

Report to: PLANNING COMMITTEE

Date of Meeting: 23 September 2020

Report from: Assistant Director of Housing and Built Environment

Application address: **Little Warren Cottage, Hastings Country Park,
Fairlight Road, Hastings, TN35 4AA**

Proposal: **Retention of chicken coop, shepherds hut and
storage shed.**

Application No: **HS/FA/20/00175**

Recommendation: **Grant permission**

Ward: ORE 2018
Conservation Area: No
Listed Building: No

Applicant: Lucy Williams per GRF Planning Flat 1 30
Collington Avenue Bexhill on Sea TN39 3NE

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - General Interest
Neighbour Letters:	No
People objecting:	11
Petitions of objection received:	0
People in support:	31
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated - 5 or more letters of objection
received

1. Site and surrounding area

The site comprises a single storey detached property that has been extended over recent years. The property is situated on the south side of Fairlight Road and is approached via a track some 300 metres in length. It lies within the Hastings Country Park and is within the High Weald AONB. The main entrance is gained via a gate and drive on the western elevation. The land slopes down generally from north to south and there is a line of trees around all the boundaries. These are the subject of a group and individual Tree Preservation

Order 287 (G1). The dwelling is built mainly of brick with a clay tile pitch roof. The site does not adjoin other properties but does adjoin public rights of way to the north, east and south.

For purposes of information only and to support the application, the applicant has recently replaced the broken chestnut fencing with a like for like replacement (not requiring planning permission) and also intends to plant a native species hedge around the entire property, providing further dense screening.

Footpaths lead in a generally east – west direction to the north of the property and north – south to the west.

Constraints

Land Owned Leased Licensed or held by Tenancy at Will by HBC
Tree Preservation Order
Local Nature Reserve
Hastings Country Park
Flooding Surface Water 1 in 1000
High Weald AONB
Archaeological Notification Areas
Local Wildlife Sites
Site of Special Scientific Interest
Special Area of Conservation

2. Proposed development

Retention of chicken coop, shepherds hut and large storage shed/summerhouse. (This application has been submitted to regularise the retrospective works to retain a chicken coop, shepherds hut and storage shed at Little Warren Cottage. It follows an earlier application (HS/FA/19/00564) which was withdrawn following concerns from the Local Planning Authority regarding the design of the main large storage shed to the south corner of the site. This has been altered to address those concerns. Main changes are the fenestration has been altered, the decking removed and the mono pitched roof replaced with a dual pitched roof. Each element is individually addressed below.

The application is supported by the following documents:

Ecology report
Arboricultural report
Supporting statement

Relevant planning history

Application No.	HS/FA/55/00504
Description	Use of land coloured pink and hatched red on plan for residential development. Use of land coloured pink on plan as holiday camp.
Decision	Refused on 13/09/55
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Application No.	73/00252
Description	Scout Activity Centre and Hostel for Cub Scouts and Scouts
Decision	Permission with conditions on 30/03/73

Application No.	HS/FA/87/00896
Description	Conversion of existing dwelling into offices, workshop and kitchen facilities for country park staff together with w.c. extension.
Decision	Permission with conditions on 18/12/87
Application No.	HS/FA/10/00063
Description	Conversion of existing offices to form 3 bedroom dwelling including extension.
Decision	Withdrawn on 05/03/10
Application No.	HS/PD/13/00517
Description	Prior approval application for conversion of offices (B1) to residential (C3)
Decision	Permission not required on 21/08/13
Application No.	HS/FA/13/00685
Description	Erection of side extension including alterations to front raised decking and internal alterations
Decision	Permission with conditions on 14/10/13
Application No.	HS/FA/14/00893
Description	Proposed side extension to form new bedroom and en-suite. Proposed rebuilding of attached store to form new porch area. Proposed demolition of WC and porch to form new lobby area to rear elevation. Proposed raised decking area, leading to a new Conservatory. Insertion of 3 No. rooflights. Internal alterations to facilitate proposals. New detached studio/storage building.(Use as residential permitted under HS/PD/13/00517)
Decision	Permission with conditions on 05/03/15
Application No.	HS/CD/15/00714
Description	Discharge of conditions 3 : (Soft landscaping), Condition 5 : (Biosecurity Protocol), Condition 6 : (Construction Environmental Management Plan), Condition 9 : (Samples), Condition 12 (i): (drainage) of planning permission HS/FA/14/00893
Decision	Permission with conditions on 30/10/15
Application No.	HS/TP/18/01101
Description	Various tree works including - Oak: Removal of dead limbs, Remove 2 x Thorn. Remove dead wood and coppice of Thorns. Hazel: Coppice, Aspen: Remove dead and diseased limbs and reduce crown.
Decision	Withdrawn on 29/04/19
Application No.	HS/TP/19/00334
Description	3x Thorn marked in yellow on G1 northern boundary remove dead wood and lift crowns 2m, 9x Thorn marked in yellow on G1 western boundary remove dead wood and lift crown by 2m, 1x Hazel marked in orange on G1 eastern boundary remove dead wood and limb leaning on fence, 2x Apsens marked in yellow on G2 south-eastern boundary remove dangerous branches
Decision	Permission with conditions on 28/08/19
Application No.	HS/FA/19/00564
Description	Retention of chicken coop, shepherds hut and storage shed.
Decision	Withdrawn on 04/09/19

National and local policies

Hastings Local Plan – Planning Strategy 2014

Local Plan Planning Strategy Policy FA5 - Local Nature Reserves (LNR)

Local Plan Planning Strategy Policy EN6 - Local Wildlife Sites (LWR)

Local Plan Planning Strategy Policy EN3 - Nature Conservation and Improvement of Biodiversity Policy

Local Plan Planning Strategy Policy EN1 - Built and Historic Environment

Local Plan Planning Strategy Policy EN7 - Conservation and Enhancement of Landscape

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Local Plan Development Management Plan Policy HN4 -Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

Local Plan Development Management Plan Policy HN8 - Biodiversity and Green Space

Local Plan Development Management Plan Policy HN9 - Areas of Landscape Value

Other policies/guidance

National Design Guide

Countryside and Rights of Way Act 2000

National Planning Policy Framework (NPPF)

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping

- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

Other guidance

Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area.

3. Consultation comments

Arboricultural Officer - **No objection**

The information and proposals provided are not considered to have a significant adverse impact on existing trees on site.

Additional comments were submitted by the Arboricultural Officer to confirm on site discussions between himself and the case officer regarding the coppiced Plum tree. These comments are as follows:

"I am writing to you to confirm the verbal comments made by me to you on site. The subject tree has been identified as being plum species. The tree is subject to a Tree Preservation Order.

The tree was recently coppiced, the works being undertaken without prior consent. It was noted during my site visit that the tree continues to grow, with new shoots emerging from the recently coppiced stool.

It is very likely that the tree will continue to grow, in time establishing a multi-stem habit, forming a part of the existing tree screen. I advise that consultation with the planning authority must take place prior to undertaking works to trees subject to a Tree Preservation Order."

Archaeological Notifications Area - No objections raised

'Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.'

Natural England - No objection

"Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites."

Environment and Natural Resources Manager - No objection -

"The information and proposals provided are not considered to have a significant adverse impact on biodiversity. The applicant has submitted an ecology assessment which concludes there was very little adverse biodiversity impact relating to the development activity. I do not consider there are adverse implications on the wider landscape or to protected species. It is a small proposal within a domestic curtilage.

As the application is retrospective, there are no conditions appropriate. The ecology report highlights ways where biodiversity can be increased within the property, which are matters for the owners of the property to consider."

Estates Manager - Raises no objection

4. Representations

In respect of this application site notices were displayed at various points around the application site.

42 no of representations received from different properties. 11 objections from 11 different people, and 31 support letters from 31 different people. A summary of comments made, from both objection and support letters are included below:

11 letters of objection have been received raising the following concerns:

- The developments are large and intrusive and bring a suburban feel to the Country Park.
- TPO protected trees have been removed to enable developments. The application form falsely claims that only limited pruning will be required.
- The developments have already started and are retrospective. Unauthorised works since 2015 are considered a material consideration when deciding an application.
- The details provided by the applicant are insufficient and inaccurate
- The developments are in breach of covenants established when HBC sold the property in 2013.
- Detrimental to the character, appearance, openness and natural beauty of the High Weald Area of Outstanding Natural Beauty - Visible from the upper part of Warren Glen.
- These developments will have a negative impact on the natural character of the area and the AONB.
- Contrary to Policies DM1 and HN9 of the Development Management Plan and Policy EN7 of the Hastings Planning Strategy, the AONB Management Plan and paragraphs

127, 170 and 172 of the NPPF.

