

SITE PLAN

RR/2022/2763/P

BECKLEY

Church Farm Bungalow
Main Street
Beckley



Rother District Council

Report to - Planning Committee
Date - 16 November 2023
Report of the - Director – Place and Climate Change
Subject - Application RR/2022/2763/P
Address - Church Farm Bungalow, Main Street
BECKLEY
Proposal - Retrospective application for the erection of a wooden cabin to be used as ancillary living accommodation.

[View application/correspondence](#)

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

Director: Ben Hook

Applicant: Mrs Emma Howitt
Agent: Mrs Emma Howitt
Case Officer: Mrs M. Taylor
(Email: maria.taylor@rother.gov.uk)

Parish: BECKLEY
Ward Member(s): Councillors A.E Biggs and A.E. Ganly

Reason for Committee consideration: Referred by Councillor as it is considered to be a new dwelling in the Area of Outstanding Natural Beauty, outside the development boundary and having negative impacts on the countryside and neighbouring properties.

Statutory 8 week date: 5 October 2023
Extension of Time Requested: 20 November 2023

1.0 SUMMARY

- 1.1 This application seeks retrospective permission for the retention of a two bedroomed wooden cabin used as ancillary living accommodation.
- 1.2 The cabin is within the residential curtilage of Church Farm Bungalow situated approximately 43m distance from the property to the east side beyond the stable building with shared access via the existing main dwelling.
- 1.3 The proposal is submitted as ancillary accommodation and must be considered as such, (a view upheld by Inspectors in recent appeals). The proposal is acceptable as the cabin is for ancillary use and considered to be of an appropriate design and materials. It does not harm the amenities of neighbouring properties or the character of the area. The application is

therefore recommended for approval subject to the imposition of appropriate conditions as stipulated by Policy DGH10 of the Development and Site Allocations Local Plan 2019 (DaSA), to limit the use and occupation as ancillary family accommodation in association with the main dwelling Church Farm Bungalow.

2.0 SITE

- 2.1 Church Farm Bungalow is a three bedroomed detached property situated on the south side of Main Street approximately 170m distance from All Saint's Church. The site is outside the development boundary for Beckley as identified in the DaSA but is within the High Weald Area of Outstanding Natural Beauty (AONB) and an Archaeological Notification Area. A public footpath, No. 12, runs down the west side boundary of the site.
- 2.2 The application relates to a detached cabin building sited towards the bottom of the garden to the east side of the house. Within the garden area there is also a stable building and to the south side of the garden is a field within the ownership of the bungalow, where the owners keep their own horses. To the east is a residential property, The Rectory, and to the west a Grade II listed property, Church Farm Barn.
- 2.3 The cabin is of timber construction with a corrugated roof and measures 4.5m deep x 14m long with a height of 2.5m. The internal layout comprises an open plan lounge, dining and kitchen area with small corridor leading to a bath/shower room and two bedrooms.
- 2.4 Access to the cabin is through the garden of the bungalow. The bungalow and cabin share both vehicular and pedestrian accesses, parking and postal address. There is no separate independent access to the cabin. The cabin does benefit from its own electrical supply due to the convenience of the existing power supply being directly adjacent to the site.
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3.0 PROPOSAL

- 3.1 This application seeks retrospective permission for the retention of a wooden cabin used as ancillary living accommodation.
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4.0 HISTORY

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|-----|------------|--|
| 4.1 | A/64/294 | Outline – Six dwellings – REFUSED |
| 4.2 | RR/80/2223 | Outline application for erection of bungalow for market garden. APPROVED CONDITIONAL |
| 4.3 | RR/80/1418 | Outline application for erection of bungalow and garage. WITHDRAWN |
| 4.4 | RR/81/1024 | Approval of reserved matters for 2-bedroom bungalow and car port, pursuant to outline permission RR/80/2223 – APPROVED CONDITIONAL |

