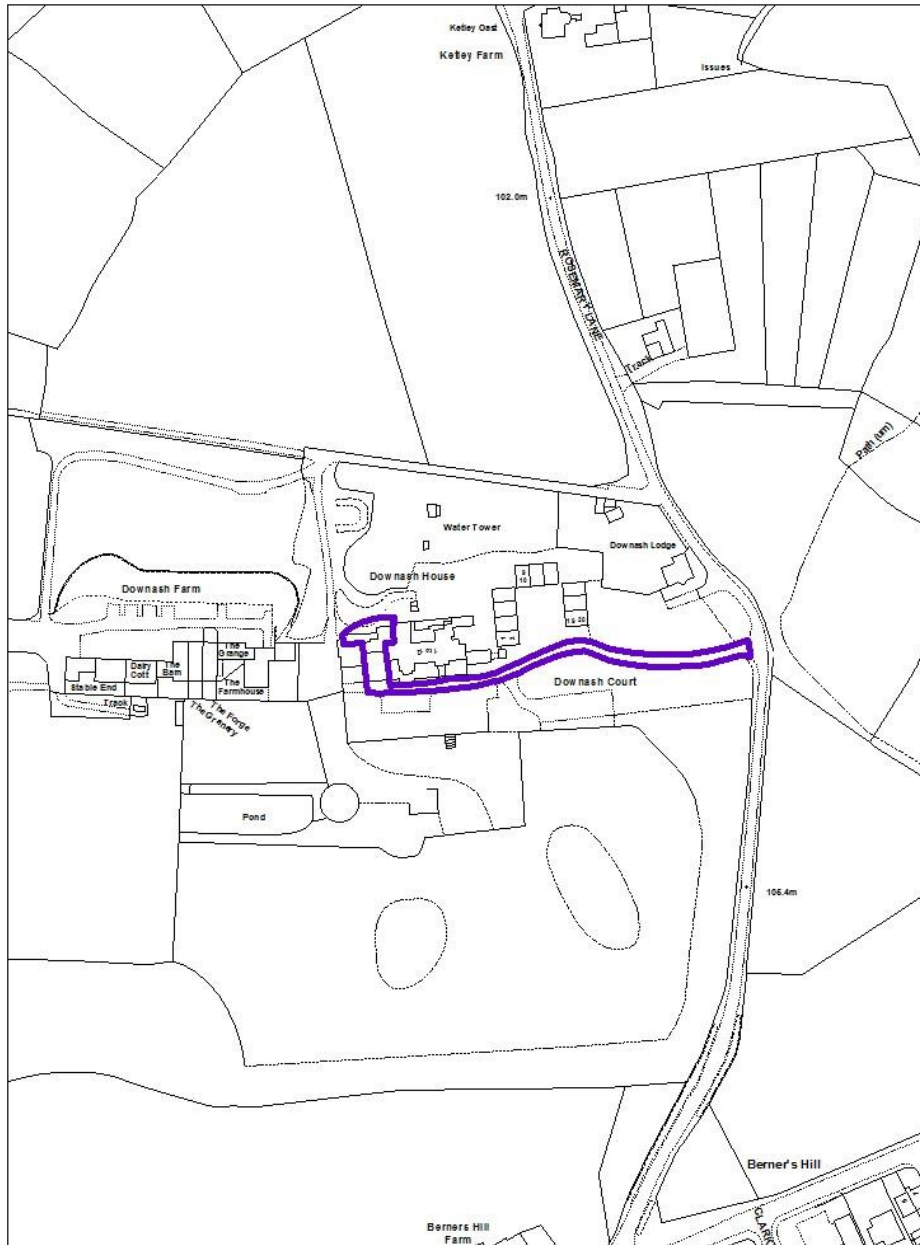
[View application/correspondence](#)

SITE PLAN

Ticehurst

RR/2018/1661/P &
RR/2018/1662/L

Downash House, Unit 5 The Old Oast, Rosemary Lane



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Not To Scale

RR/2018/1661/P

**TICEHURST Downash House, Unit 5 The Old Oast,
Rosemary Lane, Ticehurst**

Internal and external alterations. Ground and first floor rear extension. Front garden entrance gate and piers. Rear gate and fence

RR/2018/1662/L

**TICEHURST Downash House, Unit 5 The Old Oast,
Rosemary Lane, Ticehurst**

Internal and external alterations. Ground and first floor rear extension. Front garden entrance gate and piers. Rear gate and fence

Applicant:

Nicol Developments Limited

Agent:

CLM Planning

Case Officer:

Mrs S. Shepherd

(Email: sarah.shepherd@rother.gov.uk)

Parish:

TICEHURST

Ward Members:

Councillors Mrs M.L. Barnes and R.V. Elliston

Reason for Committee consideration: Head of Service Strategy and Planning referral: agent related to member of staff.

Statutory 8 week date: 14 August 2018

Extension of time agreed to: 17 September 2018

1.0 POLICIES

1.1 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:

The following policies of the Rother Local Plan Core Strategy are relevant to the proposal:

- OSS4: General development considerations
- EN2: Stewardship of the historic built environment
- RA3: Development in the countryside
- EN1: Landscape stewardship

1.2 The National Planning Policy 2018 and Planning Policy Guidance are also material considerations with particular reference to section 16 on ‘conserving and enhancing the historic environment’ and paragraph 172 which affords ‘great weight’ to the conservation and enhancement of the landscape character and scenic beauty of an Area of Outstanding Natural Beauty (AONB).

1.3 Also of relevance are Section 16 (with regards to the planning application) and Section 66 (for the listed building application) of the Planning (Listed

Buildings and Conservation Areas) Act 1990, which confers a statutory duty to local planning authorities when considering whether to grant listed building consent and planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.0 SITE

- 2.1 Downash is a grade II listed building, the main and original elements of which date from 1880. The complex of buildings formerly comprised the main house with a model farm to the west, a walled garden, lake and lake-house, water tower and parkland-like garden. Historic research has shown that older rudimentary buildings and a square oast once stood immediately to the west of the main house. The oast building was subject to alterations when planning permission was granted for the current '1960s block' that at the time, when the use of the site was as a school. Soon after, all the buildings were converted to flats. The oast is no longer evident externally but some evidence still remains internally.
- 2.2 Access is from the east along the driveway, passing a group of warden assisted housing that was erected in the late 1980s, Downash Court, and are in the ownership of a housing association. The model farm buildings to the west are also in separate ownership having been converted to residential dwellings in the early 2000s.
- 2.3 The buildings sit on a plateau with an area of woodland rising up behind to the north and the valley falling away to the south. The site is well screened within the landscape of the High Weald AONB, with limited glimpses from the public footpath to the north and west.
-

3.0 HISTORY

- | | | |
|-----|----------------------------------|--|
| 3.1 | RR/2017/2593/P
RR/2017/2594/L | Erection of a block of nine garages served by new drive, 4 parking bays, landscaping, paved and timber deck seating areas, retaining walls in walled garden, estate fencing, entrance gates and external lighting. Approved conditional. |
| 3.2 | RR/2017/956/P
RR/2017/957/L | Internal and external alterations to existing self-contained accommodation and garden walls to the 1960's block only. Planning and Listed Building consent granted subject to conditions. |
| 3.3 | RR/2017/101/O | Repair to windows specifically brick mullions. Lawful Development Certificate approved. |
| 3.4 | RR/2006/1614/P
RR/2006/1615/L | Replacement of existing with 2 new boilers and 2 flues in central boiler room. Planning and Listed Building consent granted subject to conditions. |
| 3.5 | RR/2001/2847/P | Demolition of garages, change of use and alteration to |

disused workshop and garage to form a three bedroom house and construction of a detached garage with alteration to an existing access. Refused.

- | | | |
|------|--------------|--|
| 3.6 | RR/2002/37/L | Demolition of garages, change of use and alteration to disused workshop and garage to form a three bedroom house and construction of a detached garage with alteration to an existing access. Consent granted subject to conditions. |
| 3.7 | RR/83/2363 | Outline: Erect 20 warden assisted dwellings for the elderly with 13 car parking spaces. Approved conditional. |
| 3.8 | RR/84/0885 | Reserved matters: Erect 20 warden assisted dwellings for the elderly with 13 car parking spaces. Approved conditional |
| 3.9 | A/65/97 | Conversion of dwelling house into eleven self-contained flats. Approved. |
| 3.10 | A/64/746 | School to 10 flats. Approved. |
-