- Visible from many parts of Warren Glen.
- Applicant falsely claim that no trees have previously been removed or pruned, which HBC knows is not the case. Their removal was incorrectly permitted by HBC's tree officer.
- Concerns the outbuilding will result in holiday lets
- Negative impact on the habitat of protected wildlife.
- Trees unlawfully felled.
- Contrary to policy

31 letters of support have been received raising the following:

- The proposed developments make good sense and the designs are in keeping with the area.
- Barely visible from the public footpath on the other side of the valley. The property is surrounded by trees.
- Reports from Natural England, and those on biodiversity and on tree protection all suggest no detrimental impact.
- Natural England, The Estates for HBC, Arboricultural Impact Assessment & Tree Protection Plan, Ecological report, have been all been satisfied.
- Tree protection measures have also been advised.
- The reduced storage shed, shepherd's hut or a small chicken coop will not contribute to any further urbanisation.
- The storage hut has been set over an existing base - the aerial views shown from years ago show trees that obscure this site.
- A chicken coop and shepherds hut, are in keeping with the rural nature of the site and does not have a suburban feel.
- Appropriate restrictions should be applied to ensure the new outbuildings are for ancillary use only and not used for residential or holiday let purposes, given the sensitive nature of this site.
- The Shepherds hut and Storage shed will have no impact on the Country Park, visitors or local residents .
- The chickens are a welcome addition to the Country Park.
- Shepherds hut is in keeping with a rural property and also in a subtle colour.
- The chicken coop seems to me to be wholly in keeping with the working rural nature of the surroundings.
- Significant improvement from the previous building.

5. Determining issues

Main issues to consider are the impact upon the Character of the area in terms of design and appearance within the setting of the Country Park and wider area of outstanding natural beauty.

a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

b) Impact on character and appearance of area

Policy DM1 of the Development Management Plan (2015) seeks to ensure a good standard of design which protects and enhances the local character.

Little Warren Cottage is set within the Country Park, and as such greater weight should be given when considering applications for extensions and outbuildings. There are 3 elements to this application, which will be addressed separately. It should be noted that the outbuildings on site would normally constitute permitted development under class E of the General Permitted Development Order and therefore not require formal consent. However, due to permitted development rights being removed from this property at the time of sale by Hastings Borough Council, the applicant is required to apply for permission for the main three outbuildings.

Chicken coop

2.9m x 6m x 2.75m

Distance of 3.3m to north boundary

The coop is metal framed and can be moved easily and it not on a fixed to a solid base. The coop is barely visible from the boundary lines and although the chickens can be heard occasionally, there are no cockerels and the keeping of chickens is allowed without formal consent. The chicken coop is of a size and sited in a manner that the appearance of the country park is not harmfully affected.

Shepherds hut

Length 6 x depth 2.4m x height of structure 2.6m - overall height from ground level including stand and wheels 3.2m - Minimum of 4.5m and maximum 5.8m towards west boundary

On the initial site visit of the previously withdrawn application, the shepherd hut appeared stark and dominant in appearance and there were concerns it would be seen from distant views, or too close to the boundary. However, having visited the site on a number of occasions since, the shepherd hut is now finished and is not clearly visible from other areas of the park. The shepherds hut has become an attractive feature within the garden. An array of wild flower gardens have been created, with pathways being created as access to all areas. The hut is being used as storage and home office/art studio for the home owner and is clearly ancillary to the host dwelling. The hut is finished in a light grey paint which blends in with the landscaping within the garden. There are several views of the house from the Country Park, however the hut was not clearly visible in any of them, and even in winter it is not considered that the hut creates a detrimental impact upon the character and visual appearance of the Country Park.

The applicant has proposed a native species hedging to be planted around the boundary of the site. This is not required to make the application acceptable but is offered by the applicant. As the hedge is not required, there is no condition attached to that effect. The new hedging does not require planning permission and the applicant has engaged with the Local Planning Authority and Natural England regarding the species of vegetation to be used, to ensure only native hedging is used. Initial concerns have been addressed and the shepherds hut now forms part of this country garden with a well established stock of shrubs and flowers to provide good screening.