- 4.5 RR/90/0341 Double unit caravan for agricultural worker – REFUSED
- 4.6 RR/91/0544/PD Single storey extension to form bedroom toilet – APPROVED CONDITIONAL
- 4.7 RR/2006/3215/O Lawful occupation of dwelling for a period in excess of 10 years in non-compliance with agricultural occupancy condition imposed upon planning permission RR/80/2223 – LAWFUL DC APPROVED
- 4.8 RR/2014/1673/P The construction of new white PVCU conservatory to the rear elevation – APPROVED CONDITIONAL.
- 4.9 ENF/144/22/BEC Large log cabin type building has been constructed in the rear of the property behind the stable block, family of five living in it.
- Blue Land:
- 4.10 RR/2015/291/P Change of use of adjoining field from agricultural to pony paddock – APPROVED CONDITIONAL
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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:
- OSS4: General Development Considerations
 - RA2: General Strategy for the Countryside
 - RA3: Development in the Countryside
 - CO5: Supporting Older People
 - EN1: Landscape Stewardship
 - EN3: Design Quality
 - EN5: Biodiversity and Green Space
 - TR4: Car Parking
- 5.2 The following policies of the [Development and Site Allocations Local Plan](#) are relevant to the proposal:
- DHG9: Extensions, Alterations and Outbuildings
 - DHG10: Annexes
 - DEN1: Maintaining Landscape Character
 - DEN2: The High Weald AONB
 - DEN4: Biodiversity and Green Space
 - DEN7: Environmental Pollution
 - DIM2: Development Boundaries
- 5.3 The National Planning Policy Framework and Planning Policy Guidance are also material considerations. Of particular relevance in this instance are paragraphs 174 and 176 within Chapter 15 – Conserving and enhancing the natural environment.
- 5.4 Section 85 of the Countryside and Rights of Way Act 2000, with regard to the duty to conserve and enhance the AONB.
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6.0 CONSULTATIONS

6.1 County Archaeology

6.1.1 *“... Although this application is situated within an Archaeological Notification Area, the application is for retrospective development which appears to have been completed. Although archaeological evidence may have been impacted there is no practical means of establishing if this was the case at this juncture. I therefore have no further comments to make.”*

6.2 Planning Notice

6.2.1 Four emails and one letter received objecting to the application summarised as follows:

- Church Farm Bungalow not within five settlement areas of Beckley, in the “Countryside” where strict planning policies apply.
- Although not a designated “Conservation Area” the area around the site is a sensitive one as there are many notable listed buildings nearby.
- Contravenes regulations, building is presently illegal, unconsented development in the countryside for cabin to be used as a single dwelling. Policy RA3 does not allow for this development in the Countryside.
- Constructed as two sheds and later joined together. Do not fit with recently approved buildings in the village which are commonly brick or cream lapboard, totally out of keeping with the Parish of Beckley.
- Main bungalow has three bedrooms and large triple aspect conservatory, large sitting/lounge room.
- Building was occupied on completion by applicant, her husband and child.
- Impacts near neighbours.
- Plan submitted inaccurate – Rectory House borders the whole of the site on the east.
- Public Footpath – Beckley 12 joins right of way 7A – clear view of the unconsented dwelling as constructed on the rising agricultural field. Public footpath is a material consideration.
- Future use of property dubious and out of character with existing properties.
- If allowed will result in a future application to replace this unsightly erection with a separate dwelling.
- Staged application with the intent to make a planning gain for further development.
- Better solution would be to extend the existing bungalow to accommodate future needs.

6.3 Beckley Parish Council

6.3.1 *General Comment – “Beckley Parish Council are aware that concerns have been raised and ask officers to consider it in line with policy.”*

7.0 APPRAISAL

7.1 The main issues for consideration are:

- Principle of development.

- Design, living conditions and appearance.
- Impact on character and appearance within the street scene and the wider locality.
- Impacts upon neighbouring and nearby properties.
- Other matters.

7.2 Principle of development

7.2.1 Policy RA2 in regards to the general strategy for the Countryside states:

(iii) Strictly limit new development to that which supports local agricultural, economic or tourism needs and maintains and improves the rural character.

(viii) Generally conserving the intrinsic value, locally distinctive rural character, landscape features, built heritage, and the natural and ecological resources of the countryside.

7.2.2 Policy CO5 focuses on initiatives and developments supporting older people and supports development that:

(i) Enables older people to live independently in their own home.

7.2.3 Policy DHG10 sets out the sequential approach for the consideration of annexe accommodation:

(i) an extension to the dwelling;

(ii) the conversion of an existing outbuilding within the residential curtilage that is located in close proximity to the dwelling; and

(iii) a new building located within the residential curtilage in close proximity to the existing dwelling and with a demonstrable link to the main dwelling, such as shared vehicular access, communal parking and amenity spaces, where appropriate.

All proposals will be assessed against the criteria of Policy DHG9 ... and In all cases, the occupation of the annexe shall be managed by planning condition or exceptionally a legal agreement to ensure that the accommodation is tied to the main dwelling, cannot be used as a separate dwelling and cannot be sold separately.

7.2.4 This is a retrospective application that seeks permission for the retention of a 2-bedroomed timber cabin as ancillary accommodation to the main dwelling Church Farm Bungalow. Within a supporting statement received 17-10-23 from the Applicant it is explained that the main dwelling is owned by the Applicants' parents and she has moved back with her family to support her parents, due to their advanced age and health conditions, to help them maintain their family home, garden and field which also includes the care of horses. The Applicant's family comprises herself, husband and three children and as such in practical terms Church Farm Bungalow is too small to accommodate them all and therefore the ancillary accommodation was built.

7.2.5 The site is outside any development boundary as identified in the DaSA and is within a countryside location within the High Weald AONB where policies are in place to preserve and protect the landscape. However, it should be noted that this application is for consideration of ancillary accommodation and not a separate dwelling. In the recent appeal for St Benedicts Byre, (reference RR/2022/2059/P for a detached two-bedroom annexe), in allowing the appeal the Inspector comments that *"Having regard to these*

links and subject to the imposition of a condition that ensures that the building cannot be occupied as a separate dwelling, I am satisfied that the proposed annexe would not be tantamount to the creation of a new dwelling and would protect the character of this area of countryside”.

- 7.2.6 Policy DHG10 sets out the sequential approach for consideration of ancillary accommodation. It would appear that the Applicant briefly considered extending the main dwelling but was misled with the advice she received in this respect and this option was not pursued. There are no existing outbuildings that would have been capable of conversion and therefore the detached cabin was built.
- 7.2.7 As required by Policy DHG10 the cabin is within the residential curtilage, as defined within the application documentation for the lawful development certificate in 2006, RR/2006/3215/O, which was approved. In respect of distance, the cabin is sited approximately 43m from the main dwelling, which is not that close and is further separated by the existing stable building. However, access to the cabin is through the residential garden of Church Farm Bungalow and the cabin shares the vehicular access and parking area with the main dwelling as well as the property postal address. In regards to the amenity space, whilst the property is within the residential curtilage of the main dwelling, the garden appears separated by fencing and gates and a small track which serves as access from the field to the stables for the horses. But there is direct access into the immediate garden of the main property which could be utilised.
- 7.2.8 In addition Policy DHG10 states all proposals should be assessed against the criteria of Policy DHG9, which are considered later in this report and in all cases the occupation of the annexe should be managed by planning condition or exceptionally a legal agreement to ensure that the accommodation is tied to the main dwelling and could not be used as a separate dwelling or sold separately. In this instance it would be recommended that conditions to restrict the use of the accommodation by family members only and to tie the cabin to the main dwelling, Church Farm Bungalow, would be imposed to prevent the cabin being used as separate accommodation or being separated from the main dwelling without a separate planning permission.
- 7.2.9 The statement in support of the application from the Applicant would comply with Policy CO5 (i) in that the need for the cabin was to enable family to support elderly members to continue to live independently in their own home.

7.3 Design, living conditions and appearance

- 7.3.1 Policy DHG9 (iv) requires sufficient useable external private space for the occupiers of the dwelling in accordance with Policy DHG7 of the DaSA which sets a minimum size of 10m depth for private amenity space. In addition, point (vii) requires outbuildings to respect and respond positively to the character, appearance and setting of the main dwelling within its plot and the wider street scene or general locality through their siting, scale and massing, design and appearance and materials.
- 7.3.2 As previously mentioned the cabin is of timber construction with external timber clad elevations and a shallow pitched corrugated roof. The cabin is of

an elongated design 14m x 4.5m giving a gross internal floor area of 63sqm having six windows and two sets of double doors in the front elevation facing south towards the field in the same ownership as Church Farm Bungalow. There are other windows in the rear elevation of the building serving the bath/shower room and second bedroom. The maximum height of the building is 2.5m with the eaves height lowered to 2m at the rear of the building. The design is such that the building appears to be in an agricultural style, although fairly elongated and with several windows, which gives the building a more domestic appearance. However, the natural timber finish with corrugated roof is considered to be an acceptable material finish for an outbuilding in this countryside location and within the garden curtilage.

7.3.3 With regards to the internal accommodation the cabin has an open plan living/dining and kitchen area with corridor leading to a bath/shower room and two bedrooms. As an ancillary annexe, the internal and external space is considered more than adequate.

7.4 Character and appearance within the street scene and the wider locality

7.4.1 Policy OSS3 explains development should be considered in the context of:
(i) *The spatial strategy for the particular settlement or area, and its distinct character.*
(vi) *The character and qualities of the landscape.*

7.4.2 Policy OSS4 (iii) notes that *It respects and does not detract from the character and appearance of the locality*; which is further supported by Policies DEN1 and DEN2 of the DaSA that seek to conserve and enhance the landscape setting within the High Weald AONB.

7.4.3 Policies RA2 and RA3 seek to *protect, preserve and enhance the intrinsic character and appearance of the countryside*. Policy RA3 (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, wherever practicable, support sensitive land management*. Similarly, Policy DHG9 (iii) in relation to outbuildings states they *do not detract from the character and appearance of the wider street scene, settlement or countryside location ...*

7.4.4 Policy EN1 focuses on the management of the natural landscape character by ensuring the protection and possible enhancement of the district's nationally designated and locally distinctive landscapes.

7.4.5 Policy EN3 seeks to ensure the design quality contributes positively to the character of the site and surroundings.

7.4.6 As stated above the cabin has been erected within the residential curtilage of Church Farm Bungalow. The cabin is not directly visible from the street scene, the B2088 Main Street through Beckley due to its design with the low and shallow pitched roof and its positioning set in from the north roadside boundary, which has established hedging also screening views. However, there is a public footpath which runs down the western boundary of the land within the same ownership of Church Farn Bungalow where views would be obtained across the field back towards the cabin. From here the timber cabin is read in context with the existing timber stables and dwelling, and the

backdrop of the established trees to the side and rear of the building. As such is not overly prominent given the single storey design and natural timber finish and is read as part of the existing residential property.

7.4.7 External lighting was observed on the building but not observed during darkness and therefore the brightness of these lights has not been fully assessed. Policy DEN7 of the DaSA notes that environmental pollution can result from lighting, while Policy EN1 (vii) seeks to protect the dark night sky. Lighting should be necessary, and the minimum required and designed as such to minimise light pollution including light glare and sky glow using best available technology having regard to the lighting levels recommended by the Institute of Lighting Professionals for the relevant environmental zone. However, in this instance a shield/shade could be fitted or a condition limiting its illumination levels to ensure there was no excessive light spill. Also noted is the number of windows and the glazed double doors which again could enable light spill into the dark night sky which could be reduced by window coverings such as curtains or blinds or applied tinted films.

7.4.8 Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have a regard to “the purpose of conserving and enhancing the natural beauty of AONB’s in making decisions that affect the designated area.” In this particular instance it is noted that the ancillary accommodation is within the residential curtilage of the dwelling, Church Farm Bungalow, and therefore there is no change of use of the land on which this outbuilding is situated. In terms of visual impact on the landscape setting this is not considered to be harmed and subject to conditions as noted above, the landscape character and appearance is conserved.

7.5 Impacts upon neighbouring and nearby properties

7.5.1 Policy OSS4(ii) of the Rother Local Plan Core Strategy and DHG9(i) of the DaSA seek to protect the amenities of neighbouring properties.

7.5.2 *The Rectory*: Is the nearest neighbouring residential property to the development. This property is set further back into the plot than the application site and the cabin which is the subject of this application. The separation distance between the cabin and the front elevation of this neighbouring property is approximately 30m. Given the positioning of both it is noted this property has windows in the front, north, and west side elevations which have views towards the cabin. However, given the separation distance and the boundary hedging and trees with the single storey low level design of the proposal it is considered there would be no detrimental impact to the residential amenities of this neighbouring property by way of massing, loss of light or loss of privacy.

7.5.3 *Chestnut Lodge*: This is a detached property on the opposite side of the road to the position of the cabin and again given the separation distance and the boundary screening there would be no adverse impact to the residential amenities of this neighbouring property.

7.5.4 *Church Farm*: This is a Grade II listed property to the west side of the main dwelling. This property does not have any views towards the cabin. The cabin shares the existing parking area of the main dwelling, Church Farm Bungalow, which has an access from the main highway directly next to that

of this neighbouring property. In regards to this aspect there is likely to be a very minor increase in vehicular movements although the use of carers visiting the site would also result in additional car movements. It is noted there is ample off-road parking and therefore should not be an issue. No complaints have been received in regard to this matter and the increase in traffic movements by the ancillary accommodation is not considered to be excessive and therefore not considered to be a reason for refusal.

7.6 Other Matters

7.6.1 *Setting of the listed building:* Church Farm to the west is a listed building and as noted above has no views of the cabin. The cabin is set within the existing residential curtilage of the Bungalow and as such there is no change to the nature of the setting of the listed building. It would thus have a neutral impact to the setting of the listed building.

