



Appeal Decision

Site visit made on 7 March 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2023

Appeal Ref: APP/C1435/W/21/3282920

Beeches Farm, Beeches Farm Road, Buckham Hill, Isfield TN22 5QD

- 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 John Lewin against the decision of Wealden District Council.
 - The application Ref WD/2020/1902/F, dated 23 October 2020, was refused by notice dated 15 March 2021.
 - The development proposed is described as 'Conversion of existing barn and erection of new barn with link to create a single residential dwelling. Conversion of existing outbuilding to ancillary use, with associated access and landscaping provision.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of the site visit, development was being undertaken on the site, including demolition and works to the barn including a side extension.
3. A Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 has been submitted with the appeal, signed 17 March 2022. I have taken this into account in reaching my decision.

Main Issues

4. The main issues are the effects of the proposal on the character and appearance of the area and the ancient woodland.

Reasons

Character and Appearance

5. The site is in a distinctly rural location, characterised predominately by areas of woodland and open fields, interspersed by hedgerows. The gently undulating landscape allows for occasional far reaching views across the landscape. The Wealden Design Guide 2008 describes The Low Weald as a primarily agricultural landscape, more open than the High Weald and well wooded with blocks of coppiced woodland.
6. The appeal site is immediately to the south of an area of woodland, on the northern edge of open grassland which extends to the south. The ground levels of the appeal site slope gently downwards to the south, allowing long views to the south east. Areas of woodland, trees and hedgerows otherwise restrict visibility to the north, east and west.

7. Based on the evidence, a number of buildings formerly existed on the site in connection with the agricultural use of the land. These were modest buildings of a traditional design incorporating combinations of open frontages, timber cladding and some later brickwork elevations. Due to their simple form and agricultural appearance, they made a positive contribution to The Low Weald character area.
8. The proposed development entails a second barn element of a height and form similar to the main barn. However its detailed design, including its symmetrical roof form, would be at odds with the character of the barn. Instead, it would appear domestic in its appearance, particularly due to the scale and design of the proposed openings, including a substantially glazed south facing gable end with Juliet balcony at the first floor level. Together with its building line and prominent position, the extension would appear visually prominent and detract from those modest features of the main barn. The proposal would heavily undermine the agricultural character of the building and its attributes which contribute positively to local character.
9. Despite their extensive glazing, the single storey parts of the extension would be unlikely to receive any significant visibility from the surrounding area due to their substantial set back. However, the new barn element to the far east would occupy a prominent position and would be visible in those long reaching views to the south east. In those views the proposal would appear as a domestic building in stark contrast with the rural character of the area.
10. Additional native woodland planting is proposed to the east, as well as planting around the courtyard of the dwelling. However, there is little evidence regarding the effects of this planting and this would not mitigate for the above effects. While Juliet balconies may be used in other rural conversions elsewhere, their acceptability will inevitably depend on the site specific circumstances. Examples have not been evidenced which would lead me to alter my judgement.
11. While historic mapping suggests there may have been a more substantial building on the site throughout the 19th century, there is insufficient evidence to suggest the proposal would be akin or sympathetic to what may have been there historically.
12. For the reasons given, the proposal would cause harm to the character and appearance of the area. It would conflict with saved policies EN8 and DC8 of the Wealden Local Plan 1998 (the WLP), strategic planning objective SPO1 of the Wealden Core Strategy Local Plan 2013 (the WCS), and the objectives of the Wealden Design Guide 2008, which together seek to conserve the landscape character, including the agricultural landscape of The Low Weald.
13. In turn the proposal would also conflict with saved Policy GD2 of the WLP, which resists development outside development boundaries, unless in accordance with specific policies in the plan. There would also be conflict with the National Planning Policy Framework (the Framework) insofar as it requires development to be sympathetic to local character including the surrounding environment and landscape setting.

