

## Rother District Council

<b>Report to:</b>	Planning Committee
<b>Date:</b>	15 February 2024
<b>Title:</b>	Performance Report for Development Management
<b>Report of:</b>	Kemi Erifevieme, Development Manager
<b>Ward(s):</b>	All
<b>Purpose of Report:</b>	To update the Planning Committee
<b>Officer</b>	
<b>Recommendation(s):</b>	It be <b>RESOLVED</b> : That the report be noted.

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### Purpose

1. This report sets out the team performance for Development Management as an informative to the Planning Committee. The report will set out performance on planning application decisions and targets in-line with central Government set performance targets (PS1 and PS2). It will also aim to provide a benchmark of the department's performance against similar local planning authorities (LPAs).
2. The report also covers appeals performance in addition to Enforcement report on caseload.
3. Finally, at the end of the report there is a summary of appeals allowed by the Planning Inspectorate (PINs) and what the Inspector concluded in allowing the appeal.
4. Government targets as set is as follow:

**For applications for major development:** less than 60% of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the Applicant.

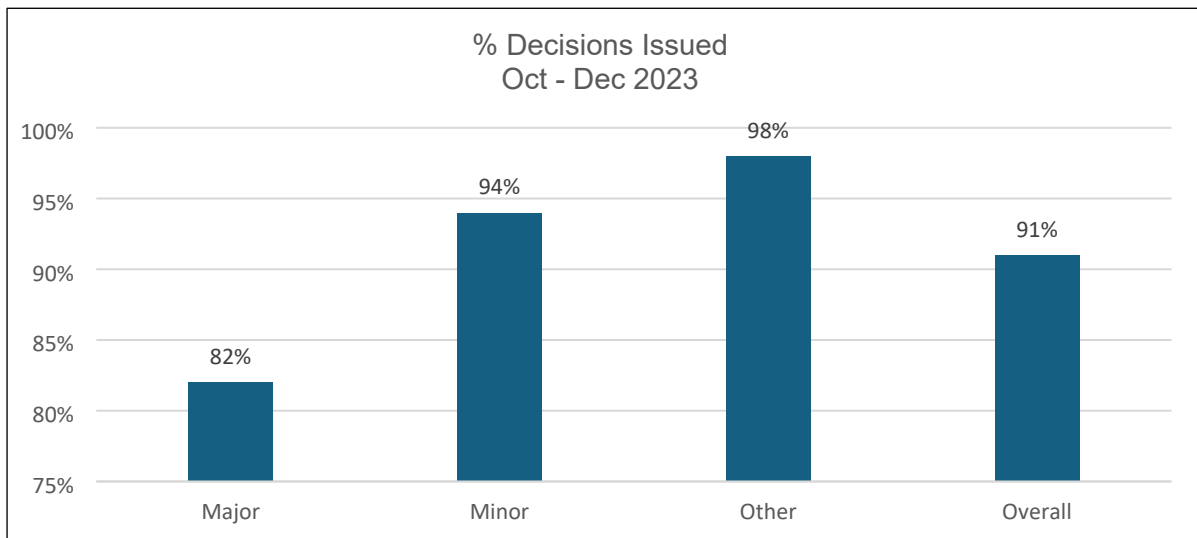
**For applications for non-major development:** less than 70% of an authority's decisions made within the statutory determination period or such extended period as has been agreed in writing with the Applicant.

The **threshold** for designation on applications for both major and non-major development, above which a local planning authority is eligible for designation, is **10%** of an authority's total number of decisions on applications made during the assessment period being overturned at appeal.

For purpose of this reporting, the Key Performance Indicators (KPI) were amended and agreed by Cabinet in December 2023 following a recommendation from the Overview and Scrutiny Committee to 80% for majors and minors/others over the financial year. The appeals KPI is set in-line with the Government target at 10% for majors and non-majors.

## Planning Decisions

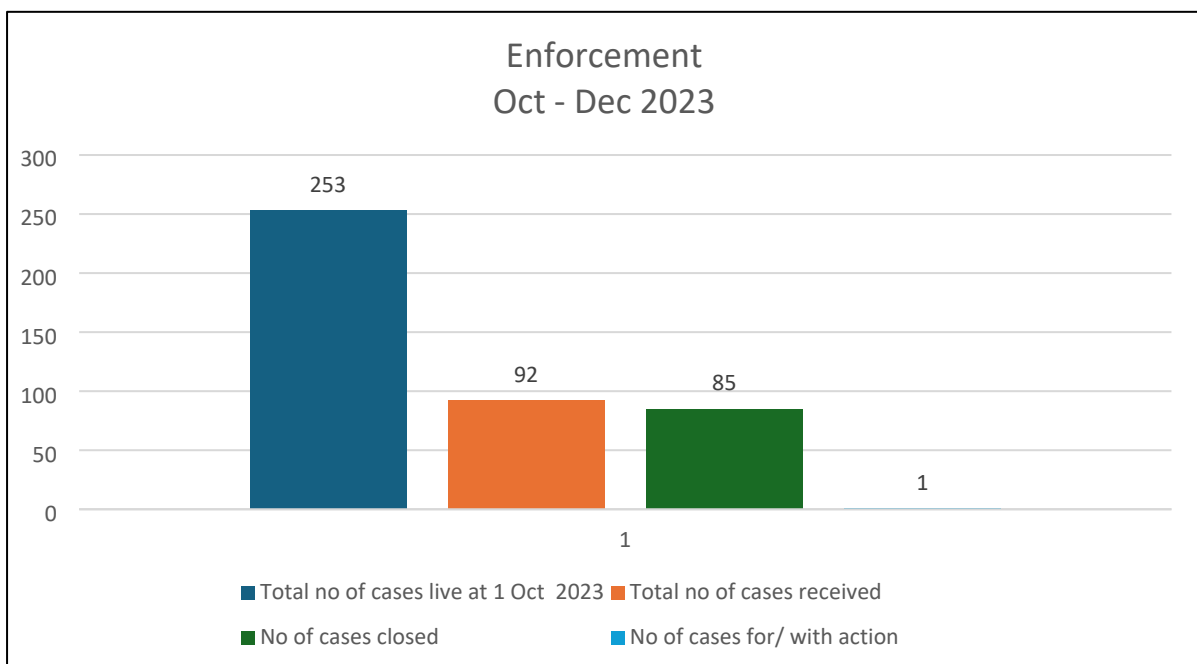
5. The Council's performance for the third quarter October to December 2023:



**Overall, the Development Management Team performance to date, at the time of writing stands at:**

### Enforcement: Workload

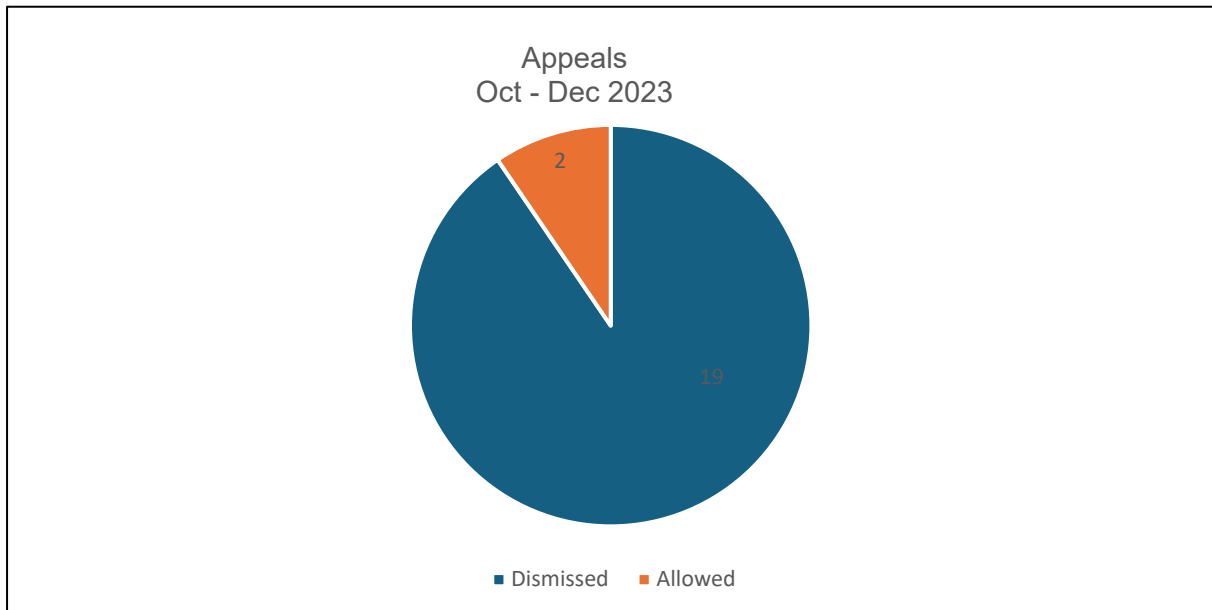
6. This table provides the figures for enforcement on hold, being investigated and those where Enforcement Notices have been served.



## Appeals

7. Currently there are 46 appeals in hand. 12 appeals lodged but not started, 34 appeals started (with timetable etc.) and 25 awaiting decisions.

