
Appeal Decision

Site visit made on 15 October and 22 October 2019 by Emma Worby BSc (Hons)

by Andrew Owen BA (Hons) MA MRTPI

appointed by the Secretary of State

Decision date: 25th November 2019

Appeal Ref: APP/C1435/W/19/3234300

Land Adjoining Stone Cross Windmill, Beggars Lane, West Ham, East Sussex, BN24 5EA

- 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 Ms W Barker against the decision of Wealden District Council.
 - The application Ref WD/2018/2034/F, dated 9 August 2018, was refused by notice dated 10 April 2019.
 - The development proposed is a new three-bedroom house with integral double garage and off-road parking.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue in the appeal is the impact of the proposed development on the setting of the adjacent Grade II* listed windmill.

Reasons for the Recommendation

4. The appeal site is currently an undeveloped green space which is located between a number of residential dwellings, both single-storey and two-storey, and a Grade II* listed windmill. The area of open land currently provides a positive contribution to the setting of the listed windmill whose significance is derived from its distinctive vertical form and the contrast with the generally horizontal emphasis of development around it. This contrast is emphasised due to the surrounding land sloping down to the southwest. The proposal seeks to erect a new two-storey Dutch barn style dwelling on the site, which is outside of the curtilage of the heritage asset.
5. There are some two-storey properties along Beggars Lane, but in the main the nearby dwellings, particularly to the west and south are single storey in nature. A two-storey dwelling in the location proposed, close to the western boundary of the listed building, would introduce a sense of enclosure around the windmill which would have a detrimental impact upon its setting. Although the site is at a slightly lower ground level than the windmill, the proposed development

- would still be large in size and therefore would be a dominant addition to its surroundings.
6. Long distance views of the base of the windmill are currently limited by other surrounding properties, trees and hedges and although the proposal would not limit these further, it would impact on more close-range views including from nearby dwellings and would be seen in the background above the hedge when approaching the windmill, for example as a visitor might. The loss of an area of open land which currently contributes positively in such views of the heritage asset, as identified previously, would be harmful.
 7. It is noted that the appearance of the proposed dwelling has been designed in the style of an agricultural barn which was previously located on the site. However, this would contrast with the surrounding dwellings which have a more typical residential design. Also, although, there may have been a barn in the same area as the proposed development, as it is no longer in situ, this can only be given limited weight.
 8. The Council have also expressed concerns regarding the operability of windmill after the construction of the proposed development, with the appellant maintaining that the windmill is not used commercially and does not operate frequently enough for the proposal to have a harmful impact in this regard. However, even if the proposal would not affect the operability of the windmill, the harm that has been found to the setting of the listed windmill would not be outweighed by this.
 9. For the reasons above I consider that the proposed development would have a materially harmful impact upon the setting and significance of the neighbouring listed windmill. Therefore it would be contrary to Policy SPO2 of the Wealden Core Strategy Local Plan (2013) (the 'Core Strategy') and Policy HE1 of the Submission Wealden Local Plan (2019) (the '2019 Local Plan') which seek protect the historic environment; Policy SPO13 of the Core Strategy, Policies EN8, EN18 and EN27 of the Wealden Local Plan (1998) (the '1998 Local Plan') and Policy BED1 of the 2019 Local Plan which seek to provide a high quality design, character and layout in new development; and Policy WCS14 of the Core Strategy, Policy GD1 of the 1998 Local Plan and Policy WLP3 of the 2019 Local Plan which require development to accord with these other policies. Along with the design and historic environment objectives of the National Planning Policy Framework (the 'Framework') the proposed development would also be contrary to the SPD 'The Wealden Design Guide' (2008) which states that new development should respect the established setting and character of both neighbouring buildings and the locality.
 10. Although the proposal causes harm to the setting of the heritage asset, I consider that the harm is less than substantial. Paragraph 196 of the Framework requires that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The main public benefit from the proposed development would be the provision of an additional market dwelling at a time when the Council agree there is not a 5-year housing land supply within the District. However as the proposed scheme is limited to one dwelling, this is given limited weight and does not outweigh the less than substantial harm identified.
 11. Moreover, paragraph 11 d) i. of the Framework says that where the local policies are out-of-date, permission should be granted unless the application of

policies in the Framework relating to, in this case, heritage assets provide a clear reason for refusing the development. As set out above, the application of these policies does provide a clear reason for dismissing the appeal.

Conclusions and Recommendation

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal is dismissed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR