

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
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Dear Sir/Madam,

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

GROUP to be held on **MONDAY 20th**

MARCH 2023 VIA ZOOM AT

7.00PM.

Date: 15 March, 2023

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
 - Appeal decision – Rydon House, Station Road, 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 20 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

WD/2023/0433/F – CONYER LODGE, PARK ROAD, FOREST ROW
SINGLE STOREY REAR AND SIDE EXTENSION AND ASSOCIATED EXTERNAL WORKS

COMMENT: We have no objections to this proposal

WD/2023/0479/F – FERMAIN, PRIORY ROAD, FOREST ROW
PROPOSED SINGLE STOREY PITCH ROOFED GARDEN ROOM WITH METAL CLADDING

COMMENT: No objections to this proposal

WD/2023/0466/FR – BROADSTONE, PARK ROAD, FOREST ROW
NEW EXTERNAL STAIRCASE

COMMENT: No objections to this proposal

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	OWLETT'S 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 17th
MARCH 2023**

Application Number & Address	Proposals	Date Considered by Parish Council	Last Date for Comments to WDC
WD/2023/0466/FR BROADSTONE, PARK ROAD, FOREST ROW	NEW EXTERNAL STAIRCASE	COMMENT SUBMITTED UNDER DELEGATED AUTHORITY	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	20/03/2023	21/03/2023
WD/2023/0583/FR LAND ADJOINING BRAMBLETYE LANE, BRAMBLETYE LANE, FOREST ROW	RETROSPECTIVE APPLICATION FOR THE STATIONING OF A MOBILE HOME	20/03/2023	29/03/2023
WD/2023/0597/FR LAND ADJOINING BRAMBLETYE LANE, BRAMBLETYE LANE, FOREST ROW	RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE OF A BARN FROM AGRICULTURAL TO COMMERCIAL BUSINESS; THE STATIONING OF A PORTA CABIN; THE STATIONING OF TWO SHIPPING CONTAINERS AND ASSOCIATED COVERED STORAGE	20/03/2023	03/04/2023
WD/2023/0630/F RIVERVIEW BUSINESS PARK, STATION ROAD, FOREST ROW	ERECTION OF 188 SOLAR PV PANELS TO THE MAIN ROOF	20/03/2023	03/04/2023
WD/2023/0582/F 70 HARTFIELD ROAD, FOREST ROW	SINGLE STOREY REAR EXTENSION WITH A PITCHED ROOF. INSERTION OF 1 NO. WINDOW TO REAR ELEVATION AT FIRST FLOOR LEVEL	20/03/2023	04/04/2023

Mrs R Rudin, Clerk
Forest Row Parish Council
The Parish Council Office
Forest Row Community Centre
Hartfield Road
Forest Row, Rh18 5dz

Date: 08 March 2023
your ref

please contact

Miss Kiran Sajjan
01273 481595
kiran.sajjan@eastsussex.gov.uk

our ref

WD/874/CM
KS

Dear Mrs Rudin

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 - Retrospective planning application for a Metal Recycling Facility. Operations include receipt, sorting and storage of locally sourced scrap metals for onward recycling. The existing building will be used for non-ferrous metal storage while ferrous metal will be received, sorted and stored in the external yard. The proposal includes an increase in height of the existing boundary treatment for noise attenuation purposes. Forest Row Household Waste Recycling Site, Station Road, Forest Row, East Sussex, RH18 5DW

You can view the full application documents on our website from tomorrow:

<https://apps.eastsussex.gov.uk/environment/planning/applications/register/>

For a copy of the above mentioned planning application for a proposal which is being determined by this authority as the Local Planning Authority. Would you please let me have any comments your Council wishes to make by 31 March 2023.

However, if you require an extension of time within which to respond, please let me know. Would you ensure that a copy of your reply is forwarded directly to the District Planning Authority.

Thank you for your assistance.

Yours sincerely

Kiran Sajjan

Miss Kiran Sajjan
Principal Planning Officer

Planning Application

Proposal for the change of use from Household Waste Recycling Centre to a Scrap Metal Recycling Site (Retrospective)

Former Household Waste Recycling Centre, Station Road, Forest Row, East Sussex, RH18 5DW

Supporting Statement

Prepared on Behalf of Ministry of Metals



Prepared by:

Beyond Waste Ltd



Beyond Waste

Making a difference since 2003

Version: v1.1

Date: 31.01.2023

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Beyond Waste Document Control

Application: Change of Use to a Metal Recycling Facility

Site: Former Household Waste Recycling Centre, Station Road, Forest Row, East Sussex, RH18 5DW

Determining Authority: East Sussex County Council

Version No.	Version Description	Author	Date	Reviewer	Date
V1.1	Post Client Review	Fine Minns	12.01.2023	Alan Potter	31.01.2023

While due care and diligence has been exercised in the preparation and production of this report, Beyond Waste Ltd and its subcontractors exclude to the fullest extent lawfully permitted, all liability for any loss or damage however arising from reliance on its contents.

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3. Description of the Proposed Development

- 3.1 The proposed development will involve the use of the land for a Metal Recycling Facility serving the local area.
- 3.2 Operations will involve the receipt, sorting and storage of locally sourced scrap metals for onward recycling. The building will be used for non-ferrous metal storage while ferrous metal will be received, sorted and stored in the external yard.
- 3.3 It is proposed that the site will accept a maximum of 30,000 tonnes of metals per annum in total.
- 3.4 The site will be subject to an Environmental Permit for which an application is being prepared that will govern waste inputs specifically and pollution control measures, such as dust and noise.
- 3.5 There will be no overnight parking for any delivery vehicles provided as Ministry of Metals will not be receiving deliveries from their own vehicles which will require them to be parked on site. There will be a total of 5 parking spaces provided on site for staff and visitors, with one of those spaces being a designated disabled parking space. There is also bicycle parking provided on site. There will be sufficient space on site to allow for deliveries of waste and removals of waste, and the approach to the site, being an extensive open courtyard area under the control and ownership of the application site owner, also allows for sufficient space for any vehicles to wait ensuring no issues will arise in regard to access and egress to the site or access to other properties in proximity.
- 3.6 Access and egress to the site will be via Station Road, that runs off the B2110. Station Road is a private road, under the ownership of the application site's land owner. This road provides access for the other business and industrial parks down Station Road, including a major timber yard (operated by Mid Sussex Timber) with daily articulated HGV movements, plus the Forest Row Social Club, veterinary centre and Scouts. Use of the road by other users is busiest during standard 'peak hour' times (just prior to 9:00 and just after 17:00) with staff arriving and leaving their workplaces, with steady use throughout the day and then activity during evenings (when the site won't be open), when the Social Club has increased visitors, and the Scouts hut is open. As deliveries and removals of waste will generally occur outside of these hours, the access road should not become noticeably busier than it currently is, and will certainly be less busy and congested were the HWRC to still be fully operational. Once vehicles are at the site, there will be a one-way traffic system in place to ensure movement around the site is safe and done in a controlled manner with minimal queueing.
- 3.7 The site will be operational during the following envelope:
 - 7:30 – 16:30 Monday – Friday
 - 8:30 – 12:30 SaturdaysThe Site will not operate on Sundays or Bank Holidays

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Based on these proposed hours, the site will operate for significantly less time than the approved operational hours of the site as a HWRC (see hours in section 2).