Workshop/Summerhouse

2.9m from ground level to the overall highest pitch

2.3 to the flat room and ground level

Depth 4.8m x length 6.8m

Distance to boundaries - 3.86 to south boundary and 6.9 to west boundary

This is the largest of all the outbuildings proposed and has caused the most concern for objections. As previously proposed under application HS/FA/19/00564, their concerns raised regarding this building were considered to be justified. The Council requested the building be reduced in size. In respect of this the veranda to the rear has been removed. In addition, the roof has been removed and will be replaced with a slight pitch and to be of Onduline Sheeting, which is a typical material for a rural outbuilding. The rear door has been removed and the remaining windows are to be redesigned to be more in keeping with a rural location, with smaller panes. Having walked around the site on a number of occasions, there were no clear views of the storage shed/summerhouse, unless trampling through the dense fern and bramble coverage to gain access to the boundary fencing, although it is still not clearly visible or considered to be detrimental to the area. Having been on site it was clear there has been activity to gain access to these view points, and from these areas you may have a clearer view. Nevertheless it is highly unlikely that people will, as part of their walk in Hastings Country Park, go into highly brambled areas. If the correct footpath is followed there would be only glimpses, if anything, of this building.

The outbuilding currently houses long canoes and associated equipment. With the reduction in size that has been negotiated and the changes made to the roof and fenestration, it is considered that the outbuilding is acceptable and solely for the purpose ancillary to the main host dwelling and not as a holiday let. Objections raised concerns that the outbuildings may be used as holiday lets, and the Council concur with this. One objection refers to a previous refusal on another site, comparing them to be similar. None of the outbuildings in this application are being proposed for holiday lets/living accommodation. Floor plans show there are no sleeping/cooking/washing facilities and therefore the two applications cannot be considered similar, in size or purpose. However, a condition (Condition number 2) will be applied to ensure the outbuilding remains as storage or summerhouse for the family and at no point be rented out as a holiday unit. Comments mention the size of the door for storage of canoes. Although the canoes are long, they are not wide, and therefore a standard doorway is sufficient to move them into the garden. Should the applicant wish to use this outbuilding as a summerhouse, it would still be considered acceptable as the main door and windows face into the garden. The terrace/veranda and door has been removed from the rear elevation so there is no impact in terms of sitting out looking across the Country Park on an elevated position, and with the screening in view it is not really possible unless further trees were removed, which is not the case. Although 3 smaller windows have been added to the rear elevation and the 3 windows are proposed within the side bay, they are not considered to cause harm in terms of overlooking due to the distance from the boundaries and good boundary treatment. The 2 x Alder, 1 x Oak and 1 x Field Maple in the south west corner are considered to be mature trees that provide good screening and these should not be reduced. Informative 3 and condition 3 have been applied to ensure no further works to trees are carried out without consultation and formal consent.

Given the reduction in size, it is considered that Paragraph 172 of the NPPF has been given consideration and the applicant has given great weight to conserving and enhancing landscape and scenic beauty of the Areas of Outstanding Natural Beauty.

The hardstanding to which the outbuilding stands already existed, although it has been made slightly larger. The area was covered in brambles, with ivy covering the trees. The garden was not kept to a good standard and in need of maintenance. The wildlife garden that has been created throughout the garden gives a sense of natural habitat and in time will provide good screening and habitats for years to come. As such, it is considered that the works carried out have enhanced the area in question and provided good scenic landscaping on this south corner of the site.

Other outbuildings that are considered permitted development and therefore do not require planning permission but have been included in the report for clarity.

Small garden shed directly adjacent the chicken coop

1.9 x 1.2

This shed is used for the storage of chicken feed and associated equipment. Due to the new position and size the shed does not require formal consent and is permitted development.

Dog kennel

2.4 x 1.6 x 1.7

Minimum of 2m and maximum of 3.3m to west boundary

Due to the size and location of the kennel it is not considered to require formal consent and is permitted development.

Again, this was moved to the rear elevation and does not require consent. The dog kennel has been painted and is used also for chickens in the winter months.

Storage shed

3m x 1.7m x 1.9 – 2.2m

Minimum of 2.1m and maximum of 2.5m to west boundary

Due to the size and location of the shed it is not considered to require formal consent and is permitted development.

This was originally more central in the garden but has since been moved to the rear side of the garden. The shed has now been painted to blend in with the surrounding garden area.

c) Impact on neighbouring residential amenities

Policy DM3 of the Development Management Plan (2015) requires proposals to achieve a good living standard for future users of proposed development and its neighbours in terms of amenity

There are no immediate neighbouring properties that will be affected by this development. However, having regard for Policy DM3 of the Hastings Development Management Plan, 2015, none of the outbuildings will have an impact to neighbouring properties or amenities in terms of overlooking, loss of privacy or outlook due to the good screening in place at present. Site visits have taken place over several months, and it is considered that the applicant has made great effort to ensure that the privacy and outlook of others, as well as their own is taken into account.

