
Appeal Decision

Site visit made on 28 November 2016

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5th December 2016

Appeal Ref: APP/C1435/W/16/3156678

Little Hackhurst Farm, The Dicker, Lower Dicker, East Sussex BN27 4BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr E Russell against the decision of Wealden District Council.
 - The application Ref WD/2016/0380/F, dated 12 February 2016, was refused by notice dated 8 April 2016.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement dwelling at Little Hackhurst Farm, The Dicker, Lower Dicker, East Sussex BN27 4BG, in accordance with the application Ref WD/2016/0380/F, dated 12 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development shall be carried out in accordance with the following approved plans:
 - existing ground floor, roof plan and elevations: 2016-07-01;
 - proposed ground floor and roof plan: 2016-07-02;
 - proposed elevations: 2016-07-03;
 - proposed ground floor plan with dimensions: 2016-07-04 and
 - site location and block plan: 2016-07-05.
 - 3) No development above foundation level shall take place until details of the materials to be used on the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 4) Prior to the first occupation of the replacement dwelling, the car parking spaces and turning area shown on drawing no 2016-07-05 shall be provided and retained thereafter for the purposes of parking and manoeuvring vehicles.
 - 5) Prior to the first occupation of the replacement dwelling the existing mobile home and all materials associated with it shall be removed from the site.
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Application for costs

2. An application for costs was made by Mr E Russell against Wealden District Council. This application is the subject of a separate Decision.

Procedural Matter

3. Since the appeal was initiated the Council has received an appeal decision¹ which related to a similar proposal on a site elsewhere in the district. Due to the current lack of a five-year housing land supply, the policies upon which the Council had determined the application before me were given only limited weight in the Inspector's assessment of this other proposal. Consequently, the Council withdrew its objection to the current scheme and has invited me to allow the appeal. There is therefore no need for me to assess the merits of the proposal. Instead, I will move on to consider the conditions that the Council has suggested should be attached to the permission.

Conditions

4. In addition to the standard time limit, a condition specifying the plans is needed in the interest of certainty. A materials condition is justified in the interests of the appearance of the development. However, I have simplified the requirements for the sake of clarity and enforceability.
5. Provision of the car parking spaces and turning area is required to ensure that the site can be accessed safely, particularly in view of its proximity to the A22.
6. As the development is a replacement dwelling it is reasonable and necessary to secure the removal of the existing mobile home in order to avoid the creation of an additional dwelling in an area that is outside any settlement boundary. However, the replacement dwelling is to be located in almost the same position on the site as the existing mobile home, although it will occupy a slightly larger footprint. It therefore seems to me that the proposal could not be implemented without first removing the existing mobile home. I have therefore amended the Council's suggested condition to ensure that the mobile home is removed in its entirety prior to first occupation, rather than three months after the replacement dwelling is occupied.

Conclusion

7. As there is no longer a dispute between the parties I will allow the appeal, subject to conditions.

Sheila Holden

INSPECTOR

¹ APP/C1435/W/16/3143595