



Working in Partnership



To all Members of the Planning Applications Committee

A meeting of the **Planning Applications Committee** will be held in the **Council Chamber, County Hall, St Annes Crescent, Lewes BN7 1UE** on **Wednesday, 22 February 2017** at **17:00** which you are requested to attend.

Please note the venue for this meeting which is wheelchair accessible and has an induction loop to help people who are hearing impaired.

This meeting may be filmed, recorded or broadcast by any person or organisation. Anyone wishing to film or record must notify the Chair prior to the start of the meeting. Members of the public attending the meeting are deemed to have consented to be filmed or recorded, as liability for this is not within the Council's control.

13/02/2017

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the Minutes of the meeting held on 01 February 2017 (copy previously circulated).
- 2 Apologies for Absence/Declaration of Substitute Members**
- 3 Declarations of Interest**
Disclosure by councillors of personal interests in matters on the agenda, the nature of any interest and whether the councillor regards the interest as prejudicial under the terms of the Code of Conduct.
- 4 Urgent Items**
Items not on the agenda which the Chair of the meeting is of the opinion should be considered as a matter of urgency by reason of special circumstances as defined in Section 100B(4)(b) of the Local Government Act 1972. A Supplementary Report will be circulated at the meeting to update the main Reports with any late information.

- 5 Petitions**
To receive petitions from councillors or members of the public in accordance with Council Procedure Rule 13 (Page D9 of the Constitution).

Planning Applications OUTSIDE the South Downs National Park

- 6 LW/16/1028 - 24 Dorothy Avenue, Peacehaven, East Sussex, BN10 8HT (page 6)**
- 7 LW/16/0967 - The Coach House, Heighton Road, South Heighton, East Sussex, BN9 0JH (page 11)**
- 8 LW/14/0830 - Boathouse Organic Farm Shop, Uckfield Road, Ringmer, East Sussex, BN8 5RX (page 20)**

Planning Applications WITHIN the South Downs National Park

- 9 SDNP/16/05762/HOUS - Annexe The Old Forge, The Street, Kingston, Lewes, East Sussex, BN7 3PB (page 23)**
- 10 SDNP/16/04470/FUL - Old Cart Lodge, Hayleigh Farm, Streat Lane, Streat, Hassocks, East Sussex, BN6 8RU (page 33)**
- 11 Tree Preservation Order (No 6) 2016, Beggars Wood, Beggars Wood Road, Chailey (page 43)**
To consider the Report of the Trees & Landscape Officer (Report No 42/17 herewith).
- 12 Outcome of Appeal Decisions from 17 January - 30 January 2017 (page 56)**
To receive the Report of the Director of Service Delivery (Report No 43/17 herewith).
- 13 Written Questions**
To deal with written questions from councillors pursuant to Council Procedure Rule 12.3 (page D8 of the Constitution).
- 14 Date of Next Meeting**
To note that the next meeting of the Planning Applications Committee is

scheduled to be held on Wednesday, 15 March 2017 in the Council Chamber, County Hall, St Annes Crescent, Lewes, commencing at 5:00pm.

For further information about items appearing on this Agenda, please contact Jen Suh at Southover House, Southover Road, Lewes, East Sussex BN7 1AB (Tel: 01273 471600) or email jen.suh@lewes.gov.uk

Distribution: Councillor S Davy (Chair), G Amy, S Catlin, P Gardiner, T Jones, D Neave, V lent, T Rowell, J Sheppard, R Turner and L Wallraven

NOTES

If Members have any questions or wish to discuss aspects of an application prior to the meeting they are requested to contact the Case Officer. Applications, including plans and letters of representation, will be available for Members' inspection on the day of the meeting from 4.30pm in the Council Chamber, County Hall, Lewes.

There will be an opportunity for members of the public to speak on the application on this agenda where they have registered their interest by 12noon on the day before the meeting.

Planning Applications OUTSIDE the South Downs National Park

Section 2 of each report identifies policies which have a particular relevance to the application in question. Other more general policies may be of equal or greater importance. In order to avoid unnecessary duplication general policies are not specifically identified in Section 2. The fact that a policy is not specifically referred to in this section does not mean that it has not been taken into consideration or that it is of less weight than the policies which are referred to.

Planning Applications WITHIN the South Downs National Park

The two statutory purposes of the South Downs National Park designations are:

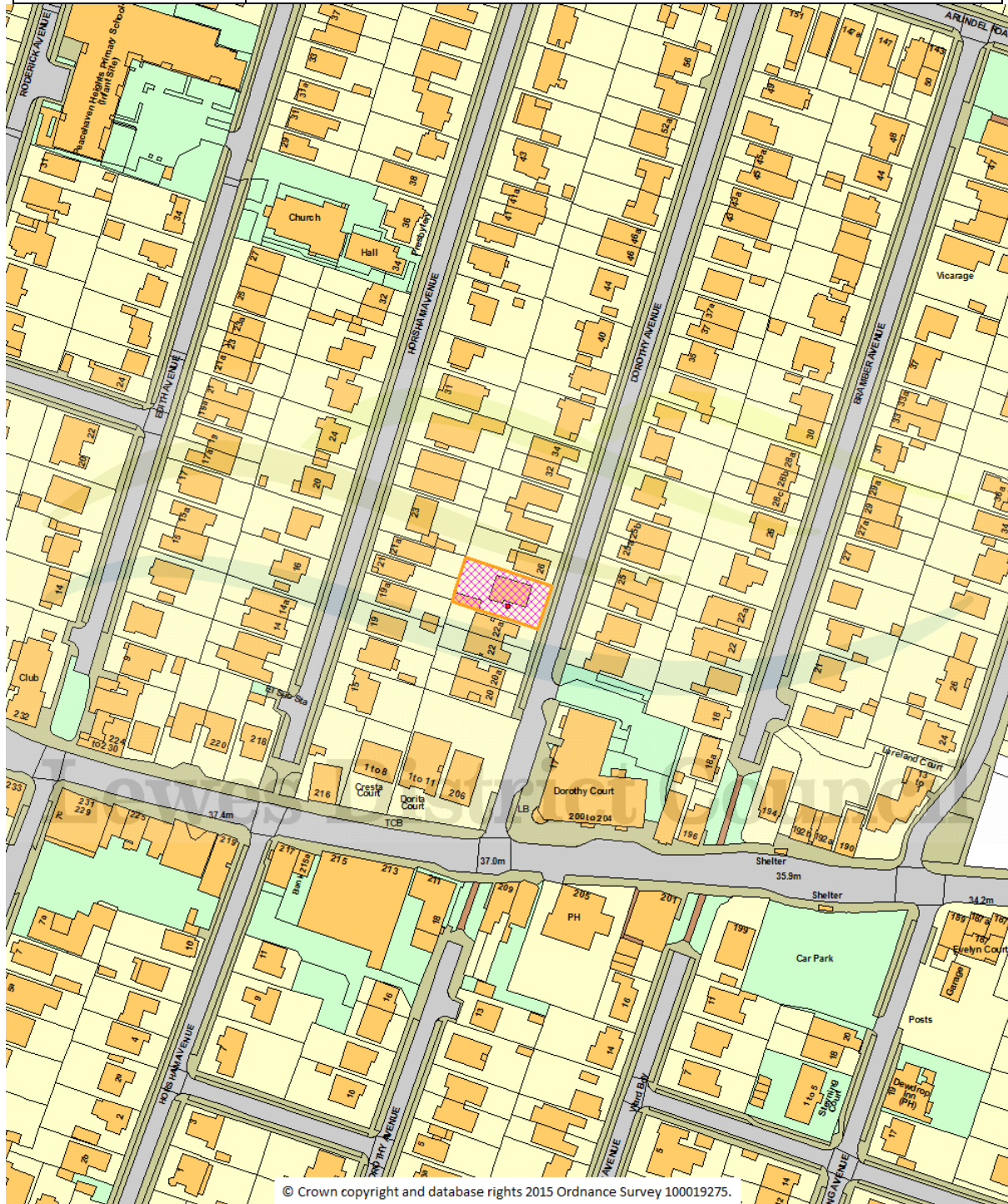
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes. Government policy relating to national parks set out in National Planning Policy Framework and Circular 20/10 is that they have

the highest status of protection in relation to natural beauty, wildlife and cultural heritage and their conservation and enhancement must, therefore, be given great weight in development control decisions.

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APPLICATION NUMBER:	LW/16/1028	ITEM NUMBER:	6
APPLICANTS NAME(S):	Mr J Washer	PARISH / WARD:	Peacehaven / Peacehaven West
PROPOSAL:	Planning Application for demolition of bungalow and detached garage and erection of a pair of semi-detached chalet bungalows		
SITE ADDRESS:	24 Dorothy Avenue Peacehaven East Sussex BN10 8HT		
GRID REF:	TQ4101		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is a detached bungalow fronting onto Dorothy Avenue. It is flanked by a pair of semi-detached bungalows on the south side, and a single bungalow on the north side, beyond which are chalet style houses.

1.2 The proposal is to demolish the bungalow, and to build a pair of semi-detached chalet bungalows on the site. The building would be 1m off each side boundary, and would feature low eaves at single storey level, above which would be tiled roof with four single dormer windows at the front and one wide dormer window at the rear. The dormers would serve two bedrooms to each of the properties at the front and two bedrooms to each of the properties at the rear (each property would be four-bedroom).

1.3 The properties would each have an integral garage and off-road parking space.

2. RELEVANT POLICIES

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – ST03 – Design, Form and Setting of Development

3. PLANNING HISTORY

LW/14/0319 - Demolition of bungalow and erection of pair of semi-detached 2 bedroom chalet bungalows - **Approved**

E/70/0496 - Planning and Building Regulations application for garage.
Building Regs Approved. Completed. - **Approved**

E/52/0370 - Planning and Building Regulations Applications for proposed bungalow on Plots 073-074, block 134. Building Regulations Approved. Completed. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Main Town Or Parish Council – Refusal Recommended due to:-

- Unneighbourly
- Loss of light
- Will increase parking issues
- Out of keeping with street scene (mainly single storey bungalows)
- Loss of privacy

4.2 Environmental Health – Following a review of available historical mapping for the site it remained undeveloped, existing initially as agricultural land until sometime in the 1960s when it was developed for residential use as a bungalow. No further changes were observed at the property up to present.

Due to the age of the existing dwelling and detached garage there is limited potential for materials that may be harmful to human health, such as fuel used for heating or asbestos

containing materials, to be present in the soils. We therefore recommend that an 'unsuspected contamination' condition be attached to any planning permission:

4.3 Southern Gas Networks – Standard gas safety advice.

4.4 ESCC Archaeologist – Recommends a programme of archaeological works.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

None.

6. PLANNING CONSIDERATIONS

6.1 Planning permission was granted in September 2014 for demolition of the bungalow and the erection of a pair of semi-detached 2-bed chalet bungalows on the site. The approved building was similar in form to that now proposed, but had two dormers at the front (serving one bedroom to each property) and two at the rear (again serving one bedroom to each property). The approved building was 1.5m off each side boundary.

6.2 The proposed building now is therefore wider and has more dormers than the approved building. No 22b next door is at a lower level than the site, and arguably would be felt a greater impact than the approved scheme, given that the side wall would rise to 5.4m, before turning with a barn hip to a ridge height of 7m (the same height as the approved building).

6.3 The building, on both sides, would have a kitchen window facing the neighbouring property. Both adjacent properties (22b and 26) have their front doors on the side elevations facing the site. The boundary to no.26 is lower than on the south side, and a boundary wall of increased height would be required to effectively prevent overlooking.

6.4 To the rear, the extra first floor windows to the bedrooms could allow more overlooking to the gardens and rear windows of properties behind the site in Horsham Avenue, but on the application site the back gardens would be 11.3m deep. In a suburban location such as this, some overlooking is generally inevitable where first floor accommodation is proposed.

6.5 Overall, the Town Council's objections are noted. However, a pair of semi-detached chalet style bungalows were approved in the site in 2014 (LW/14/0258) and it is not considered that the impact of the slightly larger building now, with its increased width and additional upper floor windows, would be so significant as to justify refusal.

