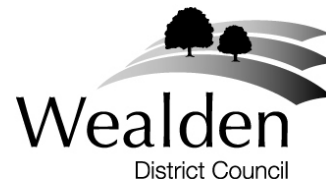


Town and Country Planning Act 1990

Notice of Decision
Application No. **WD/2022/0890/F**



Mr Alan Madgwick
Madgwick and Dottridge
The Farm Office
Barden Dell Farm
Barden Road
Bidborough
TN3 0LJ

Council Offices
Vicarage Lane
Hailsham
East Sussex
BN27 2AX

DESCRIPTION AND LOCATION OF DEVELOPMENT

DEMOLITION OF PART OF THE EXISTING BARN AND CONVERSION AND CHANGE OF USE TO DWELLING

PITFIELDS FARM BARN, SUSSEX LANE, BLACKHAM, NEAR TUNBRIDGE WELLS, KENT TN3 9UB

With reference to the proposals set out in the application numbered as above and shown on the plans submitted therewith, Wealden District Council, in pursuance of powers under the Town and Country Planning Act 1990 (as amended), hereby **GRANTS PLANNING PERMISSION** for the said proposals, subject to the conditions stated below imposed for the reasons stated thereunder:-

1. The development to which this permission relates shall be begun not later than the expiration of 18 months 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. Prior to the development commencing, other than for the demolition of the part of the main building shown to be demolished on drawing number 3326 02 E, the following fine details/specifications (at an appropriate scale) shall be submitted to and approved by the Local Planning Authority:

- (i) details/specifications including colour and profile of the external surface materials for the barn (dwelling) and shed (home office)
- (ii) details of windows, doors and shutters and other external joinery (including depth of reveals within openings, materials and final finish colour)
- (iii) details of rooflights, which should be 'conservation style' without any externally visible blind box and be flush with the roof plane.
- (iv) details and location of any external extracts/vents/terminals, including any proposed venting to roofs (including materials and final finish colour)
- (v) typical details of the form, location and final finish colour of any necessary external meter boxes;

The approved details shall be used in the implementation of the development and retained as such. MA04

REASON: To safeguard the appearance of the building(s) and the character of the area generally and to enable the Local Planning Authority to properly consider and control the development, having regard to Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013, Saved Policies EN6, EN27 and

DC8 of the Wealden Local Plan 1998, coupled with the requirements of paragraph 130 of the National Planning Policy Framework 2021.

3. Prior to the development commencing, other than for the demolition of the part of the main building shown to be demolished on drawing number 3326 02 Rev E, a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. Hard landscaping details shall include driveway/access surfaces (to be permeable), fencing, gates, and retaining walls proposed. Soft landscape details shall include; indications of all existing trees and hedgerows on the land, including those to be retained, together with measures for their protection which shall comply in full with BS5837:2012 Trees in relation to design, demolition & construction – Recommendations, in the course of the development, together with a scheme for the subsequent maintenance of any trees, shrubs and hedges retained on the site and planting plans, written specifications, schedules of plants - noting species (which should be indigenous), planting sizes and proposed density.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion or first occupation of either dwelling, whichever is the sooner.

Any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

REASON: To protect visual amenity, the rural character of the area and to ensure a satisfactory environment having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policies EN14 and EN27 of the Wealden Local Plan 1998, coupled with the requirements of the National Planning Policy Framework 2021.

4. Prior to the completion of the development, measures to enhance biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The approved enhancements shall be implemented prior to the first occupation of the dwelling hereby approved.

REASON: In the interests of enhancing biodiversity, having regard to Spatial Planning Objectives SPO1, SPO2 and SPO13, and Policies WCS12 and WCS14, of the Wealden Core Strategy Local Plan 2013; coupled with the requirements of paragraphs 174 and 180 of the National Planning Policy Framework 2021.

5. No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the consent in writing of the Local Planning Authority. Furthermore, the following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the consent of the Local Planning Authority:-

- (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.

- (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.

- (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.

- (iv). No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or

hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.

(v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.

(vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of British Standard 5837:2009 'Trees in Relation to Construction'. TP02

REASON: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area, having regard to Spatial Planning Objective SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan 2013; Saved Policies EN12 and EN14 of the Wealden Local Plan 1998; Chapter 3 of the Wealden Design Guide 2008; coupled with the requirements of paragraphs 130, 131, 174 and 180 of the National Planning Policy Framework 2021.

6. No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and retained thereafter. EL02

REASON: To preserve the rural and residential amenities of the locality having regard to Spatial Planning Objectives SPO2, SPO12 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013; Saved Policies EN6, EN27 and EN29 of the Wealden Local Plan 1998; coupled with the requirements of paragraph 185 of the National Planning Policy Framework 2021.