7.6.2 *Archaeological Notification Area:* Consultation has been undertaken with the County Archaeologist and a response received advising that as the application is retrospective and the development complete there is no practical means of establishing if archaeological evidence may have been impacted or not and therefore no further comments are made.

7.6.3 *Ecology and Biodiversity:* Policies EN5 of the Rother Local Plan Core Strategy and DEN4 of the DaSA focus on biodiversity and green space. The site is within a Red Impact Zone for Great Crested Newts (GCN) as per the modelled district licence impact map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site. However, this application is retrospective and the works have already been completed. There are no conditions in regards to the disturbance or any breeding or resting places for GCNs. For future reference, the Applicant should note that under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill GCNs; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Any planning consent granted for a development does not provide a defence against prosecution under this legislation.

7.6.4 *Parking:* Policy TR4 of the Rother Local Plan Core Strategy seeks to ensure that parking provision meets the residual needs of the development for off-street parking. The existing bungalow has three bedrooms which requires two parking spaces. The ancillary accommodation comprises two bedrooms which requires one parking space. This is a total of three and when assessed, the size of the existing parking and turning area is considered sufficient to meet the three parking spaces required.

8.0 **PLANNING BALANCE AND CONCLUSION**

8.1 Objections have been received principally concerned with the creation of a separate dwelling unit. However, the application is for ancillary accommodation and must be determined as submitted. Reference is made to the recent appeal decision for St Benedicts Byre, RR/2022/2059/P for a detached two bedroomed building to be used as ancillary accommodation

for family members, where the site is also located outside a defined development boundary and is within a countryside location. The structure was considered in context with the countryside location and surrounding farmstead, noted the position although some distance from the main dwelling was within the domestic curtilage and had shared facilities in close proximity to the ancillary building noting they shared the access, driveway, parking and garden areas. These factors were considered as physical and functional links and with the imposition of conditions to ensure that the building could not be occupied as a separate dwelling the Inspector was satisfied that the proposal would not be tantamount to the creation of a new dwelling. As such the Council's refusal was overturned and the appeal was allowed.

- 8.2 As per Policy DHG10 of the DaSA the occupation of the ancillary accommodation would need to be managed by planning conditions to ensure that the accommodation is tied to the main dwelling and could not be used as a separate dwelling or sold separately. These appropriate conditions should therefore be imposed on any permission given.
- 8.3 Bearing the above appeal decision in mind and the contents of this report where the character and appearance of the cabin has been considered acceptable in regards to the countryside location within the High Weald AONB and that there would be no detrimental impact on neighbouring amenities, it is considered that this application is supportable with the imposition of conditions to control the use and occupation of the cabin.

RECOMMENDATION: GRANT (FULL PLANNING)

CONDITIONS:

1. The ancillary building hereby permitted shall be retained in accordance with the following approved plans and details:
Site Location Plan dated 19 June 2023
Block Plan, scale 1:500, dated 02/02/2023
Corrected/amended floor plan
Corrected/amended elevations
Reason: For the avoidance of doubt and in the interests of proper planning.
2. The building hereby permitted is permitted solely as additional accommodation for the existing dwelling known as Church Farm Bungalow, Main Street, Beckley TN31 6RS and shall not be occupied by any person who is not a member of the family (as defined by section 186 of the Housing Act 1985 or in any provision equivalent to any re-enactment of that Act) residing in the family dwelling.
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 RA3 and OSS4 of the Rother Local Plan Core Strategy and having regard to Policy DHG10 of the Development and Site Allocations Local Plan.
3. Any existing or proposed external lighting should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011(or later versions). It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise

potential pollution caused by glare and spillage. In a rural area this should not exceed 600 lumens as detailed in the table below.

Illuminated Area m²	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1,000
Over 10.00	n/a	300	600	600

Environmental Zones

Zone	Surrounding	Lighting Environment	Examples
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically Dark	National Parks, Areas of Outstanding Natural Beauty etc.
E2	Rural	Low District Brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium District Brightness	Small town centres or suburban locations
E4	Urban	High District Brightness	Town/city centres with high levels of night-time activity

The guidance advises that, where an area to be lit lies on the boundary of two zones or can be observed from another zone, the limits used should be those applicable to the most rigorous zone.

Reason: To prevent light pollution, overspill and obtrusive lighting and in the interests of protecting the dark sky environment and ecology within the countryside of the High Weald Area of Outstanding Natural Beauty, in accordance with Policies OSS4 (iii), RA3 (v) and EN1 (vii) of the Rother Local Plan Core Strategy and Policies DEN2 and DEN7 (ii) of the Development and Site Allocations Local Plan.

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.