



Appeal Decision

Site visit made on 22 December 2020

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2021

Appeal Ref: APP/U1430/D/20/3256959

Newmans Oast, Udimore Road, Udimore TN31 6BG

- 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 & Mrs Powles against the decision of Rother District Council.
 - The application Ref RR/2020/427/P, dated 5 March 2020, was refused by notice dated 2 July 2020.
 - The development proposed is the refurbishment and alterations to existing non-listed oast house and new single storey extension. Demolition of outbuildings, erection of new garage and landscaping works.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant submitted a detailed 'Assessment of Significance' (AOS) dated 30 July 2020 with the appeal papers, which post dated the decision and therefore had not been taken into account by the Council prior to making its decision. In the interests of natural justice therefore, the Council was given an opportunity to respond to the assessment and in turn, the appellant an opportunity to further respond to the Council's comments. I have had regard to both sets of comments in reaching my decision.

Main Issues

3. The main issues are: the effect of the proposed development on the character and appearance of the oast building and whether it can be regarded as a non-designated heritage asset; the effect on the landscape character and the scenic beauty of the High Weald Area of Outstanding Natural Beauty; the effect on the setting of the nearby listed building, Newmans Farm; and whether it would result in any adverse impact on adjoining ancient woodland.

Reasons

Character and appearance of the oast building

4. Newmans Oast is located north of Udimore Road and accessed down a long private drive which passes Newmans Farm adjoining to the west, before terminating at the Oast. The private drive also serves as a bridleway which passes the Oast and extends beyond in a northerly direction. The Oast itself is vacant at present but has been extended in the past with reinstatement of the

two rounded kilns and an extension on its western side. There are two outbuildings on its northern side and beyond those, at the edge of the residential curtilage, the remnants of a wall of a former farm outbuilding. The curtilage itself is partially enclosed with vegetation to the bridleway and woodland on its eastern side, but to the north there are open and spectacular views of open countryside which form part of the High Weald Area of Outstanding Natural Beauty (AONB). The oast was formerly part of Newmans Farm and its associated farmstead and the Council considers it is a non-designated heritage asset. Newmans Farm itself is a Grade II listed building.

5. The proposal involves a single storey extension which would partly extend across the full extent of the northern side of the Oast, and then step down in a further two narrower linked elements extending to the first of the existing outbuildings. It would be designed in a contemporary fashion with flat green planted roofs and timber cladding apart from the western elevation which would be brick with rendered plinths.
6. The AOS makes the case that the Oast retains little of its heritage significance through a combination of it being separated from the former farmhouse, the loss of former farm buildings and the various unsympathetic alterations that have been made to it. However, whilst I agree that some of the alterations have been less than sympathetic, the overall form and appearance of the oast has been retained and it still has much of its original vernacular character being easily recognised as an agricultural building typical of its period and setting within the landscape. Furthermore, although it has clearly been long separated from Newmans Farm itself, it is one of the last remaining buildings associated with that farmhouse and again part of the relationship that would have once existed within the farmstead as the AOS makes clear. It is also perceived as still part of that relationship, albeit diluted, from more distant views from the open countryside to the north.
7. Because of the above, in my view it forms part of the wider setting of the Listed Farmhouse. Additionally, given the loss of the other ancillary farm buildings, and the fact that the farmstead is recorded as an historic farmstead, I regard its ongoing survival as being perceived as a traditional agricultural building associated with the former farmstead, of continued historical significance. For all these reasons I agree with the Council that it can reasonably be regarded as a non-designated heritage asset.
8. In the context of the above, whilst I note that the AOS considers that the evidential value of the oast is limited, it does acknowledge that it has some historic value as illustrating the form and function of agricultural activities in the area including its vernacular agricultural structure in an area of unspoilt countryside.
9. The appellant's approach to the design solution is an interesting one and one which is deliberately designed to distinguish between the original form of the Oast and the proposed addition. As such it is considered as an innovative design solution in keeping with advice within the National Planning Policy Framework (the Framework). However, the sheer size and extent of the proposed extension would in my view subsume the existing character of the vernacular form of the building. At the rear, the extension would extend across the full width of the Oast, including part of one of the rounded kilns and with a height which would extend to just below cill level of the first floor windows.

Although the existing northern porch also partly obscures part of the kiln, that is not a good reason to continue such an unsympathetic detail. The depth of the extension at its widest point would be similar to that of the main Oast and beyond that would be a substantial raised patio. There would also be extensive areas of glazing across the full extent of the elevation, which would be out of character with the typical size and extent of openings one would expect to see in such a building.

10. The linked elements would be significant in size, with the overall depth extending some 20 metres down the rear garden. Far from appearing as a walled enclosure of former outbuildings to the Oast when viewed from the bridleway, I agree with the Council that the height, extent and design detailing, including the flat roofs and raised plinth to accommodate the level change, would result in it being over dominant and at odds with the character of the existing building. I do not agree that proposed planting would limit views to glimpsed views only as the appellant suggests, or that the falling topography or offset design of the walls would lessen the impact. By presenting such a visual barrier, it would also further detract from the character form and legibility of the Oast.
11. Although the extension would not extend northwards as far as one of the existing outbuildings does presently, the latter are clearly separated from the main oast and being of relatively low key and unassuming design, do not detract from its agricultural character.
12. I acknowledge that the above issues would not be readily perceived from long distance views to the north. However, at the site visit I took the opportunity to walk for some distance along the bridleway, out into open countryside. When returning in a southerly direction, the proposed extensions would be increasingly apparent and particularly so as one approached the northern boundary of the property and passing adjacent to it.
13. A combination of all the above factors would result in a development which would appear overtly domestic, albeit in a contemporary way, but which would significantly detract from the character and form of the traditional oast and would cause serious harm to its overall character.
14. Whilst the Framework refers to not preventing or discouraging innovation in paragraph 127, that is caveated by the need to ensure development is sympathetic to local character and history. That would not be the case here for the reasons given.
15. I have been referred to an apparently similar example of a contemporary design being added to an Oast at Old Bearhurst, Stonegate¹. The full details and site circumstances of that case are not before me and I note in passing that the Council considers that the building was not very visible from public view and had suffered from a series of unsympathetic extensions. I also note that the case pre dated current Development Plan Policies and indeed guidance within the Framework. However, notwithstanding those points, I have reached my findings above based on this particular case and its site specific issues.
16. Having regard to the above, the proposed extension would conflict with the provisions of Policies EN3 and RA4(ii) and (iii) of the Council's Core Strategy

¹ Application Reference RR/2008/2570/P

2014(CS) and Policy DHG9(ii) (iii) (v) and (vi) of its Development and Site Allocations Local Plan 2018 (DSALP) in that it would not contribute positively to the character of the site and its surroundings, and would not ensure continuation of the building's legibility, form, agricultural character and setting.

Landscape character of AONB

17. Although I acknowledge that the Oast is perceived as a small element within the wider landscape to the north from distant views, its impact is significantly greater when approaching the site as referred to above. Currently it presents as a traditional vernacular farm building which one would associate as a typical and historic agricultural building and part of the landscape setting of the AONB. For the design reasons set out above, that would significantly change with the proposed extensions. The traditional relationship with the landscape setting would be significantly compromised and the building's historic role as an important building forming part of the original farmstead, further diminished. In that context I note that one of the key objectives of the AONB's Management Plan 2019-2024 (Objective S3) is to ensure development reflects the character of the High Weald and that oast houses, amongst other typical rural buildings, foster enjoyment and appreciation of the beauty of nature.
18. I also share the concern of the Council about the potential light pollution from the extensive glazing proposed at the rear and whilst the appellant refers to this being capable of being controlled by blackout blinds, in practical terms it would be very difficult to enforce. A combination of light emitting from the ground floor windows and potentially evening use of the substantial rear patio area, would all cumulatively further impact upon the scenic beauty and predominantly natural character of this part of the AONB.
19. A combination of the above issues would be in conflict with paragraph 172 of the Framework which says that great weight should be given to conserving and enhancing the landscape and scenic beauty in such areas.
20. Having regard to the above, the proposed extension would conflict with the provisions of Policies EN1, EN3, OSS4 (iii) and RA3 (iv) and (v) of the CS and Policies DEN1, DEN2 and DEN7(ii) of its DSALP, in that it would compromise the character of the countryside, would not protect dark skies and would not conserve or enhance the AONB.

Setting of listed building

21. The original officer report or decision notice did not raise the setting of the listed building as an issue, although this was introduced in the Council's response to the AOS. Fundamentally it now suggests that the proposed development would cut off the functional relationship that previously existed between the farmhouse and the oast and as such would be contrary to section 66 of the Planning (Listed Building and Conservation Area) Act 190 which requires the decision maker to have special regard to the desirability of preserving the building or its setting.
22. However, whilst I agree that the oast forms part of the wider setting of the listed building, this is primarily for historical reasons in terms of its association with the former farmstead. Since then, it has long been physically separated from Newman's Farm and there are no direct views between the two in the immediate setting along the bridleway. I also note the extension would be

furthest away from the listed building. Whilst I have found against the proposal on design related matters, I consider that the fundamental historic relationship between the Oast and the farmhouse would remain, particularly from longer views to the north. I therefore consider that at worst there would be a neutral effect on the setting of the listed building which would therefore be preserved.

Impact on ancient woodland

23. The Council is concerned that proposed fencing and a ramp from the garden may adversely impact upon adjacent ancient woodland in the absence of any detailed information to prove otherwise. However, following my site inspection I am quite satisfied that the works themselves would not impact upon any ancient woodland which is some distance away. Had I been minded to allow the appeal, I agree with the appellant that an appropriately worded condition could have been imposed to require further details of the scope of nearby works.

Other matters

24. The proposed development also includes the provision of a new driveway and single garage on the southern side of the Oast. The Council originally considered this would be a modest structure and would not adversely impact the character or appearance of the building or locality. However, in its response to the AOS it now raises some concerns. Having considered that issue at my site visit, I consider that its scale, size and design would not result in any adverse impact and see no reason to disagree with the Council's original assessment in that respect.
25. I note that there have been local concerns regarding impact of increased traffic and safety at the access. However, the building is already in residential use, albeit vacant at present, and I do not consider it would result in any significant increase in traffic compared to its authorised use. Although reference has been made to the possibility of spotted orchids growing on the lawns and potential presence of newts, there is no specific evidence before me in respect of those matters and I therefore afford them little weight.
26. The question as to whether the oast is a curtilage listed building did not feature in the original officer report or decision notice, but that possibility was raised by the Council in its response to the AOS. However, it does not go on to make the case either for or against in that respect, and since it is not part of any detailed evidence before me, and I have found against the proposal in other respects, it has not been necessary to give detailed consideration to that issue.

Conclusion

27. Notwithstanding my findings in respect of potential impact upon ancient woodland and the proposed garage and driveway, the extension would adversely affect the character and appearance of the Oast and cause harm to the non-designated heritage asset. In my view, the harm would be less than substantial and in such circumstances, paragraph 197 of the Framework says that a balanced judgement will be required having regard to the scale of any harm and the significance of the asset.
28. I acknowledge that the proposals would secure some gains to the building in terms of reintroducing more traditional features such as replacement windows

and timber weatherboarding, as well as removing unsympathetic features such as the porches and balcony. However as referred to above, the current alterations have not detracted from the essential character of the former vernacular farm building in the same way that the proposed alterations would. Accordingly, I give lesser weight to those advantages than the overall harm arising from the new extension.

29. Given the above, and also that the proposal would fail to conserve or enhance this part of the AONB, then for the reasons set out and consequent conflict with Development Plan policy, the appeal is dismissed.

Kim Bennett

INSPECTOR