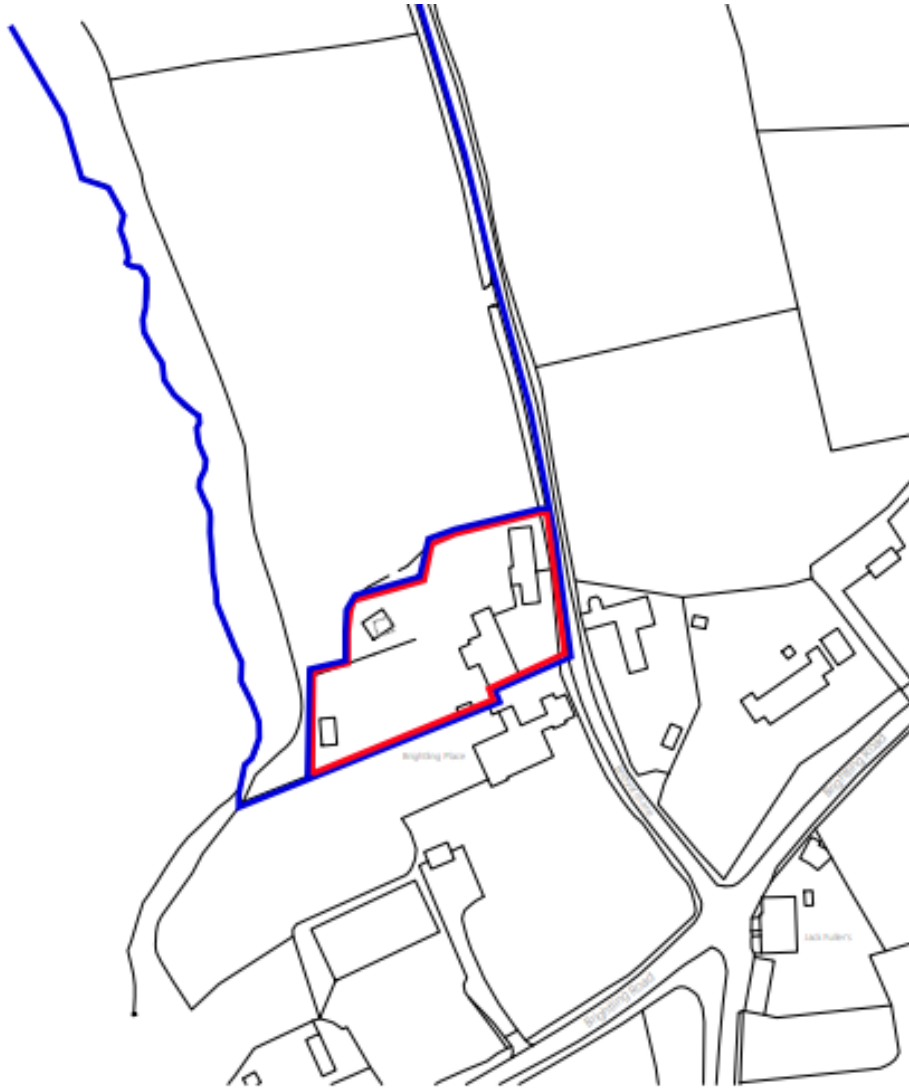


SITE PLAN

RR/2022/1350/P

BRIGHTLING

The Oast
Brickyard Lane



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Not to Scale

Rother District Council

Report to - Planning Committee
Date - 13 October 2022
Report of the - Director – Place and Climate Change
Subject - Application RR/2022/1350/P
Address - The Oast, Brickyard Lane, Oxleys Green, Brightling
TN32 5HD
Proposal - Retention of outbuilding (retrospective) and re-instatement of grassland.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **GRANT (FULL PLANNING)**

Director: Ben Hook

Applicant: Mrs A. French
Agent: Mr Edward Youngson
Case Officer: Mr Michael Vladeanu
(Email: Michael.vladeanu@rother.gov.uk)

Parish: BRIGHTLING
Ward Members: Councillors J. Barnes and Mrs E.M. Kirby-Green

Reason for Committee consideration: Councillors Call-in J. Barnes and Mrs Kirby-Green

Statutory 8-week date: 21 July 2022
Extension of time agreed to: 20 October 2022

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 This planning application seeks retrospective planning permission for the retention of an outbuilding (retrospective) and re-instatement of grassland.
- 1.2 The proposed development is considered to have an acceptable impact on the main dwellinghouse, the site, locality and wider Area of Outstanding Natural Beauty (AONB) landscape. It is not considered that any significant harm would arise to neighbouring amenity. Subject to conditions, the application is recommended for approval.
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2.0 SITE

- 2.1 The application site forms part of the land holding of “The Oast” property, which is located within the nucleated settlement of Oxley’s Green and was originally part of a farmstead set on the northern side of Brightling Road.
- 2.2 The Oast was grade II listed on 13 May 1987 and is described in the list description as follows:
- ‘Granary and two oasthouses, all in one building and now converted into a house. C18. Two storeys. Five windows. Red brick. Tiled roof. Casement windows. The south end forms the two oasthouses with partly separate rectangular roofs, joined by a small ridged section. Cowls missing.’*
- 2.3 The Oast is accessed along a shared tarmacked driveway off of Brickyard Lane. The property consists of the converted and extended former Oast, a detached outbuilding used as a garage, a log store building, log cabin, workshop and surrounding garden and neighbouring fields. Land to the west of the property is covered by the woodland of Great Wood.
- 2.4 The northern boundary of the garden of The Oast is defined by a post and rail fence and hedgerow, with fields beyond sloping down the valley to the north toward Great Hoaths Wood. The application site is located close to the northern boundary of the garden of The Oast and within the existing field, which forms part of the Applicant’s land holding.
- 2.5 The application site is located within the High Weald AONB and Rother District Boundary. There are no other designations to note.
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3.0 PROPOSAL

- 3.1 This planning application seeks retrospective planning permission for the retention of an outbuilding (retrospective) and re-instatement of grassland.
- 3.2 This application follows on from a previous refusal at the site (RR/2021/1969/P) for the demolition of existing outbuilding, erection of log cabin and extension of existing residential curtilage.
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4.0 HISTORY

- 4.1 RR/2007/2657/P Installation of domestic oil storage tank in garden. Approved conditional.
- 4.2 RR/2007/1028/L Convert existing oil store into bedroom and connect to existing study with new door opening and wardrobe. LBC granted.
- 4.3 RR/2008/17/L Creation of en-suite shower room at first floor level from existing bedroom. LBC granted

- 4.4 RR/2013/1063/L Construction of black coloured single metal flue to serve new wood burning stove with metal restraint straps. LBC granted.
- 4.5 RR/2013/1062/P Construction of black coloured single metal flue to serve new wood burning stove with metal restraint straps. Approved conditional.
- 4.6 RR/2014/1899/P Retention of log store outbuilding. Approved conditional.
- 4.7 RR/2021/1982/P Creation of field track and widened field access opening. (Retrospective). Pending consideration.
- 4.8 RR/2021/1955/P Installation of below ground domestic sewage treatment plant (retrospective). Approved.
- 4.9 RR/2021/1969/P Demolition of existing outbuilding and erection of log cabin. Extension of existing residential curtilage. (Retrospective). Refused.
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5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- PC1: Presumption in favour of Sustainable Development
 - OSS2: Use of Development Boundaries
 - OSS3: Location of Development
 - OSS4: General Development Considerations
 - RA2: General Strategy for the Countryside
 - EN1: Landscape Stewardship
 - EN2: Stewardship of the Historic Built Environment
 - EN3: Design Quality
- 5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:
- DEN1: Maintaining Landscape Character
 - DEN2: The High Weald AONB
 - DHG9: Extensions, Alterations and Outbuildings
- 5.3 The National Planning Policy Framework, Planning Practice Guidance and the adopted High Weald AONB Management Plan 2019/2024 are also material considerations.
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6.0 CONSULTATIONS

6.1 Planning Notice

- 6.1.1 Three letters of objection have been received (from three representatives). The concerns raised are summarised as follows:
- Harm to listed building and AONB
 - Set an unwanted precedent

- Overdevelopment of site
- Concern relating to use of building (commercial/residential)
- Not a traditional building

6.2 Brightling Parish Council – **OBJECTION**

- 6.2.1 “The building's position and appearance is damaging to the High Weald AONB, contrary to the objective in Rother's plan to "protect and enhance the High Weald AONB". The building does not conform to the High Weald Design Guide, which has been adopted as a planning consideration. The same building was described in a previous planning application as a "Log Cabin". Log cabins are not a traditional form of building in the High Weald. The very existence of any new building here is damaging to the High Weald AONB. However, if Rother are minded to approve this application despite the objections, we would request that the following conditions be imposed:
1. No external lighting (to respect the "Dark Skies" policy) and no roof-lights to be inserted (either now or later).
 2. Access to be via the existing entrance to The Oast, not via any new drive (planning application RR/2021/1982/P)
 3. The building should not be sold off separately from The Oast, or rented out, or hired out as holiday accommodation, or used for any other commercial purpose, but solely for the residents of The Oast. This condition should be secured by a legally enforceable agreement (e.g. Section 106 Agreement).
 4. Planning permission should not be granted until details of heating and energy use have been supplied, to conform with Rother's Policy SRM1: Towards a Low Carbon future.”

7.0 **APPRAISAL**

- 7.1 The main issues for consideration are:
- Impact on the character of local area and AONB, including setting of the Listed building
 - Impact on neighbouring residential amenity
- 7.2 Impact on the character of local area and AONB including setting of Listed building
- 7.2.1 Policy OSS4 (iii) of the Rother Local Plan Core Strategy states that in addition to considerations set out by other policies, all development should respect and not detract from the character and appearance of the locality.
- 7.2.2 Policy EN2 (ii) of the Rother Local Plan Core Strategy states that development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected will be required to preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic typologies.
- 7.2.3 Policy EN3 (ii (g)) of the Rother Local Plan Core Strategy states that new development is required to be of high quality design by ensuring the siting, scale, layout, height and mass of new development should respect the wider appearance of new development in the context of the street scene, and the wider locality, together with the character and setting of existing buildings on or adjacent to the site.

- 7.2.4 Policy DHG9 (ii/vi) of the DaSA Local Plan states that extensions to existing dwellings will be permitted where they respect and respond positively to the scale, form, proportions, materials, details and the overall design, character and appearance of the dwelling / in the case of extensions and alterations, they are physically and visually subservient to the building, including its roof form, taking into account its original form and function and the cumulative impact of extensions.
- 7.2.5 Paragraph 176 of National Planning Policy Framework, Policy EN1 of the Rother Local Plan Core Strategy and Policy DEN2 of the DaSA Local Plan states that all development within or affecting the setting of the High Weald AONB shall conserve and seek to enhance its landscape and scenic beauty, having particular regard to the impacts on its character components, as set out in the High Weald AONB Management Plan. Paragraph 176 advises that 'great weight' will be given to these considerations in an AONB.
- 7.2.6 Objective S3 of the High Weald ANOB Management Plan is to enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.
- 7.2.7 In the previous refusal it was concluded that:
- “The proposed outbuilding by reason of its size, scale and siting within the open countryside of the High Weald AONB, would represent an incongruous, domestic feature within the field, visible from the surrounding area. In addition the extension of the residential garden curtilage also represents a domestic incursion into an open field, is not to a natural boundary nor a logical rounding off. Use of the log cabin for domestic purposes would result in additional domestic paraphernalia and as such the development does not conserve or enhance the natural landscape character or scenic beauty of the High Weald AONB, contrary to Policies OSS4 and EN1 of the Rother Local Plan Core Strategy and Policies DHG8, DHG9, DHG10, DEN1 and DEN2 of the Development and Site Allocations Local Plan.”*
- 7.2.8 In response to the above, this application now proposes to reinstate the grassland and reduce the residential curtilage back to what was previously approved and as such is considered acceptable. A condition will be placed on any decision notice requesting details of the soft landscaping for this part of the site.
- 7.2.9 The proposed log cabin is sited in the location of the former stables block, and it is considered that the siting, scale and massing of the development is respectful to the surrounding vernacular. It is considered to be uncomplicated in form and of a scale commensurate with existing ancillary residential buildings in the locality, which is subservient to The Oast and respects its setting.
- 7.2.10 The building would be of similar scale and design of the approved workshop building on site and hence it is not considered that the building would appear out of place. In addition, it is not considered to lead to any significant harm to the surrounding landscape as it would be well screened by woodland, although glimpses of the building would be visible.

- 7.2.11 Currently there is high levels of glazing on the building with a set of patio doors and eight windows. This application proposes to replace the patio doors with a set of stable doors and the addition of timber window shutters. Amended plans have also been received which have removed the windows serving the two storage areas and as such it is considered that this reduces the domestic appearance of the building.
- 7.2.12 Overall, subject to conditions to limit the use of the outbuilding, the Local Planning Authority consider the development to be acceptable on balance.
- 7.3 Impact on neighbouring residential amenity
- 7.3.1 Policy OSS4 (ii) sets out that developments must not 'unreasonably harm the amenities of adjoining properties'.
- 7.3.2 The neighbouring properties of the site are all a sufficient distance away that the proposed outbuilding would not affect the amenity of them. As such, it is considered that the proposed development complies with Rother Local Plan Core Strategy Policy OSS4 (ii).
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8.0 PLANNING BALANCE AND CONCLUSION

- 8.1 The proposed development is considered to have an acceptable impact on the main dwellinghouse and its setting as a listed building, the site, locality and wider AONB landscape. It is not considered that any significant harm would arise to neighbouring amenity. Subject to conditions, the application is recommended for approval.
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RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The development hereby permitted shall be retained in accordance with the following approved plans and details:
Site Location Plan, Drawing No. 56041RP1-04, dated 19/05/2022
Site Block Plan, Drawing No. 56041RP2-04, dated 28/09/2021
Proposed Elevations and Floor Plans, Drawing No. 56041RP3-04, dated 19/05/2022
Reason: For the avoidance of doubt and in the interests of proper planning.
2. The building hereby permitted shall only be used as a potting/storage shed in association with the existing dwelling and shall not be used as a separate residential dwelling unit, be sold off separately, rented out, used as holiday accommodation or for any commercial purpose.
Reason: In the interests of protecting the character of the area and to preclude the creation of a new dwelling within the countryside in accordance with Policies OSS3, OSS4, RA2 and RA3 of the Rother Local Plan Core Strategy.

3. No floodlighting or other external means of illumination of building 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 Area of Outstanding Natural Beauty in accordance with Policies OSS4 (iii) and EN1 of the Rother Local Plan Core Strategy.

4. Within two months of this approval details of soft landscaping for that part of the site shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
Reason: to enhance the appearance of the development in accordance with Policy OSS4 (iii) of the Rother Local Plan Core Strategy.

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 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.