4.0 PROPOSAL

- 4.1 This application relates only to the former Oast which is sandwiched between the 1960s block and the historic main building of Downash. The owners of the site are looking to refurbish all the flats within the listed building but applications are being submitted in a piecemeal manner. Applications last year related to the refurbishment of the 1960s block attached to the western side of the main building. An application for the main building is expected later this year.
- 4.2 The proposals include details for the removal of some 1960s alterations and insertion of new stairs. Elements of the oast – the internal sloping walls at ground floor level – are to be retained. Doors and windows are to be refurbished with some additional windows inserted at the rear where a small extension is proposed. Old metal windows from the 1960s block which better reflect the window detail of the main building are to be reused at the rear of the Oast. The front wall is to be rebuilt, to match existing details, with a new wall to the rear. To enabler access along the rear of the listed building, the embankment will be cut back with a new gabion wall, which can be planted.
-

5.0 CONSULTATIONS

5.1 Ticehurst Parish Council:

- 5.1.1 *Support. Standard of the application was good. Heritage risk assessment deemed as low. Good design. Exterior brickwork to match existing build.*

5.2 Planning Notice:

- 5.2.1 No comments received.

6.0 APPRAISAL

6.1 These two applications are considered together. The main issues to be considered with regard to the applications are; in relation to the listed building consent, the impact on the listed building and its setting, and, in relation to the planning application, the impact on neighbours and the impact on the landscape character and scenic beauty of the High Weald AONB.

6.2 Impact on the listed building and its setting:

6.2.1 The desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, is not only a statutory duty but also a matter that underpins both national and local policy. This site has been the subject of considerable pre-application discussion with the owners and these applications stem directly from those discussions.

6.2.2 The site has been unoccupied for over two years. The proposals were amended in respect of some details in association with the applicant's former conservation consultant and with advice from the Council's Conservation and Design Officer. There are no objections in principle to the proposals, which will remove poor 20th century alterations, refurbish original details and reinstate more sympathetic details.

6.2.3 The insertion of the gabion wall to the rear will improve access to the rear of the buildings assisting with future maintenance and preservation. The use of gabion walls reflects details already approved for use in the grounds to the south of the building. The land continues to rise above the wall into a wooded area. The wall can be naturalised with planting to provide a green outlook, thereby softening and maintaining the rural setting of the listed building.

6.2.4 As such the proposals will now preserve the special architectural and historic interest of the listed building and its setting.

6.3 Impact on Neighbours:

6.3.1 There are residential neighbours, comprising the elderly peoples housing to the east of the main building and the converted farm buildings to the west of the 1960s block. The proposals would not result in any detriment to the residential amenities of either of these groups of properties.

6.4 Impacts on the AONB:

6.4.1 The complex of buildings is located within the open countryside of the High Weald AONB some distance from any development boundary and where there is a presumption in general against new development. The National Planning Policy Framework at paragraph 172 states that: *"Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and AONB, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas"*. This is reinforced at local level in Policy EN1 of the Core Strategy. Particular consideration has therefore been given to the proposals to ensure not only that they maintain and reinforce the setting of the listed building but also that they do not harm the landscape character and scenic beauty of the

AONB. The refurbishment of the existing building would not have any perceptible impacts on the wider landscape, while the use of the stone gabions, which are concealed from view, would reflect a natural material found in the countryside.

- 6.4.2 As such the proposals are not considered to harm the landscape character or scenic beauty of the AONB.

7.0 SUMMARY

- 7.1 The application proposals are a welcome step to the refurbishment and re-use of the listed building and should maintain and enhance its setting.
- 7.2 The proposals are not considered to harm the landscape character or scenic beauty of the High Weald AONB.
- 7.3 The proposals should not impact upon the residential amenities of the neighbouring properties.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposed refurbishment of an existing dwelling unit is not liable for CIL.

RR/2018/1661/P

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing No. 2015/000 rev.B, dated 15.05.18
Drawing No. 2015/002 P/00, dated 15.05.18
Drawing No. 2015/503 rev.C, dated 26.07.18
Drawing No. 2015/504 rev.B, dated 15.05.18
Drawing No. 2015/513 rev.B, dated 26.07.18
Drawing No. 2015/514 rev.B, dated 26.07.18
Drawing No. 2015/515 rev.B, dated 26.07.18
Drawing No. 2015/516 P/00, dated 15.05.18
Drawing No. 2015/518 P/00, dated 27.07.18
Drawing No. 2015/519 rev.B, dated 27.07.18
Drawing No. 2015/520 rev.B, dated 27.07.18
Drawing No. 2015/523 rev.C, dated 27.07.18
Drawing No. 2015/524 rev.B, dated 27.07.18

Drawing No. CS-ND-DH-16-633 rev.A, dated 23.08.17

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

NOTES:

1. The applicants' attention is drawn to the associated listed building consent RR/2018/1662/L and the attached conditions.
2. The applicant/developer is reminded that while the use of gabion walls is approved in principle and appearance, responsibility for securing a safe development rests with the developer and/or landowner (paragraph 179, National Planning Policy Framework).