Ancient Woodland

14. The site lies immediately adjacent to the ancient woodland known as Kiln Wood, which the Council describe as ancient semi-natural woodland. The ground levels slope gently downwards to the south across the appeal site, resulting in the woodland occupying slightly higher ground than the level of the building.
15. Based on the plans provided by the Council, the line of the ancient woodland runs immediately behind the former buildings. Planning Practice Guidance (PPG) identifies ancient woodland as including not only trees but also shrubs, and identifies that factors that contribute to its importance include its soils and wildlife.
16. The appellant acknowledges that, further to the previously approved development¹, three trees would need to be removed to facilitate an area of excavation to accommodate the footprint of the proposal, with an access route around the building and a geo-reinforced embankment to support the change in levels. I observed during my site visit that some ground works to the east of the barn had been undertaken and that the low-level shrubs of the woodland exist close to the edge of the embankment.
17. There is not substantive evidence to demonstrate the proposed extent of encroachment into the ancient woodland. Neither is there evidence of a buffer between the development and the ancient woodland nor justification supporting the proximity to the woodland, as suggested by the PPG. Overall, on the basis of the evidence, it cannot be concluded that the appeal scheme would not cause the loss or deterioration of the ancient woodland.
18. The Framework states at paragraph 180c) that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. The associated footnote gives an example of wholly exceptional reasons as infrastructure projects, where the public benefit would clearly outweigh the loss or deterioration of habitat.
19. There could be public benefit in this instance arising from the conservation of the non-designated heritage asset. However, for the reasons described below relating to the absence of substantive evidence that the proposal is necessary for that purpose, this benefit would not clearly outweigh the loss or deterioration of the habitat. Therefore, I find that there are not wholly exceptional circumstances in this instance.
20. The Council have brought to my attention that a further planning permission has been granted during the course of the appeal² for works including a larger single storey element. While it is described as being larger in its footprint, I do not have evidence of the effects that it would have on the ancient woodland nor how those are similar to the appeal scheme. As such I cannot conclude that this more recently approved scheme provides justification for the effects of the appeal scheme on the woodland.
21. While a former cart shed was positioned in this location, the plans show this was set further forward of the proposed extension and it would have had different effects on the woodland.

¹ WD/2018/2646/F

² WD/2021/1611/F

22. In conclusion on this main issue, in the absence of evidence to the contrary, the proposal would cause loss and deterioration of the ancient woodland. As such the proposal would conflict with saved Policy EN13 of the WLP and strategic objectives SPO1 and SPO2 of the WCS which relate to protection of environmental assets including ancient semi natural woodland. The proposal would also conflict with paragraph 180 of the Framework identified above.

Other Matters

23. The main parties agree the former buildings on the site have been considered as non-designated heritage assets. The Council have not specifically identified harm to those assets and acknowledge the proposal would provide an alternative use which would ensure long-term maintenance. Based on the evidence before me, having regard to the earlier approved schemes and in light of the demolition which has occurred on the site, I do not have a strong reason to reach a different conclusion. However, the absence of harm in this respect would not reduce or provide justification for the other effects found above.
24. The appellant reports significant costs associated with the repair and conservation of the barn and the access road, alongside rising build costs. Given the rural location, it is also suggested that the scale of the approved scheme may deter future purchasers. However, this is not substantiated further in terms of details of the costs of the works and resulting gains, and it is not demonstrated that the proposal is the minimum necessary to achieve a viable use. The heritage benefits put forward also refer to the benefits to the western cart shed, which I observed has been removed.
25. The proposal would provide a good quality family home and would contribute to the national objective to boost the supply of homes. This is particularly relevant given the identified shortage of land for homes in the District. However, together with consideration of other approvals relating to the building³, and as those restoration works to the barn would appear to be underway, the benefits of the proposal and the costs incurred by the appellant do not attract sufficient weight that would outweigh the harms identified above, which would be significant and long lasting.
26. The Council accept that it does not have a 5 year land supply for housing, and as a result the provisions of paragraph 11d) of the Framework apply. However, the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development. The associated footnote states that this includes irreplaceable habitats, which includes ancient woodland. As such the proposal does not benefit from the presumption in favour of sustainable development. Policy WCS14 of the WCS broadly reiterates the aims of the presumption in favour of development and my determination of the appeal adheres to the requirements of that policy.
27. The proposal would entail a new dwelling close to the Ashdown Forest Special Protection Area and Special Area of Conservation, which are afforded protection under the Conservation of Habitats and Species Regulations 2017. However, Regulation 63(1) indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for

³ WD/2018/2646/F and WD/2021/1611/F

the proposal. As the appeal is dismissed on other grounds it is not therefore necessary to address this in any further detail. Similarly, it is not necessary to consider the matter of the bat surveys further.

Conclusion

28. With the above in mind, there are no material considerations, including the approach of the Framework, that are worthy of sufficient weight that would indicate a decision other than in accordance with the development plan. The appeal is therefore dismissed.

C Shearing

INSPECTOR