



Town and Country Planning Act 1990

PLANNING PERMISSION

AGENT/APPLICANT

Larkins & Pollington Design
Attn: Mr Michael Pollington
2 Birling Way
Uckfield
TN22 1LP

APPLICANT

Mrs Stone
Sweethayes Farm
London Road
Hurst Green
TN19 7PS

DESCRIPTION:

Replacement barn for storage of feed, machinery and equipment and occasional use as shelter for livestock

LOCATION:

Sweethayes Farm, London Road, Hurst Green

The Rother District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Acts that permission has been granted for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 18 months from the date of this permission, i.e. by 7th November 2022.

Reason: In accordance with section 91 of the Town and Country Planning Act 1990 (as amended by section 51 of the Planning and Compulsory Purchase Act 2004) and having regard to the agricultural requirements of the holding and the harmful impacts that the associated track is having on the natural landscape character and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and details:

- Location plan, drawing no. 905/19/SPL/01, submitted with application.
- Block plan/elevations, drawing no. 905/19/SPL/02, rev. A, dated 06.19.
- Elevations, drawing no. 905/19/SPL/03, rev. A, dated 06.19.
- Sections, drawing no. 905/19/SPL/04, submitted with application

Reason: For the avoidance of doubt and in the interests of proper planning, as advised in Planning Practice Guidance Paragraph: 022 Reference ID: 21a-022- 20140306.

- 3 Within 3 months of the permission hereby granted, full details setting out the removal of the construction track and its associated imported soil and a timescale for completion of the works are to be submitted to and approved in writing by the local planning authority. Details shall include the reprofiling of the landscape, with sections and the removal of the imported soil from the site. The works shall subsequently be completed in accordance with the approved details and timescale.

Reason: The importation of soil and creation of the temporary construction track present a harsh unnatural man-made feature out of keeping in this exposed location on the hillside. The changes to the ground levels and creation of the track do not conserve or enhance the natural landscape character or scenic beauty of the High Weald AONB and are contrary to Policies OSS4(iii) and EN1 of the Rother Local Plan Core Strategy, Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan and paragraph 172 of the NPPF.

- 4 The building hereby permitted shall only be used for the purposes of agriculture and/or forestry as defined in Section 336 of the Town and Country Planning Act 1990 and for no other purpose.

Reason: To ensure that only buildings essential to the running of an agricultural unit are provided in the countryside in accordance with Policy RA3 (i) of the Rother Local Plan Core Strategy.

- 5 The building hereby approved shall only be utilised for the occasional housing of livestock such as because they require temporary accommodation in the building when they are sick or giving birth or newly born, or to provide short term shelter against extreme weather conditions and shall not be used for longer term housing of livestock, e.g. overwintering.

Reason: In the interests of protecting the amenities of nearby neighbouring residential occupiers in accordance with Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

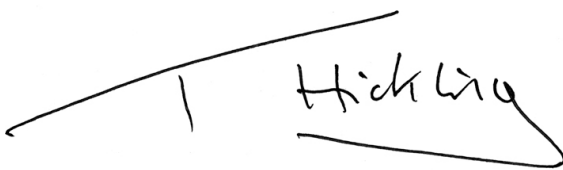
NATIONAL PLANNING POLICY FRAMEWORK:

In accordance with the requirements of the Framework (paragraphs 38) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating,

with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

NOTES:

1. The applicant is reminded that the creation of the track to enable construction of the barn in accordance with Class A, Part 4 of Schedule 2 of the Town & Country Planning (General Permitted Development Order), as amended, must be removed following construction of the barn. The importation of soil and creation of the track is not otherwise permitted development.
2. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990.
3. This permission may include condition(s) requiring the submission of details prior to the commencement of development. Following close consideration in the courts, it is now well established that if the permission contains conditions requiring further details to be submitted to the Council or other matters to take place prior to development commencing and these conditions have not been complied with, the development may be unlawful and not have planning permission. You are therefore strongly advised to ensure that all such conditions have been complied with before the development is commenced. A fee is payable for written requests for compliance with conditions; the current fee is £34.00 for each request for householder developments and £116.00 for each request for all other categories of development. The appropriate 1APP form can be downloaded from the Council's Planning website www.rother.gov.uk/planning.



Head of Service - Strategy & Planning

Application No: RR/2019/724/P

Decision Date: 7th May 2021

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

If this is a decision to refuse planning permission for a householder application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.

If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.

If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State 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.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority (planningappeals@rother.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>