

Forest Row Parish Council

Clerk: Mr David O'Driscoll
Email: parishclerk@forestrow.gov.uk

(Office Hours: Monday to Friday 9am to 2pm)



To: All members of the PLANNING GROUP
Cllrs Davies (Chairman), Josephson, R Lewin, T
Lewin, Spackman, Summers & Waters

Community Centre
Hartfield Road
Forest Row
East Sussex
RH18 5DZ

(All other Councillors – for information)

Tel: 01342 822661
Fax: 01342 825739
Email: info@forestrow.gov.uk
Website: www.forestrow.gov.uk

Dear Sir/Madam,

You are invited to attend a meeting of the **PLANNING**

GROUP to be held on **MONDAY 13th**

MARCH 2023 VIA ZOOM AT

7.00PM.

Date: 8 March, 2023

A handwritten signature in black ink, appearing to be 'David O'Driscoll'.

THE FIRST FIFTEEN MINUTES WILL BE AVAILABLE FOR RELEVANT QUESTIONS AND REMARKS FROM THE PUBLIC – IF ANY. MEMBERS OF THE PUBLIC ARE WELCOME TO STAY AND OBSERVE THE REST OF THE MEETING.

1. PUBLIC QUESTIONS – **THE MEETING WILL START NO LATER THAN 7.15PM.**
2. APOLOGIES FOR ABSENCE
3. MINUTES OF THE MEETING HELD ON 30th January 2023 – previously circulated – AND ANY MATTERS ARISING
4. TO DECLARE ANY INTERESTS PERTAINING TO THE ITEMS BELOW
5. TO NOTE DATES OF NEXT WEALDEN PLANNING COMMITTEE NORTH MEETING(S):
 - 30th March 2023 at 10am
6. REPORT FROM DISTRICT COUNCILLOR ON PLANNING MATTERS
7. PLANS DEALT WITH UNDER DELEGATED POWERS – if any
8. WEALDEN DISTRICT COUNCIL – PLANNING DECISIONS RECEIVED – see attached.
9. PLANNING APPLICATIONS – see attached.
10. TO COMMENT ON PLANNING APPLICATIONS RECEIVED AFTER CIRCULATION OF AGENDA (TO BE FORWARDED ON THE FRIDAY PRIOR TO THE MEETING)
11. CORRESPONDENCE
 - Appeal decision – Spring Hill Stables, Weir Wood, Forest Row – Dismissed
 - Certificate of Lawful Development application – The Coach House, Upper Close, Forest Row – Residential self-contained annexe to main dwelling house formerly used as a garage and workshop, detached from main house.
12. ITEMS FOR FUTURE CONSIDERATION BY COMMITTEE OR FULL COUNCIL

“This meeting will be held electronically via ZOOM, and the meeting ID and password will be circulated separately to Members. The meeting is also open to public attendance (with an initial period for public questions), but for security reasons, any member of the public wishing to participate is asked to telephone or email the Parish Clerk in advance (01342 822661 or parishclerk@forestrow.gov.uk) for the access codes.”

Plans dealt with under delegated powers –

for meeting 13 MARCH 2023

WD/2022/3268/F – LAND SOUTH OF HARTFIELD ROAD, FOREST ROW
ERRECTION OF 4 NO. NEW DETACHED DWELLINGS AND ASSOCIATED GARAGING.
FORMATION OF A NEW ACCESS FROM HARTFIELD ROAD (RESUBMISSION OF PLANNING
APPLICATION WD/2021/1916/F)

Transport statement received 01/02/2023

COMMENT: We reiterate our previous comments:

My Council's observations in respect of this application are as follows:-

We object strongly to this proposal on the following grounds:

- The site is outside the development boundary.
- The site is in AONB.
- The site is in the 400m development exclusion zone surrounding the Ashdown Forest.
- The increased risk of flooding.
- The increased problems of drainage, including the proposal to pump water to neighbouring land.
- The safety of the access.
- It is an inappropriate development for the village.
- The loss of trees (TPO's).

There have been no consultations (which are a legal requirement) regarding the proposed new pinch point.

It was also noted that the documentation contains a lot of inconsistencies especially regarding trees.

This development would change the landscape character of the AONB and the approach to Forest Row.

There have been incorrect claims that ESCC Highways have agreed road layout alterations – which we understand they have not.