7. RECOMMENDATION

That planning permission be granted.

The application is subject to the following conditions:

1. Before the development hereby approved is commenced on site, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. Development shall not begin until details of finished floor levels in relation to the existing ground levels have been submitted to and approved by the Local Planning Authority. The works shall then be carried out in accordance with these details.

Reason: In the interest of residential amenity and the character of the locality having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Classes A-C of Part 1 to Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing. The integral garages shall be retained as garages and shall not be used as living accommodation.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. Any works in connection with this permission shall be restricted to the hours of 0800 to 1800 Mondays to Fridays and 0830 to 1300 on Saturdays, and not at any time on Sundays, Bank or Public Holidays.

Reason: In the interest of the amenities of the adjoining residents having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. Details of the proposed boundary treatment to the north boundary (with 26 Dorothy Avenue) shall be submitted to and approved by the Local Planning Authority, prior to the commencement of development. The approved boundary treatment shall be carried out and completed prior to first occupation of either approved property.

Reason: To help safeguard to the privacy of occupiers of 26 Dorothy Avenue, having regard to Policy ST3 of the Lewes District Local Plan.

6. 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 3 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 to comply with the National Planning Policy Framework.

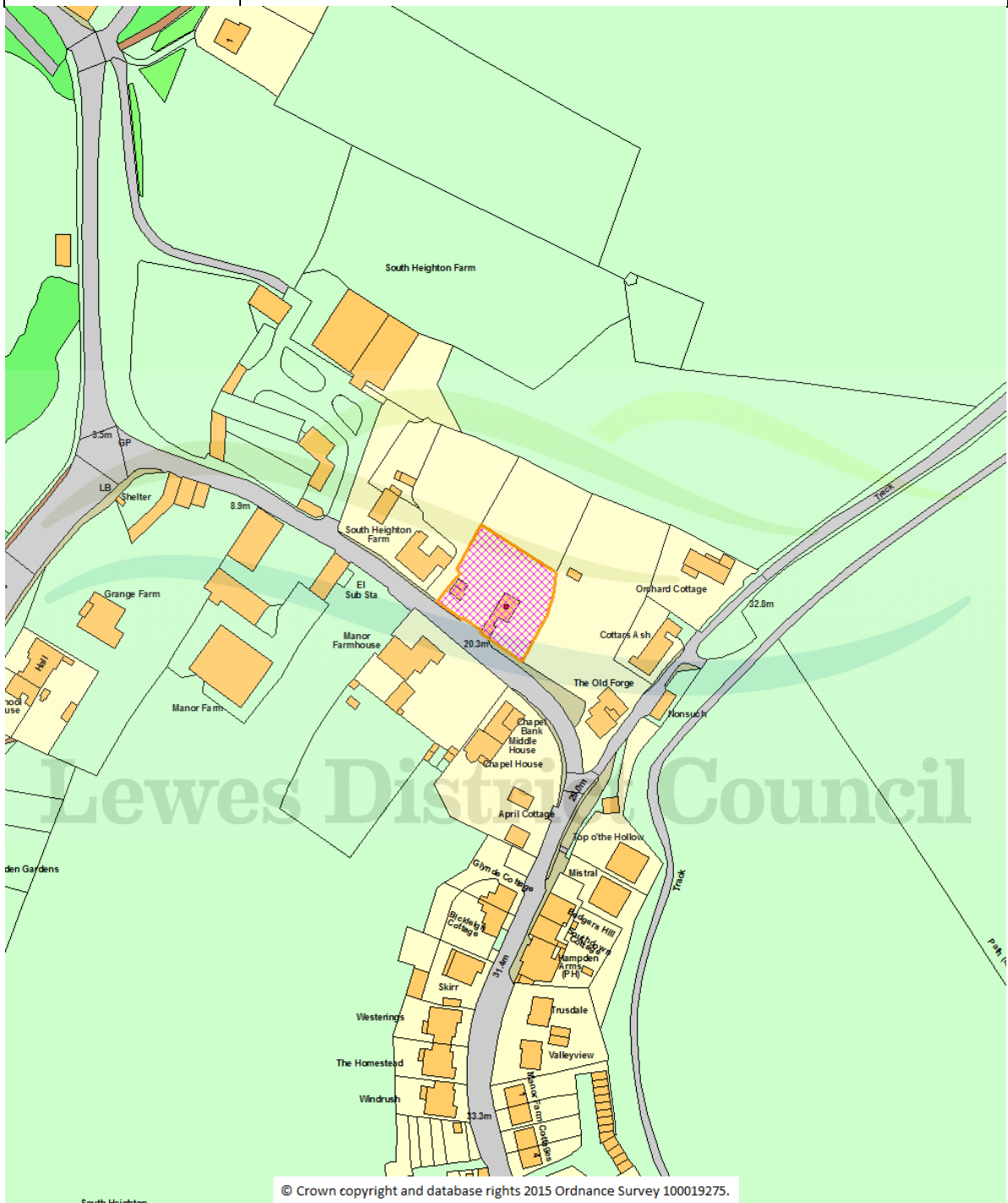
7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework 2012.

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Existing Floor Plan(s)	9 December 2016	01
Existing Roof Plan	9 December 2016	01
Existing Elevation(s)	9 December 2016	02
Proposed Floor Plan(s)	9 December 2016	03
Proposed Roof Plan	9 December 2016	04
Proposed Elevation(s)	9 December 2016	05
Location Plan	9 December 2016	06
Existing Block Plan	9 December 2016	07
Proposed Block Plan	9 December 2016	08
Proposed Elevation(s)	9 December 2016	09
Proposed Section(s)	9 December 2016	09
Proposed Elevation(s)	9 December 2016	10
Other Plan(s)	9 December 2016	11 - CROSSOVER DETAIL
Landscaping	9 December 2016	12
Technical Report	9 December 2016	ARCHAEOLOGICAL APPRAISAL
Additional Documents	9 December 2016	MATERIALS
Design & Access Statement	9 December 2016	
Planning Statement/Brief	9 December 2016	

APPLICATION NUMBER:	LW/16/0967	ITEM NUMBER:	7
APPLICANTS NAME(S):	Mrs B Coomber	PARISH / WARD:	South Heighton / Ouse Valley & Ringmer
PROPOSAL:	Planning Application for conversion of coach house to residential accommodation, including erection of two storey extension, insertion of three new rear windows and insertion of one rear roof light		
SITE ADDRESS:	The Coach House Heighton Road South Heighton East Sussex BN9 0JH		
GRID REF:	TQ4502		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is located opposite Manor Farmhouse, on the hill leading down from the north side of South Heighton village to the A26. The site comprises a vacant flint agricultural building with attached flint garage, with a surfaced court yard and timber car port, all behind a flint boundary wall with five-bar gate on the roadside.

1.2 The site is outside any Planning Boundary and is therefore covered by 'countryside' planning policies. The site is within the South Heighton Conservation Area. The buildings are not listed.

1.3 The existing buildings have permission to extend (to the rear/east side) and to be converted to a single 2-bed dwelling (LW/14/0258). Prior to that, in 2002 and 2007 permission was granted for their conversion to holiday accommodation.

1.4 This application is again for conversion to a single dwelling, but this time with a more substantial extension, to enable conversion to a 3-bed dwelling. The proposal would involve a barn style addition to the building group, connected to the main building by a single storey glazed link. A tree would be removed for the extension. The barn style addition would be at right angles to the main group, thereby helping to enclose the courtyard with buildings. The ridge height of the addition would be slightly lower than the main building, and the addition would feature a 'cat-slide' roof, roof lights on the slope not facing the courtyard, and a chimney flue.

1.5 There would be few alterations to the fenestration of the existing buildings, but notably a new window in the existing garage facing the courtyard. The extension approved in 2014 (LW/14/0258) would not be built. Unlike the existing flint buildings, the new barn style addition would be finished in vertical timber cladding. The existing car port and courtyard would be retained for parking.

1.6 An existing post and rail fence (which runs across from the end of the existing main building) would effectively be 'pushed out' by about 11m to make way for the extension, and to provide an area of grass lawn. Beyond that is a "meadow" (as identified on the plan) which would be retained as a meadow and would not be part of the curtilage.

2. RELEVANT POLICIES

LDLP: – H05 – Conservation Areas

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – ST03 – Design, Form and Setting of Development

3. PLANNING HISTORY

LW/02/2301 - Conversion of redundant carriage house and barn to tourist (holiday) accommodation and erection of garage - **Approved**

LW/02/2302 - Conservation Area Consent for the demolition of garage/store room - **Approved**

LW/07/1532 - Conversion of redundant carriage house and barn to tourist (holiday) accommodation and erection of garage - **Approved**

LW/14/0258 - Change of use from holiday let to residential accommodation with garage and off road parking - **Approved**

LW/14/0887/CD - Discharge of condition 5 relating to planning approval LW/14/0258 - **Approved**

LW/16/0005/CD - Discharge of condition 2 attached to planning approval LW/14/0258 - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

4.1 Main Town Or Parish Council – The Council is concerned about the application which it believes is, on balance, inappropriate bearing in mind the sites location within the South Heighton Conservation Area and its contribution to the street scene.

4.2 The Council appreciates that the coach house's use as a residential property would ensure the beneficial use of an important historic building that contributes to the street scene of this part of the Conservation Area. The Council is however concerned about the scale of the proposed extension, in that it is substantial in respect of the size of the existing building, but appreciates that this ensures the viability of the proposed dwelling; that the height of the roof line is proposed to be the same as that of the existing tallest building; half of the extension is screened from the street scene by the existing building and that the part protruding beyond this has an end roof sloping down (mirroring the angle of the existing building) to first floor level to help minimise its impact. Bearing these factors in mind the scale of the proposed extension alone is not considered to be unacceptable, subject to the comments below.

4.3 The proposed extension is of a modern contemporary "barn" design and does not reflect any of the design elements of the existing coach house (apart from having a proposed slate tiled roof with similar pitches). Consequently it is considered that it would stand out substantially from, not only the coach house, but also the other existing historic buildings in the area and would not complement the street scene. This would be exacerbated by the use of the proposed wooden cladding to the elevations which is not in keeping with the historic agricultural buildings in the area which are, like the coach house, constructed of flint and brick, with slate or clay tiled roofs. It is recognised that the design concept may be to ensure distinction from the original building, but in its currently proposed form the extension is considered to be detrimental to the conservation area. However it is believed that, if the elevations, particularly those facing the court yard/road to the south west and to the northwest, were constructed of a flint and brick material, this would mirror the existing coach house and agricultural buildings in the area, would reduce the impact of the extension and more readily complement the street scene.

4.4 For these reasons the Council objects to the application in its present form and would seek to have the application modified to use more suitable materials to the elevations reflecting the character of the buildings in this part of the conservation area.

In addition the Council notes that the plans show only limited useable garden space, with the area to the east steep, elevated and heavily treed and the frontage mainly court yard parking. With this in mind the "existing meadow" may well be utilised as "garden" by the owner. Whilst recognising that this in its self would not necessarily be unreasonable, should the District Council be minded to grant planning permission the Council would wish

to see conditions imposed to ensure that this area did not by default or future use gain residential status.

4.5 Environmental Health – It is understood the site has historically been used as a building associated with South Heighton Farm. Agricultural buildings may have been subject to potentially contaminative uses over time, such as for the storage of agricultural machinery, vehicles, fuels and agro-chemicals. Associated machinery and vehicle maintenance activities may have also been carried out. The existing building may also include asbestos containing materials more specifically within the roof structure, which may have been damaged over time resulting in the presence of asbestos in soils. As such full contaminated land conditions are recommended.

4.6 Design & Conservation Officer – The impact of the extension is not considered to be significantly detrimental as the sites rural character is maintained as the landscape beyond, most notably the line of trees to the north, remain visible from within the conservation area. It is also notable the rural character is reinforced through the proposed built form, which will loosely reflect the agricultural character of many of the buildings locally but in a more modern idiom.

