



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, 28 June 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.

13/07/2017

Catherine Knight
Assistant Director of Legal and Democratic Services

Agenda

- 1 Minutes**
To approve the Minutes of the meeting held on 17 May 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/17/0249 - Mount Pleasant, Highbridge Lane, East Chiltington, East Sussex, BN7 3QY (page 5)**
- 7 LW/17/0294 - Land Between Greenacres And Highsted Park, Telscombe Road, Peacehaven, East Sussex (page 18)**
- 8 LW/17/0395 - Corsica Cottage, Old Uckfield Road, Ringmer, East Sussex, BN8 5RX (page 28)**
- 9 LW/17/0100 - 1 Church Close, Telscombe Cliff,s East Sussex, BN10 7FD (page 31)**
- 10 LW/17/0322 - Norlington Gate Farm, Norlington Lan,e Ringmer, East Sussex, BN8 5SG (page 36)**

Non-Planning Application Related Items

- 11 Enforcement Monitoring (Part A) (page 44)**
To receive the Report of the Director of Regeneration and Planning (Report No 104/17 herewith).
- 12 Enforcement Monitoring (Part B) (page 47)**
To receive the Report of the Director of Regeneration and Planning (Report No 105/17 herewith).
- 13 Outcome of Appeal Decisions on 3rd April 2017 and 6th June 2017 (page 49)**
To receive the Report of the Director of Service Delivery (Report No 106/17 herewith).
- 14 Written Questions - (page 69)**
To deal with written questions from councillors pursuant to Council Procedural Rule 12.3 (page D8 of the Constitution). Questions received from Councillor Ient herewith.
- 15 Date of Next Meeting**
To note that the next meeting of the Planning Applications Committee is scheduled to be held on Wednesday, 19 July 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

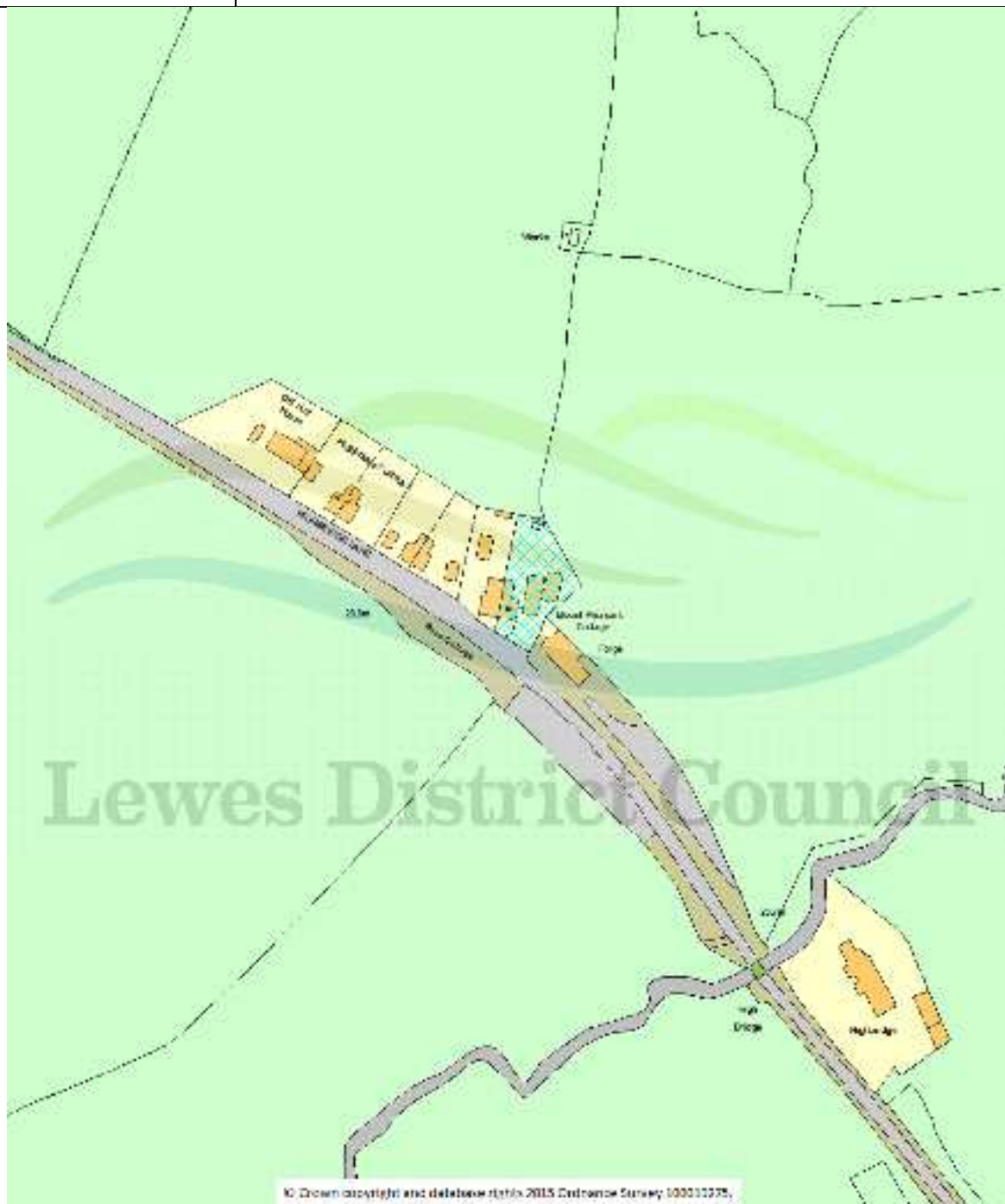
The two statutory purposes of the South Downs National Park designations are:

- 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/17/0249	ITEM NUMBER:	6
APPLICANTS NAME(S):	East Sussex Property Ltd	PARISH / WARD:	East Chiltington / Plumpton Street E.Chiltington St John W
PROPOSAL:	Planning Application for Retention of The Forge in commercial use linked to new single storey dwelling with associated parking and landscaping		
SITE ADDRESS:	Mount Pleasant Highbridge Lane East Chiltington East Sussex BN7 3QY		
GRID REF:	TQ 37 15		



1. SITE DESCRIPTION / PROPOSAL

1. SITE DESCRIPTION / PROPOSAL

1.1 The application site lies on the eastern side of Highbridge Lane, East Chilton. This is a predominantly rural location, with the application site falling at the southern end of a small group of residential properties (three pairs of semi-detached dwellings and a single detached property). Adjoining the application site to the south is a single metal clad building in use as a blacksmiths. This building does not form part of the application site.

1.2 The application site itself is irregular in shape and consists of the "Old Forge", a brick built single storey structure set under a slate roof. In addition there is also a small collection of associated buildings which include two metal clad buildings, a glasshouse, a domestic shed and a small brick outhouse.

1.3 It is understood that historically the site has been occupied in association with the adjoining cottage, Mount Pleasant Cottage. This is a two-storey semi-detached dwelling set to the north west of the application site. The brick built "Old Forge" building sits hard up against the mutual boundary with this property and is a significant feature from this neighbouring site. The remainder of the rear garden is now enclosed with close boarded fencing, with the application site wrapping around both the south east and north east boundaries.

1.4 Mature hedgerows mark the rear (north-east) boundary of the site beyond which is open pasture.

1.5 A public right of way passes the application site on its south eastern side, where there is also a field gate.

1.6 Planning permission is sought for the retention of the "Old Forge" in commercial use linked to new single storey dwelling with associated parking and landscaping.

1.7 The intention is to retain the "Old Forge" in its existing commercial use, but to demolish the large metal clad structures, along with the shed and glasshouse, and replace them with a single storey two bedroom dwelling.

1.8 The proposed dwelling would be arranged with a staggered footprint, wrapping around the "Old Forge". It would have a simple form consisting essentially of two rectangular footprints set under simple gabled roofs. The eastern "wing" would have a footprint of some 5.7m by 12.7m, with the western "wing" measuring 5.8 by 10.2m. The eastern "wing" would contain the main kitchen and living areas, with the western "wing" containing two double bedrooms.

1.9 The new dwelling would be finished with a mixture of brick and vertical boarding set under a slate roof.

1.10 Parking for two cars would be provided to the front of the site on an existing area of hardstanding. The remainder of the site would be laid to grass and used as amenity space.

2. RELEVANT POLICIES

LDLP: – CT01 – Planning Boundary and Countryside Policy

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

LDLP: – RES06 – New development in the Countryside

LDLP: – CP4 – Economic Development and Regeneration

LDLP: – CP10 – Natural Environment and Landscape

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – CP13 – Sustainable Travel

3. PLANNING HISTORY

LW/16/1045 - Demolition of 3 buildings and a shed and erection of a new dwelling with associated parking and landscaping - **Withdrawn**

LW/16/0328 - New crossover - **Approved**

LW/10/0430 - Proposed demolition of steel framed industrial building used as industrial workshop (B2) and erection of two bedroomed Sussex style dwelling with associated car parking and cycle store - **Withdrawn**

LW/87/1348 - New workshop, office and stores building to replace old office and general storage buildings. - **Approved**

LW/90/0413 - Two-storey rear extension. - **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

East Chiltington Parish Council – The Planning and Environment Committee of East Chiltington Parish Council (ECPC) discussed this application at a meeting on April 12th 2017 and agreed to object to the application on the following grounds:

Planning policy: The application relies on the NPPF principle in favour of sustainable development, which is defined in terms of social, economic and environmental criteria, and suggests that this carries greater weight than the 2003 Local Plan Saved Policy RES6, which states that new development in the countryside that is outside of planning boundaries will be refused. ECPC is not convinced that the criteria for sustainable development are met by the current application. In addition, the proposal contravenes core policies 4 and 11 of the Joint Core Strategy.

1. In economic terms, the argument is made that the proposal will lead to the creation of a live-work unit, thus enhancing employment opportunities. However, the existing configuration of Mount Pleasant Cottage and the forge is already as a live-work unit (evidenced, in particular, by the fact that there is a door from the forge directly onto Mount Pleasant Cottage garden which the applicant proposes to block up). The application states that Mount Pleasant Cottage is in separate ownership, but this is not the case, as confirmed at the planning committee meeting by the applicant. The applicant has separated the house for the purposes of this application and put it up for sale. However, it has not in fact sold.

2. The buildings that the applicant proposes to demolish were in active use as part of the old forge business. Demolishing them and replacing them with a house will make it less

likely that the building could again be used as a forge and more likely that it will be turned over to light/office usage. This would, therefore, reduce the overall B2 usage on the site.

3. The proposal is unclear about how much parking will be provided, but there is not space for more than two cars. However, if the use includes both domestic use for the dwelling and the possibility that employment is generated, then this is unlikely to be adequate. It is also the case that if cars are regularly parked in front of the old forge, then the turning area for deliveries to the new forge could be compromised. The proposal is not clear on whether the proposed parking would be permeable.

4. The building of a house so close to the new forge could potentially compromise the viability of this business. If this were to happen this would be contrary to the Joint Core Strategy core policy 4, which seeks to enhance rural employment.

5. The proposed dwelling is too large for the site and will dominate it; access is difficult and as a result the overall character of the site will be compromised. In this respect it contravenes core policy 11 of the Joint Core Strategy: New development will respect and where appropriate contribute to the character and distinctiveness of the district's 'unique built and natural heritage'. In addition, proposals are expected to 'respond sympathetically to the site and its local context and be well-integrated in terms of access and functionality with the surrounding area'.

6. The LDC conservation officer has stated with reference to the old forge that 'The building should be considered a non-designated heritage asset as defined by the National Planning Policy Framework because it is of local interest. Any proposal that affects the building, the site or its setting should take this into consideration'. While the current proposal does seek to preserve the building itself, its site and setting are clearly negatively affected.

7. The proposed dwelling will negatively affect the amenity and setting of the neighbouring property, Mount Pleasant Cottage. Its proposed height will result in it dominating the garden of Mount Pleasant Cottage.

8. It is stated that the proposal will result in enhanced community cultural and social wellbeing. There is no evidence for this.

9. In environmental terms, the removal of the existing outbuildings and their replacement with a house that is too large for the site is not an improvement as stated.

In summary, the proposal is to build a house on an existing B2 site in a way that will compromise this site. The argument that it creates a live-work unit is spurious as the applicant has removed an existing live-work unit by separating Mount Pleasant Cottage.

Environmental Health – I recommend two conditions which would help protect neighbouring residents from impacts associated with the construction of this proposed building. I request that an advisory comment is attached to any permission in respect of waste management.

1. Hours of operation at the site during any demolition, 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 or collections 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.

2. 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.

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.

Environmental Health – CONTAMINATED LAND COMMENTS: I have no objection in principle to the development. However, I recommend the following condition in order to deal with any unsuspected contaminant that may be found during development.

" 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 Planning Policy Framework, sections 12.0 and 12.1).

5. REPRESENTATIONS FROM LOCAL RESIDENTS

84 letters of objection raising the following concerns:

- o Compromise of a B2 use and will reduce it to a B1 use
- o Loss of employment opportunities
- o New development is in conflict with Development Plan policies
- o Could force the closure of the adjacent blacksmiths, due to close proximity of dwelling
- o Will effect parking and turning for blacksmiths
- o Building is historically important
- o Loss of forge should be resisted, community want the forge retained.
- o Will increase traffic
- o Buildings to be demolished are not redundant - were in use up to 2015, their removal will affect the viability of a continued B2 use in the forge.
- o Applicant is selling Mount Pleasant Cottage which used to be occupied by the Blacksmith as a live/work unit
- o The Forge has not been marketed as a going concern, nor has the applicant tried to make it work in its current use.
- o If approved when the Blacksmith lease expires in 2020 no doubt an application will be forthcoming seeking the redevelopment of this site too.
- o Inadequate effort to judge the financial viability of retaining the site as a forge.
- o Proposal will block farmers field access.
- o This is profit led development and should be resisted.