- 3.8 The application will not involve any excavation or major engineering works.
- 3.9 The operation to be at the site will employ 1 full time equivalent. There is potential for this to increase to 2.

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4. Planning and Environmental Considerations

4.1. Pre-application engagement with the County Council has been undertaken to identify potential issues that might arise from the proposal. However, it should be noted that the proposal has been substantially modified in light of the pre-application advice focussing on the receipt and sorting of scrap metals rather than the exclusive processing of end-of-life vehicles.

Waste Management – Principle of the Development

4.2. The site is subject to an extant planning consent for waste recycling, used over a 40+year period, and a use for which the land is safeguarded by the ES WLP. Therefore, the application is in keeping with its previous recycling use. The proposed development is supported in principle by the local development plan as it will:

- Increase the number of local sites available to receive scrap metal for onward recycling; and
- Increased recycling capacity in East Sussex, promoting diversion of materials from landfill, and moving waste up the waste hierarchy by adding a small strategic facility; and
- Makes use of an existing safeguarded waste site which is in keeping with the waste local plan safeguarding strategy and accords with the current use of the site.

Location

4.3. The location of the proposed development is within 1km distance of the A22 a major trunk road, that forms part of the county strategic road network so is easily accessible and does not require transport on any minor rural roads serving Forest Row and surrounding areas.

4.4. Assessments of the possible impact of the proposed development on local amenity, including noise, have been undertaken, and, where applicable, measures to minimise the risk of these causing any adverse effect will be implemented.

Highway and Transport

4.5. It is proposed that the site will accept a maximum total of 30,000 tonnes of metal waste per annum. These will be delivered to the site primarily via LGVs.

4.6. The proposed LGV arrivals for delivering, and departures with removals is expected to result in a peak of 10 movements an hour (5 arrivals, 5 departures). This is a peak estimate and it is not anticipated that the site will receive these many arrivals and associated departures every hour during the day during a normal operating day.

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4.7. Compared to the former use as a HWRC, open to the public, with deliveries not controlled plus regular HGV movements to clear the build of waste and materials, the current proposal will be substantially more controlled and result in fewer vehicle movements overall.

Flood Risk

4.8. As shown in Appendix 3 and 4, the site falls within a Flood Zone 1, an area with low probability of fluvial flooding.

Noise

4.9. As the site is located in proximity to possible receptors to noise generated by the activities which would take place on site, a Noise Impact Assessment has been undertaken to assess the potential noise levels which could be generated by the site's operations, and predict levels at these receptors. Measures to reduce noise levels would be put in place to mitigate any adverse impact. The Noise Impact Assessment can be viewed as a separate document submitted as part of this application.

4.10. The main activities which may have potential to cause elevated noise levels is the unloading and loading of scrap metal, and processing of scrap metal items. Measures will be put in place to ensure that scrap metals are loaded and unloaded with care and consideration, rather than by 'dumping' onto the concrete surface. Scrap metals will be manually sorted, and moved to the correct storage area either manually or by using a low emission forklift and/ or excavator.

4.11. The nearest residential properties to the site are labelled numbers 5 and 7 on Appendix 5. Receptor 5 will be shielded from potential noise by the brick fabric of the ESCC Fire & Rescue Station, and the Social Club, both of which act as barriers to noise being carried to the receptor. Receptor 7 does not have any such barrier, and as such, Ministry of Metals will erect a 2.8m high noise minimising barrier at the site to minimise noise escaping and reaching receptors that may be noise sensitive.

4.12. Noise generated by vehicles entering and egressing from the site is not anticipated to be adversely disruptive, as Station Road is already used as the main access route to the businesses and other sites located along Station Road, of which there are several as well as the East Sussex Fire & Rescue Station which hosts a fire tender (See Appendix 4 with potential site receptors) and a major timber yard (operated by Mid Sussex Timber) with daily articulated HGV movements.

Dust

4.13. Due to the nature of the activities being undertaken at the site, it is not expected that there will be any levels of dust occurring at the site, and as such, there are no specific management plans to control for this. Regardless, staff will be aware of dust as a potential issue during dry weather and if levels of dust occur, it will be suppressed using onsite water supplies via a hose if required, or its source will be cleared up to reduce the risk of the dust escaping the site boundary.

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Odour

4.14. The site will not receive putrescible material, and hence, no odour is anticipated.

Visual Amenity

4.15. The site is located in a relatively obscure position in that it is tucked away at the end of Station Road, beyond the East Sussex Fire & Rescue Service Station.

4.16. The site is surrounded by sleeper walls to the south, where there is an accessible pedestrian path, and has a close boarded fence to the north, shielding the site from the N21 cycle route that runs to the rear. These barriers shield the majority of the site from the public eye, although it is viewable through the chain link security gate.

Management

4.17. Measures proposed to minimise the potential impacts of the proposed development on amenity will be implemented. In particular, potentially noisy activities will be managed with procedures and practices set out in a management plan to be approved by the Environment Agency, as well as through physical barriers being erected where needed to reduce the amount of noise which may travel to noise sensitive receptors. In addition, the site will be operated by a Technically Competent Manager (TCM) in accordance with a site-specific Environmental Management System (EMS) as required by the Bespoke Environmental Permit being sought from the Environment Agency.

Drainage

4.18. The site surfaces drain to an interceptor as shown in the Drainage Diagram in Appendix 8. This is taken from the Working Plan linked to the permit to which the site was subject when operated under the County Council's auspices as an HWRC. We note the condition of the extant consent required submission of drainage details.

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5. Planning Policy

5.1. Applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (2021) sets out the presumption in favour of sustainable development, requiring planning authorities to approve development proposals that accord with the development plan without delay.

The Development Plan

5.2. For the purpose of the determination of this application, the development plan comprises:

- East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (adopted February 2013)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017)
- Wealden District Core Strategy Local Plan (adopted February 2013); and
- the saved policies of the Wealden District Local Plan (adopted 1998)

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan

Policy WMP3b - Turning Waste into a Resource

This policy highlights that development proposals should demonstrate that they will contribute towards the implementation of the waste hierarchy and will demonstrate how waste could be managed in the priorities set out by the hierarchy.

Alignment Assessment

As the proposal is for a Metal Recycling Site, this directly supports the waste hierarchy as it contributes positively towards reducing the amount of metal which may be taken to landfill sites and will cease to have any further uses. Instead, by accepting metals at the site and recycling them, this means that it reduces the amount of metals which may be taken to landfill in the local area by providing a local accessible recycling centre, as well as the wider areas of Wealden and East Sussex, as the site would contribute to the capacity of metals which can be recycled within the area.

Policy WMP5 – Provision of Built Waste Facilities

Policy WMP5 sets out the need for recycling and recovery facilities

Alignment Assessment

The proposal will utilise a currently dormant, waste facility for recycling scrap metal. The proposed use is in keeping with the character of the currently consented use as a Household Waste Recycling Site, and would make effective use of an existing safeguarded waste site. and will contribute positively to the recycling facilities available to serve the locality and wider community area.

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Policy WMP6 – Safeguarding Waste Sites

Policy WMP6's purpose is to safeguard existing waste management facilities where it is suitable and appropriate to do so. It aims to safeguard land currently used for waste management against development for non-waste uses.

Alignment Assessment

The proposal will ensure the existing HWRC site will be kept in waste recycling use. This is in keeping with the previous use, and would therefore prevent any other proposals for use which are not in keeping with waste management uses from potentially using the site. Assuming the planning permission is granted for the proposed site, this would contribute positively towards the waste recycling in the local plan area.

Policy WMP7a and WMP7b - Sustainable Locations for Waste Development

Policy WMP7 sets out to identify an Area of Focus for waste development opportunities, but specifies that “in accordance with the national and regional policy, waste management facilities should not be precluded from designated areas such as the High Weald AONB [Area of Outstanding Natural Beauty]...Smaller scale developments for local needs might be needed... and could, in principle, be delivered without compromising the purposes of the [South Downs] National Park by locating on sites such as industrial estates”.

Policy WMP7a specifies the purpose of the Areas of Focus, but also specifies that “*Small-scale facilities should not be precluded from the SDNP [South Downs National Park] and High Weald Area of Outstanding Natural Beauty where the development is for local needs and where it would not compromise the objectives of the designation*”.

Policy WMP7b specifies that preference to the locating of waste developments will be given to: areas/sites of General industrial land including general industrial estates; Employment land; previously-developed land; and land already in waste management uses.

Alignment Assessment

Despite falling outside of the identified Area of Focus, as demonstrated by Policy WMP7a, the proposal still contributes positively to the local area, meeting a local recycling need, and in being situated within a previously used HWRC site, will fit in with the surrounding area and will not be out of character with its surroundings. The proposal is also supported by Policy WMP7b as the site is on land that may either be considered to be subject to a waste management use or as a former HWRC previously-developed land and is already safeguarded for waste management purposes.

Policy WMP20 – Community Involvement and Benefits

This policy aims to encourage developers to engage with local communities to avoid any misunderstandings and reduce anxiety related to the development, as often people can be apprehensive when faced with waste related developments. This policy aims to encourage engagement between communities and developers to ensure that any concerns are heard and considered, ensuring that the development, if approved, does not negatively impact on the community.

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Alignment Assessment

This proposal has already been introduced to the local community, specifically through the local Facebook Community group page, whereby any concerns or queries regarding the development and proposal have been invited to be addressed. The applicant will aim to meet any concerns with the required amendments or adjustments to their operations wherever is possible and suitable. Because of the previous loss of the HWRC in 2018, which the local community heavily opposed, the opening of a new metal recycling site is currently understood to be positively received by the community, and aims to provide them with a more accessible site to meet some of their recycling needs.

Policy WMP25 – General Amenity

This policy sets out to protect local communities from potential negative impacts of waste developments, such as those which may result from noise, dust and visual intrusion.

Alignment Assessment

The applicant has considered any potential adverse impacts that may be caused by the activities that will be undertaken at the site. The main one considered is noise, and so a Noise Impact Assessment has been undertaken, and the advice given by the report has been taken into consideration, with management measures and practices put in place to reduce and avoid potentially adverse impacts on sensitive receptors in the vicinity of the site. As the site is already well known to the local community as it was previously the well-utilised HWRC, visual amenity, although it may be considered to impact on the amenity of the area, is not something the applicant is able to entirely prevent, and would not be out of keeping with the industrial setting. Heights of metal stockpiles will be subject to control under the Environmental Permit for fire prevention/control purposes.

East Sussex, South Downs & Brighton & Hove Waste & Minerals Sites Plan

The county-wide sites plan sets out to identify potential locations for future waste management facilities, whilst also safeguarding existing waste and mineral resources.

Alignment Assessment

As shown in Appendix 6 the site is located on a safeguarded site due to its existing consent as a HWRC. As such, the proposed use of the site for metal recycling aligns with the county-wide safeguarding strategy set out Policy SP6, as the proposed use will continue to contribute to the waste management capacity, and won't put constraints on other operations contributing to this.

Wealden District Core Strategy Local Plan

The Wealden District Core Strategy is the overarching planning policy document for Wealden District and covers future development to 2027. The plan identifies how Wealden intends to “meet our housing needs, provide for new employment and business opportunities and plan for the provision of necessary supporting infrastructure whilst also protecting our special environment and rural landscape character”.

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The addition of a Metal Recycling Site would contribute positively towards supporting economic development for the district by providing a new employment opportunity, as well as providing a local facility that residents and businesses can take their metal 'waste' to for recycling, preventing it from going to landfill.

The Local Plan has no new policies included, and instead refers to the Policies introduced in the previous Adopted Wealden Local Plan (1993). The relevant Local Plan policies supported by the proposal, are presented in the section below.

Adopted Wealden Local Plan

The application site is located within the development boundary of Forest Row within an area allocated for Business Development by Policy BS6 Villages of the Adopted Wealden Local Plan (see page 8) (see Appendix 7 for Plan Map). As such, by making use of the site for a purpose that serves local business, this is in keeping with identified use of the business development area, and makes appropriate and constructive use of the area given it is subject to safeguarding, thus supporting the local plan and Policy BS6.

Summary of the Development Plan

In principle, the proposal is supported by Policies WMP3b and WMP5 of the Waste and Minerals Local Plan, as it would involve the establishment of a site for the recycling of scrap metal arising from household, commercial and industrial sources turning the waste into a resource. The site is safeguarded under Policy WMP6 of the Waste and Minerals Plan and Policy SP6 of the Sites Plan.

Although proposals for new waste facilities should first be sought within Areas of Focus, as set out in the Waste and Minerals Plan, Policy WMP7a states that small-scale facilities should not be precluded from the High Weald Area of Outstanding Natural Beauty (AONB) where the development is for local needs and where it would not compromise the objectives of the designation. In identifying more detailed criteria for locating waste development outside of the Areas of Focus, Policy WMP7b directs waste development to previously developed land, amongst other uses, as per National Planning Policy for Waste (2014).

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6. Fall-back

6.1. The site still benefits from permission to operate as a HWRC (ref. WD/1384/CC). The proposed use as a Metal Recycling Site is considered to be in keeping with this as set out in this application. It should also be noted that the contract of sale of the site from East Sussex County Council to the current owner restricts the use to a metal recycling site and waste transfer site.

6.2. The extant permission allows the site to operate during the following envelopes:

- 07:00 – 21:00 Monday – Saturday during Summer
- 09:00 – 21:00 Sunday during Summer
- 07:00 – 19:00 Monday – Saturday during Winter
- 09:00 – 19:00 Sunday during Winter

6.3. Operations may take place for 7 days a week, and for between 12 and 14 hours a day (depending on season), meaning the proposed change of use to a Metal Recycling Site will offer a significantly restricted operational timeframe.

6.4. The current consent does not allow the following:

- tipping, processing, loading and unloading, or any other operational activities or work are to be carried out on the site outside of the general site open hours.

There is no intention for the proposed operation to conduct such activities outside the proposed operating envelope applied for.

6.5. The current consent required the following as part of the application:

- Details of fencing, gates, boundary treatment, screening, the internal site layout and the landscape planting of the site to be submitted to and approved by the County Planning Officer within 3 months of the application being granted and permission being implemented. This was to be carried out and completed to the satisfaction of the County Planning Officer.

The applicant is content to adhere to this condition. This application includes the requisite details of boundary treatment in particular, which is to remain as approved.

- Detailed particulars of foul and surface water drainage of the site and pollution prevention measures to be taken on the site are to be subject to the approval of the County Planning Officer, and to be carried out within 6 months of the implementation of this permission.

The applicant is content to adhere to this condition and any additional requirements necessary. A request has been made to confirm approved drainage arrangements.

- Existing road markings and signs prohibiting obstruction of the operational areas in front of the adjoining fire station to be maintained to the satisfaction of the County Planning Officer.

The applicant is content to adhere to this condition should it be deemed necessary given the substantial reduction in vehicle movements and operating hours.

Beyond Waste for Ministry of Metals

7. Conclusion

7.1. The applicant is seeking to change the use of land from a historic Household Waste Recycling Centre to a Metal Recycling Site. The proposal will make appropriate and beneficial use of the currently unused site, whilst aligning with key Local Plan policies which safeguard the site for use for waste management activities. The site will also contribute to the network of accessible recycling sites available to receive scrap metal in the locality and County.

- ✓ The location of the proposed development is on an existing recycling site with an extant permission.
- ✓ The site has a concreted surface, as well as existing building which will be retained, no additional engineering works are anticipated or planned.
- ✓ The site is accessible via a private road, which provides access to other industrial and business parks, and is generally not used heavily outside peak hours.
- ✓ The site is in proximity to the A22, which is a well utilised trunk road, that forms part of the county strategic road network.

Any adverse impacts caused by the site activities will be mitigated through implementing management plans including physical additions to screen or reduce any potential impacts e.g., barriers to screen receptors from noise.

7.2. Taking into account the assessment set out above and in this supporting statement, it is concluded that the development:

- Accords with the relevant development plan
- Presents a suitable site for the proposed development which is in keeping with the safeguarded use as a HWRC.

It therefore represents sustainable development, and permission should be granted without delay.

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Appendix 1: Extant Planning Permission ref. 1384/CC



EAST SUSSEX COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1976

TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER 1988

Written Notice Pursuant to Regulation 6 (2) of the Town and Country Planning General Regulations 1976 of development authorised by the County Planning Officer.

Reference No: 1384/CC

Continued use of the existing household waste site at Station Road, Forest Row.

Under the powers delegated to me on 28th October by the Development Control Sub-Committee of the Environment Committee on behalf of the County Council I hereby authorise the carrying out of the development referred to above in accordance with the plans and particulars submitted in connection therewith subject to due compliance with the conditions specified hereunder:-

1. Existing road markings and signs prohibiting obstruction of the operational areas in front of the adjoining fire station shall be maintained to the satisfaction of the County Planning Officer.
2. No tipping, processes, operations, activities or work shall be carried out on the site, including the loading and unloading of vehicles, except between the following hours on any day, and access to the site shall be prohibited at all other times : 07.00 (09.00 Sundays) - 21.00 hours Summer; 07.00 (09.00 Sundays) - 19.00 hours Winter.
3. Details of fencing, gates, boundary treatment, screening, internal layout arrangements, and the landscape planting of the site shall be submitted to and approved by the County Planning Officer within 3 months of this permission being implemented and shall be carried out and completed to the satisfaction of the County Planning Officer.
4. Detailed particulars of foul and surface water drainage of the site and pollution prevention measures to be taken on the site shall be subject to the approval of the County Planning Officer, and shall be carried out within 6 months of the implementation of this permission.

REASONS

1. In the interest of public and highway safety
2. To enable the County Planning Authority to regulate and control the use of the site.

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Appendix 1: (continued)

3. To enable the County Planning Authority to regulate and control the development of the site.
4. To provide for the proper development of the site.

Any enquiries should be addressed to : Signed .
The County Planning Officer
County Planning Department
Southover House, Southover Road,
LEWES, East Sussex BN7 1YA.

[Redacted Signature]

County Planning Officer

Date 20/11/92

IMPORTANT - Please read notes overleaf

Form DN100

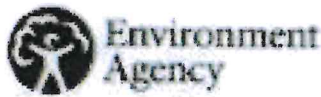
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Appendix 2: Site Location Plan



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Appendix 3: Flood Zone Letter



Flood map for planning

Your reference	Location (easting/northing)	Created
FRHWRC Flood Zone	542857/135252	3 Jan 2023 15:09

Your selected location is in flood zone 1, an area with a low probability of flooding.

You will need to do a flood risk assessment if your site is **any of the following**:

- bigger than 1 hectare (ha)
- in an area with critical drainage problems as notified by the Environment Agency
- identified as being at increased flood risk in future by the local authority's strategic flood risk assessment
- at risk from other sources of flooding (such as surface water or reservoirs) and its development would increase the vulnerability of its use (such as constructing an office on an undeveloped site or converting a shop to a dwelling)

Notes

The flood map for planning shows river and sea flooding data only. It doesn't include other sources of flooding. It is for use in development planning and flood risk assessments.

This information relates to the selected location and is not specific to any property within it. The map is updated regularly and is correct at the time of printing.