We would also add the following: “There remains some doubt whether the required consultation with local residents has taken place”

WD/2023/0119/F – BROADSTONE WARREN SCOUT CAMP, LEWES ROAD, FOREST
ROW
REPLACEMENT HIGH ROPES COURSE

COMMENT: No objection to this application

PLANNING DECISION LIST - FOR COMMITTEE 13/03/2023

APPLICATION NO	ADDRESS	PROPOSAL	WEALDEN DISTRICT COUNCIL DECISION	FOREST ROW PARISH COUNCIL RESPONSE
WD/2022/3017/F	YEW TREES, ASHDOWN PLACE, LEWES ROAD, FOREST ROW	SINGLE STOREY EXTENSION TO FORM NEW KITCHEN AND DINING ROOM AND ENTRANCE CANOPY. REPLACE EXISTING DILAPIDATED GARAGE OUTBUILDING	GRANTED	No objections to this proposal
WD/2022/3027/F	CONIFERS, CHAPEL LANE, FOREST ROW	PROPOSED NEW FRONT ACCESS GATES AND BOUNDARY FENCING, LANDSCAPING AND ERECTION OF RETAINING WALL	WITHDRAWN	No objections to this proposal
WD/2022/2757/LB & WD/2022/2756/F	HAMMERWOOD COTTAGE, HOLTYE ROAD, HAMMERWOOD	ALTERATIONS TO AN EXISTING SINGLE STOREY SIDE EXTENSION INCLUDING NEW ROOF, FENESTRATION AND INTERNAL RECONFIGURATION	GRANTED	We support this proposal
WD/2022/1577/F	BOWER HOUSE BARN, THE CROFT, HOLTYE ROAD, HAMMERWOOD	CHANGE OF USE FROM EXISTING ANNEXE TO SINGLE DWELLING	GRANTED	No objections to this proposal
WD/2023/0017/F	ROWAN COTTAGE, PRIMROSE LANE, FOREST ROW	TWO STOREY SIDE EXTENSION	GRANTED	We have no objections as long as there are no neighbour objections
WD/2023/0138/F	2 DALE COTTAGES, LOWER ROAD, FOREST ROW	SINGLE-STOREY REAR EXTENSION	GRANTED	We support this application as a sensitive extension to the property
WD/2022/3332/F	OWLETTS FARM, FLEUR COTTAGE, THORNHILL, ASHURST WOOD	ERECTION OF A SINGLE-STOREY DETACHED DWELLING WITH BASEMENT AND CONVERSION OF EXISTING BUNGALOW TO FARM OFFICE/STORE	GRANTED	There was no planning notice displayed and although we have no objections in principle, we do not believe neighbours have been given an opportunity to comment

**THIS WEEKS PLANNING
APPLICATIONS
WEEK ENDING 10th
MARCH 2023**

Application Number & Address	Proposals	Date Considered by Parish Council	Last Date for Comments to WDC
WD/2023/0433/F CONYER LODGE, PARK ROAD, FOREST ROW	SINGLE STOREY REAR AND SIDE EXTENSION AND ASSOCIATED EXTERNAL WORKS	13/03/2023	14/03/2023
WD/2023/0479/F FERMAIN, PRIORY ROAD, FOREST ROW	PROPOSED SINGLE STOREY PITCH ROOFED GARDEN ROOM WITH METAL CLADDING	13/03/2023	16/03/2023
WD/2023/0466/FR BROADSTONE, PARK ROAD, FOREST ROW	NEW EXTERNAL STAIRCASE	13/03/2023	20/03/2023
WD/2023/0463/F HOMESTALL COURT, HOMESTALL ROAD, ASHURST WOOD	PART CONVERSION OF EXISTING STABLE BLOCK INTO ONE BEDROOM RESIDENTIAL ANNEX. STABLE FUNCTION TO REMAIN IN THE NORTH END OF THE BLOCK	13/03/2023	21/03/2023



Appeal Decisions

Site visit made on 21 February 2023

by **Jo Dowling BA(Hons) MPHIL MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2023

Appeal A Ref: **APP/C1435/W/22/3294041**

Spring Hill Stables, Priory Road, FOREST ROW, RH18 5HT

- 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 Stuart Korth against the decision of Wealden District Council.
 - The application Ref WD/2021/2495/F, dated 22 September 2021, was refused by notice dated 21 January 2022.
 - The development proposed is small side extension to existing converted stable block.
-

Appeal B Ref: **APP/C1435/Y/22/3294081**

Spring Hill Stables, Weir Wood, FOREST ROW, RH18 5HT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Stuart Korth against the decision of Wealden District Council.
 - The application Ref WD/2021/2498/LB, dated 13 October 2021, was refused by notice dated 21 January 2022.
 - The works proposed are small side extension to existing converted stable block.
-

Decision

1. These appeals are dismissed.

Preliminary Matters

2. The reason given by the Council for refusing listed building consent (Appeal B) states that '*the proposals would therefore be contrary to Spatial Planning Objective, coupled with...*'. However, I note that the spatial planning objectives (SPO) contained within Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan (2013)(the Core Strategy) are numbered. Having reviewed the Officer's report and the Council policies submitted with the appeal I consider that the decision notice should have referred to policy SPO2 which deals with the historic environment. I have therefore considered the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of Spring Hill Stables and the surrounding area; and
 - whether the proposal would preserve the setting of a Grade II listed building, Mudbrooks House, and any features of architectural and historic interest that it possesses.

Reasons

4. The appeal property forms part of a converted stable block which is one of a cluster of buildings located at the very end of Priory Road that used to make up Spring Hill Farm. Mudbrooks House (formerly Spring Hill Farmhouse) located to the east of the Spring Hill Stables is a grade II listed building. Built in the late 16th/ early 17th Century it is a two storey stone building with a half hipped gable ended slate roof which features two prominent chimney stacks. The site is located in open countryside within the High Weald Area of Outstanding Natural Beauty (AONB).

Effect on character and appearance

5. The site falls outside of any of the defined development boundaries within the High Weald AONB as defined by the saved policies of Wealden Local Plan (1998) (the Local Plan). Saved policy GD2 of the Local Plan states that outside of development boundaries development will be restricted unless it accords with specific policies of the plan. Saved policy EN6 seeks not just to conserve or enhance the natural beauty of the AONB but also its character and advocates the need to have regard to traditional settlement patterns and building styles. Saved policies EN27 and DC19 advocate that proposals should respect the character of adjoining development, should not be intrusive in the landscape or detrimental to the rural setting and not visually dominate or otherwise adversely change the character of the existing building or group of buildings.
6. Spring Hill Stables forms part of a small cluster of rural buildings that nestle in a dip at the end of Priory Road. Whilst they no longer form one unit the buildings and site have been sensitively converted and sub-divided. When viewed from the public footpath and access track the former stables has a strong linear form and still retains its appearance as a contemporaneous ancillary outbuilding to Mudbrooks House.
7. The proposed side extension would be of a contemporary design and would be located on the western elevation of the former stable block adjacent to the access. The extension would have a rectangular form with a flat sedum roof. A subordinate partially glazed link structure would fill the gap between the extension and the stable block providing a new external access. The extension would be constructed of brick and would have a blank western façade.
8. Due to its proposed location and strong contemporary design I consider that the proposed extension would be visually prominent and out of character. As a result it would, in my opinion, appear as an awkward and unsympathetic addition detrimental to the setting of the existing group of buildings and the wider rural setting.
9. As a result, in addition to being contrary to the saved Local Plan policies set out above I consider that the proposal would be contrary to policies SPO1, SPO2 and SP013 or the Core Strategy which encourage good design and seek to protect the districts landscapes and heritage assets. Policy WSC14 states that whilst there is a presumption in favour of development this is unless specific policies in the National Planning Policy Framework (the Framework) indicate that development should be restricted. Given the emphasis placed in the Framework on good design (paragraphs 126 and 134) and the great weight given to conserving protected landscapes (paragraph 176) and heritage assets

(paragraphs 197, 199 and 200) I do not consider that the proposal would comply with policy WSC14.

Effect on the setting of a Grade II listed building

10. Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires that when considering a proposal that would affect a listed building or its setting special regard needs to be given to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.
11. The Framework defines Listed Buildings as a designated heritage asset and defines the setting of a heritage asset as *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset.'*¹.
12. The Planning Practice Guidance (the Guidance)² provides further clarification by advising that as setting is the surrounding in which an asset is experienced this can be more extensive than its curtilage. However, the Guidance also advises that a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which the proposed changes enhance or detract from that significance and the ability to appreciate it. Whilst setting is often expressed by reference to visual considerations it can include other factors such as the historic relationship between places.
13. Finally, the Framework advocates that great weight should be given to the asset's conservation, the more important the asset, the greater the weight it should be given³.
14. I accept that the proposed extension has been designed to be as small as possible. Furthermore, I note the design approach to intentionally contrast the design of the extension with the original form of the stables and to create a utilitarian façade that mimics the appearance of a garden wall and reflects the design and materials of existing outbuildings. I also acknowledge that the proposed extension might not be directly visible from Muddbrooks House.
15. However, I observed on my site visit that, particularly when viewed from the public footpath and the access track, Spring Hill Stables appears as an outbuilding and forms an important element in the historic setting for Muddbrooks House. The proposed extension would partially obscure the western elevation of Spring Hill Stables, including elements of the original timber framing. As a result due to its design, materials, massing and detail the extension would, in my opinion, be out of character to the existing building and the group of historic buildings of which it forms part. In my view the harm to significance would be less than substantial and where this is the case paragraph 202 of the Framework says that such harm should be weighed against the public benefits of the proposal.
16. I recognise that the proposed extension would enable the provision of an extended element of self-contained accommodation within the building to meet