- o Dwelling is very large for a two bedroom unit.
- o Will overshadow Mount Pleasant Cottage
- o Site is outside planning boundary therefore new dwelling is contrary to policy
- o Site is unsustainable for a new dwelling
- o No evidence that the existing use of the site is unviable

6. PLANNING CONSIDERATIONS

6.1. Planning law requires that all planning applications must be determined in accordance with the development plan, unless material circumstances indicate otherwise. The development plan for this area currently consists of recently adopted Joint Core Strategy and the retained policies of the Lewes District Local Plan 2003.

Lewes District Local Plan

6.2. The application site falls outside of any planning boundary as defined by the Lewes District Local Plan and therefore is subject to policy CT1 which seeks to contain development within the defined Planning Boundaries, except in certain circumstances. Re-development of this site with a new dwelling would not fall within any of the types of development listed as being potential exceptions to this policy and therefore the creation of a new dwelling in this location would be in conflict with Policy CT1 of the Local Plan.

6.3. Policy RES6 of the Local Plan states:

"Outside the Planning Boundaries planning permission for new residential development will be refused unless:

*(a) it is in conformity with the criteria detailed in policy RES10 (Rural exceptions policy), or
(b) it is demonstrated by the applicant that there is a clearly established existing functional need for an enterprise to be in a countryside location, there is a proven need for someone to live on site, and that the enterprise is economically viable..."*

6.4. The application has not been submitted as a rural exceptions scheme nor has it been demonstrated that there is an established functional need for someone to live on site. The proposal also is therefore in breach of Policy RES6 of the Local Plan.

Lewes District Local Plan Part 1 - Joint Core Strategy (JCS)

6.5. The Joint Core Strategy (JCS) was adopted in 2016 and is the pivotal planning document for the District until 2030, forming Part 1 of the Local Plan setting out the overarching strategies that all other planning documents will need to be in conformity with.

6.6. The JCS has retained Policy CT1 of the Local Plan and as such it is considered that substantial weight can still be applied to this 'saved' policy.

6.7. The JCS has also retained Policy RES6 of the Local Plan however it has to be acknowledged that this Policy is not in conformity with the NPPF. Specifically paragraph 55 of the NPPF has introduced other exceptions for when considering housing in rural areas. On this basis only limited weight can be afforded to the conflict with this policy in the determination of this application.

6.8. However paragraph 55 NPPF does states that Local Planning Authorities should avoid isolated new 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 a development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the further of heritage assets; or
- o Where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or
- o The exceptional quality or innovative nature of the design of the dwelling.

6.9 Again on the basis that this proposal is not considered to fall into any of these special circumstances there is considered to be conflict with this objective of the NPPF.

6.10 In line with planning law, it has to be established whether there are any material circumstance that would justify the proposal despite this clear conflict with the Development Plan.

The Applicant's Case

6.11 The main crux of the applicant's argument in favour of this proposal is that the development will secure the future of the "Old Forge" in commercial use and that the removal and replacement of the more dilapidated structures with a new dwelling will enhance the appearance of the site.

Retention of the "Old Forge"

6.12 With regard to the retention of the "Old Forge", this building is clearly locally important as can be seen through the large number of representations received regarding this application. A similar significant number of objections were also received in relation to the previous application, which actually proposed the demolition of the "Old Forge" as part of a wholesale re-development of the site. Whilst not a formally designated heritage asset (it is not a listed building) it is understood that the building has some local historic interest having been used as a workshop by Rowland Emmett (a renowned cartoonist, artist and inventor, known for the creation of the car and inventions that appeared in Chitty Chitty Bang Bang). The building could therefore be considered a non-designated heritage asset as defined by the NPPF and the impact of this proposal on the actual building and its setting needs to be taken this into consideration as part of the determination of this proposal. This is looked at in more detail below.

6.13 It is clear from a visual inspection of the existing building that it is in need of some repair work, however it is understood that its use has only fairly recently ceased (2015). The applicants have not provided any evidence to suggest that without the proposed development the existing building cannot be and will not be brought back into lawful use. In fact one of the criticisms of the previously submitted application, which sought to demolish all the existing commercial buildings on the site and to replace them with just a single dwelling, was that the application wasn't supported with any information justifying the loss of the existing commercial use.

6.14 Policy CP4 of the Joint Core Strategy seeks to support the rural economy and states that the local planning authority will take a flexible and supportive approach to economic development. One of the methods of doing this is by safeguarding existing employment sites from other competing uses unless there are demonstrable economic viability or environmental amenity reasons for not doing so. Another is through the encouragement of sustainable working practices for example, homeworking and live/work.

6.15 The applicants describe their proposal as a live/work unit and are content to accept a condition tying the proposed dwelling to the "Old Forge" to ensure that the two

uses remain intrinsically linked. The Parish Council notes that historically Mount Pleasant Cottage has always been occupied in association with the "Old Forge", and that the applicant has himself broken this link by subdividing the plot and submitting this proposal.

6.16 Whilst this may be the case there are no conditions on the existing buildings tying them together, therefore whether this application is approved or not there are no planning restrictions to prevent Mount Pleasant Cottage from being sold separately from the "Old Forge". A benefit, therefore, of this application were it to be approved would be that appropriate conditions could be applied to the use of the "Old Forge" to secure suitable living conditions for neighbouring occupiers. At the moment the "Old Forge" has an unrestricted B2 (heavy industrial) use. This means that there are no working hours conditions on the existing building. Whilst future purchasers of Mount Pleasant Cottage would no doubt be fully aware of what they are purchasing and the neighbouring land uses, approval of this application could be seen as an opportunity to apply some control over this otherwise unrestricted use.

6.17 A similarly related concern of the Parish Council is that the demolition of the associated buildings and the erection of the proposed dwelling would make it less likely that the "Old Forge" will ever be brought back into use as a forge and more likely that it will be converted into office or a light industrial use. As an unrestricted B2 use at present, planning permission would not be required to change the use of the existing buildings to either office or light industrial uses or indeed a B8 storage use. It would therefore be unreasonable to resist the application on the basis of the potential loss of the B2 forge use.

Access to services and facilities

6.18 It is clear that Policy CP4 of the Joint Core Strategy does give some support for the creation of live/work units, however another key policy of the JCS is Policy CP13. This policy seeks to ensure new development is sustainably located with good access to schools, shops, jobs and other key services by walking, cycling and public transport in order to reduce the need to travel by car (unless there is an overriding need for the development in a less accessible location). Whilst the erection of a dwelling as a live/work unit would clearly mean zero distance to a place of work, the site is otherwise very poorly located in terms of access to other services which will result in a high dependency for the need to travel by car. Just because there are a small number of existing dwellings already in a poorly serviced location is not sufficient justification to allow more.

6.19 The resultant increase to the district's housing stock and local economic boost during the construction phase are noted by the applicants as positive factors to be weighed in the balance of determination. These are however very minor benefits of the scheme and are not considered particularly determinative in the overall assessment of this application.

Design, Layout and Visual Impact

6.20 As noted above, the other main element in the applicant's case for this proposal is the enhancement to the locality resulting from the removal of the existing sheds and outbuildings and their replacement with a well designed new dwelling. It is accepted that none of the existing structures it is proposed to remove are particularly attractive and that some of them, in particular the larger metal clad structures are beginning to fall into disrepair. Their removal and replacement with a well designed new building could therefore provide some enhancement to the site.

6.21 In terms of the actual design of the dwelling, this is not particularly objectionable. The proposed materials and form of the dwelling are considered to be reflective of the existing forge that is to be retained. What is being proposed however is a much larger

structure than what is being removed, not only in terms of footprint but also in height, resulting in substantially more built form and mass on the overall site. It is accepted that the position of the dwelling, being set well back from the road frontage will mean that it will not be particularly prominent in the street. However the additional bulk of the new structure to the rear of the site will be visible from the adjacent public footpath. Whilst these views will be against the backdrop of the existing dwellings, it will still increase built form in this rural location to the detriment of its existing character and appearance.

6.22 The Parish Council has objected to the proposal on the basis that the dwelling is too large and will overly dominate the plot. Whilst it is accepted that there are couple of places where the dwelling sits close to the edge of the site which could be indicative of overdevelopment, this is more a result of the irregular shape of the plot. The proposed dwelling would have a modest area of amenity space to the north west and east of the dwelling with further open space to the front where parking and hard landscaping is proposed. It is therefore considered that it would be difficult to substantiate the development as being an over-development of the plot or to suggest that it is overly dominant on the plot itself.

6.23 In considering the impact of this proposal on the non-designated heritage asset of the "Old Forge", it is noted above that the building's historic interest is a consequence of its use as opposed to its actual architectural or built form. The proposed dwelling will wrap around the retained building partially obscuring the eastern elevation. This however is very similar to the existing relationship with the metal shed that would be removed as part of this proposal. The scheme ensures the retention of the heritage asset and maintains its existing public perception as the focal point at the front of the site. It is considered that the harm to this non-designated heritage asset and its setting is less than substantial and would not warrant a refusal of consent on these grounds.

Neighbour amenity/Living conditions

6.24 Mount Pleasant Cottage lies to the immediate west of the application site. As set out above it used to be occupied in association with the application site and this is evidenced by a doorway in the western elevation of the "Old Forge" which opens directly into the rear garden of Mount Pleasant Cottage (this would be blocked up as part of the proposals). The rear garden of Mount Pleasant Cottage is now subdivided from the application site by close boarded fencing, but the "Old Forge" building remains a prominent feature extending some 12.7m along the eastern boundary.

6.25 Beyond the northern end of the "Old Forge" building the eastern boundary of Mount Pleasant Cottage is currently open. The erection of the dwelling as proposed would effectively infill this currently open boundary with further built form extending beyond the end of garden. Whilst only a single storey structure and with a slight off set from the mutual boundary of some 1-1.4m, the proposal will mean that the entirety of the eastern boundary of Mount Pleasant Cottage will be dominated by built form. It is accepted that loss of direct sunlight will be limited and that there would be no loss of privacy as there are no overlooking windows, however the bulk and dominance of the additional built form along the full length of the eastern boundary is considered to cause harm to the outlook from the rear garden of the adjacent property and is a negative impact of this proposal.

6.26 The desire to prevent overlooking into the neighbouring property also raises the issue of the living conditions of future occupiers of the proposed dwelling. As noted above the western "wing" of the proposed dwelling contains the two proposed bedrooms. The southern bedroom is shown to be served by a south facing window only. This window will look directly at the northern elevation of the existing forge building with an intervening distance of just 1.6 metres.

6.27 Policy CP11 of the JCS seeks to ensure all new development *"Provides a satisfactory environment for existing and future occupants including, in relation to housing development, adequate provision for daylight, sunlight, privacy, private outdoor space and/or communal amenity areas."* It is considered that the outlook from this bedroom is particularly poor and will provide a poor living environment for future occupiers.

6.28 A number of objections to this application raise the issue of the close proximity of the proposed dwelling to the existing blacksmiths potentially affecting the viability of the blacksmiths business due to possible future complaints about noise and disturbance. The submitted proposals have been considered by the Council's Environmental Health Officers who have raised no concerns in this respect. On the basis that the proposed dwelling is proposed to be linked to the existing B2 use, and if supported would be conditioned as such, it is considered unlikely that future occupiers are likely to make complaints about the neighbouring site, as they would have committed to living adjacent an identical use.

Access and parking

6.29 The access and parking arrangements to serve this site are to remain largely as existing with sufficient space provided in front of the "Old Forge" building for two cars to park off road. Whilst this could result in some turning manoeuvres taking place on the public highway this is no different to the existing arrangement and therefore an objection on this basis would be difficult to defend.

6.30 Objections have been made in relation to access being restricted to the adjacent Blacksmiths and/or field gate however it is difficult to substantiate these concerns. The adjacent access ways fall outside of the application site and the proposed dwelling would come no further forward than the existing buildings. It is proposed to introduce a small area of hard landscaping in front of the new dwelling, where currently it is possible to park a vehicle, otherwise the existing arrangement for parking and turning in front of the "Old Forge" building is being retained.

Biodiversity

6.31 The application was submitted with a Preliminary Ecological Appraisal (PEA) and an Internal and External Bat Survey. These reports conclude that the proposed development would not cause any harm to any protected species and designated sites and that overall the site has limited ecological interest. Notwithstanding this, recommendations for site enhancements and careful site clearance have been recommended.

6.32 With these recommendations in place it is considered that the applicants have satisfactorily demonstrated that the redevelopment of this site would not have a significant effect on the local nature conservation value of the site or indeed the wider landscape and that Policy CP10 of the Joint Core Strategy is complied with.

Other matters

6.33 The large proportion of representations received regarding this application have objected to the proposals on the grounds of the loss of the existing forge and the potential impact on the adjacent blacksmiths. The potential loss of the existing B2 use has been touched on above (paragraph 6.17) where it is noted that planning permission would not be required to change the use of the existing B2 use to a B1 (light industrial/office use) or to a B8 (storage) use. Whilst therefore it is very clear that there is significant support for the retention of the forge in its current use, this cannot be guaranteed even if this application is refused.

6.34 With regard to the impact on the adjacent blacksmiths this is a completely separate site unrelated to the application proposals, albeit owned by the applicant. The long term retention of the blacksmiths in terms of whether the lease will be renewed is unrelated to the determination of this application and is a private matter between the land owner and their tenant. In terms of the proposed development prohibiting access to the blacksmiths site it is understood that currently the access drive is shared therefore allowing larger vehicles delivering or collecting from the blacksmiths to pull off the highway. There are however no planning conditions requiring the existing access to be maintained as such and therefore there is nothing to prevent the landowner from restricting access to this neighbouring site whether this application is approved or not.