7. The proposed home office shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling, Pitfields Barn Farm (or any subsequent name thereafter). The home office shall not be used for, nor in connection with, any commercial trade or business purposes.

REASON: To protect the rural character of the area and residential amenities, having regard to SPO2, SPO13 and WCS14 to the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the adopted Wealden Local Plan 1998, coupled with the requirements the National Planning Policy Framework 2021.

8. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Part 1 of Schedule 2, classes A-H inclusive of that Order, shall be erected or undertaken on the site. PD01

REASON: To enable the Local Planning Authority to regulate and control the development of land and to protect the residential and visual amenities of the locality having regard to Spatial Planning Objective 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.

9. Notwithstanding the provisions of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure and no building as defined in Section 336 of the Town and Country Planning Act 1990 shall be erected at the site. PD04

REASON: To enable the Local Planning Authority to regulate and control the development of land and to protect the residential and visual amenities of the locality having regard to Spatial Planning Objective 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.

10. 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
3326 01 Rev B	7 July 2022	
3326 02 Rev E	5 August 2022	

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.

NOTE 1: This permission is subject to an agreement under Section 106 of the Town and Country Planning Act 1990. STN1

NOTE 2: The developer is required to contact the Council as Street Naming & Numbering Authority, in writing, enclosing a site layout plan and the commencement of work on site, to agree a scheme of house / street naming and numbering, and for the allocation of postcodes. Please contact the NLPG Officer, IT Department, at the above address. STN8

NOTE 3: The applicant is reminded that under the Wildlife and Countryside Act 1981 (Section 1) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 July. Trees and scrub are present on the application site and should be assumed to contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. NCN1

NOTE 4: The applicant is reminded that it is an offence to damage or destroy species protected under separate legislation. Planning consent for a development does not provide a defence against prosecution under European and UK wildlife protection legislation. You are advised that it may be necessary, shortly before development commences, for the applicant to commission an ecological survey from suitably qualified and experienced professionals to determine the presence or otherwise of such protected species. If protected species are found to be present, Natural England should be consulted. NCN2

NOTE 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.

NOTE 6: The dwelling should have adequate storage for 1 x 180 litre refuse bins and 1 x 240 litre recycling bin. Residents may also subscribe to the garden waste service for either a 140 or 240 litre garden waste bin (subscription charge started July 2019). Details on the size of these bins/containers can be found at the following address. <https://www.wealden.gov.uk/recyclingand-waste/recycling-and-waste-collection-container-size/> Residents will be required to move the bins from a storage point within the boundary of the property, to a suitable collection point at on the scheduled collection day.

NOTE: Your attention is drawn to the requirements of the Building Act 1984 for the deposit of Plans under the Building Regulations and associated legislation.
ACCESS FOR FIRE BRIGADE: Your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.

DISCHARGE OF CONDITIONS: It is advised that under The Town and Country Planning Act 1990, the Council has up to 8 weeks from the date of an application to discharge any condition(s) and advise the applicant of the Council's decision. This information should be submitted using the '[Approval of Details Reserved by Condition' Form](#) which can be downloaded from the Council's website. Please note there is also a fee payable for this type of application.

IMPORTANT: See Notes overleaf
DATE OF ISSUE: 21 March 2023



Stacey Robins
Head of Planning & Environmental Services

Application No. WD/2022/0890/F

NOTES

Appeals to the Secretary of State

- If the Applicant is aggrieved by the decision of the Local Planning Authority (LPA) to refuse permission for the proposed development or to grant it subject to conditions, then an appeal may be lodged with The Planning Inspectorate (PINS) under Section 78 of the Town and Country Planning Act 1990.
- Appeals must be made on a form which is obtainable from:
The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN
Tel. No. 0303 444 5000
www.gov.uk/appeal-planning-inspectorate

Appeal Timescales

- Householder planning application or minor commercial application:
12 weeks from the date on the decision notice
However, if an enforcement notice has been served for the same or very similar development the time limit is:
 - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
 - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 12 weeks).

NB – if the LPA have failed to determine the householder planning application, or for an appeal against the grant of permission subject to conditions, please follow the time limits under “Planning application” below.
- Planning application:
6 months from the date on the decision notice, or
6 months from the expiry of the period which the LPA had to determine the application.
However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:
 - **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
 - **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If a longer period has been agreed with the LPA, the time limit runs from that date.

Further information

- The Planning Inspectorate has discretionary power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice to appeal.
- The Planning Inspectorate is not required to entertain an appeal if it appears that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- The Planning Inspectorate does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction issued by the Secretary of State.

Purchase Notices

- If either the LPA or Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the land has become incapable of reasonably beneficial use in its existing state nor rendered capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.