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

[View application/correspondence](#)

RR/2018/1662/L

RECOMMENDATION: GRANT (LISTED BUILDING CONSENT)

CONDITIONS:

1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.
Reason: In accordance with section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Drawing No. 2015/000 rev.B, dated 15.05.18
Drawing No. 2015/002 P/00, dated 15.05.18
Drawing No. 2015/503 rev.C, dated 26.07.18
Drawing No. 2015/504 rev.B, dated 15.05.18
Drawing No. 2015/513 rev.B, dated 26.07.18
Drawing No. 2015/514 rev.B, dated 26.07.18
Drawing No. 2015/515 rev.B, dated 26.07.18
Drawing No. 2015/516 P/00, dated 15.05.18
Drawing No. 2015/518 P/00, dated 27.07.18
Drawing No. 2015/519 rev.B, dated 27.07.18
Drawing No. 2015/520 rev.B, dated 27.07.18

Drawing No. 2015/523 rev.C, dated 27.07.18

Drawing No. 2015/524 rev.B, dated 27.07.18

Drawing No. CS-ND-DH-16-633 rev.A, dated 23.08.17

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022-20140306.

3. Prior to the relevant part of the works being carried out details of all new door details at 1:10 and with full size sections through cills, frames and opening lights, including any glazing bars and mullions, and showing the relationship to the existing structure shall be submitted to and approved in writing by the Local Planning Authority. Works shall be completed in accordance with the approved details.

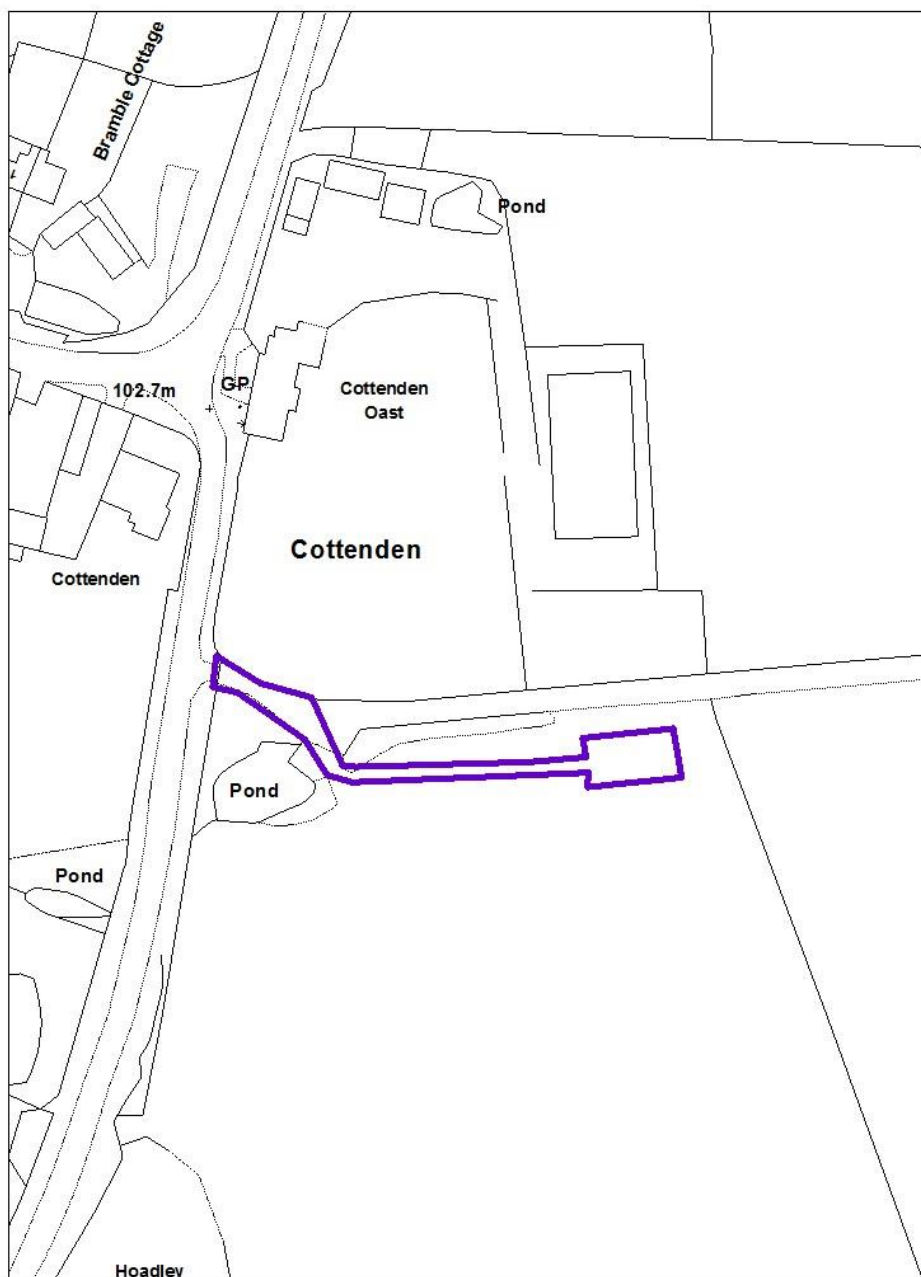
Reason: To ensure that special regard is paid in the interests of protecting special architectural and historic character and detailing of the listed building in accordance with Policy EN2 of the Rother Local Plan Core Strategy and section 16 of the National Planning Policy Framework.