CONCLUSION

6.35 In conclusion, whilst the (limited) benefits of the scheme have been recognised i.e. the provision of an additional dwelling, the enhancement of the site through the removal of poor quality structures, and the retention of the existing business use, it is considered that the harm caused from the unsustainable location of the site resulting in high dependency on the use of the car, as well as the additional built form in this predominately rural locality, detrimental impact on the living conditions of the neighbouring occupiers and poor living conditions for future occupiers outweigh these benefits. The proposal is considered to conflict with Development Plan, specifically policies CT1, RES6, ST3 of the Lewes District Local Plan and Policies CP11 and CP13 of the Joint Core Strategy and cannot be considered sustainable development when considered against the three dimensions of sustainable development as set out in the NPPF (social, environmental and economic) and should not therefore be supported.

7. RECOMMENDATION

Recommend that permission is refused for the reasons outlined below.

Reason(s) for Refusal:

1. Insufficient evidence has been provided to justify the need for a dwelling in this location. With the site falling outside any planning boundary as defined by the Lewes District Local Plan, the proposal conflicts with Policy CT1 of the Local Plan, which has been carried forward in the recently adopted Joint Core Strategy and seeks to control unplanned development proposals except in certain circumstances, none of which are met by this proposal. The application is therefore contrary to current development plan Policy CT1 of the Lewes District Local Plan and will result in unsustainable development that is highly dependent on the use of the car in conflict with policy CP13 of the Joint Core Strategy.
2. The proposal would introduce further sporadic residential development in a rural location, where its bulk and built form would detract from the rural character and appearance of the locality in conflict with Policies CT1 and ST3 of the Local Plan and Policy CP11 of the Joint Core Strategy.
3. The proposed dwelling by virtue of its scale, design and proximity to the boundary will result in an overbearing and unneighbourly relationship with Mount Pleasant Cottage to the west to the detriment of their living conditions, especially by virtue of loss of outlook. The application therefore conflict with Policy ST3 of the Local Plan and Policy CP11 of the Joint Core Strategy.
4. The proposed design and layout of the dwelling would result in poor living conditions for future occupiers as a result of poor outlook from the bedroom and would therefore conflict with Policy CP11 of the Joint Core Strategy.

INFORMATIVE(S)

1. 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>

2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Planning Statement/Brief	10 April 2017	PLANNING STATEMENT
Biodiversity Checklist	23 March 2017	
Technical Report	23 March 2017	BAT SURVEY
Technical Report	23 March 2017	ECOLOGICAL APPRAISAL
Tree Statement/Survey	23 March 2017	J53.08
Existing Elevation(s)	23 March 2017	P-08
Existing Floor Plan(s)	23 March 2017	P-08
Existing Roof Plan	23 March 2017	P-08
Location Plan	23 March 2017	P-08
Existing Elevation(s)	23 March 2017	P-07
Existing Floor Plan(s)	23 March 2017	P-07
Existing Roof Plan	23 March 2017	P-07
Location Plan	23 March 2017	P-07
Existing Elevation(s)	23 March 2017	P-10
Existing Floor Plan(s)	23 March 2017	P-10
Existing Roof Plan	23 March 2017	P-10
Location Plan	23 March 2017	P-10
Existing Elevation(s)	23 March 2017	P-09
Existing Floor Plan(s)	23 March 2017	P-09

Existing Roof Plan	23 March 2017	P-09
Location Plan	23 March 2017	P-09
Location Plan	23 March 2017	P100 C
Proposed Elevation(s)	23 March 2017	P106 B
Proposed Elevation(s)	23 March 2017	P107 C
Proposed Layout Plan	23 March 2017	P105 C
Survey Plan	23 March 2017	P103 C
Design & Access Statement	5 April 2017	DAS
Planning Statement/Brief	5 April 2017	PLANNING STATEMENT

APPLICATION NUMBER:	LW/17/0294	ITEM NUMBER:	7
APPLICANTS NAME(S):	Gesmet Holdings And Investments Ltd	PARISH / WARD:	Peacehaven / Peacehaven North
PROPOSAL:	Planning Application for Erection of five 2 storey 3 bedroom residential houses with associated refuse, recycling and cycle storage areas, a new vehicular access and eight private parking spaces		
SITE ADDRESS:	Land Between Greenacres And Highsted Park Telscombe Road Peacehaven East Sussex		
GRID REF:	TQ 41 02		



1. SITE DESCRIPTION / PROPOSAL

1.1 The site is open, overgrown land located on the north side of Telscombe Road, between dwellings fronting onto two cul-de-sacs, Highsted Park and Greenacres. The respective dwellings back onto the site. To the north is open land running down towards Valley Road.

1.2 This is a full application for 5 houses on the site, served by a new cul-de-sac leading off Telscombe Road. The cul-de-sac would be at the back of the adjacent dwellings fronting onto Greenacres, leading to a turning head. Three of the proposed houses would be 'side on' to Telscombe Road (and would thus back onto the adjacent dwellings fronting Highsted Park), while the other two of the proposed houses would front onto the end of the cul-de-sac, and would face back towards Telscombe Road. The houses would each be three-bed.

1.3 Planning permissions for 5 houses on the site have been granted since 1989, and periodically renewed since that year.

2. RELEVANT POLICIES

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

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

LW/17/0294 - Erection of five 2 storey 3 bedroom residential houses with associated refuse, recycling and cycle storage areas, a new vehicular access and eight private parking spaces -

LW/12/0564 - Erection of five x two storey three bedroom residential houses with associated refuse, recycling and cycle storage areas, a new vehicular access and eight private parking spaces - **Approved**

LW/04/2325 - Erection of six detached dwellings - **Withdrawn**

LW/04/0395 - Outline application for the erection of five detached dwellings - **Approved**

LW/92/0291 - Renewal of outline planning permission LW/89/217 for 5 detached dwellings - **Approved**

LW/86/1000 - Outline application for the erection of three dwellings - **Withdrawn**

E/65/0495 - Outline application for demolition of existing building and erection of one detached property, 12 Telscombe Road. - **Refused**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Peacehaven Town Council – Refusal Recommended due to:-

- o Inadequate infrastructure
- o Increase in air pollution due to congestion on A259
- o Development will increase traffic congestion
- o This location requires additional sewage pumps (as can be found at Greenacres development adjacent to site) which this application does not take into account
- o Currently there are parking issues at this location which will increase significantly
- o Over developed.

ESCC Rights Of Way – No objection (right of way runs along Telscombe Road and not across the site).

Environmental Health – In order to mitigate the impact on amenities in the locality, it is proposed that conditions are imposed to any permission limiting working hours of construction and controlling dust.

ESCC Highways – The application seeks approval for the development of 5 No.2 bed units. It is noted that similar proposals to develop this site have previously been submitted and received highways approval as such I have no major concerns from a highways perspective. Conditions are recommended.

Response

1. Parking & Layout

The East Sussex Parking Demand Calculator indicates that the parking provision required for a development of this type in this location is 10 spaces. The 8 on-site parking spaces proposed fall slightly short of this number, it is therefore recommended that 1 additional space in a tandem arrangement is provided for plots 1 & 2. Although it is preferred to limit parking in this type of arrangement, it is usually when served directly off the highway. In this case there is a circulation without encroaching into the highway realm and as such is acceptable. It is noted that the cycle parking is in accordance with the East Sussex County Council's adopted parking standards with 2 cycle parking space per dwelling.

2. Access/Layout

The submitted plan TA 262/10 Rev A indicates the access is suitable in terms of width and will accommodate two way flows; however, it is not clear if there is adequate room for a refuse/emergency vehicle to turn within the site. The Local Planning Authority would need to satisfy themselves that suitable means of waste collection has been provided as part of this proposal, ideally a tracking drawing should be submitted with vehicle dimensions included.

Conditions

1. No development shall commence until the vehicular access serving the development has been constructed in accordance with the approved drawing (Ref: TA 262/10 Rev A).

Reason: In the interests of road safety.

2. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

3. The access shall have maximum gradients of 4% (1 in 25) / 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

Reason: In the interests of road safety.

4. No part of the development shall be first occupied until visibility splays of 2.4 metres by 43metres have been provided at the proposed site vehicular access onto Telscombe Road

in accordance with approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety.

5. No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development.

6. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

7. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with details submitted to and approved in writing by the Local Planning Authority. This space shall thereafter be retained at all times for this use and shall not be obstructed.

Reason: In the interests of road safety

8. No development shall take place, including demolition, on the site unless and until an effective vehicle wheel-cleaning facility has been installed in accordance with details provided to and approved in writing by the Local Planning Authority and such facility shall be retained in working order and utilised throughout the period of work on site to ensure the vehicles do not carry mud and earth on to the public highway, which may cause a hazard to other road users.

Reason: In the interests of road safety.

Notes

The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 7 representations from nearby residents in Highsted Park and Greenacre, objecting on grounds of:

- Drainage.
- Effect on wildlife, including foxes, birds and pheasants. .
- Inadequate access (including from "single track" Telscombe Road).
- Lack of infrastructure.
- Loss of light.
- Loss of open space.
- Loss of trees.

- Noise and disturbance (to Greenacres from use of access road, and health concerns from the road).
- Road damage from construction vehicles.
- Overdevelopment.
- Overbearing building/structure.
- Overlooking/loss of privacy to nearby gardens and houses.
- Overshadowing.
- Parking issues (inadequate parking in the locality already, leading to on-road parking, and further on-road parking from the development is anticipated, causing local annoyance and disruption).
- Smell/fumes.
- Traffic generation.
- There is no need for more housing.
- Impeded access for emergency vehicles from on-road parking.
- Damage to foundations of adjacent house from weight and extent of traffic.
- Loss of security from site clearance.
- Effect on health, property and garden from vehicle diesel fumes.
- Lack of landscaping along site boundaries.
- Inadequate drainage arrangements.

6. PLANNING CONSIDERATIONS

6.1 The site was granted permission for 5 dwellings in 1989 (LW/89/0217). That permission was not activated, and subsequent permissions for 5 dwellings were granted in 1992 (LW/92/0291), 2004 (LW/04/0395) and 2012 (LW/12/0564). The 2012 permission lapsed in 2015, and was for a layout which is identical to that now proposed. The fact that permission has been previously granted on the site over the last 28 years is a strong consideration in favour of permitting the current application.

6.2 The houses which back onto the site in Highsted Park and Greenacre were built when these earlier permission were granted. It is considered that there have been no material changes in planning considerations since these earlier permissions were granted. The proposed development would, like Highsted park and Greenacres, be a further cul-de-sac off this part of Telscombe Road, and would therefore be in keeping with the general pattern of development here.

6.3 Regarding planning policy, the site is within the Planning Boundary for Peacehaven, as identified in the Joint Core Strategy. As the general thrust of planning policy is to contain new development within Planning Boundaries, the development can be accepted in principle. However, acceptance is subject to compliance with more detailed planning policies, which aim to limit the impact of development on the character of a locality and the living conditions of local residents.

6.4 The site is not in a conservation area or national park, and therefore the particular constraints to development in those areas do not apply to the current proposal.

6.5 As indicated above, the cul-de-sac arrangement reflects that of Highsted Park and Greenacres and has previously been considered to be acceptable.

6.6 The effect on nearby living conditions from a development as proposed has also previously been considered to be acceptable. The new houses backing onto Highsted Park would have rear gardens of 9-11m and a separation distance of over 20m to the Highsted Park properties. At the north end of the site facing towards Telscombe Road would be 'side on' and the nearest would be 5m to the Highsted Park boundary. The access road running along the back and side of houses in Greenacres has been considered to be acceptable as

proposed. The relationship with nearby properties is considered to be acceptable in terms of light, overshadowing, overlooking and noise and disturbance.

6.7 Residents have highlighted that on-road parking takes place in the locality, sometimes restricting access, and the concern that this would worsen by the development. The number of on-site parking spaces has increased compared to the 2012 consent (after intervention by the Highway Authority) and each house would have 2 on-site parking spaces. The Highway Authority raise no objection to the application, in terms of parking provision, access and traffic generation.

6.8 The site is overgrown and residents have objected to the effect on wildlife habitat from the clearance of the site and development. It is recommended that an 'Informative' be added to any permission alerting the applicant to the need to comply with wildlife legislation and good construction practice in relation to potential wildlife on the site.

6.9 The broader issues of the effect on the available infrastructure in Peacehaven and the A259 are not considered to be sustainable reasons for opposing the scheme, given that in itself only 5 houses are proposed.

6.10 Overall, permission has previously been in place for an identical development. The 5 houses would, in a small way, contribute to the district housing supply. While the concerns of residents and the Town Council are noted, this is effectively a renewal of a long standing permission, without any material changes in circumstances in the locality since the permission was last granted in 2012.

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. 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.

4. The land indicated on the approved plans for the parking and turning of vehicles for the development hereby permitted shall be laid out prior to the first occupation/use of the development and thereafter kept available for that purpose only. Cycle parking facilities shall be provided in accordance with details to be submitted to and agreed by the Local Planning Authority.

Reason: In the interests of highway safety having regard to ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

5. 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.

6. 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.

7. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by 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. The new access shall be in the position shown on the submitted plan [number TA 626/10] and shall be laid out and constructed in accordance with the attached HT407 diagram. All works shall be executed and completed to the satisfaction of the Local Planning Authority.

Reason: In the interests of traffic and pedestrian safety, having regard to Policy ST3 of the Lewes District Local Plan.

10. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment shall be provided within the site, in accordance with details which shall have first been approved by the Local Planning Authority, to prevent contamination and damage to the adjacent roads;

Reason: In the interests of highway safety and for the benefit and convenience of the public at large, having regard to Policy ST3 of the Lewes District Local Plan.

11. No development shall take place until a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority and the approved Plan shall be implemented in full throughout the construction phase. The approved plan shall set out the arrangements for managing all environmental effects of the development during the construction period, including traffic (including a workers' travel plan), temporary site security fencing, artificial illumination, noise, vibration, dust, air pollution and odour, including those effects from the decontamination of the land.

Reason: In the interests of residential amenity of the locality, having regard to Policy ST3 of the Lewes District Local Plan.

12. 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 Part 1, Classes A, B and 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 Policy ST3 of the Lewes District Local Plan and to comply with National Policy Guidance contained in the National Planning Policy Framework 2012.

13. Development shall not begin until details of foul and surface water drainage arrangements have been submitted to and approved in writing by the Local Planning Authority. The approved drainage works shall be implemented prior to the first occupation of the development.

Reason: To secure a satisfactory standard of 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.

14. Prior to the commencement of development, details of a scheme for the protection of those trees which are to be retained around the perimeter of the site (both within and outside the site) shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented prior to the commencement of construction and shall thereafter be retained until construction work has finished.

Reason: To help safeguard trees on and in the vicinity of the site, having regard to Policy ST3 of the Lewes District Local Plan.

15. Prior to the commencement of development, details of the proposed treatments for the boundaries of the site shall be submitted to and approved by the Local Planning Authority. Such treatments may include fencing with trellises above along the boundaries with the properties fronting Greenacres and Highsted Park, or such other treatments in order to achieve screening between the approved houses and neighbouring houses.

Reason: To help safeguard nearby residential amenity, having regard to Policy ST3 of the Lewes District Local Plan.

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>
Design & Access Statement	5 April 2017	
Proposed Block Plan	5 April 2017	01 A
Location Plan	5 April 2017	01 A
Other Plan(s)	5 April 2017	02
Existing Section(s)	5 April 2017	03
Proposed Layout Plan	25 May 2017	10D
Proposed Floor Plan(s)	5 April 2017	11 A
Proposed Elevation(s)	5 April 2017	12 A
Proposed Floor Plan(s)	5 April 2017	13 A
Proposed Elevation(s)	5 April 2017	14 A
Proposed Section(s)	5 April 2017	15 A
Proposed Elevation(s)	5 April 2017	16 A
Proposed Elevation(s)	5 April 2017	17 B
Proposed Section(s)	5 April 2017	18 A
Proposed Section(s)	5 April 2017	19
Proposed Elevation(s)	5 April 2017	20
Proposed Elevation(s)	5 April 2017	22
Proposed Elevation(s)	5 April 2017	23 B

APPLICATION NUMBER:	LW/17/0395	ITEM NUMBER:	8
APPLICANTS NAME(S):	Mr & Mrs Pilfold	PARISH / WARD:	Ringmer / Ouse Valley & Ringmer
PROPOSAL:	Certificate of Lawful Use/Dev (Existing) for Use of land to rear of property as residential garden (C3).		
SITE ADDRESS:	Corsica Cottage Old Uckfield Road Ringmer East Sussex BN8 5RX		
GRID REF:	TQ 43 13		



1. SITE DESCRIPTION / PROPOSAL

1.1 Corsica Cottage is a detached dwelling situated on Old Uckfield Road to the north-west of the A26. It enjoys a rural location, with footpath 2b running along the north-eastern boundary behind a 2m close board fence, open fields to the north-west, and the Norlington Stream to the south-western boundary. Planning permission has recently been granted for the erection of a detached, timber annexe in the rear garden (LW/17/0006).

1.2 This planning application seeks a Certificate of Lawful Use (CLU) (existing) to ascertain whether the continued use of an area of land to the rear as an extension to the existing garden is lawful. In this case, a CLU (existing) is determined on evidence submitted by the applicant to prove that the use has continued for a period of four years or more. It falls to be determined by the Planning Committee as the applicant is related to a Lewes District Council employee.

2. RELEVANT POLICIES

Not applicable.

3. PLANNING HISTORY

LW/17/0006 - Erection of a detached annexe - **Approved**

LW/00/1309 - Section 73A Retrospective application for continued change of use from agricultural to garden - **Approved**

E/53/0018 - Proposed improvements and installation of W.C's and drainage works. CRDC No Objection 02/02/1953. (Address Continued) Holding 2 & Brambles Ham Farm Ham Lane Ringmer East Sussex BN8 5SB.
- **Approved**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

None received at time of writing.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

None received at time of writing.

6. PLANNING CONSIDERATIONS

6.1 The Town and Country Planning Act 1990, Section 171B (1) states: *"Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed."* In this case, the operation is the separation of a parcel of land from the field to the rear and its incorporation into the residential curtilage of Corsica Cottage.

6.2 As part of the application submission the applicant has submitted a receipt for the purchase of the land dated 1st July 2011 and an invoice for the erection of post and rail fencing dated 26th December 2011. Although the fencing receipt is not accompanied by information directly relating to the separation of the land in question from the field, aerial photographs dated 2012, and contained within Lewes District Council's mapping system,

clearly show the fencing works had been carried out and this area of land has been subsumed within the curtilage of Corsica Cottage.

6.3 At the time of writing, no representations have been received as a result of the consultation process, and the Committee will be apprised of any comments that are submitted. However, the submitted documentation and, in particular, the evidence of the aerial photographs, mean that on the balance of probability the land has been used as part of the residential garden associated with Corsica Cottage continuously for a period exceeding 4 years. It is therefore considered lawful in terms of planning in accordance with Section 191 of the Town and Country Planning Act 1990 (as amended).

7. RECOMMENDATION

That a Lawful Development Certificate is issued.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	22 May 2017	PL3
Planning Statement/Brief	10 May 2017	
Additional Documents	10 May 2017	SUPPORTING 1
Additional Documents	10 May 2017	SUPPORTING 2
Additional Documents	10 May 2017	SUPPORTING 3

APPLICATION NUMBER:	LW/17/0100	ITEM NUMBER:	9
APPLICANTS NAME(S):	Mr M Steels	PARISH / WARD:	Telscombe / East Saltdean & Telscombe Cliffs
PROPOSAL:	Planning Application for Section 73A retrospective application for erection of wooden garden building		
SITE ADDRESS:	1 Church Close Telscombe Cliffs East Sussex BN10 7FD		
GRID REF:	TQ 39 01		



1. SITE DESCRIPTION / PROPOSAL

1.1 Section 73A retrospective planning permission is sought for the retention of a wooden garden building within the rear garden. The property is a recently constructed semi-detached house located at the end of a close and within the planning boundary for Telscombe. The site is surrounded by residential dwellings and adjoins the church and community hall to the side.

1.2 The building is a wooden shed of 6m wide x 6m deep with a shallow pitch roof of 2.8m high. It is located in the rear garden of this property and positioned approximately 0.5m from the side and rear boundaries and 5m from the house. There is a single door and window to the front and double doors to the side. There are 1.8m high fences to the side boundaries and a 3m high wall to the rear.

1.3 The building is used for martial arts (incidental to the house) and as a games room for the applicant's family and friends.

1.4 Planning permission is required as the building is 30cm higher than allowed under permitted development.

2. RELEVANT POLICIES

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

LDLP: – RES18 – Garages and other Buildings

LDLP: – CP11 – Built and Historic Environment & Design

3. PLANNING HISTORY

None relevant.

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Telscombe Town Council – The Planning & Highways Committee considered the application and OBJECT to the proposal on the grounds that the building is an overdevelopment of the site, reducing the amenity space of the host dwelling. It's siting and design are contrary to ST3 of the saved policies. The Committee noted that two objections were received from members of the public both refer to the use of the building for business premises and the disturbance this causes. While it is appreciated by the Council that a change of use application was not before the Committee, Councillors would like Lewes DC to investigate this matter as it would appear that a change of use of the premises has occurred

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 One letter of objection received from neighbour to the rear concerning:

5.2 Matters relating to the building structure:

5.3 Whether the appearance and size of a new building/structure is in keeping with its neighbours and the surrounding area - The building consumes in excess of 50% of the rear garden space, and possibly curtilage if existing sheds are taken into consideration. This is an unsuitable over development and would set precedence within the social housing area of being acceptable to develop on this scale.

Noise and disturbance - causes excessive noise and disturbance late into the evenings on a daily basis. The current noise, which is potentially exacerbated by the wooden floor construction echoes throughout our home and disturbs our family mealtimes and our children's bedtime routine.

5.4 Other matters relating to the use of the building which cannot be considered by this application:

5.5 Whether the proposed use is suitable for the area - use of the garden structure is for the Steel Fist Martial Arts Club and as a personal gym for the occupying residents. Whether there will be any increase in noise and disturbance, for example from the comings and goings of extra traffic.

Whether new public buildings have satisfactory access for the disabled.

Whether there is adequate parking or the development would be dangerous for road users and pedestrians.

5.6 Overall, the outbuilding is overbearing and its use as a professional martial arts gym overwhelmingly unsuitable for a social housing estate with no consideration for access or egress in an emergency situation. The Housing Association (Affinity Sutton) have allowed the tenant to build at this scale on their land and at no point have they confirmed that prior permission was sought from them prior to the building being erected.

6. PLANNING CONSIDERATIONS

6.1 The only matter for consideration under this application is the impact on the structure on neighbours amenity and the locality. This application is not for change of use of the building and therefore matters relating to this cannot be considered.

6.2 The building takes up about half of the garden space to the rear but does not exceed 50% of the total curtilage land for the property. The building is fairly large in size compared to the garden area it occupies however, sufficient garden space is retained as amenity space for a property of this size. There are many examples of large garden buildings in the locality which are characteristic of the area. The building is not considered to be excessive in scale or over development of the site.

6.3 The height of the building at 2.8m is only 30cm above that allowed under permitted development and it is for this reason alone that the building requires planning permission. The height is typical for a garden building and projects a maximum of 1m above the garden fence to the side. The building is entirely screened to the rear by the 3m high wall. Due to the low height of the building, only a small section of the roof is visible from the front of the property, the rest of the building is screened from view by the existing fencing. The design of the building is typical for an ancillary garden building and does not appear out of keeping with general development in the area. The building is not considered to have any adverse impact on the visual amenities of the area or the character of the street scene.

6.4 The position of the building within the rear garden to the north of the house would limit any overshadowing to the neighbours garden to the east. The low height of the building would further minimize any impact on the neighbours garden in terms of loss of light. The building would not affect light to the neighbours house. The height and depth of the building are not considered to result in an overbearing or oppressive outlook for the neighbours or to detrimentally affect their amenities. The amenities of the neighbours to the rear would be protected by the high wall which screens the building from view. The land to the west side comprises partly of scrub land with a proliferation of garages, sheds and outbuildings, the rear garden area of the property to the north-west and the

church/community building. The retention of the building in this location is not considered to adversely affect the amenities of neighbours.

6.5 Several comments have been received regarding the use of the building as a martial arts school. The Council have investigated this matter and the applicant has confirmed that this is not the case and the building is currently only being used by family and friends as an ancillary building. The potential for use of this building for business purposes is however noted and therefore it is recommended that a condition is attached to the grant of any consent limiting the use of the building to ancillary use only. An application for change of use is not required in relation to the current use of the building and therefore matters relating to its use as a business cannot be considered by this application. If the level of use changes in the future, a separate application will be required for change of use and all matters relating to the use would be formally considered by that application.

6.6 The retention of the building is therefore considered acceptable subject to a condition restricting its use to ancillary purposes only relating to the residential use of the dwelling house.

7. RECOMMENDATION

7.1 That planning permission is granted.

The application is subject to the following conditions:

1. The garden building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 1 Church Close.

Reason: To prevent the use of the building for business purposes and to protect the amenity of neighbours 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. 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>

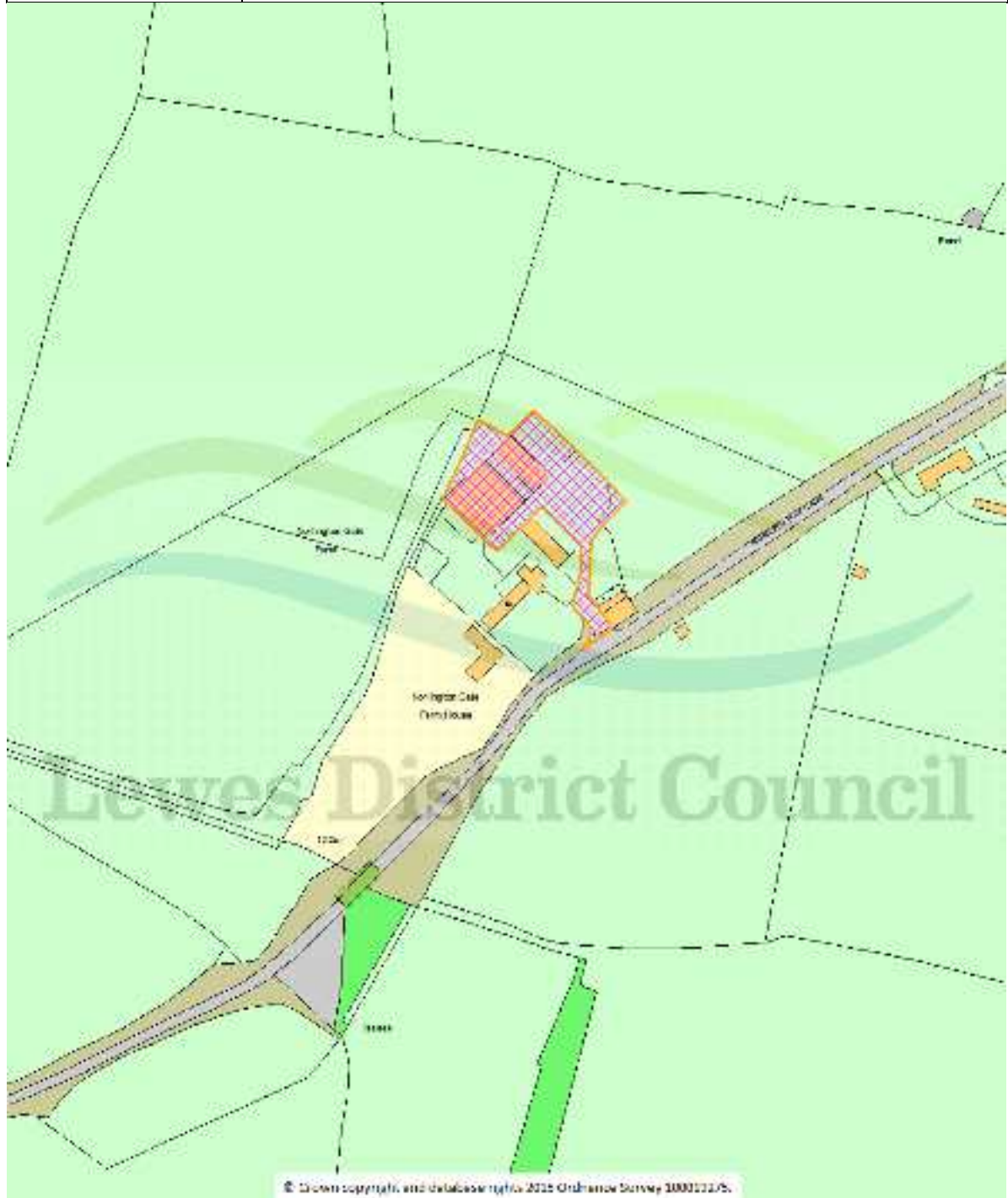
2. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Proposed Layout Plan	2 February 2017	
Proposed Floor Plan(s)	2 February 2017	
Proposed Elevation(s)	2 February 2017	
Photographs	2 February 2017	