4.7 While the site is outside the planning boundary where new development is strictly controlled, a notable aspect of the acceptability of this extension is it is to replace an unimplemented approved extension on the east elevation which, if constructed, would be considered unsympathetic to the character of the conservation area. It is considered the benefit to the conservation area of this more sympathetically designed proposed scheme outweighs the harm that would be caused as a result of the extant proposal.

4.8 It is considered steps need to be taken to ensure this previously approved extension is not implemented if this application is approved as the cumulative impact of this consent and current proposal would harm the character and appearance of the conservation area. It is advised a condition be attached to any approval removing the right to implement this previous proposal.

4.9 It is advised permitted development rights are removed from the site, to protect it from piecemeal development. It is also advised an informative be attached stating the land within the blue line on the Block Plan (drawing number L-100) shown as 'existing meadow agricultural curtilage' to the north of the development does not have a change of use to residential and the existing or a similar agricultural use needs to be maintained.

4.10 No objection is raised to the principle of the change of use and proposed extension subject to conditions controlling the details of the scheme.

4.11 ESCC Archaeologist – Although this application is situated within an Archaeological Notification Area, the groundworks have already taken place under a previous permission. For this reason I have no further recommendations to make in this instance.

4.12 Southern Gas Networks – Standard gas safety advice.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 2 representations received in support, on grounds that this is a sympathetic proposal which would enhance the character and quality of the area.

5.2 One representation commenting that the flue should be painted black and not stainless steel.

6. PLANNING CONSIDERATIONS

6.1 The principle of conversion of these buildings to a dwelling has been established by the 2014 permission. The question now is whether the current application is acceptable, particularly given the additional building and the use of timber cladding for the additional building.

6.2 The proposed additional building would have a footprint of 64 sq.m; only half of which would be behind the existing building as viewed from the road. The building would not, it is considered, be a substantial additional existing building and would be proportionate to it. The extension is considered to be acceptable in terms of its bulk and height.

6.3 South Heighton Parish Council's (the PC) position is that the application is, on balance, "inappropriate bearing in mind the sites location within the South Heighton Conservation Area and its contribution to the street scene". While the principle of conversion to a dwelling is accepted by the PC and "the scale of the proposed extension alone is not considered to be unacceptable", the modern contemporary 'barn' design of the extension "does not reflect any of the design elements of the existing coach house..... it would therefore "stand out" substantially from not only the Coach House but also the other historic agricultural buildings in the area which are constructed of flint and brick, with slate or clay tiled roofs. The proposed wooden cladding would, in the PC's view, exacerbate this and, instead, flint and brick would mirror nearby buildings and would reduce the impact of the extension and complement the street scene.

6.4 The PC's suggestion that flint would be more appropriate for the extension has been put to the applicant, but the applicant has felt unable to agree to the suggestion. The applicant comments that "We have carried out extensive pre-app with (the Council's conservation and planning officers). During this process we all agreed that the extension should read as an new architectural language and not try to replicate the style of the existing Coach house. We feel that in changing the material to flint the identity of the existing building will be lost".

6.5 The timber clad extension would be seen from the road, but would be part of an elevation which also includes glazing and a slate roof.

6.6 The Council's Conservation Officer considers the materials (including the cladding) to be acceptable, In his words, "the rural character is reinforced through the proposed built form, which will loosely reflect the agricultural character of many of the buildings locally but in a more modern idiom". While the Parish Council's concerns are noted and understood, as there are a majority of 'traditional' flint buildings in the locality, it is considered that a timber clad extension would be acceptable. This would be, it is considered, a valid approach, resulting in a material which would differentiate the 'new' build from the older elements of the scheme, particularly as the extension would effectively be a 'stand-alone' building in its own right, only attached to the flint buildings by the low glazed link. Timber cladding would be acceptable in its own right, and is of course widely used in agricultural barns and barn conversions.

6.7 The existing timber car port, which would be retained, already constitutes a timber building on the site,

6.8 In the circumstances, it is considered that the proposal would enhance this part of the conservation area, as the buildings would be brought into use in what is considered to be an acceptable manner. The provision of a new dwelling would, in a small way, add to the stock of housing within the district.

6.9 Approval is recommended.

7. RECOMMENDATION

That planning permission be granted.

The application is subject to the following conditions:

1. Before the development hereby approved is commenced on site, details/samples of all external materials (for the buildings and surfacing materials) shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policies ST3 of the Lewes District Local Plan, CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

2. The flue to the wood burning stove shall be finished in matt black, prior to first occupation of the building.

Reason: To help ensure a satisfactory appearance, having regard to Policy ST3 of the Lewes District Local Plan.

3. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in Classes A to C of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to Policies ST3 and H5 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

4. The residential curtilage to the building shall be as shown on the Site Location and Block Plan drawing L-100a, and shall not include the 'Existing meadow agricultural curtilage' noted on that drawing.

Reason: For the avoidance of doubt, having regard to the character of this part of the locality, Policies ST3 of the Lewes District Local Plan and CP11 of the Joint Core Strategy.

5. The extensions to the east elevation, as previously approved by permission LW/14/0258 (and shown on drawing 14.02.06.004 as approved under that permission) shall not be built in conjunction with this (LW/16/0967) permission.

Reason: To avoid excessive extensions, having regard to the character of this part of the locality, Policies ST3 of the Lewes District Local Plan and CP11 of the Joint Core Strategy.

6. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- (a) all previous uses
- (b) potential contaminants associated with those uses
- (c) a conceptual model of the site indicating sources, pathways and receptors
- (d) potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework 2012.

7. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework 2012.

8. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with National Policy Guidance contained in the National Planning Policy Framework 2012.

9. Prior to completion of works details of windows (to include rooflights) and doors to include materials, finish, product information and elevations to a scale of 1:10 or similar and cross sectional details to a scale of 1:2 or similar shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory development in keeping with the locality having regard to Policies ST3 of the Lewes District Local Plan, CP11 of the Joint Core Strategy and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

10. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

Reason; To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

INFORMATIVE(S)

1. 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.

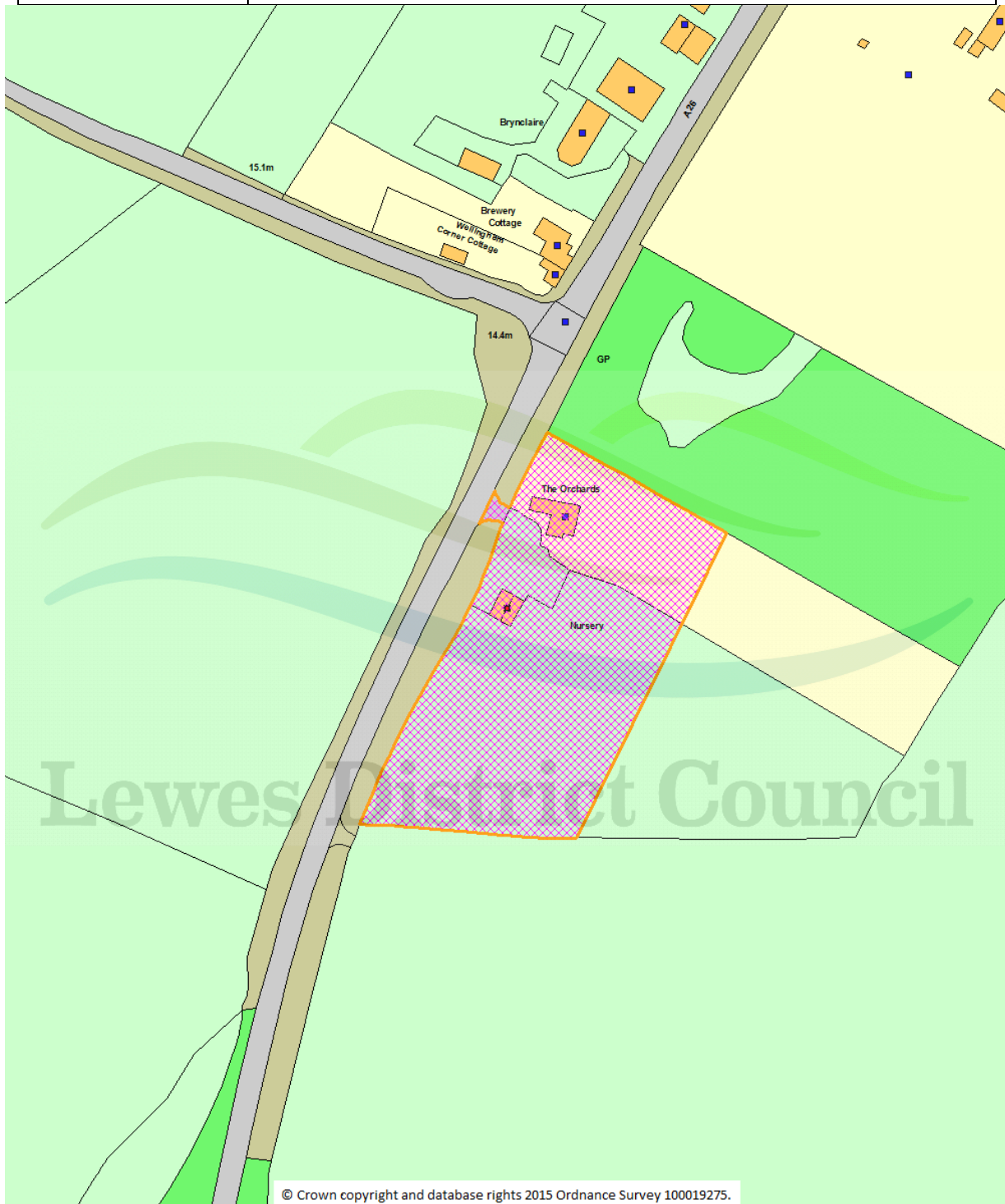
2. This development may be CIL liable and correspondence on this matter will be sent separately, we strongly advise you not to commence on site until you have fulfilled your obligations under the CIL Regulations 2010 (as Amended). For more information please visit <http://www.lewes.gov.uk/planning/22287.asp>

This decision is based on the following submitted plans/documents:

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Existing Floor Plan(s)	18 November 2016	L-101
Existing Roof Plan	18 November 2016	L-101
Existing Elevation(s)	18 November 2016	L-101
Existing Section(s)	18 November 2016	L-101
Proposed Floor Plan(s)	18 November 2016	L-102

Proposed Roof Plan	18 November 2016	L-102
Proposed Elevation(s)	18 November 2016	L-102
Location Plan	17 January 2017	L-100 A
Proposed Block Plan	17 January 2017	L-100 A
Additional Documents	1 December 2016	ROOFLIGHT DETAILS
Additional Documents	1 December 2016	WINDOW DETAILS

APPLICATION NUMBER:	LW/14/0830	ITEM NUMBER:	8
APPLICANTS NAME(S):	Mr M Tebbutt	PARISH / WARD:	Ringmer / Ouse Valley & Ringmer
PROPOSAL:	Planning Application for Demolition of existing farm shop and dwellinghouse and erection of 11 dwellinghouses, with associated car parking, bund and landscaping.		
SITE ADDRESS:	Boathouse Organic Farm Shop Uckfield Road Ringmer East Sussex BN8 5RX		
GRID REF:	TQ4413		



1. SITE DESCRIPTION / PROPOSAL

- 1.1 The application site lies on the eastern side of the A26, Uckfield Road, approximately 2.2 km to the north west of Ringmer. The site is currently occupied by a single dwelling, known as The Orchards and a small farm shop and associated car parking. The shop is currently vacant and not trading.
- 1.2 Planning permission was granted in 2015 for the redevelopment of the site with 11 new dwellings, made up from a mix of 3, 4 and 5 bedroom dwellings. As part of that approval the applicant signed a Section 106 Legal Agreement securing (amongst other things) the provision of two on site affordable dwellings.
- 1.3 The applicant is now seeking a Deed of Variation to replace the provision of the two affordable units with a commuted sum payment.

