

Minutes of the Wadhurst Parish Council Planning Committee meeting held 14th January 2023 at 0930 in the Pavilion, Sparrows Green Recreation Ground, Wadhurst.

Members present: Cllr C Moore, Cllr P Moore, Cllr Gadd (Chair), Cllr Anderson, Cllr Smith & Cllr Sharp

Members of the public present: 2

The election took place in respect of Chair for this Planning Committee meeting. Cllr C Moore proposed Cllr Gadd, this was seconded by Cllr Anderson and unanimously agreed

MINUTES

1. To receive apologies for absence **None**
2. To receive declarations of interest and updates to members' register of interests

Cllr Gadd declared an interest in WD 2022/3360/F Land to rear of Magpie, due to previous discussions with owners

3. To approve the minutes of the meeting of 17th December 2022

Proposed by Cllr C Moore to agree minutes subject to appendix written by Cllr Sharp and forwarded by email to the committee, by Cllr C Moore 13th Jan 23. Seconded by Cllr Gadd and agreed unanimously.

4. To discuss matters arising from the minutes of the meeting of 17th December 2022

Proposed by Cllr C Moore that minutes currently pending in respect of meeting 17th Dec, should be agreed subject to amendments circulated by email by Cllr C Moore 13th Jan 23. Seconded by Cllr Gadd and unanimously agreed.

5. Public forum – time limit 15 minute

Members of the public spoke with regard to:

Firstly, the disused Wadhurst recycling centre in Faircrouch Lane. They had grave concerns regarding its potential use as a commercial recycling centre, which would undoubtedly attract an inappropriate number of heavy lorries. This being totally inappropriate in a rural area and immediate access out onto a Victorian brick built rail bridge and narrow lane.

Cllr P Moore pointed out that WPC had tried to have this site placed on the Asset of Community Value Register, held with WDC and WPC had bid for the site, to ESCC, to ensure its continuation as a household recycling site for the Wadhurst residents. Unfortunately, WPC's bid was unsuccessful

Secondly, the 'no cycling' signs each end of the Marlpit twitten, had still not been re-erected.

Cllr P Moore confirmed that after many reminders to ESCC, WPC had very recently agreed to organise this themselves and the signs should be erected shortly.

Finally, the effectiveness of the lighting in the Marlpit twitten was discussed.

Cllr P Moore advised that this would be investigated if the lamppost numbers could be provided and thanked the members of the public for bringing this to the attention of WPC (Action- address lighting area)

Cllr P Smith took over as Chair

Cllr Gadd spoke as a member of the public concerning the application in respect of the Land to the Rear of Magpie. Cllr Gadd was extremely disappointed with regard to WDC's pre application advice of two detached family homes. This shows no consideration for the limitations and values of the site. Although limited parking, this site is only 50 metres from the main shopping area. Therefore, it is an extremely valuable site for residents with limited access to vehicles ie Assisted Living or single resident starter homes. A fabulous opportunity missed.

Cllr Gadd also pointed out that this is a valuable Brownfield site

Cllr Gadd resumed as Chair

6. Pre- application briefings
7. To consider licence and planning applications received and make recommendations
8. To consider live planning applications for further consideration and recommendations
9. To consider planning appeals received and make recommendations
10. To consider any footpaths modification orders and make recommendations
11. Planning Control (& High Street Planning Enforcement)
12. To discuss Tree Preservation Orders
13. Conservation areas
14. CIL
15. Policy/Correspondence/Consultations
16. Items for noting
17. Urgent issues at the discretion of the Chair for noting or inclusion on future agenda.

6. Pre-application briefings

None discussed today

7. Licence and planning applications

7.1 Licencing: None

7.2 Planning:

7.2.1 Application No. WD/2022/3306/F and WD/2022/3307/LB

Date of notification: 23rd December 2022

Parish Council Consultee expiry date: 13th January 2023 (email sent to WDC 23/12/22 requesting an extension to 17/1/23)

Location: EARLS FARMHOUSE, WADHURST ROAD, MARK CROSS, TN6 3PF

Description: Part removal of 1980s link building to allow for new single story infill extension and alteration to existing low level roof to allow existing low level roof to allow for a new first floor terrace area, external window replacement and internal alterations to grade II listed building.

Object

The design is not in keeping with the Grade II listed building and its surroundings. This requires careful consideration due to its Grade II listing and the visual impact from the nearby public footpaths. This property does not 'sit' in a residential area as stated, but is a remote farm in an extremely rural location.

The large quantity of glazing, flat roof, roof lights with no mention of dark skies consideration and lack of attention to use of appropriate materials is disappointing. The opportunities to sympathetically extend this building have not been introduced.

7.2.2 Application No. WD/2022/3291/LB

Date of notification: 4th January 2023

Parish Council Consultee expiry date: 25th January 2023

Location: BUCKLAND HILL FARMHOUSE, BUCKLAND HILL, COUSLEY WOOD, WADHURST, TN5 6QT

Description: external and internal alterations to existing barn/oast house to form ancillary accommodation to main dwelling (minor changes to previously approved listed building consent, WD/2020/2333/LB & WD/2021/2452/LBA)

No objection

Cllr P Smith took over as Chair due to Cllr Gadd's declaration of interest

7.2.3 Application No. WD/2022/3360/F

Date of notification: 5th January 2023

Parish Council Consultee expiry date: 26th January 2023

Location: LAND REAR OF MAGPIE, HIGH STREET, WADHURST, TN5 6AP

Description: demolition of existing workshop building and construction of two detached residential dwellings with associated access, car/cycle parking.

Object

We note that the current use is as a flat, shop and 4 bedroom house. This currently has parking for 2-3 vehicles, together with garages, workshops and additional open area for extra parking. This potential building not only eliminates these additional areas, but adds to the number of vehicles utilising the site.

Additional traffic associated with the two family houses would be detrimental to the village, bearing in mind the access directly onto the pinch point of the high street, with cars parked both sides of the road.

We note that no consideration has been given with regard to positioning of 6 property's bins, on the pathway of the high street, on bin collection day.

Although it is noted that the application has taken much time and care with regard to sympathetically blending in with the surroundings and nearby housing characteristics, we have concerns with the possible overmassing of roofing, in such close proximity to the conservation area and grade II listed buildings.

We are disappointed by the missed opportunity for an appropriate development ie Assisted Living , which would require limited traffic and offering housing that is a very short walk to the shops. Such properties are desperately required by the village as shown in our Neighbourhood Plan, allowing downsizing to free up family homes outside of the immediate high street area.

Cllr Gadd resumed as Chair

7.2.4 Application No. WD/870/CMCL

PLANNING & COMPENSATION ACT 1991, as amended-Certificate of Lawfulness for an EXISTING USE. The applicant is seeking to prove that the use has been in existence for a period of at least 10 years.

Date of notification: 10th January 2023

Parish Council Consultee expiry date:

Location: Faircrouch Depot, Faircrouch Lane, Wadhurst, East Sussex, TN5 6PT

Description: Application for a Lawful Development Certificate for an existing use- use as a Household Waste Recycling Centre with disposal skips arranged on the site to provide for easy disposal of heavy items of refuse; with no sewage or trade effluent (including vehicles wash or vehicle steam cleaning waters) discharged to any surface water drainage system and with any above ground oil/chemical storage tank/container and associated pipework sited and bunded in a manner so as to retain any spillage and with below ground petrol/oil/chemical storage tank constructed to incorporate appropriate anti-pollution measures.

Link:

https://apps.eastsussex.gov.uk/environment/planning/applications/register/Detail.aspx?appno=WD/870/CMCL/1&typ=dmw_planning

Object

WPC does not support the implementation of a Lawful Development Certificate and is extremely disappointed that the differentiation is not made between residential recycling sites and commercial waste sites

The disruption, inconvenience and associated issues due to traffic movement of a small number of heavy vehicles, was acceptable to the community, while it was a domestic site, as it benefited the residents. However, this site is totally unsuitable for high usage of lorries, not only due to the rural location, but to the immediate access being onto a Victorian brick built bridge with weight limits and onto a narrow single track lane.

Please note our previous comments in response to the application WD/2022/6001/CM in respect of Faircrouch Depot

'COMMENT: Objection. This is not an appropriate location for a waste transfer station for construction and demolition waste. The noise, fines and dust from these activities would affect the amenity of the adjoining business park and nearby dwellings. The stated times of opening are significantly longer than the previous use of the site as a household waste recycling site, further impacting on neighbours' amenity. Construction site on-site crushing would lessen the carbon footprint and confine the impact of construction activities to construction sites, which would be a temporary, rather than permanent, nuisance for neighbours. The estimated 20 HGV delivering to the site daily would travel through the centre of the village, exacerbating the severe congestion which is already experienced. Faircrouch Lane itself is single lane in places. We are concerned that the bridge over the railway at the entrance to Faircrouch Lane may not be of sufficient strength of accommodate this number of HGVs on a daily basis.'

7.2.5 Application No. WD/2023/0023/F (Clerk's note: the recent application for this site was withdrawn and this is a new application)

Date of notification: 10th January 2023

Parish Council Consultee expiry date: 31st January 2023

Location: THE BEAUTY BAR, DURGATES, WADHURST, TN5 6DE

Description: Change of use from commercial to a domestic dwelling house.

Object

In addition to WPC's objection before (see below), we note that the application appears incomplete. The statement discusses a 3 bed property, whereas the drawings show a 1 bed property

'OBJECTION - Because it is contrary to BS5, which specifically names Durgates as an area to concentrate business development BS5 Within town development boundaries but outside the town business areas, as defined on the Proposals Map, the Council will seek to retain business land and premises which afford important local employment opportunities and, where appropriate, complement provision in the town business areas or town centres. The continued business use should not be likely to cause demonstrable harm to the environment or the amenities of local people. and BS6 - BS6 Within the rural parts of the Plan area, the Council will seek to concentrate business development within the village business areas, as defined on the Proposals Map, namely: (1) Station Road, Forest Row (2) Durgates, Wadhurst (3) Wadhurst Business Park (4) Merrydown, Horam (5) Mountney Bridge, Westham (6) South Street, East Hoathly

<https://www.wealden.gov.uk/UploadedFiles/Chapter07.PDF>

There are approximately 1300 properties in Durgates. This equates 50 – 60% of the total housing stock in the Parish of Wadhurst, hence it is important to retain shop space to serve this population and provide local jobs'

8. Live planning applications

8.1 WD/2022/0535/MAO

Comment: will be considered again at a later date by the planning committee

Land to the north of Marling House, Station Rd, Wadhurst TN5 6RT

The Wadhurst Parish Council (WPC) write further to the release of PINS NOTE 14/2022 on 8th December 2022 (see Appendix A) and the Written Ministerial Statement (WMS) issued on the 6 December by the Rt Hon Michael Gove.¹

Future Housing Allocation Numbers to FALL:

The Wadhurst Parish Council notes that the obligation on local authorities to maintain a rolling five-year land supply is to be dropped where there is a local plan, and areas that have historically over delivered on housing (as Wealden and Wadhurst have – see Appendix B) will be taken into account when allocating numbers for future housing.

Whilst the WPC are aware that Wealden District Council (WDC) does not currently have an up-to-date local plan, the plan is in advanced stages and should therefore benefit from transitional arrangements that will reduce the amount of land that WDC needs to show as being available on a rolling basis.

WDC Councillors have previously lobbied that the circa 7,500 permissions for new homes that have been given, but are not yet built out, should be taken into account when allocating housing numbers². The WMS states that it will make sure *“local authorities who permission land are not punished under the housing delivery test when it is developers who are not building”*.

Implications for application WD/2022/1610/MAO

The WPC understands that a WMS is an expression of government policy and, therefore, capable of being a material consideration (or important and relevant) in all casework, but the removal of the presumption in favour of sustainable development and the ‘tilted balance’ will most likely not apply to the current issues affecting land supply in Wealden.

WPC is already of the view that this proposal constitutes a major development in the AONB and therefore the ‘tilted balance’ does not apply under the *Monkhill, 2021*³ ruling. This WMS adds further weight to the fact that the current lack of 5 year land supply should be ignored in the planning decision process here.

Appendix A

PINS NOTE 14/2022

To: All Inspectors, Examining Inspectors, APOs,
RTPI Apprentices and Casework Managers

¹ <https://questions-statements.parliament.uk/written-statements/detail/2022-12-06/hcws415>

² <https://www.wealdenconservatives.com/news/michael-gove-meets-leaders-conservative-run-wealden-over-housing-number-concerns>

³ *R (Monkhill Ltd) v Secretary of State for Housing, Communities and Local Government et Anor [2021] EWCA CIV 74*

Relevancy: All Planning and Enforcement casework,
Local Plans, Infrastructure and Specialist
Topic Area: Local Plans; Housing; Planning Reform
Date of Issue: 8 December 2022

Introduction

1. On 6 December the Rt Hon Michael Gove made a Written Ministerial Statement (WMS) in which he announced the government's intentions to make further changes to the planning system alongside those in the Levelling Up and Regeneration Bill. Details of the changes are to be set out in an upcoming National Planning Policy Framework prospectus, which will be put out for consultation by Christmas.

2. Meanwhile, the main areas for change listed in the WMS are summarised below (but please read the WMS for the full picture):

Community Control

- "I will retain a method for calculating local housing need figures but consult on changes. I do believe that the plan-making process for housing has to start with a number. This number should, however, be an advisory starting point, a guide that is not mandatory."
- "My changes will instruct the Planning Inspectorate that they should no longer override sensible local decision making, which is sensitive to and reflects local constraints and concerns."

Local Plans

- "We will end the obligation on local authorities to maintain a rolling five-year supply of land for housing where their plans are up to date. Therefore, for authorities with a local plan, or where authorities are benefitting from transitional arrangements, the presumption in favour of sustainable development and the 'tilted balance' will typically not apply in relation to issues affecting land supply."
- "...consult on dropping the requirement for a 20% buffer to be added for both plan making and decision making...In addition, I want to recognise that some areas have historically overdelivered on housing."

2

- "Where authorities are well-advanced in producing a new plan, but the constraints which I have outlined mean that the amount of land to be released needs to be reassessed, I will give those places a two-year period to revise their plan against the changes we propose and to get it adopted. And while they are doing this, we will also make sure that these places are less at risk from speculative development, by reducing the amount of land which they need to show is available on a rolling basis (from the current five years to four)."
- "...increase community protections afforded by a neighbourhood plan against developer appeals – increasing those protections from two years to five years."
- "...consult on what areas we propose to be in scope of the new National Development Management Policies...National Development Management Policies will also not constrain the ability of local areas to set policies on specific local issues."

Build Out

- "I will consult on two further measures:
 - i) on allowing local planning authorities to refuse planning applications from developers who have built slowly in the past; and
 - ii) on making sure that local authorities who permission land are not punished under the housing delivery test when it is developers who are not building."

Character of a Developer

- Consult on how to address "...irresponsible developers and landowners who persistently ignore planning rules and fail to deliver their legal commitments to the community."

Brownfield First

- “The new Infrastructure Levy will be set locally by local planning authorities. They will be able to set different Levy rates in different areas, for example lower rates on brownfield over greenfield to increase the potential for brownfield development.”

- “I will also provide further protection in national policy for our important agricultural land for food production, making it harder for developers to build on it.”

Housing Market

- “I intend to deliver a new tourist accommodation registration scheme as quickly as possible, working with DCMS, starting with a further short consultation on the exact design of the scheme. I will also consult on going further still and reviewing the Use Classes Order so that it enables places such as Devon, Cornwall, and the Lake District to control changes of use to short term lets if they wish.”

3. A WMS is an expression of government policy and, therefore, capable of being a material consideration (or important and relevant) in all casework and local plan examinations. It should be noted, however, that this WMS states that further details of the intended changes are yet to be published and consulted upon.

Action

8.2 WD/2021/2924/F

The Boat House Bistro, Bewl Water, Bewlbridge Lane, Cousley Wood, Wadhurst, TN3 8JH.

Comment: will be considered again at a later date by the planning committee

No update today

8.3 WD/2021/2925/F

Bewl Water, Sailing Hut, Bewlbridge Lane, Cousley Wood, Wadhurst, TN3 8JH

No update today

8.4 WD/2022/1610/MAO

Comment: will be considered again at a later date by the planning committee

Land to the south of Cousley Wood Road, Sparrows Green, Wadhurst TN5 6SX

The Wadhurst Parish Council (WPC) write further to the release of PINS NOTE 14/2022 on 8th December 2022 (see Appendix A) and the Written Ministerial Statement (WMS) issued on the 6 December by the Rt Hon Michael Gove.⁴

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The Wadhurst Parish Council notes that the obligation on local authorities to maintain a rolling five-year land supply is to be dropped where there is a local plan, and areas that have

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historically over delivered on housing (as Wealden and Wadhurst have – see Appendix B) will be taken into account when allocating numbers for future housing.

Whilst the WPC are aware that Wealden District Council (WDC) does not currently have an up-to-date local plan, the plan is in advanced stages and should therefore benefit from transitional arrangements that will reduce the amount of land that WDC needs to show as being available on a rolling basis.

WDC Councillors have previously lobbied that the circa 7,500 permissions for new homes that have been given, but are not yet built out, should be taken into account when allocating housing numbers⁵. The WMS states that it will make sure “*local authorities who permission land are not punished under the housing delivery test when it is developers who are not building*”.

Implications for application WD/2022/1610/MAO

The WPC understands that a WMS is an expression of government policy and, therefore, capable of being a material consideration (or important and relevant) in all casework, but the removal of the presumption in favour of sustainable development and the ‘tilted balance’ will most likely not apply to the current issues affecting land supply in Wealden.

WPC is already of the view that this proposal constitutes a major development in the AONB and therefore the ‘tilted balance’ does not apply under the *Monkhill, 2021*⁶ ruling. This WMS adds further weight to the fact that the current lack of 5 year land supply should be ignored in the planning decision process here.

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To:	All Inspectors, Examining Inspectors, APOs, RTPI Apprentices and Casework Managers
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Action

8.5 WD/2022/0391/MAJ

Comment: will be considered again at a later date by the planning committee

Land west of Styles Lane and south of High Street, Wadhurst, TN5 6DZ

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Action

8.6 WD/2022/0662/MAO

Little Windmill Farm, Windmill Lane, Cousley Wood, Wadhurst.

No update today

9. Appeals:

10. To consider any footpaths modification orders and make recommendations:

11. Planning control and High Street Enforcement:

Breach of Conditions Notice:

12. To discuss Tree Preservation Orders:

13. Conservation areas

Update required from Enforcement Officer in regard to Magic Fade frontage (Action)

14, Community Infrastructure Levy

15. Policy/Correspondence/Consultations

15.1 High Weald AONB Management Plan Consultation 2024-2029 & Biennial Review. Note: The Clerk has emailed HWAONB to try to set up a meeting with the new planning consultant.

15.2 Conflict between Wealden District Council approach to contemporary development in the High Weald AONB and the High Weald AONB Housing Design Guide. Note: The Clerk has emailed Chris Bending at WDC to request this is an item on the next parish panel meeting.

15.3 Dark skies - matters to be considered by WDC when determining planning applications. Note: The Clerk has emailed Chris Bending at WDC to request this is an item on the next parish panel meeting.

15.4 Restrictions on permitted development in the High Weald AONB. Note: The Clerk has emailed Chris Bending at WDC to request this is an item on the next parish panel meeting.

15.5 Etchingham Railway Station and Dark Skies

Correspondence from North Parish Group re Etchingham Railway Station and Dark Skies. Note: The Clerk has written to them and confirmed support from Wadhurst Parish Council Planning Committee.

15.6 Government consultation (deadline 2nd March 2023):
<https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>

Discussions in progress regarding NPPF (Action- place on next agenda)

15.7. WDC Brownfield Register (Decision details on public web site)

Cllr C Moore proposed that Cllr P Moore would draft a response and this would be agreed by email, Cllr Gadd seconded and agreed unanimously.

16. Items for Noting:

To consider notices of decisions received: None

Certificate of Lawful Development: None

Raise no Objections: None

Prior Approval Required: None

Not Issued/refused:

Issued/approved:

Application No. WD/2022/2108/F

Description: single storey rear extension to replace existing outbuildings, single storey front extension to replace existing porch, replacement of flat roof with new pitch roof to existing side extension, renewal of windows.

Location: 2 FLATTENDEN COTTAGES, THE DENS, WADHURST, TN5 6NL

Decision: approved.

Comments from WDC to WPC: The proposed development would introduce six rooflights onto the building. It is acknowledged the dwelling is in a rural location and within the High Weald AONB, however the rooflights are not excessive in size. The addition of rooflights (of this scale) to an existing residential property would not have a significant harmful impact on this dark landscape, and a refusal on this basis would be difficult to justify. Especially, as the dwelling is lower than surrounding fields and not on a prominent ridgeline or widely visible in the landscape.

The proposal also introduces a Juliette balcony on the north-west (side elevation) of the dwelling, which is part of the newer extension. The Juliette balcony is not being retrofitted into a more

traditional part of the building, and therefore the incorporation of this into the new extension is not considered to be harmful to the overall character of the dwelling, or the wider area.

Application No. WD/2022/2788/FA

Description: variation of condition 7 of WD/2021/2365/FA (construction of new dwellinghouse land between Farthings and the Winnats, Balaclava Lane, Wadhurst) to vary the design of the windows and allow for installation of 1 new window and 1 new roof light.

Location: WOODLARK HOUSE, BALACLAVA LANE, WADHURST, TN5 6EH

Decision: approved

WDC comment to WPC: the condition restricts the insertion of any further windows to be inserted in the east and west (side) elevations of the dwelling and no further rooflights. This simply prevents and permitted development being carried out and does not preclude the applicant from submitting to include such windows, against which a full assessment of the merits in planning terms of such openings. The proposed windows would not have a harmful impact on residential amenity and conditioning the rooflights to be shielded would not meet the necessary test of enforceability and would not be reasonable given the location within a residential area, rather than within a more isolated rural location where such light spill could have the potential to be harmful to dark skies.

Application No. WD/2022/2744/F

Description: SINGLE STOREY REAR EXTENSION.

Location: LIMBER COTTAGE, BEST BEECH HILL, WADHURST, TN5 6JT

Decision: approved

Withdrawn:

Application No. WD/2022/2565/F

Location: THE BEAUTY BAR, DURGATES, WADHURST, TN5 6DE

Description: change of use from commercial to dwelling house.

Approvals:

17. Urgent Issues at the discretion of the Chair for noting or inclusion on future agenda

Meeting closed at 11.10am hours