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## Appeal Decision

Site visit made on 9 December 2019

**by Graham Chamberlain BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> December 2019**

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**Appeal Ref: APP/U1430/W/19/3236841**

**Kilnwood Farm, Moor Lane, Westfield, East Sussex TN35 4QR**

- 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 Adams against the decision of Rother District Council.
  - The application Ref RR/2019/1245/P, dated 19 February 2019, was refused by notice dated 23 July 2019.
  - The development proposed is described as 'new agricultural barn for the storage of hay and feed'.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this appeal is whether the proposal would conserve or enhance the High Weald Area of Outstanding Natural Beauty (AONB).

### Reasons

3. The appeal site is located within a rural sparsely developed track of countryside and encompasses the upper most section of a sloping field, the northern boundary of which is marked by a hedge. This is identified on the Council's mapping system as a historic field boundary and I have no reason to disagree. It is therefore indicative of the historic field pattern and landscape archaeology of the area. Small, irregularly shaped fields such as the appeal site are a distinctive feature of the High Weald. The hedge is a long feature in the landscape that marks the southern boundary of an adjacent Ancient Wood. It also delineates the farmyard and its paraphernalia, as well as the remnants of the man-made banks and former motor trial park, from the pasture fields to the south, which are grazed by sheep.
4. Although gappy due to the hedge plants growing out into trees, the boundary hedge is an important landscape feature as it appears to be in a historic location and is part of the wider hedgerow network. The AONB Management Plan 2019-2024 (MP) explains that the High Weald is essentially a medieval landscape and historic hedgerows are an important component of its special and nationally important landscape character. Objective FH2 of the MP seeks to maintain the pattern of small irregular shaped fields bounded by hedgerows.
5. The area of the appeal site south of the historic hedge is elevated, open to views from the south east and seen as part of the open pastureland. The main complex of agricultural and equestrian buildings associated with Kilnwood Farm

is set lower down the slope and on the northern side of the hedge. The farmyard is set amongst trees and is visually contained by hedgerows to the north and south. Due to the intervening distance, the appeal site is physically separate from the farm yard.

6. That said, a barn has been approved<sup>1</sup> on higher land on the northern side of the hedge and near to the siting of the proposed building. This barn, which has not been constructed, was not found to be an acceptable addition in the landscape by the Inspector. Instead, it gained approval due to the Council's failure to determine the notification in the prescribed time. Notwithstanding this, it would not breach a landscape feature and the existing mature trees within the hedge would filter views of this structure from the south and east. It would also be in line of sight with the farmstead. As such, there are differences between the approved barn and what is proposed. In any event, the proposal would intensify the extent of development away from the farm yard.
7. The proposal is to raise the land levels, with the material used graded so that it tapers off in an attempt to present a natural landform. The new barn would then be constructed on the raised land. Regardless of the extent of tapering or the design of the barn, a building on the southern side of the hedge would appear as a discordant incursion into the pasture fields. This is because it would be an alien incursion of built form into an otherwise undeveloped field. This would harm the character, appearance and scenic beauty of the landscape. The elevated siting of the building, its position away from the main farm yard and the proposed changes to the land form would result in the impact being all the more apparent.
8. In addition, a section of the hedgerow between the approved barn and the proposed barn would be felled. This would result in the integrity of the hedge as a landscape feature being eroded and harmed. The impact would not be mitigated by additional planting around the proposed barn, which would take time to mature and could fail in the future. In any event, it would be unlikely to fully screen the structure and would not mitigate for the loss of part of what is likely to be a historic hedge in its original position.
9. Aerial mapping provided by the Council suggests that the Ancient Woodland to the north of the historic hedge has been significantly reduced in size since 2005. Soil has been spread across part of the woodland, a farm track cuts through it and Type 1 and other paraphernalia stored in piles elsewhere. This is unfortunate given that the AONB Management Plan identifies Ancient Woodland as a defining component of the High Weald's landscape character, as well as being an important wildlife habitat. Although close to the southern edge of the area identified as being Ancient Woodland in the Council's inventory<sup>2</sup>, the proposed barn would be located outside the Ancient Woodland. I have seen nothing of substance to suggest the siting would breach any necessary buffer or that the changes to land levels would harm the Ancient Woodland. As such, the Council has not demonstrated that the proposal would harm the Ancient Woodland as either a habitat or landscape feature.
10. There is no dispute between the parties that the building is reasonably necessary for the agricultural operations at Kilnwood Farm and I have no reason to disagree. The farmyard is constrained by the presence of pylons, the

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<sup>1</sup> Allowed following a successful appeal – APP/01430/W/17/3182384

<sup>2</sup> Ancient Woodland Inventory for Rother District 2010

road and trees so it may prove difficult to site a barn of the size proposed elsewhere. Nevertheless, these constraints do not outweigh the harm I have identified to the AONB landscape. Especially as the National Planning Policy Framework states that great weight is to be given to conserving and enhancing the landscape and scenic beauty of AONBs, a landscape with the highest levels of protection in the planning system where the scale and extent of development should be limited.

11. In conclusion, I find that the proposal would harm the character and appearance of the landscape and therefore it would fail to conserve the AONB. Accordingly, it would conflict with Policies, OSS4, RA3 and EN1 of the Rother Local Plan Core Strategy 2014, which seek, amongst other matters, to ensure that new development respects the character and appearance of the locality, including the landscape character of the AONB. These policies are consistent with the Framework and therefore the conflict with them carries significant weight.

### **Conclusion**

12. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

*Graham Chamberlain*  
INSPECTOR