2. RELEVANT POLICIES

LDJCS: - CP1 – Affordable Housing

3. CONSIDERATIONS

- 3.1 As set out above planning permission was granted in 2015 for the redevelopment of the application site with 11 new dwellings. Whilst not sought by officers as it was not a policy requirement (on the basis that the proposal falls under the threshold for affordable housing) the applicants offered an affordable housing contribution as part of the development proposal. This was welcomed by Members and the Section 106 was agreed accordingly. This delivered the on-site provision of two three-bedroom dwellings as affordable units that would ultimately be transferred to a Registered Social Landlord (RSL).
- 3.2 Since signing the Section 106 Agreement the applicants have made concerted efforts to partner with an RSL. Nine RSLs have been approached in total with only one showing any interest in delivering the on-site affordable housing. The various reasons given by the other RSLs for not being interested in the scheme included:
 - Location of the development
 - Number of units available
 - Size of units
 - Not delivering intermediate housing; and
 - Not operating in the Ringmer area.
- 3.3 The only RSL that showed interest were Landspeed Homes, however their one concern was that the three bedroom units earmarked were too large. Landspeed were concerned that the size of the units would severely limit their affordability and therefore the number of people who would be able to secure a mortgage.
- 3.4 A number of options were explored between officers and the applicants however the only way to create the smaller units sought by Landspeed resulted in the need for a new planning application. On the basis that the original application was approved prior to the introduction of our CIL levy, any revised application would be subject to this charge which would significantly increase costs at the site. The applicants have advised that this would present funding and contract issues for them. Additionally a revised application would delay the development for an unknown period of time and introduce uncertainty to the

process, along with the associated additional costs related to updating the application submissions.

- 3.5 In light of these difficulties and following discussions with officers it was agreed that in order to progress the development and deliver the housing, the signed S106 should be amended so that an alternative affordable housing contribution can be secured. This will ensure that whilst no affordable housing will be provided on site, the money can be used to help deliver affordable housing elsewhere in the District. Such an approach is permitted by Core Policy 1 of the Joint Core Strategy.
- 3.6 A commuted sum of £201,497.10 has been agreed with the Council's Housing Policy and Development Manager.

4. CONCLUSION

- 4.1 Whilst there is still no policy requirement for the scheme to deliver affordable housing (either on site or in the form of a commuted payment) the applicants are clearly keen to deliver on their earlier promise. On the basis that all other avenues have been exhausted and that it is clear that on site provision will not be delivered which could ultimately prevent the delivery of the scheme in its entirety, it is considered that a commuted sum is an appropriate way forward.
- 4.2 It is therefore recommended that a Deed of Variation is secured that removes the requirement to provide two affordable units on site, and is replaced with the payment of a commuted sum of some, £201,497.10 to be put towards provision of affordable housing, elsewhere in the District.

Report to **Planning Committee**
Date **22 February 2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/16/05762/HOUS**
Applicant **Miss Morgan**
Application **Erection of a single storey side extension**
Address **Annexe The Old Forge
The Street
Kingston
Lewes
East Sussex
BN7 3PB**

Recommendation: That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

Executive Summary

This application proposes a single storey extension to the northern side of the annex. This is an amendment to a previous application under reference SDNP/15/02706/HOUS which was refused permission in October 2016. Pre application advice was sought for this proposal and it has subsequently been reduced in size in terms of floor space by 50%.

I Site Description

1.1 The Old Forge (Annex) is set well back down a narrow driveway off the eastern side of The Street in Kingston. The site is located within the Conservation Area and South Downs National Park.

1.2 For the purposes of planning policy the Annex is located within the planning boundary, and the development site where the proposed extension would be sited within countryside.

2 Proposal

Background

2.2 The former extension now referred to as an annex is situated to the east of The Old Forge. An application was made under SDNP/15/02681/CND to remove the Section 52 Agreement dated 6 March 1975 to allow the annex (which was originally an extension to the Old Forge) to be occupied independently from The Old Forge (associated with planning permission referenced LW/74/1943).

2.3 The deed of variation has been granted and the annex is now independent from The Old Forge. An application for an extension to double the floor space of the Old Forge was refused planning permission in October 2016.

Proposal

2.4 This application proposes a single storey extension to the northern side of the annex.

2.5 The proposed extension would measure approximately 6m by 4.9m. Its ridge line would be stepped down in height by around 0.2m from the ridge height of the existing annex. The eaves would be directly below the eaves of the existing annex.

2.6 The materials proposed are to match the existing annex which comprises flint and brickwork with concrete pantile roof tiles.

2.7 All of the curtilage shown on the location plan within the red edged boundary to the north, east and south of the annex is located within the countryside.

3 Relevant Planning History

LW/74/1943. Extension to existing building to provide additional bathroom and utility room. Approved 20/11/1974.

Section 52 Agreement dated 6 March 1975 which restricts use of the extension (approved under LW/74/1943) to purposes incidental to the enjoyment of The Old Forge and that use is not for the creation of a separate dwelling.

SDNP/15/02681/CND. Removal of Section 52 Agreement to allow the annex (formerly described as extension) to be occupied independently from The Old Forge. Approved 22.09.2016

SDNP/16/02706/HOUS. Single storey extension. Refused 07.10.2016

4 Consultations

East Sussex County Archaeologist

Recommends a planning condition to secure the implementation of a programme of archeological works because the site is within an area of archaeological notification.

Design And Conservation Officer

No Objection.

The previous application (SDNP/16/02706/HOUS) for the extension of the annex to the old forge was considered acceptable. The difference between the current and the previous application is the reduction in the size of the proposed extension. The previous comments suggested the only possible concern with regard to the application was the proposed size of the extension in relation to the Old Forge. However, this concern was not considered significant enough to be objectionable due to the existing undermined relationship between the Old Forge and the ancillary building. The relationship is undermined because the annex is not a building of

historical importance nor does it relate to any listed building in terms of its siting or character. Other than its physical presence it no longer has any association with The Old Forge and for the purposes of planning policy should be considered as a separate dwelling.

Parish Council Consultee

Objects to the application on the following grounds:

- Outside of the planning boundary
- Contrary to policy RES13 because it is out of scale and not subservient
- The extension would result in a large family home out of character with the historic origin of this building which was used for purposes ancillary to The Old Forge.
- Conflicting with the aims of SDNP planning policies and would thereby compromise the visual amenity of the landscape character and not preserve the character and appearance of the Conservation Area

5 Representations

Letters of objection have been received from the occupiers of 3 nearby households;

- The proposed extension and intensification of use of the annex (including a conservatory and gravel area for parking) would compromise the setting and character of the Old Forge and other nearby listed buildings.
- Erode the landscape character of the countryside and Conservation Area
- Impact on narrow access road
- Drainage and maintenance problems

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the Lewes District Local Plan and Joint Core Strategy and the following additional plan(s):

- South Downs Partnership Management Plan

Other plans considered:

- South Downs Local Plan

The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

7 **Planning Policy**

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF - Requiring good design
- NPPF - Conserving and enhancing the natural environment

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the LDLP & Joint Core Strategy are relevant to this application:

- CT1
- CPI1
- RES13
- RES14
- ST3

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 50

Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2nd September to 28th October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

8 Planning Assessment

The main planning issues for consideration are 1) impact on the character and appearance of the annex and (2) on the Conservation Area and landscape, in terms of the proposed increase in floor area and building mass.

(1) Impact on the character of the Annex

8.1.1 Policy RES14 (Extensions in the Countryside) states that the Council needs to be satisfied that there is no major change to the character of the building or its impact on the landscape extensions where an extension would be in excess of 30% of the floorspace of the original building as it stood in September 1988. The policy states that extensions in excess of 50% will not normally be granted.

8.1.2 The proposed extension would represent a 50% increase in floor area over and above the original (existing) floor area of the annex (former extension to the old forge). There is an existing modest lean-to greenhouse at the northern end of the annex which is a lightweight structure not contributing to any habitable floorspace. It is of modest proportions. As such, it has not been included as forming part of the floorspace of the original dwelling nor is it treated as part of the post 1988 cumulative additions to the annex.

8.1.3 The proposed extension would sit to the northern side of the annex and alongside the eastern side of the Old Forge. The ridge line of the extension is stepped down in height from the existing ridgeline of the annex and the elevations to the north east and south west are also stepped in from the walls of the existing annex. Therefore, the proposed extension would appear subservient in terms of its scale, height, bulk and massing in accordance with policy RES13 (All Extensions) and ST3 (Design, Form and Setting of Development).

8.1.4 The annex currently provides studio/bedsit type of accommodation. This application would result in a two bedroom single storey dwelling of approximately 89 sqm. The proposed extension would not therefore result in the loss of character of the existing annex, by becoming a large house.

8.1.5 The proposed extension would sit amongst the footprint of existing buildings and would not encroach into the open landscape. It would very much be read on a consolidated footprint of existing buildings in distant views, and to this end it would not be materially harmful to the landscape character of the countryside.

(2) Impact on Conservation Area

- 8.2.1 The dwelling is located within the Kingston Conservation Area but it is considered that the extension would not be visible from any public vantage point and as such it would conserve the character and appearance of the Conservation Area.
- 8.2.2 Under the previous application (SDNP/16/02706/HOUS) which proposed an extension twice the size of this application proposal, the following comments were made by the Design and Conservation Officer ;
- 8.2.3 "The annex is a non-listed self-contained unit formerly a barn for the Old Forge within the Kingston Conservation Area. Constructed of flint with brick quoins and dressings the building is now clearly domestic in nature. The proposal is for the extension of the building to approximately double its existing size. The Old Forge and its annex are located down a private track and are only partially visible from the highway. The proposed materials and design will not significantly change the appearance of the annex from the road. The proposals are not considered to detrimentally affect the conservation area."
- 8.2.4 Given that the current proposal under this application is a 50% reduction in floor area it would have even less of an impact than the earlier application and would not therefore harm the character and appearance of the Conservation Area.
- 8.2.5 The proposed extension would be set well back from nearby listed properties which front onto The Street. The Old Forge sits alongside the annex and given it's siting and that the proposed extension is single storey it would not result in any material harm to the setting of the listed buildings or living conditions for the occupants of nearby households.
- 8.2.6 Overall, the proposed extension is considered to be acceptable and planning permission should be granted.

9 Conclusion

In terms of design, siting, scale and materials, the proposed extension would represent a subservient addition to the existing annex and would not materially harm the visual amenity of the landscape character of the surrounding countryside which lies within the South Downs National Park.

10 Reason for Recommendation and Conditions

It is recommended that the application be approved for the reasons and subject to the conditions set out below.

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

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

2. Before the development hereby approved is commenced on site, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason: To ensure a satisfactory development in keeping with the locality having regard to policies ST3, RES13 and RES14; of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

3. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development described in A-E; of Schedule 2, other than hereby permitted, shall be undertaken unless the Local Planning Authority otherwise agrees in writing.

Reason: A more intensive development of the site would be likely to adversely affect the appearance and character of the area having regard to ST3, RES14; of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

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 3 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 to comply with the National Planning Policy Framework.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

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 may 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.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Mrs Rachel Richardson (Lewes DC)

Tel: 01273 471600

email: rachel.richardson@lewes.gov.uk

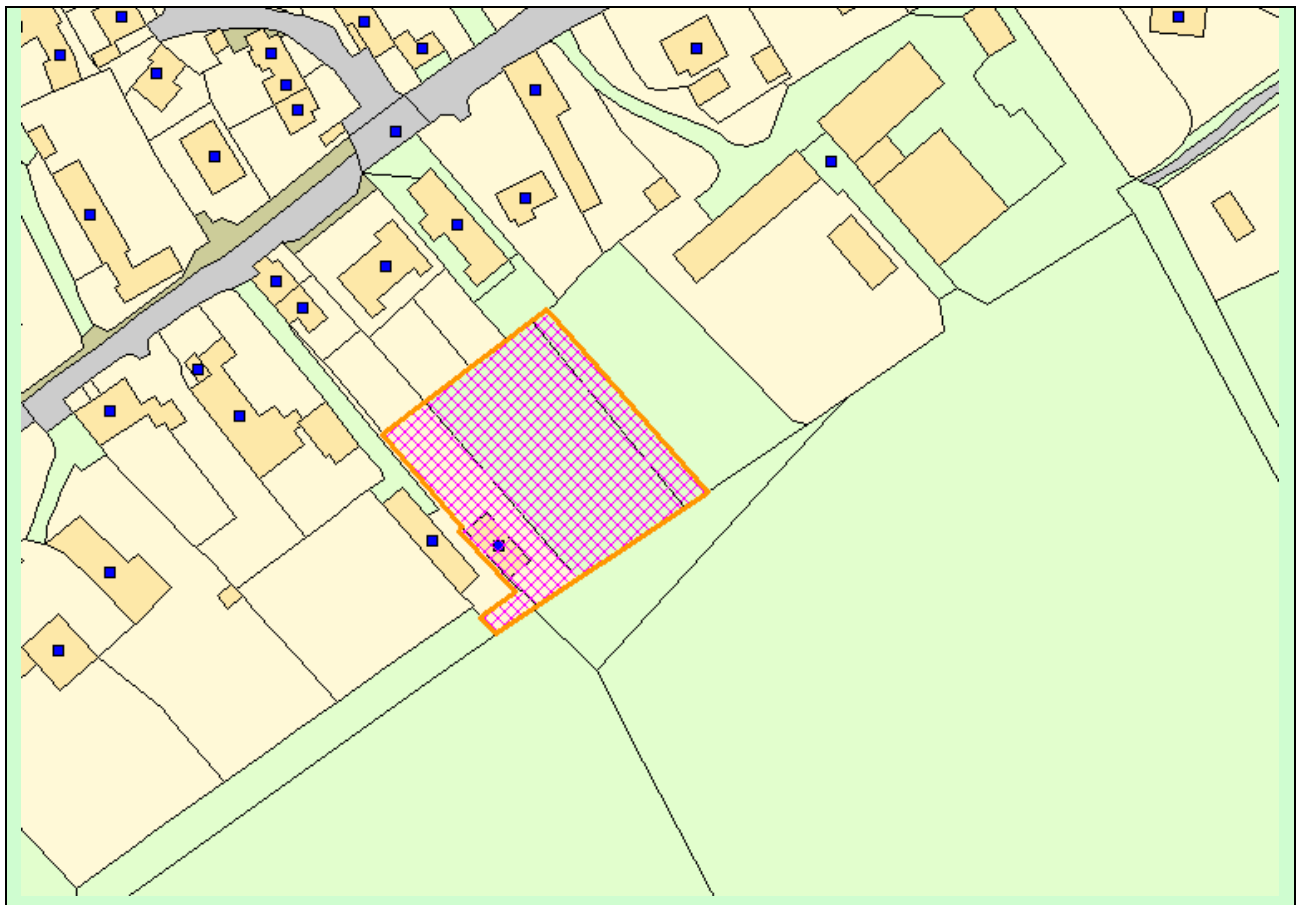
Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Proposed Floor	01		17.11.2016	Approved
Plans - Location	1:1250		17.11.2016	Approved
Plans - Block	1:500		17.11.2016	Approved
Application Documents -	HER REPORT		17.11.2016	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.

Report to **Planning Committee**
Date **22 February 2017**
By **Director of Planning**
Local Authority **Lewes District Council**
Application Number **SDNP/16/04770/FUL**
Applicant **Mr P Dagger**
Application **Removal of a former agricultural cart lodge and erection of a dwelling house with garden and two parking spaces**
Address **Old Cart Lodge
Hayleigh Farm
Streat Lane
Streat
Hassocks
East Sussex
BN6 8RU**

Recommendation: That the application be refused for the reasons set out in paragraph 10 of this report.

Executive Summary

Planning permission is recommended to be refused.

I Site Description

1.1 The application site is occupied by single storey brick structure with pitched roof and a series of timber doors across the front elevation. The building is situated adjacent to hard-surfaced private road that is used by motor vehicles. To the rear, the site banks up to vegetation, beyond which lies a field.

1.2 The site is access via a private road and is located 1.1km east of Spatham Lane within Westmeston, and 500m west of Streat Lane near to the church which marks the centre of Streat village and to which access can only be gained on foot and via the Bridleway 17 between Spatham Lane and the application site, or Footpath 35, which goes through the field behind the application site.

1.3 The building is not Listed or situated in a Conservation Area. The site is within the South Downs National Park and it is outside of a designated Planning Boundary. Streat village does not have a defined Planning Boundary. The nearest settlements with defined Planning Boundaries are Ditchling which is 1 mile to the west, and Plumpton Green, which is 4.3 miles (by road) to the north-east.

2.1 The application seeks planning permission to remove the now dis-used former cart lodge previously used for storage associated with agriculture, and to build a 2/3 bedroom detached dwellinghouse with off-street parking for 2 cars.

2.2 The plot will be long and narrow, measuring 36.3m in length and 6.1m in depth, covering an area of some 215 square metres between the field behind and the private road in front. The existing cart lodge has a footprint of 16.8m x 4.3m with a floor area of 72.2 square metres. The building is 4.97m in height to the ridge of the pitched roof and about 2.2m in height to the eaves.

2.3 The proposed replacement building will be the same length as the existing structure but it will be approximately 5m in depth and 6m in height to the ridge and 3.9m to the eaves.

2.4 The replacement dwelling will have six tall windows and a blind window to the street elevation along with a rooflight, metal flue pipe, and an array of photovoltaic panels to the front roof slope. The entrance will be located on the northerly flank end of the building within a recess. On the rear elevation 4 windows and a pair of patio doors are proposed, with two steps down to ground level. On the rear roof slope 4 rooflights are proposed along with 3 arrays of photovoltaic panels in between. The southerly flank elevation will be finished in brick with vertical detailing but no windows or other openings.

3 Relevant Planning History

SDNP/14/05496/DCOND - Discharge of conditions 2, 3, 4, 5 and 6 relating to planning approval SDNP/14/03264/LIS. Approved 20 January 2015.

SDNP/14/03264/LIS - Alterations to existing outbuildings. Approved 12 September 2014.

SDNP/13/02201/DCOND - Discharge of condition 1 of planning approval SDNP/13/00940/LIS. Pending consideration.

SDNP/13/01422/HOUS - Lay new paviers in existing crossover/entrance to paddock and form new gravel hardstanding in paddock access way. Approved 22 May 2013.

SDNP/13/01414/LIS - Insertion of a new cat flap into the northern elevation. Approved 22 May 2013.

SDNP/13/00940/LIS - Alterations to existing log store and garage including installation of a biomass heating system. Approved 22 April 2013.

SDNP/12/02534/DCOND - Discharge of condition 11 relating to planning approval SDNP/12/00419/LIS. Pending consideration.

SDNP/12/02533/DCOND - Discharge of condition 2 relating to planning approval SDNP/12/00419/LIS. Pending consideration.

SDNP/12/02211/LIS - Retention of works to replace existing asphalt, felt and copper flat roofs with lead. Approved 20 November 2012.

SDNP/12/02202/DCOND - Discharge of condition 9 relating to planning approval SDNP/12/00419/LIS. Approved 26 April 2013.

SDNP/12/01363/DCOND - Discharge of condition 7 relating to planning approval SDNP/12/00419/LIS. Decision dated 30 June 2012.

SDNP/12/01323/DCOND - Discharge of condition 4 relating to planning approval SDNP/12/00419/LIS)

SDNP/12/01170/LIS - Retention of works to repair timber roof structure and addition of insulation.

SDNP/12/00419/LIS - Refurbishment and internal alterations. Approved 19 October 2012.

LW/93/1319 - Listed Building Consent to take down flint facing to tower, fix vertical D.P.M. and reconstruct flint face to match existing, together with internal timber repairs. Approved 9 November 1993.

E/73/0756 - Listed Building Consent and Building Regulations applications for extension and modernisation of existing cottage. Withdrawn.

E/55/0721 - Proposed extension. Approved 19 July 1956.

E/55/0580 - Proposed extension. Approved 29 August 1955.

Westmeston Parish Council Consultee

Westmeston Parish Council considered the application by Hayleigh Farm Cart Lodge, Streat Lane, BN6 8RU at a recent meeting and agreed that the following comments be submitted to you.

Under NPPF, this development could be in conflict with Para. 55 as a new isolated home in the countryside. This principle is reflected in our emerging Neighbourhood Plan. To date there are no known objections from neighbours to take into consideration.

Our experience in this parish indicates similar cases where demolition of a farm building to be replaced with a new dwelling, has been granted planning permission without appearing to satisfy the special conditions required by Para. 55. These developments are near to but outside of the SDNP.

Unlike those examples, this application has the merit of being in keeping with the NPPF of "supporting a prosperous economy", in addition we believe it can be seen to be "Promoting good design".

The applicant and his family are known to this council as respected long standing residents and members of the community, previously involved in farming and now running a busy removals and storage enterprise, providing employment in the locality. His partner also generates business in the area.

Westmeston Parish Council will rely on the expertise of SDNP Planning Officers in reaching a decision, having considered this case in the best interests of the community and of the applicants.

East Sussex County Archaeologist

Although this application is situated within an Archaeological Notification Area, I do not believe that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

EH - Environmental Health - Pollution

1. Dust control. No development shall take place until a scheme to control the emission of dust from the demolition and construction works at the site has been submitted to and approved in writing by the Planning Authority. The approved scheme shall be fully implemented throughout the duration of demolition and construction works, with all equipment maintained in accordance with the manufacturer's instructions at all times until completion of the development. REASON: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

2. Hours of operation at the site during any tree works, site clearance, preparation and construction shall be restricted to 08:00 to 18:00 hours Monday to Friday and 09:00 to 13:00 hours on Saturdays. No working is permitted at any time on Sundays or Bank Holidays. No machinery shall be operated, no process shall be carried out and no deliveries shall be made at the site outside of these specified times. REASON: to protect the amenity of the locality in accordance with policy ST3 of the Lewes District Local Plan.

3. Waste management advisory comment. All waste material arising from any clearance and construction activity at the site should be stored, removed from the site and disposed of in an appropriate manner. It is an offence to burn trade waste, so there should be no bonfires on site.

5 Representations

5.1 Mid Sussex Area Bridleways Group-

The application site fronts a public bridleway, Westmeston 17.

The driveway and car parking area should not encroach onto the public bridleway.

5.2 A representation has been received from Hayleigh Farmhouse, objecting to the application for

the following reasons:-

5.3 No objection in principle to the creation of a new dwelling within the existing cart lodge building and it will be convenient for management of the removals business. Living very close to one's place of work is not usually essential. The new building is larger than the existing cart lodge. The site is small and narrow. Areas of planting and differences in ground levels are not accurately represented on the plans. Possibility of flooding and effluent entering neighbouring gardens and pond.

6 **Planning Policy Context**

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Local Plan (2003)** and the following additional plan(s):

- Lewes District Council - The Core Strategy (Local Plan Part 1) 2014
- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan - Preferred Options September 2015

The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

7 **Planning Policy**

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF - Achieving sustainable development
- NPPF - Promoting sustainable transport

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Lewes District Local Plan (2003)** are relevant to this application:

- CT1 - Planning Boundary and Key Countryside
- ST3 - Design, Form and Setting of Development

The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part I) 2014** are relevant to this application:

- SP1 - Provision of Housing and Employment Land
- SP2 - Distribution of Housing
- CP1 - Affordable Housing
- CP2 - Housing Type, Mix and Density
- CPI1 - Built and Historic Environment and Design
- CPI3 - Sustainable Travel

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

- General Policy 50

The following policies of the **South Downs National Park Local Plan - Preferred Options September 2015** are relevant to this application:

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 50

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2nd September to 28th October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

8.1 The principal considerations in the determination of the application include the principle of development; design and appearance; impact on amenity; and accessibility and sustainable transport.

