



Appeal Decisions

Site visit made on 12 April 2022

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 March 2023

Appeal A Ref: APP/U1430/W/21/3281874

Beanford Farmhouse, New Road, Sedlescombe TN33 0RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs J Ford against Rother District Council.
 - The application Ref RR/2019/2832/P is dated 20 December 2019.
 - The development proposed is alterations and conversion of existing outbuilding to form 4no. holiday-lets and change of use of private amenity space and buildings for use by occupiers of the holiday-lets.
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Appeal B Ref: APP/U1430/Y/21/3281877

Beanford Farmhouse, New Road, Sedlescombe TN33 0RL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr & Mrs J Ford against Rother District Council.
 - The application Ref RR/2019/2833/L is dated 20 December 2019.
 - The works proposed are alterations and conversion of existing outbuilding to form 4no. holiday-lets.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 22nd June 2022.

Decisions

1. Appeal A is allowed and planning permission is granted for alterations and conversion of existing outbuilding to form 4no. holiday lets and change of use of private amenity space and buildings for use by occupiers of the holiday-lets, in accordance with the application Ref: RR/2019/2832/P, dated 20 December 2019, subject to the conditions set out in the attached schedule.
2. It is not necessary for me to take any further action in relation to Appeal B as listed building consent is not required.

Preliminary Matters

3. The Council failed to determine the applications within the statutory time limits. However, its statement indicated that it would have refused them due to the effects on the effects on character and appearance of the host building, the surrounding area and the setting of Beanford Farmhouse, a Grade II listed building.
4. The description of the proposal on the joint application form for planning permission and listed building consent was given as: 'alterations and

conversion of existing outbuilding to holiday-let accommodation'. However, the appeal forms provide more precise definitions of the scheme for which planning permission and listed building consent was sought. I have used these descriptions in the above headers and determined the appeals accordingly.

Main Issues

5. The main issues are:

- a) Whether the outbuilding is a curtilage listed building associated with Beanford Farmhouse and if so whether the proposed development and works would preserve any features or special architectural or historic interest it possesses;
- b) Whether the proposed development and works would preserve the setting of Beanford Farmhouse, a Grade II listed building, having particular regard to its location within the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

The status of the outbuilding

6. Beanford Farmhouse is a two-storey, timber framed dwelling that dates from the 17th century. It was listed as Grade II in May 1987. It is an attractive vernacular building under built with brick at ground floor level and with tile hanging above. It is situated in an elevated position to the western side of its plot. Extensions have been added to both sides of the house and a modern conservatory is attached to the rear.
7. The proposal is seeking to convert an existing outbuilding associated with the farmhouse. For the purposes of the Planning (Listed Building and Conservation Areas) Act 1990, a listed building includes any structure that is within its curtilage which has existed since before 1 July 1948. As structures within the curtilage that have a principal and accessory relationship to the main building, the outbuildings are also consequently listed unless it can be demonstrated that they were erected after 1 July 1948.
8. The former farmyard area lies to the east of the farmhouse and the historic maps show that there have been various buildings within this area, but their footprint and siting has changed over time. There is no evidence of a building on the footprint of the existing outbuilding (also referred to as the southern range) on the Ordnance Survey (OS) map of 1900. At that time there appears to have been an L-shaped structure in the north-west corner of the farmyard. By 1909 there was a long narrow building on the site of the outbuilding in addition to the earlier buildings. This layout is also apparent on the 1930 OS map. By 1952 the footprint of the outbuilding appears to have been enlarged width-wise and the northern buildings had taken on a U-shaped footprint. However, these northern buildings have subsequently all been demolished and there is no evidence of them on the site now.
9. The outbuilding to which the alterations are sought is a long linear building with a double pitched roof covered with pantiles and decorative ridge tiles. It has a lean-to element on its eastern side. The historic mapping suggests that part of the building could predate 1 July 1948 in which case it would be curtilage listed. However, the appellant contends that it is a more modern building

largely constructed of blockwork but incorporating weatherboarding, traditional brickwork and salvaged timbers, including some which have been placed on modern cement render. This contention was supported by a detailed report and photographic evidence produced by DGC (Historic Buildings) Consultants Limited.

10. There is definitive evidence that from early in the 20th century a building occupied at least part of the footprint of the existing outbuilding. However, whilst it would almost certainly have been agricultural in nature, no other details of its form or construction details have been provided. The northern part of the existing outbuilding, which could be the oldest and could have been incorporated into an enlarged building, is not consistent with one of traditional construction. While it may have the appearance of being timber framed, closer inspection shows that the oak beams have been planted onto cementitious mortar. Other timbers have scarring suggesting lath and plaster finishes which is not a typical finish for a functional building associated with agricultural activities. There is a mix of boarding, with inconsistent gauging. All these factors suggests that of this part of the building comprises a mix of salvaged materials. Even the exposed rafters appear to be modern sawn softwood.
11. The remainder of the building is more obviously modern fabrication with a mix of blockwork and weatherboarding. The open bays are larger than traditional ones and the roof configuration appears to be a mix of pitched pine, oak and softwood. The large beams supporting the roof have slots in positions that are inconsistent with their orientation in the outbuilding. While they are almost certainly historic fabric the way that they have been used indicates they were also reclaimed from elsewhere. Furthermore, in places these beams are supported on rendered masonry piers. The stable and hen house at the southern end of the building is constructed of block work and narrow, modern weatherboarding. The lean-to extension is of modern blockwork with a decorative covering of single skin external brickwork which is not typical of a historic building.
12. On the basis of this assessment the appellant contends that the building dates from the 1960s. This appears to be consistent with the former owner's association with a reclamation yard. This would have facilitated the use of traditional materials but without an understanding of historic detailing or earlier construction methods. It is also consistent with the other two smaller buildings on the site; firstly a small barn, and secondly, a cricket pavilion which appear to have been moved onto the site from elsewhere.
13. While the Council considers that the original building has been subject to piecemeal alterations and additions, it has not contested the detailed analysis undertaken by the appellant's heritage consultant. Neither has it provided any evidence of a building on the plot between 1952 and 1987 when the farmhouse was listed. Furthermore, it accepts that most of the site's historic farmstead buildings have been lost.
14. The only contribution that the existing building makes to the significance of Beanford farmhouse is that it occupies a similar footprint to one of the earlier structures and therefore assists an understanding of the development of the farmstead over time. However, from what I have seen and read the fabric of the building is of little historic or architectural interest.

15. Taking all these factors into consideration, I am not persuaded that the present outbuilding pre-dates 1948. As such it should not be considered as part of the listed building for consent purposes. Consequently, listed building consent is not required for its conversion and adaptation and no further action is required in respect of Appeal B. I will therefore move on to consider the effect of the proposed development on the setting of Beanford Farmhouse.

Effect on the setting of the listed building

Significance

16. The significance of the Beanford Farmhouse is derived from its age as an example of a 17th century dwelling which would have been occupied by those working on the surrounding land. It is located at the end of a rural lane enclosed by vegetation and surrounded by the undeveloped countryside of the High Weald Area of Outstanding Natural Beauty (AONB). This area is characterised by open fields, hedges and scattered trees. The house and garden are set on land above the rural lane which approaches it. They occupy a prominent position and a visual focal point for anyone using the lane. However, they are separated from the outbuilding and the other smaller buildings within the former farmyard by a low wall and fence which provides a sense of enclosure to the dwelling. The house's principal elevations face the lane and the open fields to the rear. The outbuilding is sited to the side of the farmhouse, separated from it and on land that is lower. It therefore has a subservient and subordinate relationship to the listed building and the visual connections between the two are small. Nevertheless, the form of the building positively contributes to the setting of the listed building.
17. The loss of the other agricultural buildings on the site of the original farmyard and the use of the former courtyard as a hard tennis court has already eroded the significance of this area as part of the farm's setting and introduced some domestic activities into the area. More modern farm buildings lie further to the east as do other scattered rural dwellings. The farmhouse therefore reads as a modest domestic dwelling in a rural setting which has been extended and, notwithstanding the proximity of other rural buildings, is now somewhat divorced from agricultural activities.

Assessment

18. The form of the existing outbuilding is typical of an agricultural building in a rural area. However, its northern end is being used as ancillary accommodation to the house. The open section is currently being used for storage, mostly of a domestic nature. The stables and hen house at the southern end appear unused, as does the lean-to side extension on the eastern side of the building.
19. The proposal would widen the roof and its shape would be reconfigured, but its overall height would remain unchanged. There would be a modest increase in bulk but the pitch of the roofslopes would be retained. Consequently, the building would not dominate the listed building or encroach into its setting.
20. The full length of the north-west elevation would be repaired and enclosed providing a mix of smaller windows and some full height glazed doors. This would result in the loss of the open part of the structure and erode its agricultural appearance. However, this elevation faces the flank wall of the listed building and would be separated from it by the wall, garden fence and

the difference in levels. Any adverse effect on the setting of the listed building would therefore be minimal.

21. It is proposed to have full height doors serving a number of the rooms on the south-east elevation. However, this elevation would not be visually prominent from the lane due to its orientation and would face away from the side elevation of the listed building.
22. Furthermore, the proposed openings would look out on the derelict tennis court which would re-provisioned as a communal amenity area for the holiday lets. The existing tennis court, although neglected, has already given the former farmyard a somewhat residential rather than agricultural character and appearance. In this context, the positioning of solar panels on the south-east roofslope would not be particularly visually intrusive.
23. Nevertheless, the cumulative effect of these alterations would give the building and its immediate surroundings a more domestic character and appearance. While this would not adversely affect the wider landscape of the High Weald AONB, it would cause some limited harm to the setting of Beanford Farm, a Grade II listed building, which would not be preserved.
24. Consequently, the proposal would not accord with Policies EN1, EN2, EN3, RA3 and OSS4 of the Rother Local Plan Core Strategy, adopted 2014, which seek to protect the district's historic built environment and require development not to detract from the character and appearance of the locality. However, there would be no conflict with Policy DEN1 and DEN2 of the Development and Site Allocations Local Plan (DaSALP), adopted 2019 which seek to maintain landscape character while permitting small-scale development within the High Weald AONB. Policy RA4 of the Core Strategy is not relevant to my assessment of the scheme as I have not found the building to be a traditional historic farm building.

Public benefits

25. I consider the harm I have identified would be less than substantial in terms of the National Planning Policy Framework (the Framework). However, any harm to, or loss of, the significance of a designated heritage asset requires clear and convincing justification. It is therefore necessary for me to weigh this harm against the public benefits of the proposal as required by paragraph 202 of the Framework.
26. The proposal would make use of an existing building to provide 4 holiday lets. Policies EC4 and EC6 of the Core Strategy are supportive of rural businesses. Indeed, Policy EC4 states that priority will be given to the re-use and adaptation of suitable buildings in the countryside for tourism purposes. Policy EC6 encourages provision of tourism facilities including the supply of quality serviced and self-catering accommodation, provided that appropriate controls are in place to restrict occupancy to that for holiday purposes. There is therefore significant support for the principle of the scheme from the Core Strategy.
27. These policies are also consistent with paragraph 84 of the Framework which states that planning decisions should enable growth and expansion of rural businesses through conversion of existing buildings and the diversification of agricultural businesses.

28. Policy DEC2 of the DaSALP sets out the requirements for development at holiday sites. As the appeal scheme is more akin to a diversification of an existing rural enterprise, it is not directly relevant to my assessment.
29. This leads me to conclude that the public benefits of the scheme would outweigh the less than substantial harm to the setting of Beanford Farmhouse and that the appeal should succeed.

Conditions

30. In the event that the appeal is allowed the Council has provided a list of suggested conditions. I have considered these in the light of the tests set out in paragraph 56 of the Framework and amended them where necessary for the sake of clarity and precision.
31. In addition to the standard time limit, conditions specifying the plans and the materials to be used are required to provide certainty. The appellant has agreed that pre-commencement conditions relating to land contamination, materials and joinery details are justified in the interests of the appearance of the development, to protect the setting of the Grade II listed building and to reduce any risk to human health and harm to the environment. I have amended the scale of joinery details required to be agreed to be consistent with my conclusion on the status of the building. Details of the solar panels also need to be agreed in the interests of the appearance of the building.
32. Mitigation measures identified through the appellant's ecological appraisal are required to protect species and habitats. Provision of vehicular parking spaces of an appropriate size and adequate turning areas are necessary to keep people and vehicles safe and ensure the development functions effectively. Cycle parking is needed to encourage the use of sustainable transport modes.
33. Conditions preventing the use of the holiday lets as a person's sole or main place of residence are justified to ensure provision of holiday accommodation and prevent unauthorised use of the accommodation as permanent homes.

Conclusions

34. As I have found the outbuilding is not a curtilage listed building, no further action is required in relation to Appeal B.
35. I have concluded that the proposal is acceptable as the less than substantial harm to the setting of Beanford Farm will be outweighed by the public benefits of providing additional holiday accommodation in accordance with the development plan.
36. Appeal A is therefore allowed, subject to conditions.

Sheila Holden

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos: 6141/LP, dated March 2019, 6141/20/1/A, dated January 2021 and 6141/20/2/A, dated April 2021.
3. No development shall take place until:-
 - a. a desk-top study, carried out to identify and evaluate all potential sources and impacts of land contamination relevant to the site, has been submitted to and approved in writing by the local planning authority;
 - b. where any such potential sources and impacts are identified, a site investigation shall be carried out to fully characterise the nature and extent of any land contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation has been agreed in writing with the local planning authority;
 - c. a written method statement for the remediation of any land contamination affecting the site has been agreed in writing with the local planning authority. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.
4. No development shall take place until samples of the materials to be used in the construction of 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 samples.
5. No development shall take place until full details of all new windows and doors at a scale of 1:20 have been submitted to and approved in writing by the local planning authority. The windows and doors shall be inserted in accordance with the approved details and retained thereafter as approved.
6. No solar panels shall be fitted to the roof of the development hereby permitted until full details of them and the method of fixing them have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained as approved.
7. The mitigation measures detailed in The Mayhew Consultancy Ltd Preliminary Ecological Appraisal, dated September 2019, shall be carried out as recommended in Section 8 of that report.
8. The development hereby permitted shall not be brought into use until parking spaces, which each measure at least 2.5m by 5m, and turning areas have been provided in accordance with the layout shown on Drawing No 6141/20/2/A. The parking and turning areas shall be retained thereafter solely for their designated purposes.

9. The development hereby permitted shall not be brought into use until secure covered cycle parking facilities have been provided in accordance with plans which have previously been submitted to and approved in writing by the local planning authority. The cycle parking facilities shall be retained thereafter for solely for their designated purpose.
10. The development hereby permitted shall only be occupied for holiday purposes and shall not be occupied by any person as their sole or main residence.
11. The owners/operators of the holiday lets shall maintain an up-to-date register of the names of all occupiers of individual holiday lets on the site and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.
12. No individual may occupy any of the holiday lets for more than 56 days in any calendar year.

End of Schedule of Conditions