

## Delegated Officer Recommendation

**Case Officer:** HB      **Date:** 27 June 2023  
**Consults Expiry:** 24 May 2023  
**Site Notice Expiry:** 16 June 2023  
**Advert Expiry:**  
**Neighbour Expiry:**  
**Expiry Date:** 27 June 2023  
**Extension of Time:**  
**BVPI Category:** Minor

WD/2023/1081/F

PROPOSED TRIPLE GARAGE WITH HOME OFFICE ABOVE.

SEVEN BISHOPS, CATTS HILL, MARK CROSS, TN6 3NQ

Parish: Rotherfield

LB ref:

Received Complete: 2 May 2023

Cons Area:

## Recommendation - Approval

**Case Officer**      **Initials**       **Date**

**Pre-commencement conditions agreed with applicant?**       Yes       No (tick)

**CIL Liability checked by Officer**      **Initials**       **Date**

**CIL Liable**       Yes       No

**CIL Exemption Claimed**       Yes       No

**Team Leader/Senior**      **Initials**       **Date**

**Authority to Delegate Required?**                  **Date**

**Fields filled in on Custom screen on Datawright?**       Yes       No (tick)

### Admin

**Decision notice checked**      **Initials**       **Date**

**CIL Liability Notice Issued**                  **Date**

**Reason CIL Notice Not Issued:**            Less than 100 m<sup>2</sup>

- Not Residential
- No increase in floor area
- Other:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted. STD4A

REASON: To meet the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004

2. The external materials, including windows, used in the construction of the development hereby approved shall be as detailed within the permitted application particulars and shall be retained permanently as such. MA11

REASON: To safeguard the appearance of the building and the visual amenities of the locality and to comply with Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998, coupled with the requirements of paragraph 130 of the National Planning Policy Framework 2021.

3. The garage/parking areas shall be used solely for vehicle parking purposes incidental to the occupation and enjoyment of the dwelling units to which they serve, and shall not be used for nor in connection with any commercial trade or business purposes and shall not be converted into habitable accommodation, including domestic workshop, study, games room and similar uses, without the prior written consent of the Local Planning Authority. PC04

REASON: To protect the visual and residential amenities of the site and ensure the retention of parking provision, having regard to Spatial Planning Objectives SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN27 and TR16 of the Wealden Local Plan 1998; coupled with the requirements of paragraphs 110 and 112 of the National Planning Policy Framework 2021.

4. This planning decision relates solely to the information contained within the application form, the following plan(s) and (where appropriate) documents:

Ref.	Date Stamped.	STN4
P021-701 Rev A	24 April 2023	
P021-102 Rev A	26 April 2023	

REASON: For the avoidance of doubt.

The local planning authority's reasons for its decision to grant planning permission are set out in the officer's report which can be viewed on the Council's website at <https://planning.wealden.gov.uk>

NOTE: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations.

An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

## **Site Description**

Seven Bishops is a detached dwelling situated on the southeast side of B2100 Catts Hill between Town Row and Mark Cross. It is set in a fairly substantial rural plot which is characterised by a large garden area and an abundance of mature woodland which surrounds the site. The dwelling is elevated to, and set back from the road side, where it is completely screened along the boundary to Catts Hill.

## **Relevant Planning History**

See planning history sheet on the Wealden Council website.

*Of particular relevance to this application:*

WD/2015/0247/F - Two storey extension and new triple garage to replace existing partially implemented planning consent WD/2010/1900/F – Approved 08/04/2015

WD/2022/3254/F - Application for a non-material amendment to WD/2015/0247/F (Two storey extension and new triple garage to replace existing partially implemented planning consent WD/2010/1900/F): Changes to garage including relocation of staircase from internal to external; changes to first floor to create home office, additional windows at ground floor level and roof lights; Replacement of existing external walls – Refused 16/01/2023

## **Constraints**

The application site is located outside of any defined development boundary, within the High Weald Area of Outstanding Natural Beauty.

The site is in the AONB. Paragraph 176 of the NPPF is clear that great weight should be given to conserving landscape and scenic beauty in AONBs and other areas enjoying the highest status of landscape protection.

## **Policy Framework**

The up-to-date approved 'development plan' for Wealden District Council comprises the following documents:

- The Wealden District Council (incorporating part of the South Downs National Park ) Core Strategy Local Plan (adopted 19<sup>th</sup> February 2013)
- The Wealden Local Plan (adopted December 1998) (Saved Policies via Direction of the Secretary of State dated 25 September 2007).
- The East Sussex and Brighton & Hove Waste Local Plan (adopted February 2006) (Saved Policies).
- East Sussex, South Downs and Brighton and Hove Waste and Minerals Local Plan (adopted February 2013).
- The Affordable Housing Delivery Local Plan (May 2016)
- Wealden Design Guide, November 2008, as a Supplementary Planning Document
- Herstmonceux), [Hailsham](#) and [Hellingly](#) Neighbourhood Plans

High Weald AONB Management Plan  
 National Planning Policy Framework (NPPF)  
 National Planning Policy Guidance (NPPG)

Relevant Local Plan and Core Strategy Policies:

Wealden Local Plan	GD2, DC19, EN6 and EN27
Core Strategy	SPO13, WCS12 and WCS14

## **EIA Assessment**

With regard to the Environmental Impact Assessment Regulations 2017, the development proposed falls within Schedule 2 category, 10(b) - urban development project. Although the thresholds are clearly not met, the site is designated as a 'sensitive' area situated as it is within the High Weald Area of Outstanding Natural Beauty. Due to the nature and scale of the proposals, having regard to the scope of environmental issues relevant to the site, and with reference to the relevant screening criteria in Schedule 3 of the EIA regulations, the scheme is considered not to be EIA development.