Location Plan	2 March 2017	1:1250
Proposed Block Plan	2 March 2017	1:500

APPLICATION NUMBER:	LW/17/0322	ITEM NUMBER:	10
APPLICANTS NAME(S):	Mr A Cloke	PARISH / WARD:	Ringmer / Ouse Valley & Ringmer
PROPOSAL:	Planning Application for Replacement of redundant barn structure with new dwelling and replacement of existing barn with smaller equestrian barn		
SITE ADDRESS:	Norlington Gate Farm Norlington Lane Ringmer East Sussex BN8 5SG		
GRID REF:	TQ 45 13		



1. SITE DESCRIPTION / PROPOSAL

1.1 Norlington Gate Farm lies on the northern side of Norlington Lane to the north of the village of Ringmer. On site at present is an existing dwelling (a converted barn), a former dairy and two large agricultural barns. The larger of the barns is currently used partly as stabling for the applicant's horses and partly as general storage. The smaller of the two barns is redundant and vacant.

1.2 To the immediate west of the application site is Norlington Gate Farmhouse. This is a Grade II listed dwelling that was previously the farmhouse associated with the application site, but which now falls in separate ownership. Otherwise open fields surround the application site.

1.3 Prior approval has recently been approved for the conversion of the smaller of the two existing barns to a residential dwelling (application LW/15/0962 refers). Consent is now sought for the demolition of both of the existing barns and the erection of a single detached dwelling and a new equestrian barn.

1.4 The smaller of the existing barns has a simple rectangular footprint measuring some 7.3 metres by 13.7 metres, with an additional single storey lean to on the northern end measuring 4 metres in depth. It has a shallow pitched roof with a ridge height of some 5.7 metres. In order to comply with the permitted development regulations the scheme approved to convert this building to a dwelling under the prior approval process has identical dimensions to the existing barn. The details submitted with that application confirmed that the walls of the barn would be re-clad with timber and that the roof would be covered with zinc. The front and rear gable elevations were to be infilled with large expanses of glazing, with a recessed balcony shown in the rear elevation. Rooflights are shown to otherwise serve the first floor bedrooms with a small number of new openings inserted at ground floor.

1.5 The dwelling now proposed would sit on the same footprint as the existing barn and would be similar in mass and bulk with an identical roof profile and pitch, albeit at a higher level than the existing (600mm higher). The applicants explain:

"Whilst the approval secured the precedent for residential use of the site and the concept of an additional dwelling, the limits applied to the development from retaining the existing structure are very onerous on the scheme, both in headroom within the property and the resultant thermal performance of the building. Our client's intention is to create an exemplar of sustainable design and the retention of the existing structure made this aspiration less feasible. It also created some heavy constraints on the architectural quality of the new building. This led to the review of a new design to provide a replacement structure on the same site as the approved Class Q project."

1.6 The new dwelling has been designed to reflect the approved barn conversion with large glazed openings in the SE and NW elevations. Flank elevations have been left as solid as possible, with non-domestic styled window openings. The entire building would be clad with vertical larch cladding, with the roof also finished with larch. It is proposed that the new dwelling would be constructed to meet "PassivHaus" standards and would therefore be highly sustainable in terms of its performance.

1.7 The adjacent equestrian barn would also be replaced as part of this application, with a much smaller timber clad barn set under a clay tiled roof. The new barn would have a footprint of some 11.7 metres by 12.7 metres, some 190sqm metres smaller than the existing barn. Whilst the new barn would have a ridge height similar to the existing barn, with lower eaves at 1.8-2.8 metres the overall bulk of the structure would be much smaller.

It is intended that this barn would provide stabling and associated storage for the applicant's horses.

2. RELEVANT POLICIES

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

LDLP: – CT01 – Planning Boundary and Countryside Policy

LDLP: – CP11 – Built and Historic Environment & Design

LDLP: – RNP41 – Policy 4.1-Planning Boundary

3. PLANNING HISTORY

LW/16/0885 - Demolition of two agricultural buildings and erection of single detached dwelling and equestrian barn - **Withdrawn**

LW/15/0962 - Conversion of agricultural barn to dwelling house -

LW/10/0012 - Erection of a 12,000 bird free range egg production unit - **Refused**

LW/04/1050 - Demolition of two outbuildings and erection of one dwelling - **Refused**

LW/03/0220 - Proposed removal of condition eight attached to planning permission LW/99/0167 to allow for land to be disposed of separately - **Approved**

LW/01/0310 - Front entrance porch - **Approved**

LW/99/0167 - Conversion of outbuilding to residential bungalow - **Approved**

LW/98/1818 - Conversion from farm building to residential bungalow - **Refused**

E/54/0138 - Proposed cowhouses and dairies at Holdings one and three. CRDC No Objections 29/03/1654. - **Deemed Permission**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

District Services – There is no issues regarding the development from Waste Services for a development of this size

Environmental Health – Unsuspected contamination

Condition: 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, a remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason (common to all): 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 Planning Policy Framework, sections 12.0 and 12.1].

Ringmer Parish Council – Ringmer Parish Council's previous comments amplified below are still withstanding. Members of the Council have requested that this application be called in by District Councillor Peter Gardiner in order to allow the decision to be determined by the Planning Applications Committee.

Ringmer Parish Council is unable to support this application as the demolition of the building rather than the conversion of are contraventions of National Planning Policy Framework paragraph 55, Lewes District Councils Local Plan Policy CT1 and Ringmer Neighbourhood Plan Policy 4.1

Ringmer Parish Council does not have any issues with the equestrian Barn.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

CPRE Sussex - CPRE Sussex asks you to refuse this application for a new dwelling in the countryside as contrary to the relevant National, District and Neighbourhood planning policy. Approval of this application would set an entirely negative national precedent that would in our opinion be highly damaging to the countryside.

No evidence that any of the special circumstances of paragraph 55 of the NPPF apply.

Demolition of the barn and its replacement by an entirely new dwelling is completely outside the intention of the introduction of the permitted development rights in relation to the conversion of former agricultural buildings to dwellings.

Permission to convert the existing building into a dwelling does not establish the principle of a new dwelling on this site.

Construction of a new dwelling in this location is contrary to Policy CT1 of the Local Plan.

The application is for a house of unusual design that would appear unduly prominent in wider views of the rural landscape and thus is contrary to Policy ST3.

The proposal is not in accordance with any Ringmer Neighbourhood Plan policy. It would have a substantial negative impact on the rural landscape in a part of Ringmer that is highly valued by residents. No case is, or could be, made that the benefits of the development would outweigh its adverse impacts, and there are numerous other locations identified for development in the RNP that are either far more sustainable or have other advantages, such as an existing heritage asset capable of conversion.

2 letters of support: We want to support this planning application as we see it as a positive and enhancing move for the lane. This building is already there and redundant and the new house has been designed to occupy the same footprint with the same dimensions, so there will be minimal impact on the countryside. We commend the Clokes for wanting to create a passive building and are excited about this project. The removal of the metal clad barn and its replacement with a timber clad one can be nothing but beneficial. The new barn will look better on the lane and provide a more pleasant aspect for us.

Due to this no longer being any kind of agricultural holding ever again, I support this application and think it is important for it to be maintained and tidied where necessary. A passivehaus meets the right criteria for a new dwelling.

6. PLANNING CONSIDERATIONS

6.1 With the application site falling well outside the planning boundary of Ringmer as defined by the Lewes District Local Plan these proposals fall to be considered against Policy CT1 of the Lewes District Local Plan. This policy is generally restrictive towards new development in the countryside however policy RE8 does allow small-scale equestrian and related developments. On the basis that the new barn will provide a visual enhancement to the site as a result of reduced bulk, superior design and materials, and is well related to existing buildings on the site, no objections are raised to this element of the proposals which is considered to accord with the objectives of Policy RE8.

6.2 The main issue for consideration therefore is the replacement of the existing barn with a new dwelling.

6.3 Planning law requires that all planning applications must be determined in accordance with the development plan, unless material circumstances indicate otherwise.

6.4 Under normal circumstances the erection of a new dwelling in a rural location such as this, that falls well outside the defined planning boundaries and which has not been proven necessary for agriculture or forestry purposes, would not be supported as it is in clear conflict with Policy CT1 of the Local Plan.

6.5 Furthermore, paragraph 55 of the NPPF states that Local Planning Authorities should avoid isolated new homes in the countryside unless there are special circumstances, such as the re-use of redundant and disused rural buildings, where this would lead to an enhancement to their immediate setting. Whilst the replacement of the existing barn could arguably result in an enhancement of the immediate setting, being a new build proposal as opposed to the re-use/conversion of an existing structure, the application proposals do not strictly accord with paragraph 55 of the NPPF.

6.6 However in this instance, the existence of the extant prior approval consent that allows the conversion of the existing barn to a residential dwelling under Class Q permitted development rights is a material consideration. What therefore needs to be considered is whether there would be any material planning harm arising from the proposed new dwelling.

6.7 As set out above the proposed dwelling is practically identical in terms of footprint to the Class Q conversion and is very similar in terms of overall bulk and design approach. Whilst there would be a small increase in overall height of some 600mm it is not considered that this is significant, especially when coupled with the removal of the much larger adjacent barn.

6.8 Arguably therefore in terms of the impact on the wider locality, it is considered that the design and scale of the building is such that it will still appear broadly agricultural in its scale and form and therefore the resulting impact is similar to what has already been approved and can still be implemented under Class Q. Whilst it is accepted that this is not strictly in line with planning policy or the intention of the creation of the Class Q permitted development rights, with no demonstrable resulting harm it is considered that, in this particular instance, an exception to policy can be supported, especially as it would result in an enhancement to the site and its surroundings.

6.9 The Parish Council has objected to the application on the basis of conflict with Policy 4.1 of the Ringmer Neighbourhood Plan. However, on the basis that the proposal would not have an adverse impact on the countryside or the rural landscape, no conflict is found with the objective of that policy.

Highway/Parking Implications

6.10 Adequate parking and turning facilities are available on site and therefore no objections are raised in this respect.

Neighbour Amenity

6.11 The closest neighbouring property is the applicants own property which would lie approximately 24 metres to the immediate south. Direct lines of sight between the two buildings will largely be obscured by existing intervening buildings and therefore the relationship with the existing dwelling is considered acceptable.

Ecology

6.12 The application has been submitted with a Bat and Bat Owl Survey which confirms that no evidence of bat or barn owls were found at the site and that no further survey work is required in this respect. Notwithstanding this, enhancements have been suggested to help provide a net gain in biodiversity at the site. This includes the erection of bat, bird and barn owl boxes. These can be secured by means of an appropriately worded planning condition.

Conclusion

6.13 This is a difficult case where, if assessed purely against Development Plan policies the indication is that permission should not be granted on the basis of conflict with Policy CT1 of the Local Plan and paragraph 55 of the NPPF. However, the proposed scheme is very similar to the extant scheme that would see the existing building converted, with the main difference being a marginal increase in overall height. This increase in height is not considered to materially affect the rural character of the locality and therefore, on balance, the proposal is not considered to result in any demonstrable harm to warrant the refusal of consent.

7. RECOMMENDATION

7.1 It is recommendation that, subject to the conditions listed below, 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. No building shall be occupied until vehicle parking spaces have been laid out within the site in accordance with details to be submitted and these spaces shall be made permanently available for that use.

Reason: In the interests of and for the safety of persons and vehicles using premises and/or adjoining road 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. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to the occupation of the dwelling hereby approved or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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.

4. 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-E of Part 1 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 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. 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>

2. 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.

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

<u>PLAN TYPE</u>	<u>DATE RECEIVED</u>	<u>REFERENCE</u>
Location Plan	12 April 2017	001 P4
Existing Block Plan	12 April 2017	001 P4
Design & Access Statement	13 April 2017	REVISED
Existing Layout Plan	12 April 2017	003 P1
Proposed Floor Plan(s)	12 April 2017	006 P6
Proposed Elevation(s)	12 April 2017	010 P5
Existing Elevation(s)	12 April 2017	EXISTING BARN

Existing Floor Plan(s)	12 April 2017	EXISTING BARN
Existing Layout Plan	12 April 2017	002 P1
Proposed Floor Plan(s)	12 April 2017	005 P6
Proposed Roof Plan	12 April 2017	007 P1
Proposed Elevation(s)	12 April 2017	D11
Proposed Floor Plan(s)	12 April 2017	D11
Proposed Section(s)	12 April 2017	D11
Technical Report	12 April 2017	BAT & BARN OWL ASSESSMENT
Technical Report	12 April 2017	CONTAMINATED LAND REPORT
Design & Access Statement	5 May 2017	
Proposed Block Plan	28 April 2017	001 P5

Committee: Planning Applications Committee

Date: 28 June 2017

Department: Planning & Environmental Services

Subject: Enforcement Monitoring (Part A)

Purpose of Report This report provides an overview of enforcement matters throughout the Lewes District during the period 1 January 2017 – 31 March 2017. A separate report follows giving a detailed progress report for all cases where enforcement action has been commenced.

1 Complaints Received

1.1 A total of 60 complaints (21 of which are National Park (NP) cases) were received in the period, as follows:-

Alleged breaches of planning control	33	(18 NP cases)
Other complaints – Untidy sites, adverts etc.	6	(3 NP cases)

During this period the total number of cases disposed of was:- (22 of which were National Park (NP))	60	(22 NP cases)
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No breach found	19	(6 NP cases)
Compliance achieved	9	(10 NP cases)
No action to be taken	10	(6 NP cases)

2 Enforcement Action Authorised

2.1 Section 215 Notices	0	(0 NP cases)
2.2 Breach of Condition Notices	0	(0 NP cases)
2.3 Enforcement Notices	1	(1 NP cases)
2.4 Prosecution Proceedings	0	(0 NP cases)
2.5 Stop Notices & Temporary Stop Notices	0	(0 NP cases)
2.6 Planning Contravention Notices	0	(0 NP cases)

3 Enforcement Notices Served etc.

3.1 Section 215 Notices	0	(0 NP case)
3.2 Breach of Condition Notice	0	(0 NP case)
3.3 Enforcement Notices	1	(0 NP case)
3.4 Prosecution Proceedings	0	(0 NP case)

- 3.5 Stop Notices & Temporary Stop Notices 0 (0 NP cases)
- 3.6 Planning Contravention Notices 0 (0 NP cases)

4 Retrospective Applications Submitted

4.1 Retrospective planning and Certificate of Lawful Use applications have been submitted in response to enforcement enquiries in respect of the following 13 sites:-

8 LDC apps
5 SDNP apps

Submitted following enf officer investigation

- 1 Stonehealed Farm, Streat Lane, Streat – LW/16/1038 – Section 73A Retrospective application for the change of use of former barn into an annexe to be used ancillary to the main dwelling
- 2 29B Telscombe Road, Peacehaven – LW/16/0911 – Section 73A Retrospective application for the erection of an extension to the existing garage ✓
- 3 33 Bannings Vale, Saltdean – LW/17/0037 – Section 73A Retrospective application for the erection of a shed at the front of the property ✓
- 4 2 South Way, Newhaven – LW/16/1050 – Section 73A Retrospective application for the installation of canvas mesh advertisement banner on the end gable wall ✓
- 5 291 South Coast Road, Peacehaven – LW/17/0048 – Section 73A Retrospective application for the change of use from letting agent to car sales ✓
- 6 Mardon, Claremont Road, Seaford – LW/17/0123 – Section 73A Retrospective application for the erection of an enclosed balcony ✓
- 7 54 Belgrave Road, Seaford – LW/17/0090 – Section 73A Retrospective application for the erection of side and rear single storey extensions
- 8 Unit 2, Shortgate Industrial Park, The Broyle, Ringmer – LW/16/0827 – Section 73A Retrospective application for use as storage and sales for used motor vehicles ✓
- 9 The Old Wheelwrights Shop, The Street, Offham – SDNP/16/06376/FUL – Section 73A Retrospective application for replacement conservatory ✓
- 10 48 Cliffe High Street, Lewes – SDNP/17/00265/LIS – Retention and regularisation of internal and external works ✓
- 11 38 High Street, Lewes – SDNP/16/06230/FUL – Section 73A Retrospective application for the installation of two air source heat pump units

heat pump units

- 13 Field North of Clayton Road, Ditchling – SDNP/17/00600/FUL – Section 73A ✓
Retrospective application for the erection of storage structure

5 Contact Officer

The contact officer in connection with this report is Jennifer Baxter, Senior Enforcement Officer.

Nazeya Hussain,
Director of Regeneration and Planning
19/04/2017

Agenda Item No: 12

Report No: 105/17

Committee: Planning Applications Committee

Date: 28 June 2017

Department: Planning & Environmental Services

Subject: Enforcement Monitoring (Part B)

This report details the cases which have had notices authorised and/or served within the quarter 1 January 2017 – 31 March 2017

Address/Breach	Current Position	SDNP area
<p>EAST CHILTINGTON</p> <p>Wootton Farm, Novington Lane, East Chiltington – SDNP/16/00462/COU</p> <p><u>Breach</u></p> <p>Unauthorised residential use of a mobile home</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none">• Retrospective planning application refused for the continued use of the mobile home for the stable manager.• Delegated authority obtained and enforcement notice is being drafted for the cessation of the mobile home and its removal from the land	<p>✓</p>
<p>PLUMPTON</p> <p>21 Chapel Road, Plumpton – EN/15/0035</p> <p><u>Breach</u></p> <p>Breach of condition 1 attached to LW/14/0332</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none">• The tiles have now been replaced and the breach of condition notice has been complied with.	

Address/Breach	Current Position	SDNP area
<p>WIVELSFIELD</p> <p>More House Farm, Wivelsfield – EN/14/0214</p> <p><u>Breach</u></p> <p>Unauthorised summer house</p>	<p><u>Current Position</u></p> <ul style="list-style-type: none"> • Enforcement notice served for the cessation of the summerhouse and the removal of the summerhouse from the land. • The enforcement notice has been appealed 	

Contact Officer

The contact officer in connection with this report is Jennifer Baxter, Senior Enforcement Officer.

Nazeya Hussain
 Director of Regeneration and Planning
 19/04/2017

Agenda Item No: 13 **Report No:** 106/17
Report Title: Outcome of Appeal Decisions on 3rd April 2017 and 6th June 2017
Report To: Planning Applications Committee **Date:** 28th June 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>Clevedon, The Broyle, Ringmer, BN8 6PH</p> <p>Description:</p> <p><i>Change of use of an agricultural building to a residential dwelling house</i></p>	<p>Application No: LW/16/0529</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p>Decision: 27th April 2017</p>
<p>28 Crowborough Road, Saltdean, BN2 8EA</p> <p>Description:</p> <p><i>Erection of a two bedroom detached chalet bungalow</i></p>	<p>Application No: LW/16/0698</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p>Decision: 3rd May 2017</p>

<p>18 Hamsey Crescent, Lewes, BN7 1NP</p> <p>Description:</p> <p><i>Erection of a first floor side extension</i></p>	<p>Application No.: SDNP/17/00414/HOUS</p> <p>Delegated Refusal</p> <p>Householder</p> <p>Appeal is dismissed</p> <p>Decision: 11th May 2017</p>
<p>Land Rear Of 45 Chyngton Way, Seaford, BN25 4JD</p> <p>Description:</p> <p>Erection of detached chalet bungalow</p>	<p>Application No: LW/16/0723</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p>Decision: 30th May 2017</p>
<p>36 Vernon Avenue, Peacehaven, BN10 8RT</p> <p>Description:</p> <p>Demolition of existing bungalow and construction of four two bedroom apartments and a one bedroom apartment</p>	<p>Application No: LW/16/0792</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p>Decision: 6th June 2017</p>
<p>Holm Lodge, Butlers Way, Ringmer, BN8 5ES</p> <p>Description:</p> <p>Erection of rear two bedroom extension</p>	<p>Application No: LW/16/0720</p> <p>Delegated Refusal</p> <p>Written Representations</p> <p>Appeal is dismissed</p> <p>Decision: 6th June 2017</p>

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

Appeal Decision

Site visit made on 3 May 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 11th May 2017

Appeal Ref: APP/Y9507/D/17/3172641

18 Hamsey Crescent, Lewes, East Sussex BN7 1NP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Docwra against the decision of South Downs National Park Authority.
 - The application Ref SDNP/17/00414/HOUS, dated 26 January 2017, was refused by notice dated 22 March 2017.
 - The development proposed is a first floor side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed extension on the character and appearance of the area.

Reasons

3. Hamsey Crescent is one of a number of suburban twentieth century residential roads in the Nevill area, which rise up onto the Downs on this western edge of the town. The properties in this area comprise two storey semi-detached red brick houses with pitched and hipped roofs of similar design. No 18, which is paired with No 20, has an existing front and side ground floor extension built hard up to No 16's boundary.
4. The Local Planning Authority (LPA) has no objection to the amount the extension is inset from the front building line of the house. But it argues that the failure to inset the extension from the side boundary would lead to an unacceptable terracing effect, which Policy RES13 of the adopted Lewes District Local Plan (LP) seeks to usually preclude.
5. Permission was recently granted for a similar first floor extension, but which importantly in the LPA's view inset the side wall 200mm from No 16's boundary¹. A very similar extension also inset by this amount has been constructed at No 12².
6. The appellant considers that such a setback is somewhat meaningless, visually awkward and difficult to build. Whilst it may be more difficult to build than an extension flush with the ground floor extension it is clearly possible, as the one

¹ Ref SDNP/16/05989/HOUS approved 24 January 2017

² Ref SDNP/12/01549

- at No 12 demonstrates. I disagree that the example at No 12 is visually awkward. Whilst it may be visually more pleasing if it was setback by more than 200mm this would have severely constrained the width of the new habitable room created, a situation mirrored in the appeal proposal. Hence I consider that the LPA has struck a reasonable balance in allowing a new bedroom of reasonable width whilst seeking to prevent the terracing of Nos 16 and 18, which would occur if No 16 was to build a similar two storey extension.
7. The semi-detached pattern of the houses in Hamsey Crescent and the adjoining roads is a strong and visually important characteristic of the area, which I agree should be preserved. The fact that some two storey side extensions have been built tight up to the common boundary is not a good reason to continue doing so. Clearly some of these extensions were built some time ago, probably under a different policy framework.
 8. I note that the proposal was amended to incorporate a 'secret' gutter detail along the side boundary to avoid overhanging No 16's land. But that would not prevent a terraced appearance in this part of the street scene if No 16 were to build right up to the boundary in a similar fashion, and the LPA would find it difficult to justify refusing such a proposal if it had been allowed at No 18. This in turn could lead to a cumulative terracing effect in the street because it would be very difficult to resist similar extensions on other houses, resulting in the loss of the strong rhythm of the pairs of semi-detached dwellings.
 9. Setting back side extensions from the front wall of these houses helps to reduce the appearance of terracing when looking obliquely down the street. But it does not prevent it when standing opposite and hence I agree with the LPA that there should also be an inset from the side boundary.
 10. In conclusion, I consider that the proposed extension, which contrary to the recent LPA approved application would not be inset from the side boundary, would significantly harm the character and appearance of the area by creating a potential terracing effect at odds with the rhythm of the pairs of semi-detached dwellings in the street and other streets in the area.
 11. I have already indicated above why the proposal would not comply with LP Policy RES13. It would also fail to meet the requirements of LP Policy ST3, namely that development should respect amongst other things the rhythm and layout of neighbouring buildings and the local area generally.
 12. For the reasons given above I conclude that the appeal should be dismissed.

Nick Fagan

INSPECTOR

Appeal Decision

Site visit made on 19 April 2017

by **AJ Steen BA (Hons) DipTP MRTPI**

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

Decision date: 3 May 2017

Appeal Ref: APP/P1425/W/16/3166243

Rear of 28 Crowborough Road, Saltdean BN2 8EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Burnett against the decision of Lewes District Council.
 - The application Ref LW/16/0698, dated 11 August 2016, was refused by notice dated 4 November 2016.
 - The development proposed is 2 bed detached chalet bungalow.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed chalet bungalow on the character and appearance of the surrounding area; and
 - the effect of the proposed chalet bungalow on the living conditions of neighbouring occupiers of 26 and 28 Crowborough Road with particular regard to outlook and outdoor amenity space.

Reasons

Character and appearance

3. 28 Crowborough Road is located on the junction with Brambletyne Avenue. Surrounding development comprises a mix of detached and semi-detached bungalows, chalet bungalows and two storey houses, with limited gaps between dwellings. This results in a varied character to the area. Development is on the side of a hill, with properties stepping down the hill such that the garden of the attached 26 Crowborough Road is at a significantly lower level than that of no. 28. No. 28 has an open rear garden and single storey garage to the rear, which reflects the layout of the property over Brambletyne Avenue, with a two storey property beyond.
4. It is proposed to construct a chalet bungalow of a modern design that would take up most of the depth of the existing rear garden of this corner plot and would be set forward of the building line of dwellings fronting Brambletyne Avenue behind, in line with the side of 28 Crowborough Road. Although set lower than the level of the road on the slope of the hill, the proposed dwelling would substantially fill the gap between the rear of the existing bungalow and dwelling to the rear and would be set forward of the consistent building line.

This would result in the proposed dwelling appearing cramped, prominent and incongruous within the street scene.

5. For these reasons, I conclude that the proposed chalet bungalow would harm the character and appearance of the area. As such, it would be contrary to Policy ST3 of the Lewes District Local Plan (LP), Core Policy 11 of the Lewes District Local Plan Part One: Joint Core Strategy (CS) and the National Planning Policy Framework (the Framework) that seek design of a high standard that respects the scale, site coverage, character and layout of the surrounding area.

Living conditions

6. The proposed chalet bungalow would be located in close proximity to the boundaries of neighbouring properties at 26 and 28 Crowborough Road. Given the slope of the land down to no. 26, this would result in the proposed dwelling dominating that neighbouring rear garden and the conservatory on the boundary. The flat gable end of the roof would be located in close proximity to the rear windows and patio door of the existing dwelling at no. 28, dominating the remaining rear garden area. As such, the proposed dwelling would be overbearing and would harm the living conditions of occupiers of nos. 26 and 28.
7. On that basis, I conclude that the proposed chalet bungalow would be overbearing to occupiers of 26 and 28 Crowborough Road, unacceptably harming their living conditions. The proposed development would be contrary to Policy ST3 of the LP and the Framework that seek to protect the living conditions of occupiers of adjoining properties. Whilst Core Policy 11 of the CS has been drawn to my attention in relation to this issue, it relates to the character and appearance of development and does not appear to be directly related to the effect of development on living conditions.

Other matters

8. The proposed chalet bungalow would reduce the size of the existing outside amenity space related to no. 28 substantially. However, a modest area would remain to the rear and side of the existing dwelling that would provide some outside amenity space, sufficient to meet the needs of occupiers. Whilst the outside amenity space for the proposed dwelling would be small, it would be sufficient to meet the needs of occupiers of that dwelling. The layout of the proposed development and use of obscure glazed windows to the rear would ensure that it would not cause overlooking of the neighbouring rear garden.
9. My attention has been drawn to other dwellings located on small plots with modest outside amenity spaces. 11 Nutley Avenue is an older property that appears not to have any private rear garden and 17a Nutley Avenue is between dwellings fronting the road on a narrow plot, with a deep rear garden. Other examples are located some distance away, in Peacehaven, and have a different relationship with their surroundings. Limited information is provided as to the history of these properties and I have assessed the proposed development on its own merits.
10. I understand the appellant wishes to provide space for his family in the two properties and that they have received support from neighbouring occupiers.
11. Reference is made in the appeal documents to the presumption in favour of sustainable development referred to in the Framework. This confirms that

development proposals that accord with the development plan, such as the LP and CS, should be approved without delay. Sustainable development has three dimensions that must be considered together, being economic, social and environmental. Whilst the proposed development would have modest economic benefits as residents would support local services and facilities and modest social benefits from the provision of a single dwelling, this would be outweighed by the environmental harm to the character and appearance of the area and living conditions of neighbouring occupiers. Consequently, the development proposed would not be considered sustainable development.

12. While I have taken these matters into account they do not outweigh my conclusions on the main issues.

Conclusion

13. On the basis of the above considerations, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR

Appeal Decision

Site visit made on 15 May 2017

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: 6 June 2017

Appeal Ref: APP/P1425/W/17/3168022

36 Vernon Avenue, Peacehaven, East Sussex BN10 8RT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Shankar Kanumakala against the decision of Lewes District Council.
 - The application Ref LW/16/0792, dated 13 September 2016, was refused by notice dated 8 November 2016.
 - The development proposed is the demolition of existing bungalow and erection of new building to accommodate 4 x 2 bedroom apartments and 1 x 1 bedroom apartment.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the effect on the level of traffic generation and car parking; and
 - the effect of the proposal on the living conditions of the occupiers of Nos 29 and 31 Sunview Avenue in relation to privacy.

Reasons

Character and appearance

3. The proposal is for the redevelopment of the site of No 36 Vernon Avenue with a building comprising five flats. The site, currently occupied by a modest single storey bungalow, forms part of a regular pattern of residential plots along a series of parallel roads on either side of the A259 Coast Road.
4. These roads are lined with a variety of dwelling types including bungalows, chalet bungalows and two storey houses, some detached, some semi-detached and some in short terraces. Vernon Avenue is no exception, with No 34 on one side of the appeal site a small bungalow with a front facing dormer window and on the other side Nos 38/38a, a pair of semi-detached chalet bungalows.
5. From the front the building would have the appearance of a double fronted chalet bungalow, filling the width of the plot with only narrow gaps each side. This would be a similar building form to other redeveloped sites nearby, for example Nos 38/38a and 30/30a, two pairs of semi-detached chalet bungalows which also have narrow gaps on each side. In addition, the building would

- respect the front building line along the road, being set back behind front gardens/parking spaces about the same distance as the others.
6. However, the proposal also includes a large rear wing which would extend deep into the rear garden, well beyond the rear elevation of the dwellings on either side. This wing, about 6 m long and with a high eaves line on each side, higher than that of the front part of the building, would appear over prominent and intrusive when seen from nearby rear gardens and the rear facing windows of the properties in Sunview Avenue behind. As a result, whilst not apparent from the road, the proposal would cause significant harm to the character and appearance of this residential area.
 7. In addition, the proposed group of five flats would represent a more intensive form of development in the road which currently comprises only individual dwellings. Some of the larger plots have been subdivided, but these have been redeveloped with single dwellings including semi-detached houses and short terraces. Whilst the building would have the appearance of a single chalet bungalow it would contain five flats, including four two-bedroom flats, leading to a significant increase in comings and goings from the property.
 8. As a lightly trafficked residential cul-de-sac the increase in vehicle movements would not be significant in highway terms, but it would be noticeable in the immediate vicinity of the property compared to single dwelling use. This would also be the case compared to a redevelopment of the site with a pair of semi-detached houses like Nos 38/38a next door. Flats might be acceptable visually in the street scene but it is the number proposed in relation to the width of the frontage that would result in an over intensive development leading to a level of activity which would be out of character with the remainder of the road. The appellant offers to make two of the flats 'car free', but there is no mechanism suggested to ensure that this is the case.
 9. The appellant states that there are a large number of apartment buildings scattered around Peacehaven, but no details of these are provided and the subdivided plots in the vicinity of the appeal site shown on drawing 1514-F-02 all appear to be redeveloped by single dwellings.
 10. The proposal would also include the creation of five parking spaces along the site frontage. This would involve the loss of the front wall but there is frontage parking of this type elsewhere along the road, including in front of Nos 25, 31, 31a and 33. The Council argue that there would be a lack of spaces for the occupiers of five flats, leading to increased pressure for on-street parking, but this is not supported by reference to any parking standards or surveys and therefore may or may not be the case.
 11. For the reasons explained in paragraphs 6-8 above the proposal would cause significant harm to the character and appearance of the area in conflict with Policy CP11 of the Lewes Joint Core Strategy 2016 and Policies ST3 and PT3 of the Lewes District Local Plan 2003 (LDLP). These seek to ensure that development is designed to a high standard, respects the overall scale, massing, site coverage, character and layout of neighbouring buildings and the local area more generally, and does not result in detriment to the character of the area through increased traffic levels.

Living conditions

12. The rear wing of the proposal would extend to within a few metres of the fence along the common boundary with Nos 29 and 31 Sunview Avenue, the two properties which back onto the site. As a result the two first floor windows in the end of the wing, serving the second bedroom in each of the first floor flats, would overlook the private gardens and rear facing windows of Nos 29 and 31 from close quarters. This would lead to an undue loss of privacy for the occupiers of those properties. The appellant suggests that these windows could be obscure glazed and non-opening, but this would provide unacceptable living conditions for the occupiers of the bedrooms concerned.
13. The proposal would therefore cause significant harm to the living conditions of the occupiers of Nos 29 and 31 Sunview Avenue in relation to privacy. This would be contrary to Policy ST3 of the LDLP which seeks to ensure that development respects the amenities of adjoining properties in terms of privacy.

Other matters

14. The appellant has secured a Certificate of Lawful Development which illustrates the various extensions which could take place under permitted development rights for a single dwelling, including a detached building under Class E in the rear garden. The result would be a disjointed building in design terms but it would not raise the same objections as the current scheme.
15. The Council argue that the proposal would set an undesirable precedent for the redevelopment of other sites in the road, but each case should be considered on its own merits.
16. The side facing window of the second bedroom in flat 1 and to a lesser degree flat 2 on the ground floor would be very close to the side boundary fencing resulting in a poor standard of outlook for the occupiers.

Conclusion

17. The proposal would provide an additional four units of accommodation in a sustainable location, helping meet local housing needs and offering important social and economic benefits for the area. It would be built to higher energy efficiency standards than the existing building. The proposal would also remove the outbuilding in the garden, tidy up the street frontage, improve the relationship with the properties on either side and make more use of the site. However, these benefits, even in combination, do not outweigh the objections to the proposal which have been identified under the two main issues.
18. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

Appeal Decision

Site visit made on 28 March 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 27 April 2017

Appeal Ref: APP/P1425/W/16/3163582

Clevedon, The Broyle, Ringmer, East Sussex BN8 6PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Roy Higgs against the decision of Lewes District Council.
 - The application Ref LW/16/0529, dated 21 June 2016, was refused by notice dated 22 September 2016.
 - The development proposed is prior approval for a change of use of an agricultural building to a dwelling house (Class C3).
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order (England) 2015 (GPDO) permits the change of use of an agricultural building and any land within its curtilage to a residential use, along with building operations reasonably necessary to convert the building. This is subject to a number of situations where such development is not permitted, listed under paragraph Q.1, and to conditions in paragraph Q.2.
3. In this case, the Council has raised an issue in relation to the extent of the curtilage around the appeal building under Class Q of the GPDO and the exclusion in paragraph Q.1 (a) in respect of the agricultural use of the building. On the evidence before me, I have no reason to come to any alternative view.
4. On that basis, the main issues are:
 - Whether the proposal would accord with permitted development requirements relating to the extent of the curtilage under Schedule 2, Part 3, Class Q of the GPDO; and
 - Whether or not the building was used solely for an agricultural use, as part of an established agricultural unit, within the applicable timeframes in paragraph Q.1 (a) of the GPDO.

Reasons

Curtilage of the proposed development

5. The appeal site comprises a timber framed barn building that is set back from the road within an open field. It is situated behind a dwelling and stable building that forms part of a small cluster of ribbon development in the open countryside along the southern side of The Broyle. The barn is accessed via a driveway at the side of the main dwelling and is separated from the dwelling and stable building by fencing.
6. The appeal form indicates that the area of the whole appeal site is 0.2ha and that the floor area of the agricultural building to be converted is about 65 sqm. The floor area is therefore below the size threshold set in paragraph Q1(b) of the GDPO. However, there is also a requirement relating to curtilage. The definition given in Schedule 2, Part 3, Paragraph X of the GDPO states that, for the purposes of Class Q, the curtilage means (i) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (ii) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser. This means that the curtilage should not exceed 65 sqm in this case.
7. On my site visit I observed that the barn is surrounded by an open field, but does not itself have a clearly defined piece of land with which it is closely associated. Nonetheless, the amended submitted site plan (2016/055/PL2 rev:C) indicates a designated 'curtilage' area immediately to the south of the barn shown edged in green, which does not appear to exceed the floor area of the appeal building.
8. However, the submitted plans also show a much larger red lined 'proposed site boundary' which extends to the north of the barn and incorporates a large area of land marked as a 'cobbled forecourt' and a car parking area. The 'cobbled forecourt' and parking area lie immediately to the north of the existing stable building is enclosed by fencing and linked to the barn by a pedestrian access. I consider on the basis of its position, access arrangements and the enclosed nature of this area, it is likely that the cobbled forecourt and parking area would function as a separate parking area and would be used for domestic purposes by the occupiers of the proposed dwelling. As such, the area of land which would operate as curtilage would be significantly greater than the area of the existing barn.
9. Consequently, the extent of the curtilage falls outside the definition given in Schedule 2, Part 3, Paragraph X of the GDPO. Therefore, I conclude that the extent of the curtilage as defined by the red line site boundary precludes the proposal from being permitted development and as such the proposal does not meet the requirements under Schedule 2, Part 3, Class Q of the GPDO.

Agricultural use

10. Paragraph X of Schedule 2, Part 3 of the GPDO, states that an 'agricultural building' means a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business. The GPDO does not define at what point an agricultural activity becomes a trade or business. Development is not permitted by Paragraph Q(a) of the GDPO if the site was

not solely used for an agricultural use as part of an established agricultural unit¹ on or before 20 March 2013 or for 10 years before the date the development begins. As such, whether or not the appeal building was an 'agricultural building' on the 20 March 2013, as defined by the GPDO, is a matter of fact and degree based on the particular merits of the case and the evidence presented.

11. The GPDO further sets out that 'established agricultural unit' means agricultural land occupied as a unit for the purposes of agriculture. I would note that nowhere in relevant legislation or the Planning Practice Guidance is there a requirement for such a trade or business to be of a certain scale, intensity or turnover in this context.
12. It is not disputed by the Council and appellant that the building was designed for agricultural purposes when it was originally built in the 1980s. The appellant states the barn was used between 2007 and 2015 for the keeping of livestock. At the time of my visit the barn was being used for storage of small scale agricultural and non-agricultural items. The building contained a number of partitions that appeared to have been used in the past and remain suitable for the accommodation of livestock.
13. The appellant has submitted various supporting information regarding the agricultural activities undertaken at the appeal site including a County Parish Holding Number and Single Business Identifier obtained in September 2011 and an Animal Health Registration letter from September 2011. Whilst I accept that these do not necessarily demonstrate an agricultural business, I have also noted the DEFRA reports showing movement of pigs by the appellant between 2011 and 2014 received as weaners and transported to a local abattoir. A letter from a Turkey Poults supplier in June 2016 also confirmed the supply of young turkeys to the appellant between 2012 and 2015.
14. The Council has questioned the details submitted regarding the agricultural activities and whether the number of pigs and turkeys being kept on the land was sufficient in itself to establish that the building and land have been used as an agricultural business. The Council also indicated that the evidence submitted was identical to that submitted with a previous prior approval application² for the conversion of the existing stable building to a dwelling, which was subsequently withdrawn. This raised some element of doubt regarding the exact use of the barn.
15. The Council considers that at the time of their decision insufficient information had been provided to show that an agricultural business was operating on the site. The Officer's report stated that the evidence provided demonstrate that the use of the site was used for no more than hobby farming rather than an established agricultural trade or business.
16. Following a request from the Council, additional information was submitted by the appellant as part of the original application process. This comprised of a selection of receipts for the processing and the sales of pig and turkey meat over the period from November 2012-May 2013 and photographic evidence of pigs and turkeys being kept at the barn in December 2012 and April 2013.