8.2 Principle-

Local Plan policy CT1 is the Planning Boundary and Key Countryside Policy for the Lewes District. Development outside of the Planning Boundaries will not normally be granted unless it is for affordable housing or reasonably necessary for the purposes of agriculture or forestry. The key aims of policy CT1 are to retain the open character of the countryside and prevent the coalescence of separate settlements. In this particular case, there is an existing building on the site, and the new building would not be of a significantly different form and scale to the structure that it would replace. However, paragraph 55 of the National Planning Policy Framework must also be taken into consideration, and this states:

55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- o the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- o where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- o where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- o the exceptional quality or innovative nature of the design of the dwelling.

8.3 Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

8.4 It is understood that the applicants are people who are local to the area and who are involved in a local removals business operating near to the application site. This business is not understood to be agricultural and there is no specific reason that employees must live adjacent to the business. The proposed dwelling will be in an isolated location whereby the nearest village of Streat is some distance away by car, or by foot, and which has no facilities or services that would be of service or convenience to a new dwelling in this location. Furthermore, the application site is not readily accessible by car other than via a narrow single-land track which is private and in a poor condition.

8.5 In view of the above, the modern design of the proposal development is not considered to be sufficiently outstanding to meet the special circumstances set out in paragraph 55 of the National Planning Policy Framework and will not outweigh that a new isolated home in this locality will not constitute sustainable development.

8.6 Design and appearance-

The contemporary design and form employing the use of a traditional palette of materials and finishes is acceptable in itself, but there are significant concerns that the development will not involve the conversion or re-use of the existing building and also that in relation to the scale of the existing building and the proportions of the plot, that the new dwelling will appear taller and more bulky thereby having a more dominant visual impact than the existing cart lodge and having a cramped appearance in view of the relatively narrow plot size. These concerns have also been raised by a neighbour, who has objected to the application.

8.7 The drawings submitted also indicate that there will be rooflights and large areas of glazing to the windows and this raises concerns in respect of the dark skies policy for the National Park. Domestic lighting will no doubt spill out from these openings and contribute to a wider glow from lighting which can have a harmful impact on the character and recreational value of the South Downs National Park.

8.8 Impact on amenity-

There are no immediate neighbours to the application site and as such the development is not likely to cause undue noise, disturbance or overlooking that would be harmful to residential amenity.

8.9 Accessibility and sustainable transport-

The application site is in an isolated rural area whereby the nearest shops and services necessitate car travel and whereby the nearest village of Streat, which is accessible by foot, has no facilities or services to offer future residents of the development. In addition the site is not well served by public transport and the private access road to the site is poorly constructed and in many places wide enough only for a single vehicle. For these reasons the application site is not considered to be in a sustainable location in terms of transport and access to facilities and services. Allowing development of the site for a new dwelling would therefore be contrary to the aims and objectives of Core Policy 13 of the Joint Core Strategy Part One, which seeks to encourage the use of more sustainable transport types than the private car.

9 Conclusion

Refusal is recommended.

10 Reason for Recommendation and Conditions

It is recommended that the application be refused for the reasons set out below.

1. The proposed development will result in an isolated dwellinghouse in a rural location which is outside of a defined Planning Boundary and neither in a sustainable nor an accessible location. The proposals do not seek to re-use the existing structure but rather comprise removing the existing building and constructing a new dwelling and no over-riding justification has been provided with the application. As such, the proposed development is contrary to the aims and objectives of retained policies CT1 and ST3 and also Spatial Policy 2 and Core Policies 1, 2, 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy and paragraph 55. of the National Planning Policy Framework.

2. The new dwelling will, by reasons of its scale, bulk, glazing details and siting, have a more dominant visual impact on the wider landscape than the existing cart lodge building and, due to the narrow width of the plot, the new dwelling will have a cramped appearance that will be detrimental to visual amenity and the rural character of the surrounding landscape. In addition the proposed development will lead to increased light spillage from the domestic use of the land, which will compromise the dark skies in these location within the South Downs National Park, which are important to the heritage and recreational purposes of the National Park designation. For these reasons the proposed development is contrary to retained policies CT1 and ST3 and also Spatial Policy 2 and Core Policies 10, 11 and 13 of the Lewes District Local Plan Part One: Joint Core Strategy and having regard to the National Planning Policy Framework.

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, thereby allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme. The Local Planning Authority is willing to provide pre-application advice and advise on the best course of action in respect of any future application for a revised development.

Tim Slaney
Director of Planning
South Downs National Park Authority

Contact Officer: Chris Wright
Tel: 01273 471600
email: Christopher.wright@lewes.gov.uk

Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

Appendix I

Site Location Map



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Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Proposed ground floor plan	001/PL/010		25.09.2016	Approved
Plans - Proposed first floor plan	001/PL/011		25.09.2016	Approved
Plans - Proposed roof plan	001/PL/012		25.09.2016	Approved
Plans - Site location plan	200/PL/001		25.09.2016	Approved
Plans - Existing block plan	200/PL/002		25.09.2016	Approved
Plans - Existing roof and ground floor plans	200/PL/003		25.09.2016	Approved
Plans - Existing section A and B	200/PL/004		25.09.2016	Approved
Plans - Existing west elevation	200/PL/004		25.09.2016	Approved
Plans - Existing east elevation	200/PL/005		25.09.2016	Approved
Plans - Existing north elevation	200/PL/006		25.09.2016	Approved
Plans - Existing south elevation	200/PL/007		25.09.2016	Approved
Plans - Proposed block plan	200/PL/009		25.09.2016	Approved
Plans - Proposed west elevation	200/PL/015 A		24.10.2016	Approved
Plans - Proposed east elevation	200/PL/016		25.09.2016	Approved
Plans - Proposed north elevation	200/PL/017		25.09.2016	Approved
Plans - Proposed south elevation	200/PL/018		25.09.2016	Approved
Plans - Proposed section A and B	200/PL/019		25.09.2016	Approved
Application Documents -	DESIGN AND ACCESS STATEMENT		25.09.2016	Approved
Application Documents -	HERITAGE STATEMENT		24.10.2016	Approved

Reasons: For the avoidance of doubt and in the interests of proper planning.

Agenda Item No: 11 **Report No:** 42/17
Report Title: Tree Preservation Order (No.6) 2016, Beggars Wood,
Beggars Wood Road, Chailey.
Report To: Planning Applications **Date:** 22 February
Committee 2017
Lead Councillor: Councillor Tom Jones
Ward(s) Affected: Chailey Ward
Contact Officer(s): Daniel Wynn, Trees & Landscape Officer

Purpose of Report: To consider whether to confirm the Order.

1. Officers Recommendation(s):

- 1.1 There are three options to consider:
- a) To confirm the Order as modified (this is the recommended course of action)
 - b) To confirm the Order as proposed
 - c) To allow the Order to lapse or expire.

2. Information

- 2.1 This a woodland site located on the south side of Beggars Wood Road, Chailey, which is owned by the occupier of the adjacent 'Birchdale'. It is opposite the Chailey Common Site of Special Scientific Interest (SSSI). The woodland in question is known as 'Beggars Wood' and was designated Ancient Woodland in Natural England's Ancient Woodland Inventory. Since the designation was made, however, Natural England has since reduced the extent of the Ancient Woodland designation.
- 2.2 This Tree Preservation Order at Beggars Wood was raised in response to an erosion or loss of woodland in the longer term, arising from the use of parts of the woodland area as domestic garden. This has resulted in loss of designated ancient semi-natural woodland. The boundary of the Order which it is recommended to be confirmed is smaller than that identified in the Order actually served, so that it is more consistent with the amended extent of the Ancient Woodland designation by Natural England referred to above, and covers two separate areas of Ancient Woodland.
- 2.3 **A plan of the recommended modification to the Order is attached as Appendix 'A'.**

3 Representations

- 3.1 Chailey Parish Council made the following comments.

"Councillors thought it unusual for a blanket TPO to be imposed over an entire area. They recognised that it was now proposed to reduce the scope and therefore effect of the existing TPO in line with the reduction in the area of ancient woodland identified by Natural England in their report dated 16th

December 2016. However, the proposed revised blanket TPO would still impede the proper management of the land area at Birchdale still designated as ancient woodland. Councillors considered that the blanket TPO should be revoked and replaced by TPOs over individual and significant trees to be identified by Natural England and/or Lewes District Council's Tree Officer as being worthy of protection."

- 3.2 The landowner objects to the imposition of the Order on the following grounds:
- a. That there were procedural and administrative errors made in imposing the TPO.
 - b. That the woodland Order includes an area of 'long established garden' which has been 'garden' since at least 2004, if not longer.
 - c. That there was insufficient time to commission the services of an arboricultural expert to draft a suitable objection to the imposition of the Order.
 - d. That most of the land and trees included within the Order, particularly the land in the central garden area, are not visible to the public from the surrounding roads.
 - e. That contrary to a statement by the Council's Trees & Landscape Officer, the making of a TPO is a discretionary power and the Council is not compelled to impose an Order.
 - f. That there has been no 'progressive felling' apart from the removal of dead or dangerous or fallen trees.
 - g. That the plans shown in past planning applications were out of date and do not accurately reflect the situation we see today.
 - h. That the Ancient Woodland Inventory may not accurately reflect the situation we see today.
 - i. Five separate letters, supporting the landowner's position, were included with the bundle of documents accompanying the landowner's written representations. None of these letters were sent directly to the planning department, but each describe or outline personal recollections from people who have visited the site about the extent of the garden area during their visit.
 - j. That the council has recently given permission for a glass sided Huf house, which is visible from Beggars Wood Road and the A275 (Planning application LW/15/0066) which has a detrimental visual impact on the open countryside.

4 Material considerations

Policy on Ancient Woodland

- 4.1 Generally, 'ancient woodland' is any wooded area that has been wooded continuously since at least 1600 AD. 'Wooded continuously' does not mean there has been a continuous tree cover across the entirety of the whole site. Open space, both temporary and permanent, can also be an important component of woodlands.

4.2 Some ancient woods, however, may link back to the original woodland that covered the UK around 10,000 years ago, after the last Ice Age. Because they have developed over such long timescales, ancient woods can have unique features such as relatively undisturbed soils and communities of plants and animals that depend on the stable conditions ancient woodland provides, some of which are rare and vulnerable.

4.3 The Forestry Commission and Natural England's standing advice is:

"Ancient woodland is an irreplaceable resource of great importance for its wildlife, soils, recreation, cultural value, history and the contribution it makes to our diverse landscapes. It is a scarce resource, covering only 3% of England's land area."

4.4 For these reasons, where development is proposed, national and local policy exists for the protection of Ancient Woodlands. The National Planning Policy Framework, at para 118, states:

"planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss;"

4.5 The Council is under a duty to protect trees and can impose Tree Preservation Orders under section 197 of the Town & Country Planning Act 1990 which states:

'it shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made by the imposition of conditions, for the preservation or planting of trees'

4.6 Section 197 of the Act also states that:

'..it shall be the duty of the local planning authority to make such Orders [Tree Preservation Orders] under section 198 of the Act as appears to the Authority to be necessary...'

Part of the woodland, excepting the original residential domestic garden and now an area just outside, is designated by Natural England as 'Ancient Woodland'.

4.7 The Council is under a 'duty' to protect important trees and woodland under the Town & Country Planning Act 1990 (as amended).

5 Response to landowners representations

5.1 No known procedural or administrative errors were made that would invalidate the Order. Minor corrections can be made during the confirmation process where and if required.

5.2 Whether the Order includes 'garden' areas is irrelevant; it is the value of the trees within the Order area which is considered to be important.

- 5.3 The landowner had the statutory 28 days in which to submit written representations about the imposition of the Order. Subsequently, a further 14 days for the landowner to respond was given, and this has since been added to with 'late letter' submissions right up until publication of this report. It is considered that the landowner has had adequate opportunity to submit their written representations in this case.
- 5.4 The woodland is widely visible from the surrounding area, including Chailey Common, and from Beggars Wood Road.
- 5.5 The power to impose a Tree Preservation Order is discretionary; in this case it is considered that the TPO is justified.
- 5.6 The term '*progressive felling*' refers to trees being lost over a protracted period of time. It does not apportion blame on any party. The most recent episode of tree loss relates to the removal of self-set saplings and seedlings in areas where there were likely to have been trees at some point in the past. The erosive nature of tree loss, no matter how small, accrues over time resulting in the permanent loss of ancient woodland.
- 5.7 Past planning applications for development relating to 'Birchdale' contain plans which can be used to help try to determine the extent of the residential garden curtilage.
- 5.8 The Trees & Landscape Officer has been in close contact with Natural England's Woodland, Trees & Forestry Specialist, to determine whether the ancient woodland designation should be modified. In an e-mail received 16 December 2016, Natural England concluded that:

"There is enough evidence to suggest that part of Birchdale [Beggars Wood]..... is not ancient woodland and it will be removed from the ancient woodland inventory"

- 5.9 For this reason, it is recommended to modify the Order to only include the area of the revised ancient woodland with an overlap to include the vulnerable rooting systems so that they remain within the protected area.
- 5.10 The planning application LW/15/0066 was in part for a new dwelling to replace a mobile home and the report which recommended approval stated that:

"On balance the concerns regarding the size of the proposed dwelling is not considered to outweigh the benefits of the change of use back to agricultural/equestrian and the general improvements (including removal of some buildings). The proposal will enhance both the immediate and wider setting and complies with the broad objectives of planning policy contained within the NPPF"

6 Reasons for Confirmation of Order

- 6.1 The woodland as a whole provides significant visual amenity and on this basis it is considered that there are sufficient grounds to support the view that the replanted area, which is now claimed to be domestic garden, can be considered to be part of the larger woodland area.

- 6.2 The two separate woodland components, however, identified as W1 and W2, are designated as Ancient Woodland by Natural England and are important amenity assets for their wildlife, soils, cultural value, historic and contribution to the landscape.
- 6.3 Any further tree loss is likely to expose the residential dwelling to views from the surrounding countryside, and this in turn will have a detrimental visual impact on the open countryside.
- 6.4 The Order will elevate the woodland to a 'material consideration' for any future planning applications for development which propose the loss of part or of the whole woodland.
- 6.5 The reasons given in objection to the imposition to the Order are considered to fall short of overcoming the importance of the woodland to the area.
- 6.6 In the event the Council decides to confirm the Order, it will be the officer's intention to support pruning proposals where it is reasonable and practicable and where the works do not significantly conflict with the long-term health of the trees or the woodland and its public amenity and wildlife habitat value. It should be noted that the Order should not impede or prevent proper management of the woodland subject to approval by the Council.

7 Summary

- 7.1 It is considered that under the circumstances the Order, as modified, is justified and should be made permanent (or 'confirmed').
- 7.2 It is considered that the reasons given in opposition to the Order do not outweigh the public amenity benefit that the ancient woodland provides.

8 Financial Implications

- 8.1 There are no financial implications for the Council at this time.

9 Environmental Implications

- 9.1 None.

10 Background Papers

- [provisional] Tree Preservation Order (No.6) 2016.
- Planning Applications LW/84/1099; LW/88/0793; and LW/96/0848
- Natural England's Ancient Woodland Inventory
- Email and report: Dr Marion Bryant, Woodland & Trees Officer, Natural England, Polwhele, Newquay Road, Truro. TR4 9AD

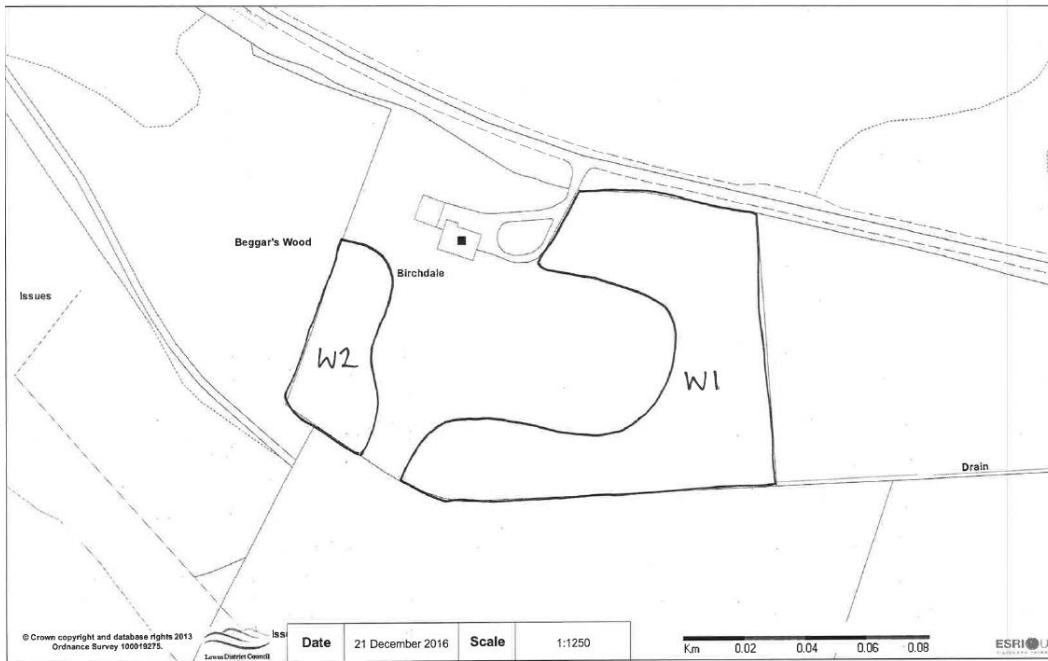
Note: Any documents that disclose exempt information are excluded from the above list of background papers.

10 Appendices

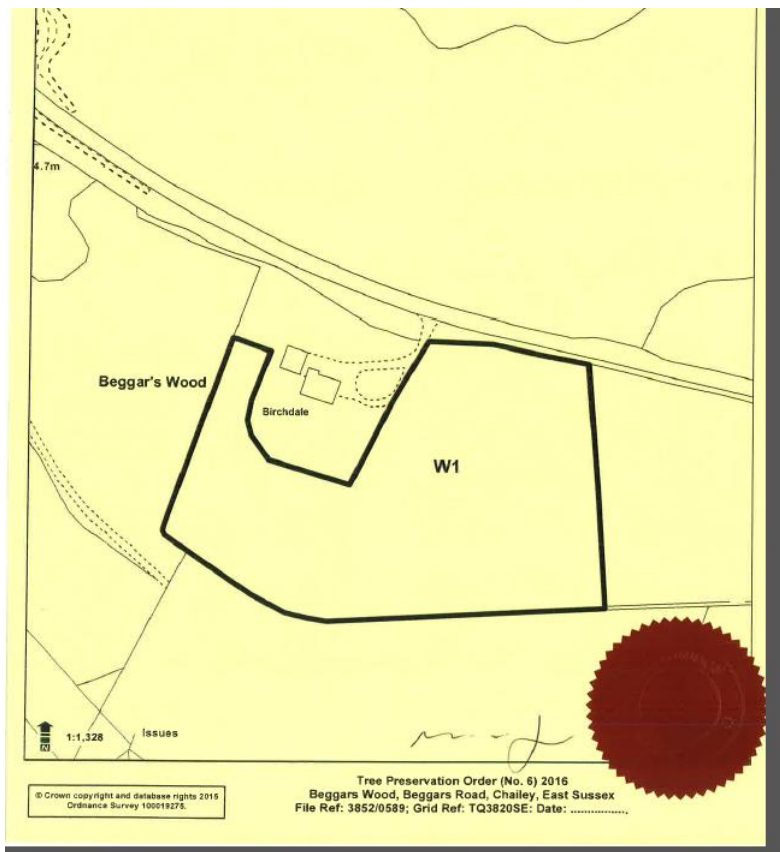
- Appendix 'A' - A plan showing the recommended modification to the Order
- Appendix 'B'- Extracts from plans submitted in association with planning applications for development
- Appendix 'C'- Combined plan showing extent of the ancient woodland according to the original ancient woodland inventory together with an aerial photograph of the area at the same scale.
- Appendix 'D'- Plan showing the wider context of the local ancient woodland network together with an aerial photograph of the same.
- Appendix 'E' - Photographs of views of the woodland from two selected areas.
- Appendix 'F' Timeline of Ordnance Survey maps from circa 1874 to 1978

APPENDIX 'A'

Proposed 'Modified' Order which takes into consideration Natural England's proposed amended Ancient Woodland designation.



This is the Order as it was originally proposed which followed the original outline of Natural England's ancient woodland boundary.

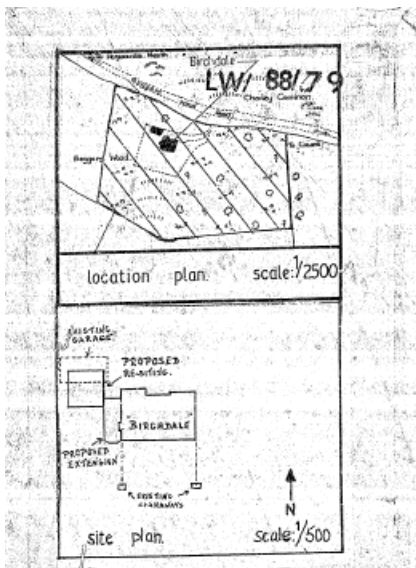


Appendix 'B'

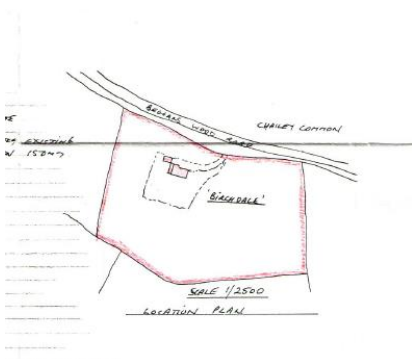
Plan associated with Planning Application LW/84/1099.



Plan Associated with Planning Application LW/88/0793

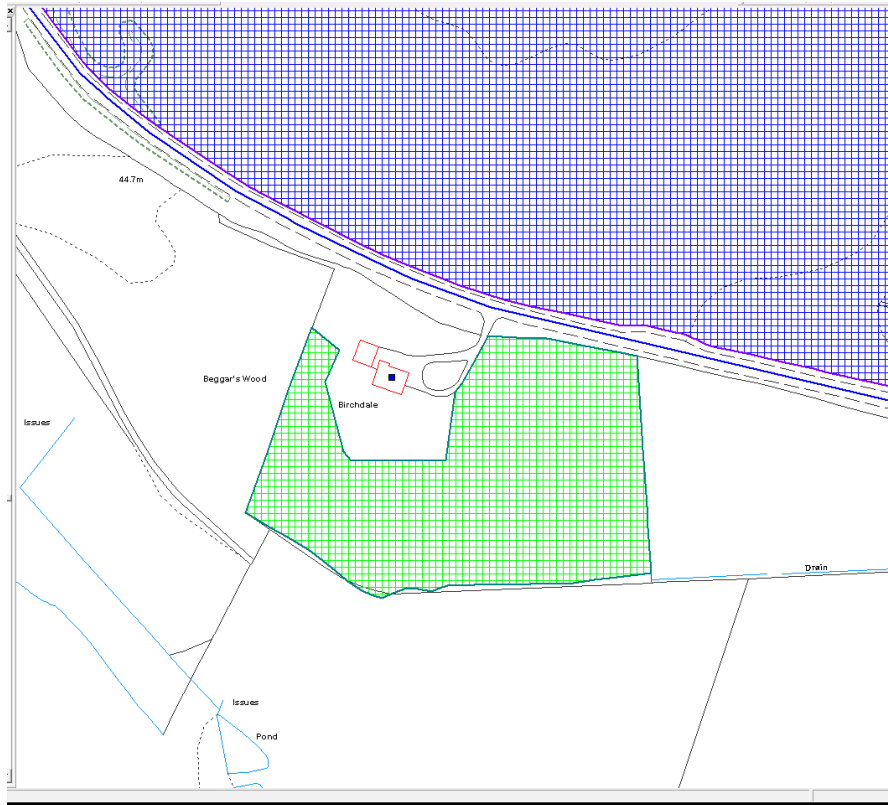


Plan associated with Planning Application LW/96/0848



APPENDIX 'C'

Plan showing extent of the original ancient woodland according to Natural England's 'Ancient Woodland Inventory' (shaded green). The blue shaded area is Chailey Common SSSI (Site of Special Scientific Interest). Beggars Wood Road divides the two.