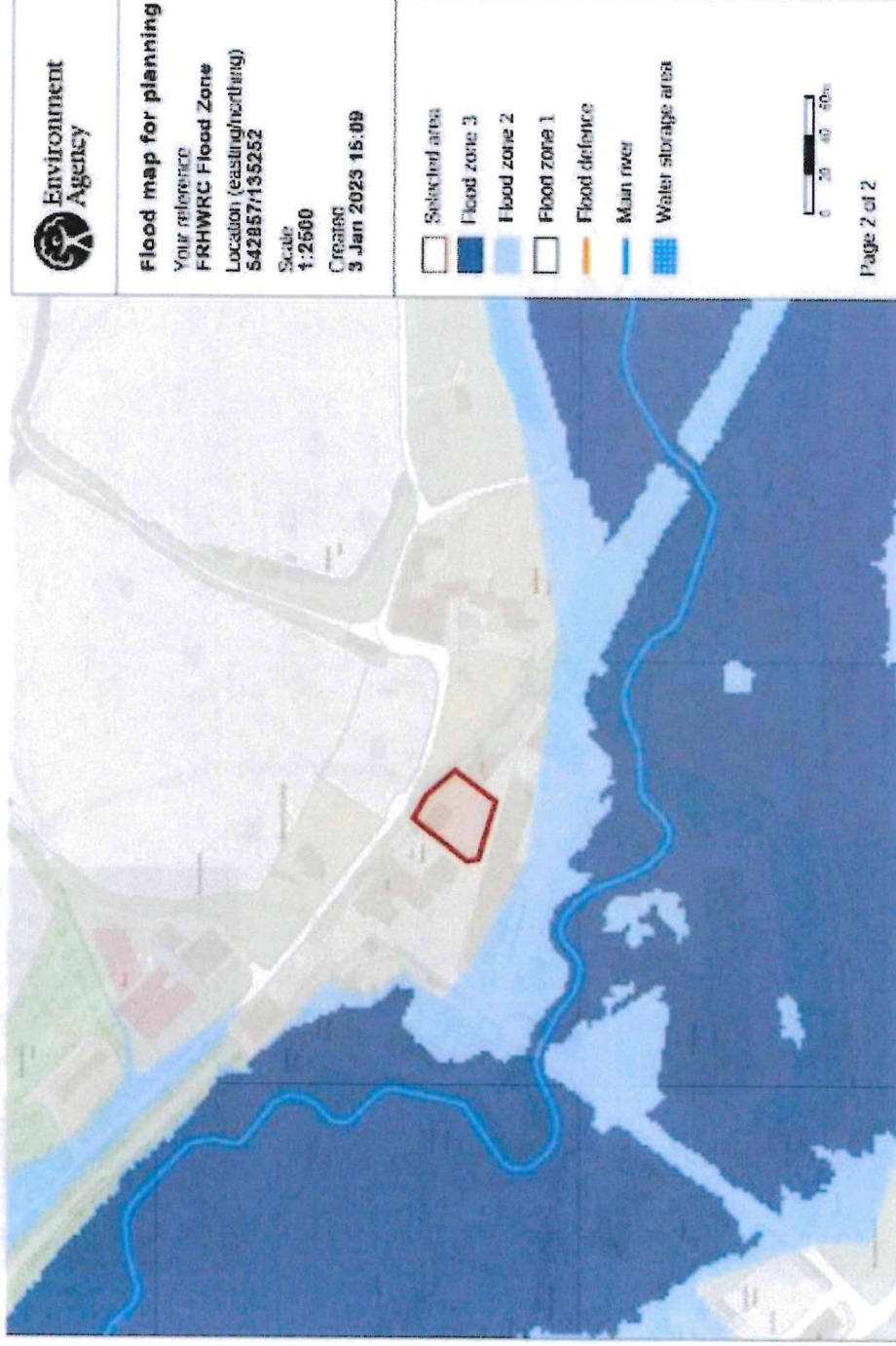
Flood risk data is covered by the Open Government Licence which sets out the terms and conditions for using government data. <https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

Use of the address and mapping data is subject to Ordnance Survey public viewing terms under Crown copyright and database rights 2022 OS 100024198. <https://flood-map-for-planning.service.gov.uk/os-terms>

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Appendix 4: Flood Zone Map (site outlined in red)



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Appendix 5: Potential Site Receptors (within 1km of the site boundary)



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Receptor Number	Receptor Name	Receptor Purpose	Contact Number	
1	Forest Row Scout Hut	Scouts	NA	
	Forest Row Community Fire Station	Fire Station	ESFRS	
	Forest Row Village Club	Community Building	██████████	
2	Forest Row Business Park	Business	NA	
	River Medway	River	EA	
3	Mid-Sussex Timber	Timber Merchants	██████████	
	Village Green	Recreational Space	NA	
	Forest Row Youth Centre	Community Building	FRPC	
4	Riverview Business Park	Business	NA	
5	Medivet Forest Row	Vets	██████████	
	Residential	-	NA	
6	Water Works	Waterworks	South West Water	
7	Residential	-	NA	
8	Forest Way	Cycle Path/Public RoW	ESCC Forest Ranger	
9	Tablehurst Farm	Farm	██████████	
10	Residential	-	NA	
	Cyrnel Bakery	Shop	██████████	
	Seasons Shop	Shop	██████████	
	Seasons Kitchen	Café/Restaurant	██████████	
	The Cooperative	Shop	██████████	
	Rydon Group	Offices	██████████	
	Veasey and sons	Shop	██████████	
	Stil	Shop	██████████	
	Second Life	Shop	NA	
	Forest Row Osteopathic Clinic	Clinic	██████████	
	Ballard & Shortall	Shop	NA	
	Roochi	Restaurant	██████████ 1	
	Maurice Rodwell Ltd	Shop	██████████	
	Golden Grill	Restaurant	██████████	
	Howard Cundey	Shop	NA	
	Hop Yard Brewing	Bar	██████████	
	No.8	Shop	NA	
	Jeron Markies	Shop	NA	
	HJ Gentlemen	Shop	██████████	
	Ralphs	Cafe	██████████	
	11	Residential	-	NA
		Java and Jazz	Restaurant	██████████
		The Bazaar	Shop(s), Cafe	██████████
Café Coco		café	██████████	
Tesco		Shop	██████████	
Holy Trinity Church		Church	██████████	
The Swan		Pub/Restaurant	██████████	
Village Hall	Community/Office Building	██████████		

