
Appeal Decision

Site visit made on 24 January 2023

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 May 2023

Appeal Ref: APP/C1435/W/22/3292454

Land adjoining Mill Lane, Lewes Road, Cross in Hand, Heathfield TN21 0TA

- 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 Leach Projects Ltd against the decision of Wealden District Council.
 - The application Ref WD/2021/0734/F, dated 19 March 2021, was refused by notice dated 14 December 2021.
 - The development proposed is the erection of 1no. detached three-bedroom bungalow with associated access, car parking and landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Leach Projects Ltd against Wealden District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effects of the proposal on (a) the settings of nearby listed buildings, known as Cross in Hand Windmill (New Mill) and Mill House, and (b) Protected Species, having regard to Hazel Dormouse.

Reasons

Appeal site and heritage assets

4. The appeal site comprises a triangular piece of land located between Mill Lane and Lewes Road. The land is bounded by hedging, trees and fencing, including a low cropped hedge alongside Mill Lane. The plot backs onto the gardens of two semi-detached dwellings on Lewes Road and fronts onto a dwelling and retail/distribution building, with an extensive hard surfaced frontage, on Mill Lane.
5. The Grade II* listed Cross in Hand Windmill, now disused, lies at the end of Mill Lane on elevated land, near to a building, known as the Saddlery. Before this windmill, there is a single storey building, known as the 'Roundhouse' which is a remaining base part of another historic windmill. Mill Lane slopes up towards the Roundhouse and the listed windmill from its junction with Lewes Road. The Grade II listed Mill House fronts onto Lewes Road and Dad's Hill, and has an extensive rear garden sloping up to Mill Lane, and the Roundhouse and further along the lane, the windmill.

6. The mill is a large building, reaching a height of approximately 13.7m, and is elevated within the landscape. It comprises a two storey roundhouse, with lean-to, and a three storey timber-framed buck above, the body of the mill containing the main machinery. Under the statutory list entry (number 1183064), the buck and its curved roof, is detailed with facing timber weatherboarding, rectangular iron and steel sheets and a painted white finish. The lower storey of the roundhouse is built of tarred-brick and the upper storey is constructed of timber-boarding partly covered in corrugated steel sheets. An iron and steel-clad conical roof to the roundhouse projects out from under the buck.
7. Although parts are boarded up, there are windows and doors to meal and stone floors within the buck, along with stairs to access the different levels. A tailpole mounted fantail, running on large cast-iron wheels around a gravel track, some 22m in diameter, would also have been mounted. The surviving stocks (timbers holding the sweeps), sweeps(sails), tailpole and fan carriage are in storage.
8. The windmill was first built at Mount Ephraim in Framfield in 1806, moved to Cross In Hand in 1855 and then, following disapproval by a local squire (due to proximity to his mansion and grounds), moved to its current location in 1868 by millwright Samuel Medhurst of Lewes. At this time, an addition storey was added to create the two storey roundhouse to accommodate millstones. In the late 19th century, miller Jabez Ashdown modified the mill's striking gear, the equipment used to open and close the shutters of the patent sails.
9. Around 1900, the lean-to structure was added to accommodate two additional stones for milling which were powered by a steam engine housing in a single-storey brick engine house which allowed corn to be ground when there was no wind. Two wells were sunk nearby to provide water for the steam engine. In 1903, a power mill was built immediately to the south of the windmill, which was fitted with a gas engine in 1911 and replaced by an electric engine in 1926. In 1907, the five bladed fantail fitted by Samuel Medhurst was replaced by an eight-bladed one by Fed Neve and Sons, millwrights of Heathfield. Building repairs have been carried out since and the mill was shut down in 1969.
10. The statutory list entry states the windmill to be a good representation of a highly sophisticated late stage of wind-powered roller milling, prior to the introduction of steam-powered roller milling. It also indicates that the mill is a best example of work undertaken by an important 19th century millwright, Samuel Medhurst. The entry refers to a second mill (known as the 'old mill') being present since 18th century and operating until 1900s, which was near to the listed windmill, within a part remaining, being the Roundhouse.
11. Despite the boarding up of openings and storage of sail apparatus, the mill has strong functional design qualities, including evidence of adaptations and alterations over time, to accommodate new technology and needs, and associations with millers. Despite its non-operational state and storage of its sail apparatus, it retains authenticity as a historic windmill and can be recognised as having been part of a larger complex of buildings, involving a second windmill. As a historical record drawn by a government's heritage consultees, the listed building entry detailing this context and associations with millers is material. Although the mill was located originally elsewhere, it has

operated and evolved at its current location since 1865 and possesses architectural and historical qualities which are of value and importance, which result in significance and special interest.