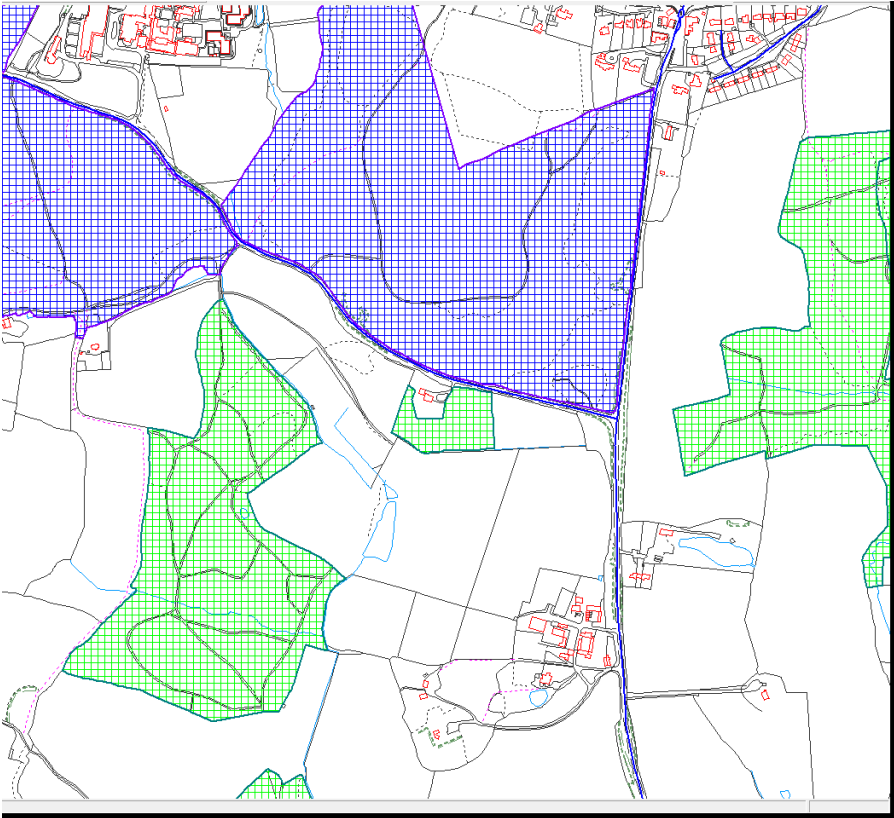


Aerial photograph dated circa 2012



APPENDIX 'D'

Plan showing wider context of the site within the surrounding countryside – The green shaded areas are ancient woodlands and the blue are SSSIs



Aerial photograph circa 2012



APPENDIX 'E'



Photo # 1 – view looking north west up Beggars Wood Road.



Photo# 2 – View from East Grinstead Road (A275) just south of the junction of Beggars Wood Road

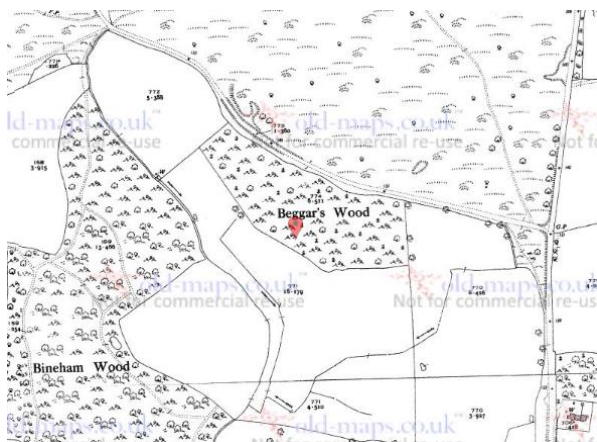
APPENDIX 'F'

Series of OS plans dating from 1874 through to 1978

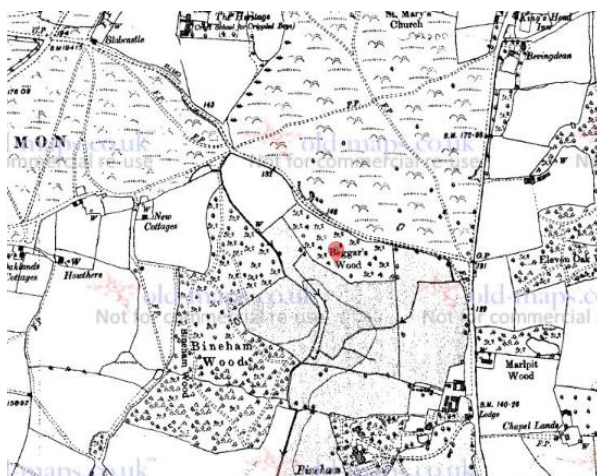
Map Circa 1874



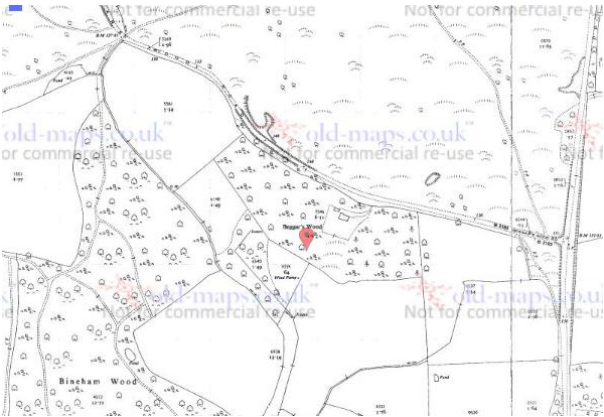
Map circa 1931-1937



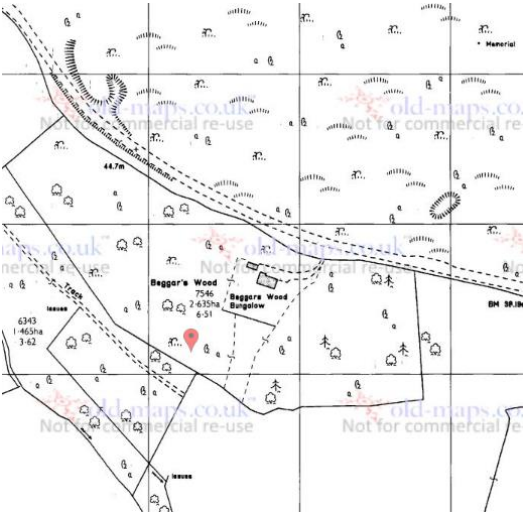
1932-1952



Map Circa 1955



1978



Agenda Item No: 12 **Report No:** 43/17
Report Title: Outcome of Appeal Decisions from 17 January - 30 January 2017
Report To: Planning Applications Committee **Date:** 22 February 2017
Cabinet Member: Cllr Tom Jones
Ward(s) Affected: All
Report By: Director of Service Delivery
Contact Officer(s):
Name(s): Mr Steve Howe and Mr Andrew Hill
Post Title(s): Specialist Officer Development Management
E-mail(s): Steve.howe@lewes.gov.uk and Andrew.hill@lewes.gov.uk
Tel No(s): (01273) 471600

Purpose of Report: To notify Members of the outcome of appeal decisions (copies of Appeal Decisions attached herewith)

<p>Bineham Park Farm, East Grinstead Road, North Chailey, BN8 4DD</p> <p>Description:</p> <p><i>Raising of ground to help with drainage</i></p>	<p>Application No: LW/15/0957</p> <p>Not Proceeded With</p> <p>Appeal is costs</p> <p>Appeal is dismissed</p> <p>Decision: 30th January 2017</p>
--	--

Robert Cottrill
 Chief Executive of Lewes District Council and Eastbourne Borough Council



Costs Decision

Site visit made on 10 January 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th January 2017

Costs application in relation to Appeal Ref: APP/P1425/W/16/3154832 Bineham Park Farm, Lewes, North Chailey, East Sussex BN8 4DD

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Stuart Vaughan for a full award of costs against Lewes District Council.
 - The appeal was against the refusal of a refusal to grant approval required under the *Town and Country Planning (General Permitted Development)(England) Order 2015, as amended (the GPDO)* for a development described on the appeal form as 'agricultural improvement under Part 6 of the GPDO comprising the excavation of soil and importation of clean subsoil to slightly raise ground levels and reprofile to improve drainage'.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The application for costs was made and responded to on the basis of the national *Planning Practice Guidance* (the Guidance). The Guidance, advises that costs may only be awarded against a party who has behaved unreasonably and this has directly caused another party to incur unnecessary or wasted expense in the appeal process.
3. In this case, the applicant considers that the appeal was unnecessary as approval was given on 15 January 2016, and then the Council purported to refuse permission on 19 January 2016 indicating, amongst other things, that the proposal was a county council matter. Since then the Council has raised additional concerns. In addressing these concerns, the applicant considers that they have suffered from both further costs in the preparation of information and the inability to implement the permission they consider was approved on 15 January 2016. What is more, they consider that there has been reluctance on the part of the Council to engage in meaningful dialogue with them adding further expense. In the applicant's view the Council has also failed to explain why a scheme at Bonner's Farm was approved, but this scheme was not, even though there were similarities in the schemes.
4. The Guidance gives various examples of where an award of costs may be made against a local planning authority (LPA), which includes, amongst others; *a lack of co-operation with the other party; delay in providing information or other failures to adhere to deadlines; pro-longing the proceedings by introducing new evidence; refusing to enter into pre-application discussions, or to provide reasonably requested information, when a more helpful approach would*

probably have resulted in either the appeal being avoided altogether, or the issues to be considered being narrowed, thus reducing the expense associated with the appeal; or not reviewing their case promptly following the lodging of an appeal against refusal of planning permission (or non-determination), or an application to remove or vary one or more conditions, as part of sensible on-going case management.

5. In this case, the LPA issued a letter on the 15 January 2016, which indicated that if no further correspondence was provided by 29 December 2015, then the applicant could 'carry out the work without further notice'. Wisely, given the email of 20 January 2016, (where the LPA essentially changed its position), the appellant did not implement the permission they reasonably considered existed under the GPDO.
6. The appeal decision has found that the scheme does not benefit from permitted development rights for the reasons given, which I will not repeat here. Needless to say, it is somewhat strange that the LPA issued the 15 January 2016 letter, which reads more as a validation letter rather than a formal decision, when it related to a target date that had already past. One would normally expect the cart before the horse, so to speak. This has then created further confusion by the LPA refunding the application fee in April 2016, as they considered the application to be invalid.
7. Nevertheless, an appeal had been lodged, and both parties have sought to address concerns this raises. However, the proper time for the LPA to have raised these concerns was at the validation stage, **not** two weeks or so after the expiration of the 28 day determination period. In behaving in a seemingly erratic behavior – for example a decision being issued then apparently changed, then introducing new reasons and concerns – I find that the LPA did act unreasonably in this case on issues such as these.
8. Yet, the fact remains that the scheme did not benefit from being a permitted development and the efforts the appellant has made in collating further reports and studies could reasonably inform any future requirements for permission or consent. With such apparent adaptability, this work does not appear to have been in vain nor has it resulted in unnecessary or wasted expense on the part of the appellant. What is more, the LPA has proactively taken part in the appeal process by addressing the various planning points raised by the applicant and by submitting documentation within the timetable set by the Inspectorate.
9. When taken as a whole, whilst I find that the initial handling of the appeal scheme by the LPA was less than adequate, I do not find that this resulted in unnecessary or wasted expense on the part of the applicant. I therefore find that the unnecessary or expense in the appeal process, as described in the Guidance, has not been demonstrated in this instance.

Cullum J A Parker

INSPECTOR