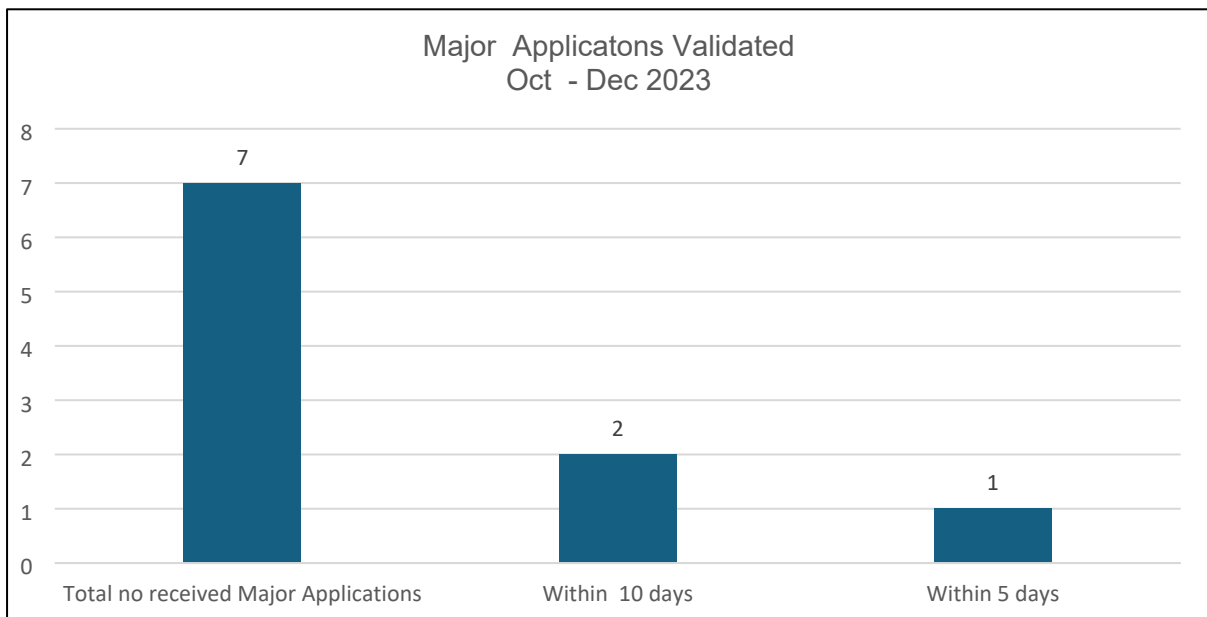
### October 2023/December 2023



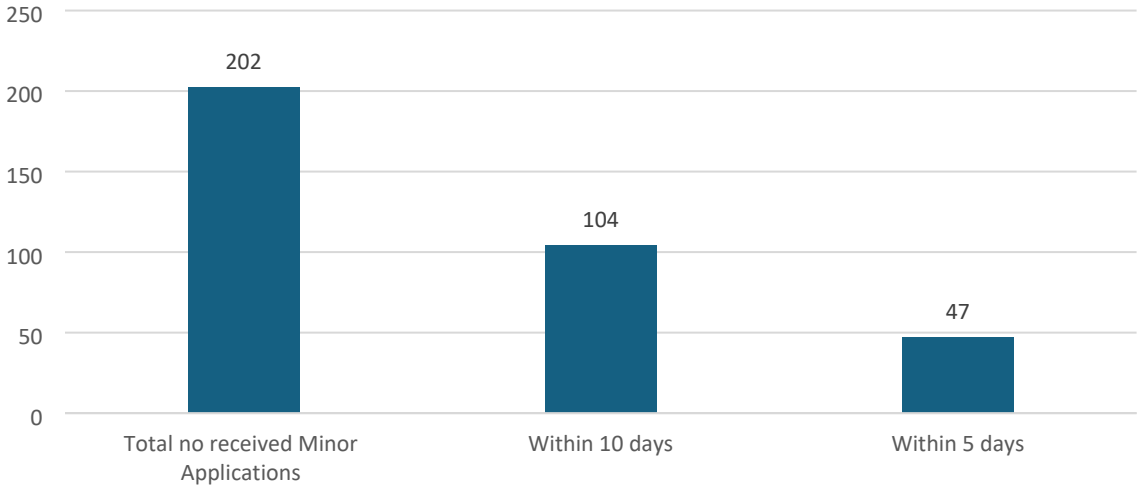
8. Two were allowed, this is a percentage of 10% and 19 were dismissed, 90%. The Council's record for allowed is therefore significantly below the Government's threshold.

## Validation

### October 2023/December 2023



Minor Applications Validated  
Oct - Dec 2023



## SUMMARY OF ALLOWED APPEALS

**Application ref/address:** RR/2022/2492/P | Paygate Whatlington Road, Battle, East Sussex TN33 0NA.

### Appeal proposal:

The development permitted is erection of extension and internal alterations, subject to conditions. The application sought to remove Condition 4 of the planning permission.

The condition in dispute is No 4 which states that:

*The windows and doors hereby permitted shall not be installed until details of the glazing for the windows and doors have been submitted to and approved in writing by the Local Planning Authority. The details shall include information on the glass technology to be utilised to prevent or significantly reduce light transmission through the glazing at night, which could be in the form of electrochromic glass or 'smart glazing'. The windows and doors shall be installed and thereafter retained in accordance with the approved details.*

The reason given for the condition is:

*To prevent light pollution and to protect the dark night skies and local ecology of the surrounding countryside, in accordance with Policies EN1 and EN5 of the Rother Local Plan Core Strategy and Policies DEN1 and DEN7 of the Development and Site Allocations (DaSA) Local Plan.*

Summary of the appeal decision:

The inspector in reaching its decision comment as follow:

*I note that the glazing to the extension sits a little further south than the former rear glazing and the window is slightly closer to the boundary with Petley Cottage. However, these differences in position are modest. Noting also the position of the dwelling between Gatehouse Cottage and an outbuilding and Petley Cottage beyond and the glazing to these buildings, including substantial areas of glazing that I saw to the ground floor of Gatehouse Cottage, I find that there would not be any appreciable spread of sources of light in this part of the countryside.*

*Paragraph 9. I am mindful of the duty under Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purposes of conserving and enhancing the natural beauty of National Landscapes. The Framework also sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty of these areas.*

*Paragraph 10. However, while I acknowledge the increase in the total area of glazing to the rear of the dwelling which has outlook over open countryside, I find given the specific factors above and seen in the context of the adjacent properties, that the development without Condition 4 would not in this case cause a tangible increase in overall light spill from the rear of the dwelling to the surrounding landscape. The existing dark skies and tranquillity of the area would not be meaningfully diminished, and the landscape and scenic beauty of the National Landscape would be conserved. Similarly, and with particular regard to the overhang which would limit upward light*

*spill, I am satisfied that there would not be detriment to light-sensitive protected species that may be present in the area.*

*Accordingly, I conclude that Condition 4 is not necessary in order to protect dark skies and local ecology and it would therefore fail to meet the tests set by the Framework.*

## **Enforcement appeals Upheld:**

### **Luckhurst, Downoak Farm, Westfield**

#### **APPEAL A**

2898 - APP/U1430/C/22/3306752 - LAND AT SOUTH SIDE OF LUCKHURST, DOWNOAK FARM, WESTFIELD, EAST SUSSEX

#### Original Enforcement Notice

1. The material change of use of the Land from agricultural / forestry use to a mixed use comprising agricultural and forestry use of the Land, business use with the operation, and storage and processing of firewood and fencing materials from timber imported from other sites.
2. The material change of use of the Land from agricultural / forestry use to a mixed use comprising agricultural and forestry use of the Land, and the use of the Land for the storage of motor vehicles, articulated tractor trailer unit, not being used reasonably required for the purposes of agriculture on the land.
3. The material change of use of the Land from agricultural / forestry use to a mixed use comprising agricultural and forestry use of the Land, and for the storage of waste materials on the land, including but not limited to; tyres, vehicle parts, household waste including carpet, kitchen cupboards and fixings, and any other material, substance, or by-product not associated with the approved use of the land.

**The appeal is DISMISSED and the Enforcement Notice is upheld with a correction and variations in the terms set out below in the Formal Decision.**

#### **APPEAL B**

2899 - APP/U1430/C/22/3306755 - STABLES LOCATED ON LAND ON SOUTH SIDE OF LUCKHURST, DOWNOAK FARM, MAIN ROAD, WESTFIELD, EAST SUSSEX.

#### BREACH OF CONDITION:

The following condition of planning permission RR/2005/2258/P has not been complied with:

CONDITION 2 - The stables for the keeping of horses shall not be used for any purpose other than for private recreational purposes and shall not be used for hire.

BREACH - Change of use from equestrian use, to the storage and processing of timber materials, storage of broken and damaged vehicles, tyres and other non-associated items.

**The appeal is DISMISSED and the Enforcement Notice is upheld with variations in the terms set out below in the Formal Decision.**

## APPEAL C

2896 - APP/U1430/W/22/3306274 - Laying of recycled crush surface associated with the change of use from agriculture to a use for the storage and processing of timber.

Planning application Ref RR/2021/1490/P, dated 10 June 2021, was refused by notice dated 8 March 2022 - The development proposed is described on the application form as: Laying of recycled crush surface and change of use from agriculture to a use for the storage and processing of timber.

**The appeal is DISMISSED.**

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Appendices:	N/A
Relevant previous Minutes:	N/A
Background Papers:	N/A
Reference Documents:	N/A