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**DESCRIPTION AND LOCATION OF DEVELOPMENT**  
**PROPOSED CHANGE OF USE OF FORMER FARM BUILDING FROM APPROVED B8 USE TO A FARM SHOP**  
**HOLMES HILL FARM, WHITESMITH, CHIDDINGLY BN8 6JA**

With reference to the proposals set out in the application numbered as above and shown on the plans submitted therewith, Wealden District Council, in pursuance of powers under the Town and Country Planning Act 1990 (as amended), hereby **GRANTS PLANNING PERMISSION** for the said proposals, subject to the conditions stated below imposed for the reasons stated thereunder:-

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date on which this permission is granted. STD4A

**REASON:** To meet the requirements of Section 51 of the Planning & Compulsory Purchase Act 2004.

2. The farm shop use hereby permitted shall be contained and operated solely within the building shown on the permitted drawing (unit 4) at all times, and shall sell only farm produce and hand made rural craft items that have been predominantly sourced from the site and within the Wealden District area, with the remainder being from the wider East and West Sussex area, all as detailed within the application particulars, unless the prior written approval of the Local Planning Authority is obtained.

**REASON:** To accord with the Applicant's stated intentions, and enable the Local Planning Authority to control the use to ensure it remains a Farm Shop to support farms and small rural businesses within the local area, having regard to Planning Policy Statement 4, Policies SH11, TR3 and TR16 of the adopted Wealden Local Plan and Policies SH10, TR2 and TR5 of the Non Statutory Wealden Local Plan.

3. Within 3 months of the opening of the farm shop hereby approved to the public, the mobile office unit shown on the Drawing No. A1-12808/01 date stamped 06 April 2010 shall be removed/demolished and all arising materials shall be removed from the red and blue edged land. DE02

**REASON:** To enable the Local Planning Authority to regulate and control the development of land; to preserve the visual amenities of the locality and to secure a satisfactory standard of development, having regard to Policies EN8 and EN27 of the adopted Wealden Local Plan and Policies NE7 and BE1 of the Non Statutory Wealden Local Plan.

4. This planning decision relates solely to the following plan(s):

Ref. Date Stamped STN4  
Site Plan 6 April 2010  
A1-12808/01 6 April 2010

**REASON:** For the avoidance of doubt.

**NOTE:** Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

**REASON FOR APPROVAL:** In accordance with the requirements of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the development was considered to comply with Policies RE3 and SCT3 of the South East Plan 2009; Policies EN8, EN27, DC6, DC7, SH11, TR3 and TR16 of the Wealden Local Plan (1998), along with Policies NE7, BE1, DC6, DC7, SH10, TR2 and TR5 of the Non Statutory Wealden Local Plan Interim Guide for Development Control (2005), coupled with the advice contained within Planning Policy Statements 4 and 7.

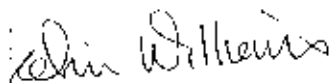
The proposed farm shop use would be of suitable scale and ancillary nature to the existing enterprises undertaken on this site, so that it does not detract from the existing building and surrounding area but will support farms and other small rural businesses within the locality without adverse impact upon any nearby convenience shops.

Subject to the conditions imposed on the decision notice, the farm shop use would not be detrimental to the residential amenities of nearby occupiers, or highway safety, and there were no other material considerations sufficient to justify a decision other than to permit.

**NOTE:** Your attention is drawn to the requirements of the Building Act 1984 for the deposit of Plans under the Building Regulations and associated legislation.  
**ACCESS FOR FIRE BRIGADE:** Your attention is hereby drawn to the provisions of Section 35 of the East Sussex Act 1981.

**DISCHARGE OF CONDITIONS:** It is advised that under The Town and Country Planning Act 1990, the Council has up to 8 weeks from the date of an application to discharge any condition(s) and advise the applicant of the Council's decision. This information should be submitted using the 'Approval of Details Reserved by Condition' Form which can be downloaded from the Council's website. Please note there is also a fee payable for this type of application.

**IMPORTANT: See Note 1 overleaf**  
**DATE OF ISSUE: 27 May 2010**



**Kelvin Williams**  
**Head of Planning & Building Control**

Application No. WD/2010/0802/F

## NOTES

### **1. Approvals subject to conditions, or refusals of applications for planning permission under the Town and Country Planning Act, 1990 and the Town and Country Planning (General Permitted Development Order) 1995 (As Amended).**

(1) If the Applicant is aggrieved by the decision of the district planning authority to refuse permission or to grant permission or approval subject to conditions, an appeal may be lodged with the Secretary of State, in accordance with Section 78 of the Town and Country Planning Act, 1990, within six months (for applications determined on or after 14<sup>th</sup> January 2005) of the date of this notice or within 12 weeks from the date of the decision notice for householder applications only. (Appeals must be made on a form which is obtainable from the Customer Support Unit, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Tel. No. 01173726372 or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)) The Secretary of State has discretionary power to allow a longer period for the giving of a notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice to appeal. The Secretary of State is not required to entertain an appeal if it appears that permission for the proposed development could not have been granted by the district planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard for the statutory requirements, to the provisions of the development order, and to any directions given under the order. (The statutory requirements are those set out in Section 78(6) of the Town and Country Planning Act, 1990), namely Sections 70 and 72 of the Act. Please note that the Secretary of State does not in practice refuse to entertain appeals solely because the decision of the district planning authority was based on a direction issued by the Secretary of State.

(2) If permission to develop land is refused, or granted subject to the conditions, whether by the district planning authority or by the Secretary of State and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, a purchase notice may be served on the District Council requiring that the Council purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act, 1990.

(3) In certain circumstances, a claim can be made against the district planning authority for compensation, where permission is refused, or granted subject to the conditions by the Secretary of State on appeal or on a reference of the application to the Secretary of State. The circumstances in which compensation may be payable are set out in Section 114 of the Town and Country Planning Act 1990.

### **2. Applications for Listed Building consent under the Planning (Listed Buildings and Conservation Areas) Act, 1990.**

(i) If an applicant is aggrieved by the decision of the district planning authority to refuse listed building consent for the proposed works, or to grant consent subject to conditions, he may, by notice served within six months of the date of this notice or within 12 weeks from the date of the decision for householder applications only, appeal to the Planning Inspectorate in accordance with Section 20 of The Planning (Listed Buildings and Conservation Areas) Act, 1990. The Inspectorate has discretionary power to allow a longer period for the giving of a notice of appeal and this will be exercised in cases where the Inspectorate is satisfied that the applicant has deferred the giving of notice because negotiations with the district planning authority in regard to the proposed works are in progress.

(ii) If listed building consent is refused, or granted subject to conditions, whether by the district planning authority or by the Appeal Inspector, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, a listed building purchase notice may be served on the district council requiring that the Council purchases their interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

(iii) In certain circumstances, a claim may be made against the district planning authority for compensation, where permission is refused, or granted subject to the conditions by the Secretary of State on appeal or on a reference of the application to the Secretary of State. The circumstances in which compensation may be payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act, 1990.

### **3. Applications for Express Consent under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations, 1992.**

(i) If an Applicant is aggrieved by the decision of the district planning authority to refuse consent for the display of an advertisement or to grant consent subject to conditions, they may, by notice served within two months of the date of that notice, or such longer period as the Secretary of State may agree, appeal to the Secretary of State, in accordance with the provisions of Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations, 1992.

(ii) The Secretary of State is not, however, required to entertain such an appeal if it appears that consent for such display could not have been granted by the district planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to all provisions of those Regulations.

### **4. Town and Country Planning Act, 1990 – Refusal to grant application for Certificate of Lawfulness.**

If the applicant is aggrieved by a refusal to grant a Certificate of Lawfulness, an appeal may be lodged with the Secretary of State, under Section 195 of the Town and Country Planning Act, 1990.