There is a need to bear in mind that in some cases consolidation of development needs to be considered (ie. consolidation of development within category 13(a) – 'The Council's EIA screening appraisal has also considered the proposals in combination with the established development of the site for residential purposes'.

## **Consultation Responses**

Rotherfield Parish Council – SUPPORT. It was resolved to recommend to Wealden District Council that this application be approved. The Committee had no further comments on the application.

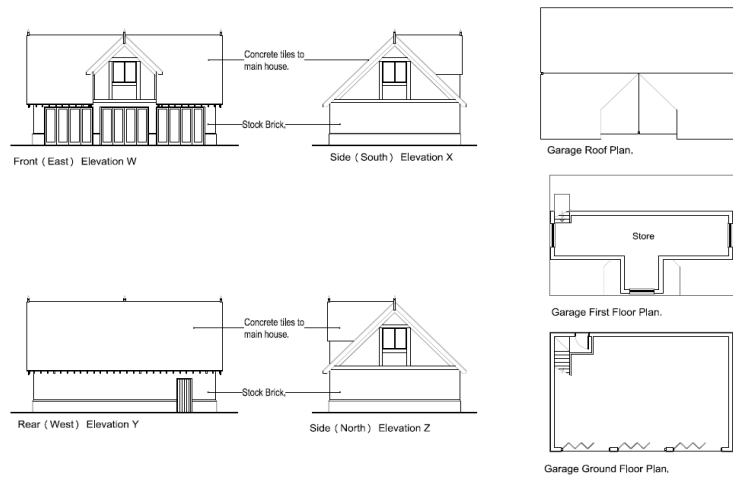
Neighbour - No third party comments received.

## **Assessment**

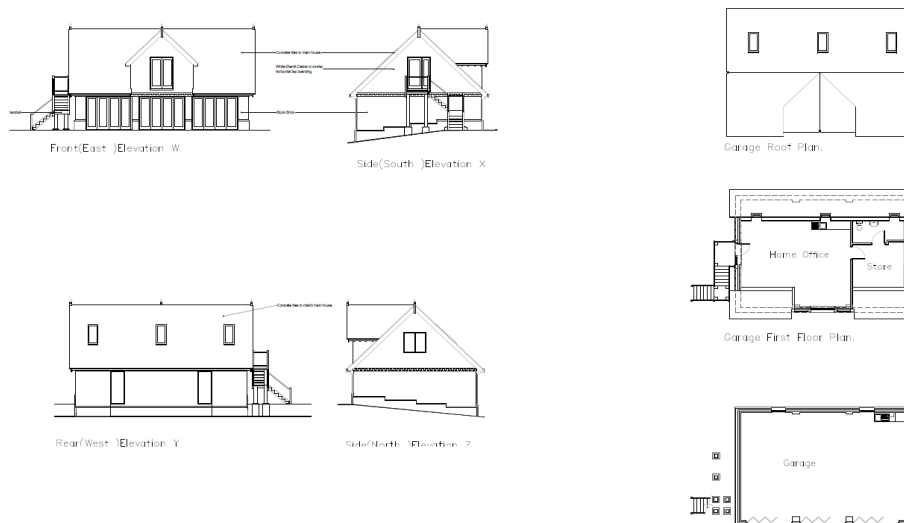
### Visual Impact

The application is for a proposed triple garage with home office above. The principle of the proposed garage building has already been deemed acceptable, this application simple

proposes some revisions to the previously approved detached garage building, granted under application reference WD/2015/0247/F. The proposed changes outlined in this application include elevational changes, the relocation of the stairs (to become external) and the use of the first floor accommodation as home office. The proposed amendments were considered as part of an application for non-material amendments in January 2023, however they would materially alter the character and appearance of the approved garage, through the addition of the external staircase, a number of new windows and roof lights and conversion of the first floor to a home office, as well as new materials proposed. Hence the need for this full application.



*Previously Approved Plans under application WD/2015/0247/F*



*Proposed Plans*

The proposed building is considered to be materially different to the garage that was previously approved. Not only does this result in changes in the design of the garage building, but the application description differs from the original application, in that it now includes the provision of a first floor home office. That said, given the context of the site and its surroundings, which are well screened from the road and along its boundaries, the proposed alterations to the previously approved building would not have a detrimental impact on the character and appearance of the host dwelling, street scene or wider AONB landscape.

### Amenity Impact

The impact of the proposed development on neighbour amenity has been assessed and it is concluded that it would not be harmful. As the property sits in a well screened and isolated site there are no concerns regarding the privacy and amenity of neighbouring properties. In addition no third party comments have been received.

### Highways Impact

The existing access and parking arrangements, as approved under the previous scheme, would remain unchanged. The triple garage would contain three covered and secure parking spaces at ground floor, in addition to driveway parking and turning space.

### Ecology and Trees

As the application site lies in the red impact zone as per the modelled district licence impact map, which indicates that there is highly suitable habitat for GCN within the area surrounding the application site I recommend the use of an informative.

### Developer Contributions

The residential development is not CIL liable.

### **Conclusion**

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

National guidance states that plans and decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the NPPF provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole

In this instance, it is concluded that on balance, taking account of the above, the impact of the development, along with other material planning considerations, conditional planning permission should be granted.