



Application No. RR/2017/591/P

Decision Date: 10 July 2017

Town and Country Planning Act 1990

REFUSAL OF PLANNING PERMISSION

AGENT/APPLICANT:

The Tender Touch Of Willow
Attn: Mr Hopper
67-69 Sun Lane
Gravesend
Kent
DA12 5HQ

APPLICANT

The Tender Touch Of Willow
Attn: Mr Hopper
67-69 Sun Lane
Gravesend
Kent
DA12 5HQ

DESCRIPTION:

Use of land as a natural burial site (retaining part agricultural and reinstating two ponds) including related facilities - septic tanks, toilet block, office, farm shop/chapel, two mobile log cabins, fencing and hardstanding.

LOCATION:

Northlands Farm, Rye Road, Beckley/Northiam

The Rother District Council hereby give notice in pursuance of the provisions of the Town and Country Planning Acts that permission has been refused for the carrying out of the development referred to above for the following reasons:

- 1 The application site is located in the countryside where national and local planning policies seek to restrict new development. There is currently no agricultural trade or business being carried out on the land and there is a lack of specific detailed evidenced focused on the demonstrable need for the proposed additional use of the site as a burial ground and the associated buildings and structures - which include new residential accommodation - in this countryside location. As such there is no justification for the development proposed which would conflict with Paragraph 55 of the National Planning Policy Framework and Policy RA3 (i) and (iii) of the Rother Local Plan Core Strategy.

- 2 The application site is located in the countryside within the High Weald Area of Outstanding Natural Beauty, which national and local policies seek to protect from inappropriate and intrusive new development. The proposal would introduce a large area of hard-standing and a long access track formed in hard core, together with a proliferation of structures that are domestic in appearance - including a farm shop/chapel and mobile log cabins of a significant scale - and would include introducing a residential use in this open and unspoilt area of the countryside. Together, these elements would represent a significant intrusion in this open, undeveloped landscape, eroding the rural nature of the area and causing substantial harm to the natural beauty of a part of the countryside where the designation as an Area of Outstanding Natural Beauty ensures the highest status of protection in relation to its landscape and scenic beauty. As such, the proposal is in conflict with Paragraph 115 of the National Planning Policy Framework and Policies OSS3 (vi), OSS4 (iii), RA2 (viii), RA3 (v) and EN1 (i) of the Rother Local Plan Core Strategy.
- 3 The undeveloped and open rural landscape character of the site is within the setting of the Grade II* listed Knelle Dower and makes a positive contribution to the significance of this important designated heritage asset. Having regard to section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the proposed introduction of a large area of hard-standing and a long access track formed in hard core, together with a proliferation of buildings that are domestic in appearance, would erode the undeveloped, open rural landscape character of the site. As such, the proposed development would fail to preserve the setting of the listed building and would be in conflict with Paragraph 132 of the National Planning Policy Framework and Policy EN2 (iii) of the Rother Local Plan Core Strategy.
- 4 The application site is located in a quiet countryside rural area where the impact of noise from a more intensive use of the land is potentially significant, particularly with regard to the very close proximity of the neighbouring properties - Knelle Dower, The Boundary House and Talisman. The proposed development would generate a level of noise in this tranquil countryside area above and beyond that which might reasonably be expected by the neighbouring occupiers. The proposal would be harmful to the living conditions of the neighbouring occupiers, by reason of disturbance from noise, in conflict with Paragraph 123 of the National Planning Policy Framework and Policy OSS4 (ii) of the Rother Local Plan Core Strategy.

NATIONAL PLANNING POLICY FRAMEWORK:

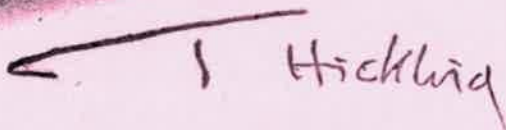
In accordance with the requirements of the Framework (paragraphs 186 and 187) and with the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reasons for refusal, thereby allowing the applicant the opportunity to consider the harm caused and whether or not it can be remedied as part of a revised scheme.

NOTE:

This refusal of planning permission relates to the following plans and documents:

- Site location plan (scale 1:2500), received on 03-03-2017;
- Proposed land plan, dated 2/3/17;
- Highway plan, dated 2/3/17;
- Proposed car park farm shop - chapel office/toilets, dated 2/3/17;
- Proposed hardstanding + site plan, dated 28/3/2017;
- Proposed toilets, dated 28/3/2017;
- Proposed west elevations, dated 28/3/2017;
- Proposed east elevations, dated 28/3/2017;
- Front elevation proposed, dated 28/3/2017;
- Rear elevation proposed, dated 28/3/2017;
- Proposed new office, dated 28/03/2017;
- in-nova document - drawings + plans for shop/chapel, dated Feb. 23, 2017;
- Proposed side view office/toilet/farm shop - chapel, dated 2/3/17;
- Proposed rear view office/toilet/farm shop - chapel, dated 2/3/17;
- Ground layout for mobile log cabins, dated 2/3/17;
- Proposed front elevation log cabins, dated 28/3/2017;
- Rear proposed mobile log cabins, dated 28/3/2017;
- Proposed mobile log cabins, dated 28/3/17; and
- in-nova document - log cabins for staff, dated July 06, 2016.

STATUTORY NOTICE TO THE APPLICANT: If you are aggrieved by the decision of the Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Planning Inspectorate in accordance with Section 78 of the Town and Country Planning Act 1990 within SIX MONTHS of the date of this notice. Please see overleaf for details.



Service Manager - ~~Strategy and Planning~~

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 or in the case of a Certificate of Lawful Use or Development under s195 of the Town and Country Planning Act 1990.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.

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.

PURCHASE NOTICES (Applications for planning permission, listed building consent and conservation area consent only)

If either the local planning authority of the Secretary of State for Communities and Local Government refuses permission to develop land or grants it subject to conditions or if a listed building consent or conservation area consent is refused, or granted subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land 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, in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990 or as the case may be Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

COMPENSATION (Applications for planning permission, listed building consent and conservation area consent only)

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Parts IV and V of the Town and Country Planning Act 1990 or as the case may be Section 27 of the planning (Listed Buildings and Conservation Areas Act) 1990.

GENERAL NOTES

1. Attention is drawn to Section 35(2) of the East Sussex Act 1981 regarding means of access to a building for the fire brigade. The effect of which in relation to the erection or extension of a building is to require adequate means of access for the fire brigade and to ensure such works will not render inadequate any existing means of access for the fire brigade to a neighbouring building.
2. Attention is drawn to Sections 4, 7, 8 and 8a of the Chronically Sick and Disabled Persons Act 1970, to the Code of Practice for Access for the Disabled and to Design Note 18 – all of which relate to the provisions to be made for access for the disabled.
3. This permission does not grant any approval or consent which may be required under any enactment, byelaw, order or regulation other than the Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990.

NOTES RELATING SPECIFICALLY TO APPLICATIONS FOR LISTED BUILDING CONSENT AND CONSERVATION AREA CONSENT

Attention is drawn to Section 8 (2) (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition may not be undertaken (despite the terms of any consent granted by the local planning authority) until notice of the proposal has been given to the National Monuments Record Centre, The Engine House Fire Fly Avenue, Swindon, Wiltshire SN2 2EH and the Commission subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.