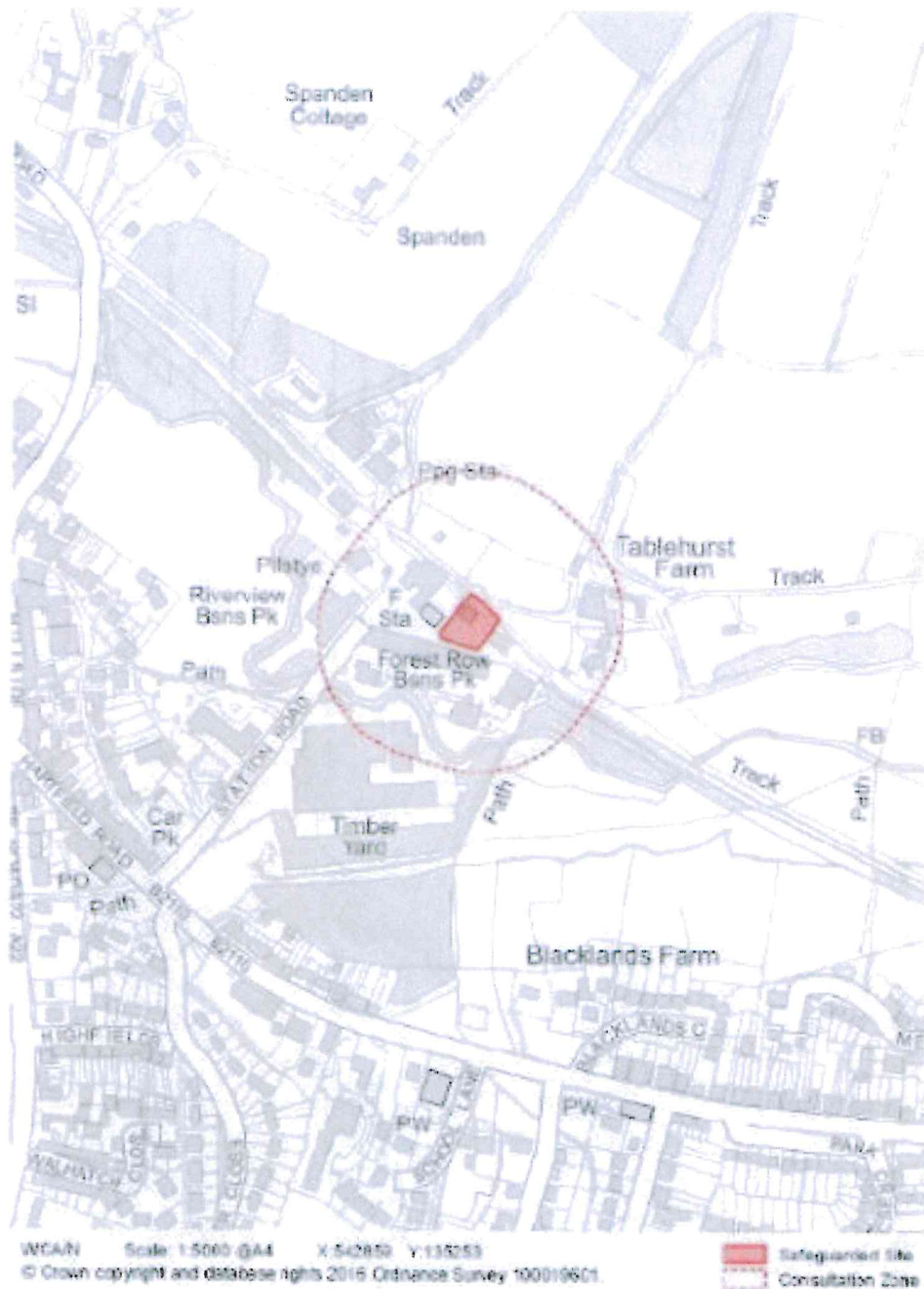
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	Mansell McTaggart	Estates Agents	██████████
	In Gear	Shop	██████████
	The Anderida Community	Shop	NA
	Chequers	Pub/Hotel/Restaurant	██████████
	The Secret Cellar	Shop	██████████
	Lloyds Pharmacy	Pharmacy	██████████
	Prosperity	Restaurant	██████████
	Hearology	Clinic	██████████
	Stone Cottage Dental Surgery	Dentist	██████████
	Ziggys	Shop	██████████
	Esthers	Shop	██████████
	Alex Jones Funeral Directors	Funeral Directors	██████████
	Shearers Fine Foods	Shop	██████████
	The Brambletye	Hotel/Restaurant	██████████
	Gaia	Shop	██████████
	Blenheim Studio	Shop, restaurant	NA
	Ashdown Forest Health Centre	Doctors Surgery	██████████
	Thai Time	Restaurant	██████████
	Khans Balti	Restaurant	██████████
12	Residential	-	NA
13	Community Allotments	Allotment Garden	FRPC
14	Residential	-	NA
15	Park	Park	NA
16	Forest Row C of E Primary School	School	██████████
17	Farm Land	Agriculture and animal use	Tablehurst
18	Farm Land	Agricultural and animal use)	Tablehurst
19	Residential	-	NA
20	J & H Friend Removals & Storage	Business	██████████
21	Residential	-	NA

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Appendix 6: Safeguarded Site¹

B Safeguarded Waste Sites

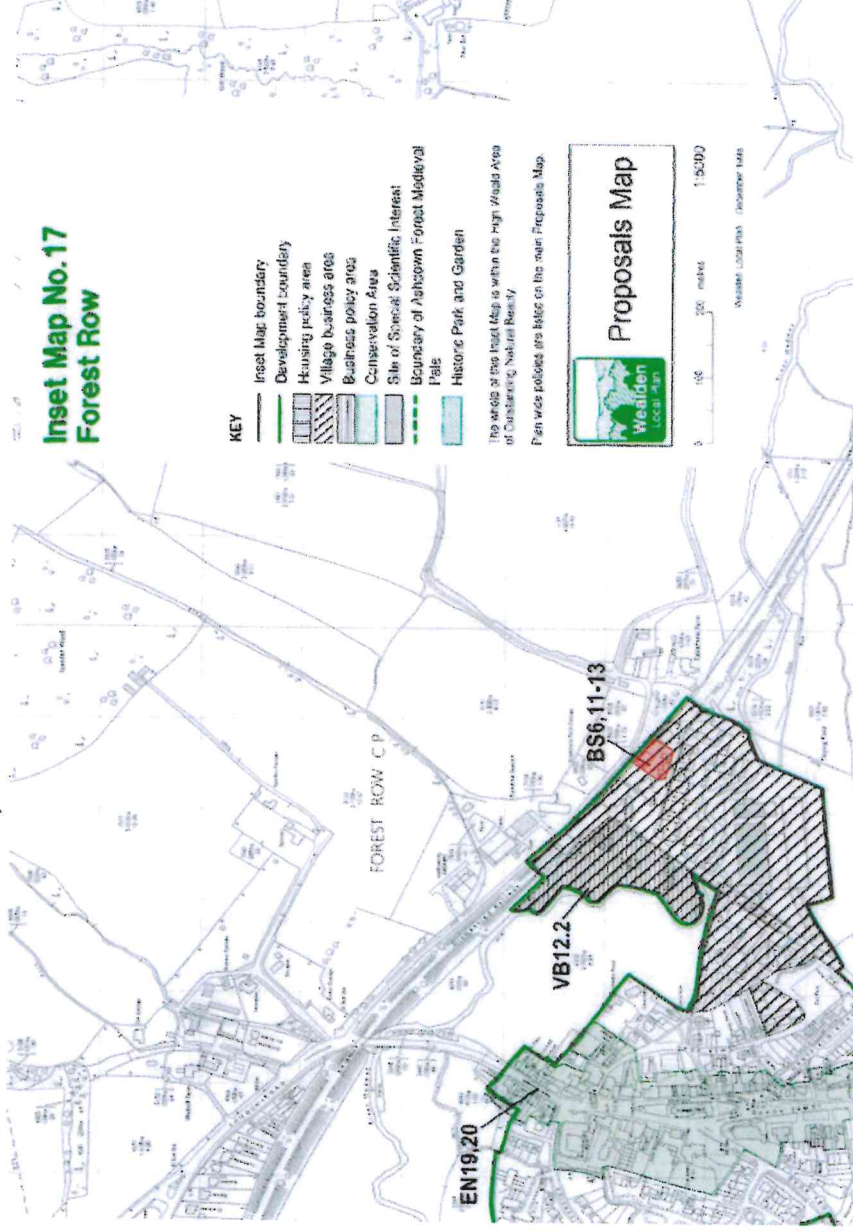


Map 32 SP-WCA/N Forest Row HWRC

¹ Site Plan taken from the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Sites Plan (2017)

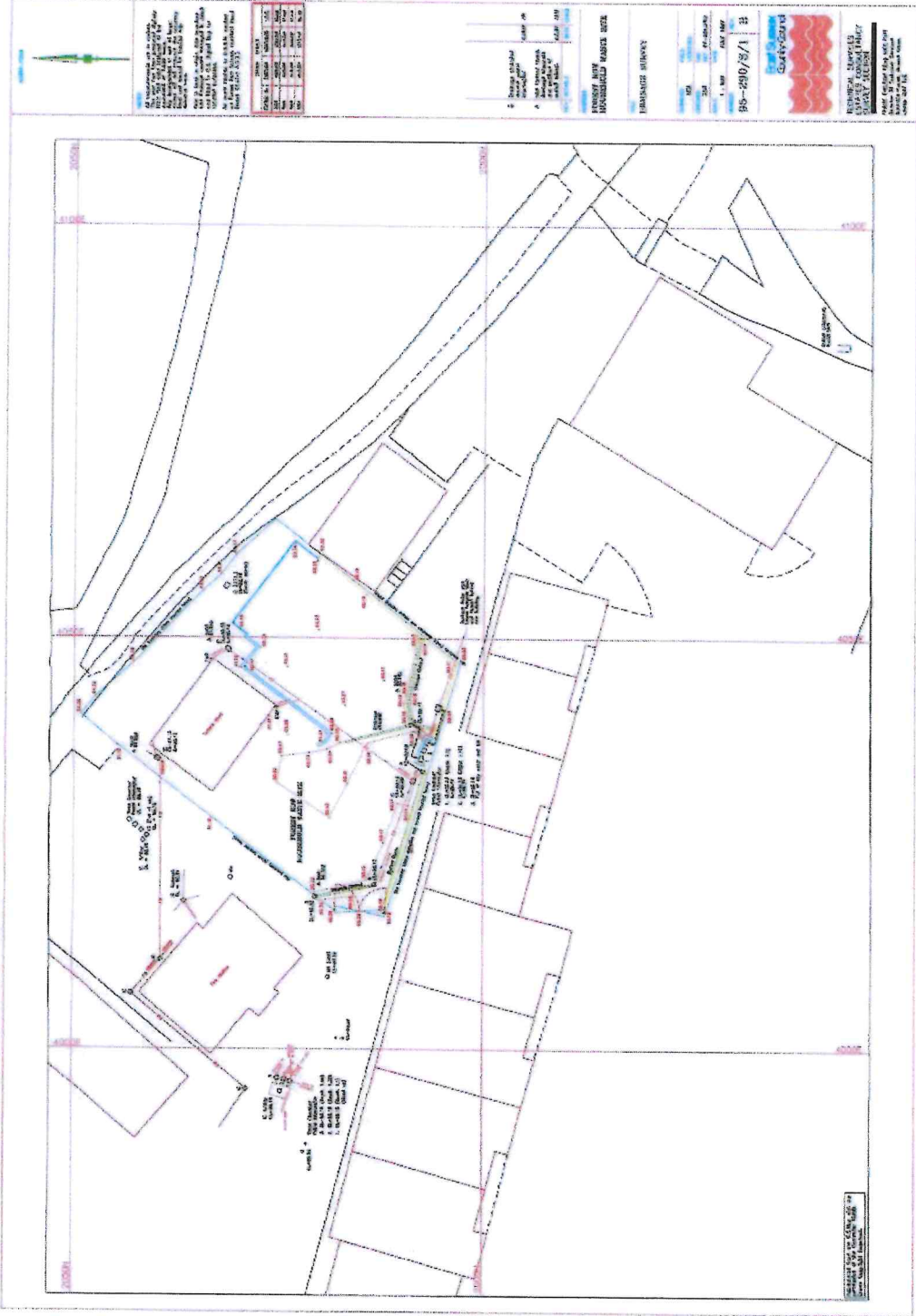
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Appendix 7: Adopted Wealden Local Plan Inset Map no.17 Forest Row (map has been cropped to show site in detail, site shown in red).



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Appendix 8: Site Drainage Plan (provided by ESCC)



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

Appeal Decision

Site visit made on 1 February 2023

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/C1435/W/22/3296188

Rydon House, Station Road, Forest Row RH18 5DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Doss London Limited against the decision of Wealden District Council.
 - The application Ref WD/2021/2040/P01, dated 27 July 2021, was refused by notice dated 6 October 2021. The development proposed is change of use from offices to residential.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. It has been put to me by the appellant that there has been a failure by the Council to provide its written response confirming whether prior approval is given or refused within the required 56-day period. Thus, they consider the development to have deemed consent.
3. I note that in this case there was an agreed extension of time until 6 October 2021, and that the Courts have found agreed extensions of time to be lawful in determining applications for prior approval. However, the appellant considers the Council's Formal Determination to be defective, as it does not explicitly state whether prior approval is given or refused and infers that planning permission has been granted.
4. The Council's Formal Determination clearly states that in this case prior approval is required. While it does not explicitly state that prior approval is refused, when read as a whole it is implicit that prior approval has not been given due to concerns regarding flooding risks of the site, which are a prior approval matter set out at paragraph O.2 (1) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO).
5. Numbered paragraph 2 of the Formal Determination directs the reader to the officer's report, which reiterates the Council's concerns regarding flood risk and concludes that prior approval should be refused on the basis of flood risk to future occupants. Although this paragraph refers to a decision to grant planning permission, this is evidently a mistake, given that the Council can neither grant or refuse planning permission under the provisions of the GDPO, rather permission is deemed to be either granted or refused by the provisions of the GDPO itself.