New fence and hedging (for reference only)

It is noted that the applicant has been replacing the fence and planting hedging. However, as these works do not require formal consent, a condition will not be added requesting a planting schedule. Separate to this application, discussions have taken place between the Local Planning Authority, the applicant and Natural England regarding the hedge planting, and a list of native species has been sent to Natural England for their information and comments. It can be confirmed that no issues have arisen from those discussions and no formal consent is required from Natural England.

d) Impact on landscape

Policy HN9 of the Development Management Plan (2015), Policy EN7 of the Planning Strategy (2014), Paragraph 172 of the NPPF and the High Weald Area of Outstanding Natural Beauty Management Plan are relevant and seek to prevent inappropriate development within the AONB and protect distinctive landscape.

Little Warren sits on an elevated position and a lower position, depending on where you view the site from. The majority of the outbuildings are to the west side elevation, behind the main dwelling house when standing to the front elevation driveway side. The larger outbuilding in the southern eastern corner elevation, is at a much lower level than the majority of the garden and sits behind and below the established tree line. Although many of the objections mention that it is clearly visible, it is considered that any views that are available are not harmful to the character and appearance of the area of landscape. The established garden of this privately owned residence has been renovated to a high standard and all outbuildings are sympathetic to the main dwelling house and surrounding rural setting. The applicant is advised however, that any future development should either seek approval or advice as to whether planning permission is required before carrying out any further development. Informative note 4 is added to this effect.

e) Area of Outstanding Natural Beauty

Given the site is well screened from the adjoining public footpaths and the Country Park generally, the structures are not considered to be out of keeping within a rural setting and are constructed out of sympathetic materials. The chicken coop is very insubstantial in terms of its appearance and can be moved easily, with no fixed base. The shepherds hut is of a traditional design and constructed out of timber and now sits within pathways of wild flowers and long grass. The shed is also set within a wild flower garden. These structures consist of timber materials and of natural colours and do not appear incongruous or overbearing. The garden is of a large size, with many different levels and pathways, with different varieties of flowers and shrubs/trees. Policies seek to preserve and enhance the character of the area and it is considered that the revised scheme has taken in to account the initial concerns raised and created a development that will not visually harm the AONB and therefore preserve the character and wider surrounding of the Country Park.

f) Ecology and Archaeological Notification areas

High Weald AONB and Natural England were consulted. In addition to this, an ecology study and habitats assessment has been submitted and no additional information was required. The County Archaeologist has confirmed that they do not believe any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

The three structures are relatively modest in size and no engineering work has been carried out as a result of their construction. There will have been no effect on archaeology, biodiversity and green space. The development is in proportion to the overall area of the garden and as such it is not considered to have any adverse affect on the Area of Outstanding Natural Beauty or the Archaeological Notification area and thus satisfy Policy HN9 of the Development Management Plan (2015) and Paragraph 172 of the NPPF.

g) Trees

The Arboricultural report submitted by Mayhew Consultancy, refers to an individual tree as B Grade and considers that B grade trees are of moderate quality with an estimated remaining life expectancy of at least 20 years. The remaining individual trees and groups of trees as C Grade and considers that C grade trees are of low quality with an estimated remaining life expectancy of at least 10 years.

The report also refers to the only tree works that would be necessary to complete the works would be the pruning of relatively small branches of trees immediately adjacent to the southern shed; this would be in order to prevent direct contact between branches and that structure. The 2 x Alder, 1 x Oak and 1 x Field Maple in the south west corner are considered to be mature trees that provide good screening. Informative 3 and Condition 3 have been applied to ensure no further works to trees are carried out without consultation and formal consent.

To ensure the works are carried out correctly and in accordance with British Standards, Conditions 3 and 4 have been applied.

Condition 3 - No additional pruning to the 2 x Alder, 1 x Oak and 1 x Field Maple shall take place adjacent to the workshop/summerhouse, until the precise details have been submitted to and agreed in writing by the Local Planning Authority.

Condition 4 - No further development shall take place to the workshop/summerhouse until temporary protective fences as illustrated in Appendix B, to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.

In regards to the tree works that have already been undertaken, an application was granted under HS/TP/19/00334 for various tree works, as stated in the planning history above. However, the Arboricultural report also states that further pruning may be required to complete the works to the workshop/summerhouse. The report also states that no evidence of any trees being lost as a result of the works currently undertaken, and that it is not anticipated that any trees will be removed in order to complete works on the shed.

Having visited the site previously, there was evidence that unlawful works had taken place. A plum tree had been coppiced, close to where the decking/veranda had been built.

Paragraph: 084 Reference ID: 36-084-20140306 refers to fruit trees. The authority's consent is not required for carrying out work on a tree subject to a TPO and cultivated for the production of fruit in the course of a business or trade if the work is in the interests of that business or trade. The authority's consent is otherwise generally required for carrying out prohibited activities to a fruit tree protected by an Order and not cultivated on a commercial basis.

The Borough Arboriculturist visited the site to inspect the plum tree since the decking/veranda has been removed and found that the tree continues to grow, with new shoots emerging from the recently coppiced stool, and that it is very likely that the tree will continue to grow, in time establishing a multi-stem habit, forming a part of the existing tree screen. Having regard for the Borough Arboriculturist's comments, and the Planning Practice

Guidance for trees protected by the Tree Preservation Order, the applicant is advised that fruit trees are protected as equal to all trees within that Order and permission is required for any pruning unless cultivated for commercial sales. Informative 3 is added to this effect.

The Borough Arboriculturist has inspected the tree and is of the opinion that no further action is required. The tree is clearly growing back and in time will form part of the established tree line on the corner of the site.

h) Lighting

No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

i) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

Schedule 2

Descriptions of development and applicable thresholds and criteria for the purposes of the definition of "schedule 2 development"

"area of the works" includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;

"controlled waters" has the same meaning as in the Water Resources Act 1991(1); and

"floorspace" means the floorspace in a building or buildings.

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

j) Constraints

- The Estates Manager raises no objection.
- The Surface water flooding 1 in 1000 will not be affected due to no excavation works being proposed.
- The County Archaeologist was consulted as a part of this application and considered the works to not impact upon any area that would require a HER report
- Due to the nature of the works it is considered that there will be no long term impact upon the Country Park that would require a landscape assessment.

The ecology report submitted with the outbuilding application showed no protected species to be present that would result in further investigation

6. Conclusion

Given the assessment above, the outbuildings form part of the applicants private garden and having visited the site over a number of months, it is clear these outbuildings are being used ancillary to the host dwelling. The applicant has made great effort to incorporate wildlife areas within the garden and provided good screening around the outbuildings so not to be clearly visible from certain viewpoints. The main outbuilding has been reduced and amendments made to ensure the surrounding area is preserved and not compromised in anyway. It is therefore considered that the application is recommended for approval, subject to conditions, and in agreement with Policies DM1, DM3 and HN9 of the Hastings Local Plan - Development Management Plan (2015), Policy EN7 of the Hastings Local Plan – Planning Strategy (2014), and the High Weald AONB Management Plan, Paragraph 172 of the NPPF and Section 85 of the Countryside and Rights of Way Act 2000,

These proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The Human Rights considerations have been taken into account fully in balancing the planning issues.

7. Recommendation

Grant permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

LWC-07C, LWC-03A, LWC-05A, LWC-06 & LWC-04A
2. The shepherd hut and main storage shed/summerhouse, shall be ancillary to the main dwelling house and used solely for the purpose incidental to the host dwelling and not to be let as or rented as holiday or for additional income.
3. No additional pruning to the 2 x Alder, 1 x Oak and 1 x Field Maple shall take place adjacent to the workshop/summerhouse, until the precise details have been submitted to and agreed in writing by the Local Planning Authority.
4. No further development shall take place to the workshop/summerhouse until temporary protective fences as illustrated in Appendix B, to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and

complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To safeguard the amenity of the adjoining country park.
3. In the interests of the health of the trees and the visual amenity of the area.
4. In the interests of the health of the trees and to protect the visual amenity.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. There is a Tree Preservation Order affecting the land and (subject to the terms of the order) the applicant must contact the Borough Arboriculturist and submit any necessary applications before any future works to trees are carried out, including pruning, or removal of overhanging branches on this site.
4. No further development shall be carried out on this site without written confirmation that either permission is not required, or planning permission is required and granted.

Officer to Contact

Mrs M Botting, Telephone 01424 783252

Background Papers

Application No: HS/FA/20/00175 including all letters and documents