¹ Annex 2: Glossary of the Framework

² Paragraph: 013 Reference ID: 18a-013-20190723

³ Paragraph 199

the needs of the different occupiers. I am also aware that the Appellant has explored alternatives suggested by the Council, such as extending to the north, but does not consider that these are feasible. However, I note that the area to be extended is already self-contained and as a result, albeit in a smaller format, provides separation for the various occupiers. As a result I do not consider that the extension is needed in order to enable the building to continue to be used as a dwelling. Therefore, I consider that the benefits that the proposed extension would provide would be limited and would be insufficient to outweigh the harm to the setting of Mudbrooks House.

17. As a result I consider that the works would fail to preserve the setting of Mudbrooks House for which a clear and convincing justification has not been provided. The works would therefore not comply with the requirements of section 16(2) of the Act, the guidance contained within the Framework and Guidance and policy SPO2 of the Local Plan which seek to protect and enhance designated heritage assets and their setting.

Other Matters

18. Reference has been made to an existing conservatory at the appeal property as setting precedent for the proposed development. Having viewed the structure I consider that it is perceived in a different visual context to the proposed development and therefore does not lead me to a different conclusion in this case.

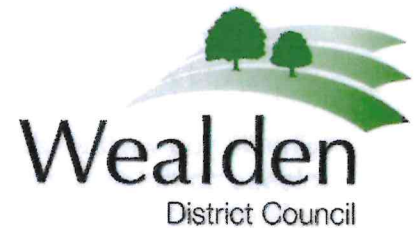
Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Jo Dowling

INSPECTOR

OUR REF: WD/2023/0556/LDE
ASK FOR: **Mrs S Dynan Tel: 01892 602561**
DATE: 07 March 2023
YOUR REF:



Forest Row Parish/Town Council

Head of Planning and Environmental Services

Dear Sir/Madam,

WD/2023/0556/LDE
THE COACH HOUSE, UPPER CLOSE, FOREST ROW, RH18 5DS
RESIDENTIAL SELF-CONTAINED ANNEXE TO MAIN DWELLINGHOUSE FORMERLY
USED AS A GARAGE AND WORKSHOP, DETACHED FROM MAIN HOUSE.

The application forms and plans in relation to the above application for a Certificate of Lawful Development for Existing Use received on 1 March 2023, can be viewed at www.planning.wealden.gov.uk

As you may be aware, such applications appear on this Council's weekly list of planning applications received but are different from planning applications, which normally seek planning permission for development. For 'LDE' applications it is necessary for this Council, as the Local Planning Authority, to give a legal determination based primarily upon matters of factual evidence and law and not on the normal 'development control' criteria such as approved planning policy, visual amenity or highway safety.

Certificates of Lawful Development were introduced on 27th July 1992 by the Planning and Compensation Act 1991, Section 10(1), which superseded Section 192 of the Town and Country Planning Act 1990, as originally enacted by Section 94 of the 1971 Act which related to 'Established Use Certificates'. Such Certificates may be issued for uses of land and/or buildings which become immune from enforcement action through the passage of time. The period of time under examination is the ten years prior to the date of the submitted application (though for residential occupation of buildings other than dwellings this is only four years). The onus of proof lies with an applicant to establish to the Council's satisfaction, and on the balance of probabilities, that the specific use/development has become 'lawful' in planning terms.

My Council fully recognises the important part which a local Town or Parish Council can play in being able to identify individuals who are able to verify or dispute allegations made as to the nature of development/use and/or the length of time it may have been in existence and for which a Certificate is being sought.

In relation to the submitted documents, I would be grateful to receive your Council's observations (within the normal 21 day consultation period) as to whether you or your Councillors are in a position to assist this Council in respect of any evidence, local knowledge and/or witnesses who may have personal knowledge of the history of the application site and its

uses. I would also be grateful to receive any names and addresses of any such potential witnesses who may be able to assist and who could be contacted direct by this office.

Should you wish to discuss these submissions for any further detailed background information, please do not hesitate to contact this office, asking for the case officer in respect of the reference number to be found at the top of this letter.

Thanking you in anticipation of your assistance.

Yours sincerely

S Robins

Head of Planning and Environmental Services