12. The listed Mill House is a mid 19th century dwelling which has painted brick and a slate roof. It has a traditional country house presence due to its size, well-proportioned fenestration and entrance, two pitched roofs parallel with one another, prominent chimneys, and siting within large grounds. The Mill House statutory list entry (number 1353399) further indicates architectural qualities, a doorway with flat hood, rectangular fanlight and door of 6 fielded panels. Both Historic England and the Council's Conservation Officer assert Mill House's association with the listed windmill and that at the Roundhouse. The listed building's name, Mill House implies a connection with one or both buildings. Such a connection is disputed but even without this connection, Mill House has a strong historic presence and along with its architecture, such qualities are of importance and value, contributing to its significance and special interest.
13. The cartographic evidence appellant's Heritage Statement (HS)¹ indicates notable rural surrounds to both listed buildings during the time that they were constructed and formed. The settlement of Cross In Hand was only sparsely developed throughout the 18th to 20th century. The maps also show an access route, Mill Lane, off Lewes Road, leading up to the listed windmill. By reason of its function, the windmill would have had an open and prominent location in rural surroundings to maximise wind potential and access to farmed areas for crop to mill. For the Mill House, the rural context would have highlighted the country house presence of this building.
14. There is limited intervisibility between the appeal site and the listed windmill due to topography. However, although setting is often expressed by reference to visual considerations, the way in which this asset is experienced is influenced by way it is accessed. Mill Lane would have been the accessway to the windmill contributing to the understanding of how the windmill operated. Materials and produce would have to be carried along this route. Consequently, limited public visibility between the appeal site and windmill would not be an overriding consideration.
15. Indeed, there is little development on its east side of Mill Lane, the location of the appeal site, apart from a small corrugated ancillary type building. On the opposite side of the lane, there is a commercial retail/distribution building and a dwelling. However, the building is agricultural in type with its corrugated panel facing and roof, and the business specialises in animal feeds. As such, it does not have an overriding urbanising influence on the lane and this side of the lane has a rural feel, with open undeveloped areas, and countryside behind. This rural character and appearance enables the reading of the windmill complex of buildings that exist and existed on Mill Lane, including listed windmill, as countryside development, and contributes to the understanding of the social and economic history of the area.
16. There has been a recent planning permission for a dwelling adjacent to the Roundhouse. However, this dwelling has been designed to be small scale in storey, with a flat planted green roof, sited away and down in ground level from the Roundhouse and the lane. Therefore, even if this development

¹ Statement of Case (Heritage Statement), Heritage Advisory, Land adjoining Mill Lane, Lewes Road, Cross- In- Hand, Heathfield, TN22 OTA, THA Ref:2021/5538 February 2022.

proceeded, it would not be overly domestic in nature and urbanising, and it would not significantly affect the rural character and appearance of the lane. Furthermore, the original Roundhouse would be restored and re-used, better revealing its value and importance, as part of a windmill complex of buildings on Mill Lane.

17. At appeal, outline planning permission was granted for the conversion of the Saddlery to three dwellings and replacement of the retail/distribution building with two dwellings. However, there is no evidence that this development would proceed. For all these reasons, despite new and planned development within the area, there still remains a rural setting to the listed buildings which contributes to the understanding of their significance and special interest.