NOTE:

1. The applicants' attention is drawn to the associated planning permission RR/2018/1661/P and the attached conditions.

[View application/correspondence](#)

SITE PLAN	Ticehurst
RR/2018/1881/P	Cottenden - Land at, Battenhurst Road,



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RR/2018/1881/P

TICEHURST Cottenden - Land at, Battenhurst Road

Proposed 5m x 10m general purpose agricultural storage building

Applicant:

Mr Smith

Agent:

Samuel & Son

Case Officer:

Miss A. Ingram (Email: andrea.ingram@rother.gov.uk)

Parish:

TICEHURST

Ward Members:

Councillors Mrs M.L. Barnes and R.V. Elliston

Reason for Committee consideration: Member referral by Councillor Mrs M.L. Barnes

Statutory 8 week date: 11 September 2018

Extension of time agreed to: 24 September 2018

This application is included in the Committee site inspection list.

1.0 POLICIES

1.2 The following policies of the Rother Local Plan Core Strategy 2014 are relevant to the proposal:

- Policy OSS3: Location of Development
- Policy OSS4: General Development Considerations
- Policy RA2: Generally Strategy for the Countryside
- Policy RA3: Development in the Countryside
- Policy EN1: Landscape Stewardship
- Policy EN2: Stewardship of the Historic

1.3 The National Planning Policy and Planning Policy Guidance are also material considerations.

2.0 SITE

2.1 The site is a field of 3.5ha situated on the eastern side of Battenhurst Road, to the east of Stonegate. The field has recently been sold as a separate parcel of land. The area is a cluster of buildings part residential and part agricultural around the Cottenden Farm. The site is in a rural area and within the High Weald Area of Outstanding Natural Beauty (AONB). A footpath runs along the track leading to the site.

3.0 HISTORY

3.1 None relevant.

4.0 PROPOSAL

- 4.1 It is proposed to erect a 5m x 10m general purpose building for storage of forage and machinery.
- 4.2 The 3.5ha are to be used for hay production and, this forage will then be stored on site and sold to local smallholdings, equestrian units and farms to sustain their livestock through winter months.
- 4.3 The barn would be situated approximately 100m from Battenhurst Road. It would be part enclosed for the storage of vehicles and machinery and part open to allow for the storage of hay. The secure part of the building would be clad with green box profile steel cladding with a grey steel roller shutter doors. The open element of the barn would be part clad with Yorkshire boarding.
-

5.0 CONSULTATIONS

5.1 Ticehurst Parish Council:

- 5.1.1 Objections were raised by neighbours who would be adversely affected by the proposed modern building. The current site comprises under nine acres which has not been proven to be in agricultural use. The proposed building is industrial in design and not in keeping with the AONB, disproportionate to the size of the holding. It was felt that the advice of the East Sussex County Council agricultural adviser was sound and the planning committee felt that this was an example of planning creep which should be robustly discouraged in the AONB. Hay has been made on the field but the plot is not large enough to sustain the type of agricultural business envisaged in the supporting design and access statement.

5.2 Rural Estates Surveyor:

- 5.2.1 Conclusion:
"... the building is not overly large for the stated purposes and its provision appears necessary to agriculture on this holding, and suitably designed and located for the said purposes, in accordance with Local Plan Core Strategy Policy RA3 (i)."

5.3 Planning Notice:

- 5.3.1 Seven letters of objection have been received. In summary the issues are:
- The barn is unnecessary for a field of this size.
 - The land is poor.
 - It is next to a public footpath
 - It will obstruct a beautiful view across the valley to Burwash.
 - The design of the barn is ugly and industrial.
 - There are fields adjacent to this field, which are being bought by non-farmers. If this was allowed, this could potentially mean owners could put up barns on every small field.
 - There are brownfield sites nearby for which planning permission has been refused. This greenfield development should be refused as a matter of consistency.

- This is not a viable venture given the likely income and the cost of the land.
 - The proposal does not comply with the Council's policies.
-

6.0 APPRAISAL

6.1 The main issues in considering this application are:

- The principle of this development in the countryside location.
- The impact on the character and appearance of the AONB.

6.2 The Principle:

6.2.1 Policy RA3 states that proposals for development in the countryside will be determined on the basis of: (i) supporting new agricultural buildings and other nondomestic buildings demonstrably needed to support farming, woodland and other land-based industries that are of appropriate size, siting and design and materials and directly relates to the enterprise, and (v) ensuring that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside and, whenever practicable, support sensitive land management.

6.2.2 The agent has set out the hay yield generated from the land to justify the size of the barn, and although the land parcel is relatively small the proposed barn is modest in size. The initial design of the building was not considered suitable for the proposed storage of hay as it was entirely enclosed. An amended design now has an open fronted element that would be more appropriate for this use. As such it is considered that the building is reasonably necessary to serve the activities on this agricultural unit. This is confirmed by the advice of the independent Rural Estates Surveyor.

6.3 Character and Appearance:

6.3.1 Policy OSS4 (iii) states all development should respect and not detract from the character and appearance of the locality.

6.3.2 Policy RA3 (v) seeks to ensure that all development in the countryside is of an appropriate scale, will not adversely impact on the landscape character or natural resources of the countryside, and whenever practicable, support sensitive land management.

6.3.3 Policy EN1 provides that the management of the high quality historic, built and natural landscape character is to be achieved by ensuring the protection, and whenever 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.

6.3.4 That the proposed building is modest in scale and would not appear out of place in this location. In terms of design and external appearance, the part timber/part steel cladding and steel roof would be acceptable for an agricultural building. As such the proposed barn would not have a detrimental impact upon the landscape setting and scenic beauty of the High Weald AONB.

7.0 SUMMARY

- 7.1 The building is considered to be a suitable size for the holding, and is considered reasonably necessary for the purposes of agriculture. The design and appearance is considered to be acceptable, without detracting from the landscape character and scenic beauty of the High Weald AONB.
- 7.2 This application is recommended for approval subject to conditions.

8.0 COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 8.1 The proposal is not liable for CIL.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
Site Plan proposed, submitted with application.
Block Plan, submitted with application.
Proposed new agricultural building – Open bay with Yorkshire boarding, submitted on the 20 August 2018.
Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-02220140306.
3. No floodlighting or other external means of illumination of the building hereby permitted shall be provided, installed or operated at the site without a further planning permission.
Reason: To safeguard the special character of the rural area within the High Weald AONB in accordance with Policies OSS4 (iii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.
4. The building hereby permitted shall only be used for the purposes of agriculture and/or forestry as defined in Section 336 of the Town and Country Planning Act 1990 and for no other purpose.
Reason: To ensure that only buildings essential to the running of an agricultural unit are provided in the countryside in accordance with Policy RA3 (i) of the Rother Local Plan Core Strategy.
5. No development above ground level shall take place until the colour of the external surfaces of the barn to be used is first submitted and approved in

writing by the Local Planning Authority and works shall be completed in accordance with the approved details.

To safeguard the special character of the rural area within the High Weald AONB in accordance with Policies OSS4 (iii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting this Order with or without modification), no alterations to the barn shall be carried out on the site otherwise than in accordance with a planning permission granted by the Local Planning Authority.

Reason: To ensure that the building hereby approved remains fit for the agricultural use being sought and to safeguard the special character of the rural area within the High Weald AONB in accordance with Policies OSS4 (iii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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