¹ Paragraph X Interpretation of Part 3 Established agricultural unit means agricultural land occupied as a unit for the purposes of agriculture.

² LW/15/0824

Notwithstanding this, the Council consider the receipts submitted to be generic, with no indication that they have been issued by a trade or business. I understand the Council's concerns, and acknowledge the limited information available on the sales receipts in this case. The onus of proof is on the appellant and the correct test that should be applied is 'on the balance of probability'.

17. Paragraph 4.7 of the appellant's appeal statement shows further evidence, though I accept low in numbers, including an invoice from the abattoir relating to the transport of pigs in May 2013 and a subsequent invoice from a butcher to cut and prep two pigs on 23 May 2013. Although there are no financial accounts to verify the appellant's position there is nonetheless information before me over a lengthy period of time since the activity on site commenced, from the appellant and various sources attesting to the livestock purchases, sales and movements to and from the appeal site and confirming the purchase of pig and turkey meat which pre-date 20 March 2013.
18. Therefore, on the balance of probabilities and based on the evidence before me, I cannot find other than that the use to which the appeal site has been put amounts to a trade or business rather than a hobby. I conclude that the barn whilst not presently in use for agriculture was, at the relevant date 20 March 2013, used solely for agricultural use and that a trade or business was in operation, albeit of a comparatively small scale. I have also carefully considered the Council's representations in relation to the site not being part of an established agricultural unit. However, there is nothing in Class Q that requires the agricultural unit to be farmed or operated by the owner or, for that matter, intensively.

Other matters

19. I noted the Council's references to a number of appeal/court decisions and the taxation guidance from the Government HMRC website. The small agricultural businesses have different development characteristics to the appeal scheme and took place some time ago in a different policy context. Nevertheless, each case must be judged on its merits, and it is on this basis that I have determined this appeal. The taxation information is generalised guidance and planning legislation requires that the proposal is considered against the national and local planning policies. I accord these matters limited weight.

Conclusion

20. Notwithstanding my findings regarding the agricultural use of the appeal building, I conclude that the proposed development would not accord with the requirements for permitted development relating to the extent of the curtilage under Schedule 2, Part 3, Class Q of the GPDO, as the area of curtilage would be significantly larger than the area of the barn. Thus it is not necessary or appropriate for me to comment on the planning merits of the development and whether the proposal meets the conditions in paragraph Q.2 of the GPDO. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR

Appeal Decision

Site visit made on 16 May 2017

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: 6 June 2017

Appeal Ref: APP/P1425/W/16/3166303

Holm Lodge, Butlers Way, Ringmer, East Sussex BN8 5ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs S Ratnasinkam against the decision of Lewes District Council.
 - The application Ref LW/16/0720, dated 22 August 2016, was refused by notice dated 21 December 2016.
 - The development proposed is a rear two bedroom extension to increase the residents accommodation.
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Decision

1. The appeal is allowed and permission is granted for a rear two bedroom extension to increase the residents accommodation at Holm Lodge, Butlers Way, Ringmer, East Sussex BN8 5ES, in accordance with the terms of the application, Ref LW/16/0720, dated 22 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 2015-45.
 - 3) The external surfaces of the development hereby permitted shall be finished to match those used in the existing building.
 - 4) Prior to the first occupation of the development hereby permitted, fencing, walls or other boundary treatment shall be erected or planted in accordance with a scheme to be submitted to and approved in writing by the local planning authority; the scheme shall then be retained in place at all times thereafter.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 4 Butlers Way and Nos 32- 34 Oakmede Way in relation to outlook and privacy.

Reasons

Living conditions

3. Holm Lodge, on the south eastern side of Lewes Road, was converted into a residential care home in 1987 and over the years has been extended to the

rear with a number of mainly single storey additions. The proposal is to add a further single storey extension to the rear, about 5.5 m long and 7.7 m wide, to provide a further two bedrooms. This would project further into the rear garden behind the property.

4. The various extensions have resulted in a rather disjointed building when seen from the rear and the proposal would add a further ad-hoc addition, this time mostly flat roofed to minimise its height. However, the site is private, well enclosed within a residential area and unseen from nearby roads or public viewpoints. Given this context the extension is acceptable in design terms.
5. The site is surrounded by residential properties on three sides, with the rear gardens of a series of bungalows on Oakmede Way adjoining the south east and south west boundaries and the flank elevation of a new bungalow, No 4 Butlers Way, situated very close to the north east boundary.
6. The boundary with the Oakmede Way bungalows is mostly well screened with tall fencing and vegetation, including a large Horse Chestnut tree, and this would minimise views of the extension from rear facing windows and when in the rear gardens. Although the extension would be at a relatively high level within the site¹ its flat roof, the boundary screening and the length of the rear gardens concerned would combine to reduce the impact on the outlook from these properties to an acceptable level.
7. In the case of No 4 Butlers Way, the flank wall of the bungalow runs alongside and very close to the common boundary wall. The bungalow is at a significantly lower level than Holm Lodge with the tops of three small side windows looking over the wall into its grounds. The separation distance between the side wall of No 4 and the extension would only be about 4 m or so and it would lie to the south, thus causing some loss of light to the nearest windows. However, the flank windows in No 4 only serve a side hallway and bathroom, and are not principal windows serving main rooms. As a result the proposal would not seriously affect the living conditions of the occupiers due to the loss of outlook or light.
8. No windows are proposed on the side elevations of the extension, thus protecting the privacy of No 4 and the bungalows on the other side in Oakmede Way. The windows on the rear elevation, albeit large, would be sufficiently far away and well enough screened from the rear facing bungalows in Oakmede Way to adequately protect their privacy.
9. For these reasons the proposal would not cause significant harm to the living conditions of the occupiers of No 4 Butlers Way and Nos 32-34 Oakmede Way in relation to outlook and privacy. This would comply with Policy CP11 of the Lewes Joint Core Strategy 2016, Policy 9.1 of the Ringmer Neighbourhood Plan and Policy ST3 of the Lewes District Local Plan 2003 which in turn seek to ensure that development is designed to a high standard, fits in with its surroundings and respects the amenities of adjoining properties in terms of privacy and visual amenities.

¹ The ground floor level of the rear extensions is significantly higher than ground level at this point.

Other matters

10. The extension would reduce the amount of external amenity space available for the residents but an area would still remain. The Council has not drawn attention to any recognised standard that would be breached.
11. Unauthorised parking on the adjacent residential drive is a private matter.
12. The Council suggested three conditions should the appeal be allowed. In addition to the standard implementation time limit it is necessary to define the approved plan in the interests of certainty and to control the materials to be used in order to ensure the satisfactory appearance of the development. In addition, a neighbour requests a condition to allow the Council to require improved boundary treatment if this is necessary and such a condition is therefore imposed to allow further consideration of the matter.

Conclusion

13. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Appeal Decision

Site visit made on 15 May 2017

by **David Reed BSc DipTP DMS MRTPI**

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

Decision date: 30 May 2017

Appeal Ref: APP/P1425/W/17/3166916

Land rear of 45 Chyngton Way, Seaford, East Sussex BN25 4JD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms C Elliott against the decision of Lewes District Council.
 - The application Ref LW/16/0723, dated 22 August 2016, was refused by notice dated 1 November 2016.
 - The development proposed is the erection of a single detached chalet bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - the effect of the proposal on the living conditions of the occupiers of Nos 2 and 3 Newick Close in relation to noise and disturbance.

Reasons

Character and appearance

3. The proposal is for a detached chalet bungalow in the large rear garden of No 45, a two storey detached house on the northern side of Chyngton Way. The property would be accessed from Newick Close, a short cul-de-sac lined with bungalows, between Nos 2 and 3 which are situated at right angles to each other in the south west corner of the Close.
4. The bungalow would have a similar width and depth as the other bungalows in the Close and would appear similar in design with a low eaves line and simple pitched roof. The front facing roof slope would have a number of rooflights, but these would be relatively unobtrusive. The property would also be in line with Nos 1 and 2 on the southern side of the Close, and the separation distance from the nearest bungalow would be similar to others in the immediate area.
5. However, the new bungalow would not front onto Newick Close directly like the others, but instead would be set back from the corner, facing the side elevation of No 3. In contrast to the others, when seen from the Close it would not sit comfortably within the existing group of bungalows, but appear awkwardly as an extra bungalow inserted as an afterthought between Nos 2 and 3. The

existing bungalows are neatly positioned directly fronting the three sides of the Close. The proposal however would be at odds with this existing layout, thus appearing cramped within the street scene and an incongruous form of development in the context of the Close.

6. For these reasons the proposal would cause significant harm to the character and appearance of the area and would conflict with Core Policy 11 of the Lewes District Joint Core Strategy 2016 (LDJCS) and Policies ST3 and ST4 of the Lewes District Local Plan 2003 (LDLP). These seek to ensure development is designed to a high standard, respects the rhythm and layout of neighbouring buildings, and does not erode the essential elements of the character and appearance of the area.
7. The appellant draws attention to the recently permitted bungalow to the rear of No 29 Chyngton Road. However, that bungalow is discreetly located within an irregular group of properties at the end of a long private drive and sits directly alongside its only neighbour, No 5 Chyngton Place. The circumstances are not directly comparable and therefore the case does not represent a precedent in support of the current appeal.

Living conditions

8. A licence for a new vehicle crossing over the footway to serve a parking space in front of No 3 has recently been granted, which demonstrates that access can be achieved from the corner of the Close. The proposal would use the same crossover to access vehicle parking spaces to the side of the new bungalow (alongside No 2) and a parking/turning space to the side of No 3.
9. This would involve car movements making a sharp 90° turn awkwardly across the frontage of No 3 just a few metres away from the front facing windows of that property. In order for cars to leave in forward gear, the proposal would also require vehicles to reverse 90° around the front corner of the bungalow in order to turn adjacent to the side of No 3, then passing again close to the front facing windows of No 3. If the turning space is not used, vehicles would need to reverse a longer distance across the front of No 3 into the end of the cul-de-sac, entering it at an awkward angle.
10. Although the number of vehicle movements would be relatively low, with no opportunity for any screening their close proximity to important living room windows of No 3 would cause an undue level of noise and disturbance to the occupiers of that property, including from headlights at night. The movements would be further from the nearest front facing window of No 2 having a lesser but still noticeable impact on the occupiers of that property.
11. As the appellant points out, driveways serving the bungalows in the area are in many cases adjacent to the flank walls of the neighbouring bungalow, leading to vehicles coming and going in close proximity to main front facing windows. However, these movements are directly to and from the road, and do not cross the front gardens in front of the windows. The appeal proposal differs in this respect with movements across the front of No 3, both nearer to the windows and turning, not just parking, immediately adjacent to the side elevation.
12. For these reasons the proposal would cause significant harm to the living conditions of the occupiers of No 3 and to a lesser extent No 2 Newick Close in relation to noise and disturbance contrary to Policies ST3 and ST4 of the LDLP.

These seek to ensure development respects the amenities of adjoining properties in terms of noise and new dwellings include safe and convenient access without causing noise and disturbance to occupiers of other dwellings.

Conclusion

13. The proposal would provide an additional windfall dwelling in a sustainable location which would make a small but useful contribution to housing land supply. It would also have measurable economic and social benefits for the area and be built to high environmental standards. However, these benefits, even in combination, are outweighed by the objections to the proposal that have been identified under the two main issues.
14. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

Dear Madam Chair & Committee

As you may know, the National Park are nearing the final stages of compiling their local plan. The plan encompasses a number of villages in the Lewes District Council area, including all of those in my ward. I've been following the building of this plan over the last few years as the National Park releases each iteration. Just prior to their recent planning meeting the National Park held some confidential meetings with the parish council in Kingston. As a consequence, the residents and I were unaware of what changes the National Park were about to introduce to their plan. Up until this time there were no concerns for the people of Kingston in the draft local plan. Consequently, it came as a bit of a shock to the residents and myself as the district councillor when a National Park officer who was in attendance at the village assembly in Kingston on 28 April 2017 advised people of the Park's choice of a development site for some 11 houses and a gypsy/traveller site, both of which had not been previously included in the various drafts of the National Park plan!

I wrote to the director of planning at the National Park following the meeting, and eventually received a reply, which did not address the concerns I raised, namely:

How could they turn a previous planning permission for the temporary siting of a caravan on the ridge at Kingston into a designated Gypsy/Traveller site without going through proper consultations?

How could they designate a development for some 11 houses without even some of the owners of the land actually being informed?

The 11 houses proposed by the National Park are situated in a 'back land' development location along a private road/track used by existing householders to access their own driveways. How could the National Park propose a development without consulting these householders or indeed understanding the legal situation with regard to the private roadway?

Under what legislation was the National Park operating when it required the parish council to keep the above-mentioned matters secret?

Earlier this month, the National Park approved the draft plan, including both the gypsy and housing site. Somewhat of a *fait accompli* for the residents in Kingston! I quite realise that the plan will come out for public consultation in September, but, as I've already been told by the National Park that they're unwilling to accept all but the most minor amendments, it seems likely that the plan for Kingston will go forward as it stands to its final stages and approval by the Secretary of State.

My questions to the District Council Planning Applications Committee are as follows:

Would the chairman and members of the planning applications committee support me in requesting the National Park to:

1. Undertake to specially consult the residents in the village about their concerns over these two developments by way of meetings in Kingston with SDNPA staff present preceded by the distribution of leaflets to all householders in addition to the normal consultation process. This will allow the people of Kingston to challenge the decision by the National Park to include these two developments at this late stage in their local plan.
2. Attend a meeting with the Lewes District Council to explain how they have arrived at these decisions and work with ourselves to review all the development options in Kingston for housing.
3. Review the planning situation with regard to the, so called, 'gypsy/traveller site' and return the designation to a 'temporary siting of a caravan in relation to The Pump House' being the main property in the same ownership.