



Appeal Decision

Site visit made on 25 April 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

Appeal Ref: APP/C1435/W/22/3307518

Cedar Lodge, Lodgefield Farm, Watch Oak Hill, Blackham TN3 9TN

- 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 D Ross against the decision of Wealden District Council.
 - The application Ref WD/2022/0346/F, dated 11 February 2022, was refused by notice dated 1 September 2022.
 - The development proposed is the erection of detached dwelling and garage at site of implemented planning permission WD/90/1014/J.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling and garage at site of implemented planning permission WD/90/1014/J at Cedar Lodge, Lodgefield Farm, Watch Oak Hill, Blackham TN3 9TN in accordance with the terms of the application Ref WD/2022/0346/F, dated 11 February 2022, subject to the conditions appended to this condition.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area, including on the High Weald Area of Outstanding Natural Beauty (AONB), and on nearby heritage assets.

Reasons

3. The appeal site forms a parcel of open grassland, positioned to the south of the A264. It is enclosed by mature hedgerows and trees along its boundaries and the foundations of a previously implemented scheme¹ are visible within the site. The site is accessed from the main driveway to Lodgefield Farm.
4. The site is located within the High Weald AONB. AONBs are designated for the purposes of conserving and enhancing natural beauty. Section 85(1) of the Countryside and Rights of Way Act 2000 (as amended) places a duty upon me to have regard to these purposes in this decision. Supporting this objective, the National Planning Policy Framework (the Framework) paragraph 176 sets out how great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
5. The surrounding area has a rural character, predominantly comprising agricultural land with areas of woodland amongst it. Farms, individual dwellings and small clusters of development also exist in the landscape, including along the A264. Although the appeal site contributes to the rural character of the

¹ Reference WD/90/1014/J

surrounding area it makes only a limited contribution to the landscape character of the AONB.

6. Parts of the appeal site can be glimpsed from the A264 through gaps in landscaping and from the site entrance. However, these are fleeting views, particularly if travelling by car. This is largely due to the well screened approaches to the site by existing landscaping. I am also aware that I visited the site during early spring when some vegetation remained dormant. I have no doubt that later in the year vegetative growth here would further limit views of the appeal site.
7. I accept that the overall scale of the proposed development is, in some respects, larger than the implemented scheme on the site. However, the footprint of the proposed development is comparable with that previous scheme, albeit reorientated, and it has been designed with sensitivity to vernacular building forms, materials and detailing. It is common ground between the parties that the same cannot be said of the design of the extant scheme. Existing domestic and agricultural buildings along the A264 are varied in scale, design and orientation relative to the road. These buildings tend to be visible but set within landscaped or well screened plots. From that perspective, the proposed development would not appear out of keeping with the prevailing pattern of development within the surrounding area, or appear overly dominant in this rural setting. In respect of the impact on landscape character, the site has limited significance in terms of the wider AONB character, is self-contained and is the subject of an implemented permission for a domestic building. Accordingly, I find that the proposed development would have a neutral effect.
8. Lodgefield Farmhouse is a Grade II listed building. Statute² places a duty on me to consider the impact of the development on the special architectural and historic interest of the listed building affected, and its setting, having special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
9. Lodgefield Farmhouse is a two-storey seventeenth century house finished in red brick with hung tile above and a tiled roof. Insofar as this appeal is concerned, the significance of the property lies in its traditional form, historic value and rural setting. It is experienced from part of the main driveway to the farm and within the surrounding farmstead.
10. The proposed development would be set reasonably close to, but visually separated from, Lodgefield Farmhouse. Despite its relative proximity, there is limited intervisibility between the appeal site and farmhouse, including when viewed from the public realm. This is largely due to the existence of mature trees and landscaping within and surrounding the appeal site and the topography of the area.
11. I acknowledge that the appeal site is accessed via the driveway to the main cluster of buildings at Lodgefield Farm, including the listed farmhouse. However, I disagree that the design of the proposed dwelling would create

² Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

tension with the hierarchy of built form at the farm site, as contended by the Council. The driveway is not readily visible from the A264 and the proposed building would be perceived as a discrete entity, separate and functionally and visually removed from Lodgefield Farmhouse and wider farmstead. For these reasons I find that the proposed development would have a neutral effect on, and would therefore preserve, the special historic interest and setting of the listed building.

12. Overall, I conclude that the proposed development would have an acceptable effect on the character and appearance of the surrounding area and neutral effect on the AONB, and the setting of nearby Lodgefield Farmhouse would be preserved. The proposed development would be in accordance with the relevant provisions of Saved Policies GD2, EN1, EN27, DC17 and DC18 of the Wealdon Local Plan (1998) and Spatial Planning Objectives SPO1, SPO2 and Policy WCS14 of the Wealdon Core Strategy Local Plan (2013). These policies, when taken as a whole, seek to ensure that development is appropriate for its location and that the setting of listed buildings is preserved. This is in a similar vein to the objectives of the Framework insofar as good design and the protection of the natural and historic environment is concerned.

Conditions

13. The Council has provided a list of conditions. I have assessed those with reference to the advice in the Framework and Planning Practice Guidance. I have amended the wording of some, and combined provisions of others without altering their fundamental aims.
14. Conditions 1 and 2 on time limits and approved plans are necessary for certainty. Condition 3 is necessary in the interests of water management and sustainable development. Conditions 4, 6 and 8 are necessary to protect the character and appearance of the area and existing trees. Condition 7 is necessary to ensure the adequate provision of car parking.
15. Conditions 5, 9 and 10 in respect of outdoor lighting, a scheme of biodiversity enhancements and the carrying out of development in accordance with the submitted ecological reports are imposed in the interests of the protection of biodiversity and protected species.
16. Conditions 3 and 4 are pre-commencement conditions as they are necessary to ensure that any potential mitigation is properly designed in prior to the commencement of development.

Conclusion

17. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

A Price

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: Location Plan no.001 PL01; Proposed Block Plan no.010 PL00; Proposed Site Plan no.100 PL01; Proposed Ground & First Floor Layouts no.012 PL02; Proposed North Elevation no.020 PL01; Proposed South Elevation no.021 PL01; Proposed West Elevation no.022 PL00; Proposed East Elevation no.023 PL00; Proposed Garage - East Elevation no.024 PL00.
- 3) Prior to the commencement of the development hereby permitted, full details for the incorporation of water and energy efficiency measures, the promotion of renewable energy and sustainable construction within the development shall be 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.
- 4) Prior to the commencement of the development hereby permitted, details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority.

The hard landscaping works shall be carried out in accordance with the approved details before any part of the development is completed or first occupied, whichever is the sooner. The soft landscaping works shall be carried out in accordance with the approved details in the first planting and seeding seasons following the completion or first occupation of the development, whichever is the sooner.

If, within a period of 5 years from the date of planting, any trees, shrubs, hedges or plants are removed, uprooted, destroyed or die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, replacement trees, shrubs, hedges or plants of the same size and species as those originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original trees, shrubs, hedges or plants, unless the Local Planning Authority gives written consent to any variation.

- 5) Prior to any works on site above foundation level, a scheme for the enhancement of the site for biodiversity purposes, to include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with the approved details and thereafter retained.
- 6) Prior to the first occupation of the development hereby permitted, a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved sample.

- 7) Prior to the first occupation of the development hereby permitted the car parking spaces and turning area shall be laid out in accordance with drawing no. 100 PL01. That space shall thereafter be kept available at all times for the parking and turning of vehicles.
- 8) No trees and/or hedgerows on the site, unless dead or dangerous, shall be felled, reduced, pruned or destroyed without the written consent of the Local Planning Authority. The following work shall not be carried out within the approved protection zone of any tree or hedgerow, except with the written consent of the Local Planning Authority:
 - (i) Levels shall not be raised or lowered in relation to the existing ground level within the approved protection zone of the tree or hedgerow.
 - (ii) No roots shall be cut, trenches dug or soil removed within the approved protection zone of the tree or hedgerow.
 - (iii) No buildings, roads or other engineering operations shall be constructed or carried out within the approved protection zone of the tree or hedgerow.
 - (iv) No fires shall be lit within the approved protection zone or in a position where the flames could extend to within 5 metres of the foliage, branches or trunk of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.
 - (v) No vehicles shall be driven over the area within the approved protection zone of the tree or hedgerow.
 - (vi) No materials or equipment shall be stored within the approved protection zone of the tree or hedgerow as per the requirements of BS5837:2012 Trees in relation to design, demolition & construction - Recommendations.
- 9) The development hereby permitted shall be undertaken in accordance with the precautionary working measures, ecological protection and mitigation measures recommended in the Reptile Mitigation Strategy, Great Crested Newt HSI & eDNA Report and Preliminary Ecological Appraisal.
- 10) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be carried out in accordance with the approved details.

End of schedule.