6. I recognise that the first paragraph of the Informatives on the Formal Determination also refers to a grant of permission under the correct GDPO provisions. However, this does not lead me away from the statement on the first page of the Formal Determination. The Informatives are provided for information and are not an operative part of the formal decision. While the second paragraph of the Informatives also refers to permitted works, it is another error as it relates to development under Part 1 of Schedule 2 of the GDPO. Therefore, it cannot be read as granting approval for this development that falls under Part 3 of Schedule 2 of the GDPO.
7. Overall, while the Formal Determination is flawed, I am satisfied that it was made in time and can reasonably be read as a refusal of prior approval. I have determined the appeal on this basis.

Main Issues

8. Accordingly, the main issue is whether the proposed development complies with condition O.2 (1) (c) of Part 3 of Schedule 2 of the GDPO regarding flooding risks of the site.

Reasons

9. Paragraph W (10)(b) of Part 3 of Schedule 2 of the GDPO is clear that applications for prior approval should be determined having regard to the National Planning Policy Framework (the Framework) so far as it is relevant to the subject matter of the prior approval, as if the application were a planning application.
10. Paragraph 167 of the Framework states that development should only be allowed in areas at risk of flooding where, in light of a site-specific flood risk assessment (and the sequential and exception tests, as applicable) it can be demonstrated that the development meets a number of criteria. These include ensuring that the development is appropriately flood resistant and resilient, incorporates sustainable urban drainage, safely manages any residual risk, and provides safe access and escape routes.
11. The EA Flood Map for Planning shows the appeal site to be located within Flood Zone 3 without the benefit of flood defences. While there would be a high probability of flooding, paragraph 168 of the Framework is clear that applications for some minor development and changes of use should not be subject to the sequential or exception tests. This includes changes of use such as the proposed development. Thus, despite the proposed use being more vulnerable than the extant office use, neither a sequential nor exceptions test is needed in this case. While the Planning Practice Guidance advises local planning authorities to consider what changes of use would be acceptable where a sequential or exception test is not required, this relates to formulating policy and therefore is not relevant in this case.
12. The Flood Risk Assessments submitted by the appellant at application and appeal stages demonstrate that the building would be unlikely to flood in a 1:20 or 1:100 year flood event and I am satisfied that the proposed finished floor level (FFL) could be secured by condition. However, the assessments also show the site, including land under and around the building would flood in these events and the risk of flooding would be high from both fluvial sources and surface water flooding. The pluvial flood depths experienced on the site

could be up to 0.90m in a 1:30 year event and 1.20m in a 1:100 year event. No physical measures have been put forward to mitigate the flooding of the site outside the building.

13. I saw that the site is set below most of the surrounding development and highway. There are two main points of access and egress for users of the site, consisting of Station Road and a footpath that runs to the north of the site connecting Station Road with Lower Road. Both the footpath and access into the site from Station Road are closer to the main river than the existing building, meaning that the egress points are likely to be in parts of the site that would flood first in a flood event. The EA Flood Map for Planning shows the nearest area of Flood Zone 1 to be about 100 metres from these egress points.
14. I note the concerns of the District and County Councils regarding safe access and egress from the site during a flood event and the advice of the Environment Agency to give due consideration to the provision and adequacy of evacuation arrangements, emergency plans and temporary refuge. The Environment Agency is clear that these issues are not within their direct remit or expertise and therefore the lack of an objection in this regard does not equate to a lack of harm.
15. The EA Flood Warning Service is a free service that provides warnings of flooding direct by telephone, email or text message and can give people valuable time to prepare for flooding. However, there is no way to control whether future occupants of the development would sign up to this service.
16. In terms of access and egress, while the access into the site is from Station Road, which is located in Flood Zone 2, future occupants and site users would need to cross the site from the building exits to the site entrance. The pluvial flood depth maps in the more recent Flood Risk Assessment (August 2021), figures 7 and 8, show that in a 1:30 year event most of the building would be surrounded by flood waters exceeding 25cm and in a 1:100 year event all of the building would. Therefore, it would be unlikely that the exit routes would be viable during a flood event and there would be no safe access and escape route contrary to paragraph 167 of the Framework.
17. Overall, 43 incidents of flooding were recorded in the Forest Row parish between 2011-2016. While the location of the site with regard to recorded flooding is unknown, I have been provided with accounts of recent flood events by third parties and photos showing how they have affected the site. These indicate that flooding of the site to depths more than 25cm has been relatively frequent in recent years.
18. Given the above, it is likely that temporary refuge on the upper floors would need to be undertaken by future occupants and site users more regularly rather than in a worst-case scenario. When seeking refuge at the upper floors on site, future occupants and site users would be confined to the circulation space with no access to any facilities. This would not constitute acceptable mitigation.
19. Furthermore, the submitted plans show a minimum of 38 parking spaces. These vehicles would all be at risk of damage during flooding events, and it is unclear where they could be relocated.

20. Therefore, although the proposal would not increase flood risk elsewhere, it has not been demonstrated that future occupants would be able to safely leave the building during a flood event. Given the high probability of the site flooding, paragraph 167 of the Framework advises that the development should not be allowed. There is no substantive evidence before me that this issue could be fully addressed by reducing the amount of hardstanding and incorporating more soft landscaping and sustainable drainage on to the site. Accordingly, the proposal would be unacceptable with regards to the flooding risks of the site.

Other Matters

21. The site lies within 7km of the Ashdown Forest Special Protection Area (SPA), Special Area of Conservation (SAC) and the Site of Specific Scientific Interest (SSSI). The Conservation of Habitats Regulations 2017 require that all development permitted by the GDPO, which would affect a European protected site, cannot be lawfully begun until a Regulation 77 application has been made to the LPA and the LPA are satisfied that the development would have no adverse effect on the integrity of the site.
22. I understand that a Regulation 77 application has not yet been made to the Council. Nevertheless, given I am dismissing the appeal due to the flooding risks of the site, no pathways to significant likely effects on the SPA would arise from my decision. I, therefore, do not need to consider this issue further.

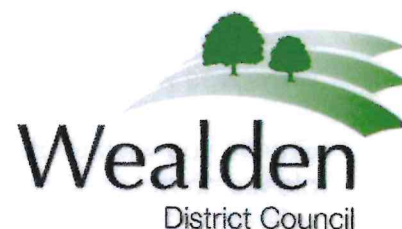
Conclusion

23. For the reasons above I conclude that the appeal is dismissed.

Hannah Guest

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