Effects of proposals

18. The bungalow would be sited on the higher part of the appeal site, with a hard surfaced area for two vehicles to the side. The frontage hedge would be retained with an intervening private footway between the dwelling and hedge. There would be steps down from the vehicle parking to the footway. The bungalow would be constructed with facing brick, with contrasting bricks used for quoins and window cills, and black cladding. Eaves rafters would be exposed. Part of the dwelling would be staggered back, including the slate roof which would be half-hipped.
19. However, the development would stretch across a significant portion of its Mill Lane frontage, and would be positioned close to the highway itself, with little space between it and the hedge. This tight siting would contrast and jar strongly with the pattern of development along Mill Lane where spacious and landscaped surroundings exist, giving rise to a rural character and appearance. Despite stated intentions, the dwelling would appear as a bungalow with its domesticated appearance, windows, rooflights and doors, rather than a traditional rural building.
20. The listed windmill is approached along Mill Lane and constructing a bungalow in this way, along with its associated domestic paraphernalia, such as parked vehicles, would significantly urbanise this approach, affecting appreciation of the windmill and its rural setting in a harmful way. Mill House has lower listed grading but nevertheless, the development would appear dominant because of its extent, position relative to the lane and elevation on higher ground than the listed building. There would be limited intervisibility views when boundary vegetation is in full leaf. However, for significant parts of the year, this vegetation would not be and in any case, there is no guarantee that vegetation would remain in perpetuity. There can be any number of reasons why vegetation can disappear, such as disease, storm impact or accidental damage, and replacement planting can take time to establish. By reason of its dominant urban appearance, it would harm the setting of Mill House.
21. There has been a recent planning permission for a dwelling at the Roundhouse and an outline consent for the conversion of the Saddlery and two dwellings on the lane. Settings of the listed buildings would have been relevant to these decisions. However, as has been undertaken here, every proposal must be considered on its individual planning merits. Notwithstanding this, the dwelling to be built at the Roundhouse site has been designed to be recessive by virtue of its scale, design and siting whilst the outline consent was determined prior to

the upgrading of the listed windmill to Grade II*. In the outline consent, the Inspector concluded on setting but made no detailed assessment on significance or special interest, and how setting contributed to this significance, and his decision would have been on the evidence before him. Therefore, there are tangible differences between these decisions and the appeal proposal considered here and accordingly, they attract negligible weight in this decision.

22. For all these reasons, the proposal would harm the appreciation of the significance of listed windmill and Mill House as heritage assets. The development would harm their settings in conflict with s66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990.

Protected species

23. In previous application on the site, the presence of Hazel Dormice was identified and the need for a dormice survey was recommended. There was also a dormouse report of a national database within the zone of influence of the site. However, the appellant's Preliminary Ecological Report (PER) assesses the ecological value of the appeal site as low, and the site is sandwiched between two roads. The hedgerows are also managed and trimmed to below 2m limiting suitability for dormouse. No Council ecologist response has been submitted to support a need for a dormouse survey. In the recent planning application for the dwelling at the Roundhouse, a Preliminary Ecological Report (PER) did not recommend a further survey, and planning permission was granted. Taking these considerations into account, the presence of Hazel Dormouse is unlikely, and no survey is required. On this basis, there would be no harm to this Protected Species.

Heritage and planning balance

24. The degree of harm to the significance of the Grade II* listed building, the Cross in Hand Windmill (New Mill) and the Grade II listed Mill House, as designated heritage assets, would, in each case, be less than substantial in terms of the National Planning Policy Framework (the Framework). In accordance with paragraph 202 of the Framework, this harm should be weighed against the public benefits of the proposed development.
25. A dwelling would make efficient use of land for development and would boost housing supply in an area where there is a deficient and deteriorating 5 year housing supply. Occupants would have access to services and facilities and their financial spend on goods and services would maintain and enhance the vitality of the settlement. However, such benefits would be small given only one dwelling would result from this proposal. Therefore, for each heritage asset, the modest public benefits, which would accrue from the proposal, would not be sufficient to outweigh the less than substantial harm identified and the considerable importance and weight this carries. For each designated heritage asset, conflict would arise with the historic environment protection policies of the Framework. Under the Framework, the conflict with the historic environment policies would provide a clear reason for refusal.
26. There would be conflict with Policies GD1, EN1 and EN27 of the Wealden Local Plan 1998 and Policies SP02, SP013 and WCS14 of the Wealden Core Strategy 2013, which collectively and amongst other matters, require development to be in accordance with other policies within the plan, sustainable development to be of appropriate scale and high quality in design, the intrinsic quality of the

historic environment to be protected and local distinctiveness through good design. There would be conflict with the development plan, taken as a whole, and there would be no material considerations that indicate that it should be determined other than in accordance with the development plan.

Conclusion

27. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR