



Appeal Decision

Site visit made on 26 September 2023

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

an Inspector appointed by the Secretary of State

Decision date: 29th September 2023

Appeal Ref: APP/C1435/W/22/3310232

Brick Kiln Farm, Brick Kiln Lane, Hadlow Down, East Sussex, TN22 4EJ

- 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 Nicholas Orgill against the decision of Wealden District Council.
- The application Ref WD/2022/0521/F, dated 27 February 2022, was refused by notice dated **21 September 2022**.
- The development proposed is 10m x 5m swimming pool, with a 3.5m x 2.5m pool house, to house the pump room, with simple stone tile surrounds.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) Whether the proposal would preserve the setting of Brick Kiln Farm, a Grade II listed building;
 - b) The effect of the proposal on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

Effects on the setting of Brick Kiln Farm

3. Brick Kiln Farmhouse is a 17th century Grade II listed building located on a single-track lane in a remote part of the High Weald AONB. Therefore, although the proposal would not directly impact the building, I have a duty to have special regard to the desirability of preserving its setting. The building is two-storeys with a half-hipped tiled roof, small casement windows and weatherboarding on part of its first-floor elevations. It is of modest proportions and has a simple rectangular footprint. Historic maps indicate that from the mid-19th century the farm had a compact courtyard layout with the farmhouse on the north-eastern side and single-storey buildings flanking the north-western and south-western sides of the yard. In 2009 the outbuildings were converted and incorporated into the house as living accommodation and garaging. These alterations included construction of an L-shaped single-storey extension to connect the original farmhouse to the outbuildings.
4. Modern farm buildings to the north-west and south-west of the site, associated with Spring Farm, are screened from view and are functionally separate from the farmhouse which, together with its driveway, now has a primarily domestic appearance. To the rear of the house the area is undeveloped, but a significant

area of land has been enclosed by post and rail fence to form a garden. Regardless of the dispute between the parties as to the lawful extent of the curtilage, the garden appears to have been established for several years. The area is laid to grass and includes several mature trees.

5. From my observations on the site, and the limited evidence presented about the history of the farmstead, I consider the farmhouse derives its significance from its age, the materials used in its construction, its features as a post medieval building, and its historical use as a farmstead working the surrounding rural land. Its setting comprises two distinctly different elements to the front and rear. To the front of the house the entrance, the presence of other former agricultural buildings and the modern farm buildings beyond the site boundary all contribute to an understanding of the farm's role in cultivating the surrounding land. The buildings are close to each other, and the extent of built form from various eras is compact and limited. This area will have been the focus of human activities.
6. By contrast to the rear, the area is tranquil, undeveloped countryside with pasture which falls away towards the ancient woodland a little to the north and west. Views into the more distant countryside are limited. This gives the rear garden only a limited sense of enclosure and it appears as an integral part of the wider surrounding landscape of the High Weald. The garden, which is little more than an enclosed paddock, retains a predominantly rural character and appearance. This part of the farmhouse's setting also contributes to its significance as an isolated rural farmstead.
7. The proposal is to construct a swimming pool close to the north-eastern boundary of the site within the area that has been enclosed as rear garden. Alongside it there would be a small pool house. Although the pool would be at ground level and below, it would be an engineered feature surrounded by hard landscaping in the form of stone tiles. In addition, there would be the limited bulk of the pool house. These structures would be introduced into an area of garden which is currently undeveloped. Consequently, the proposal would represent an intrusion into the tranquil, pastoral, and unspoilt rural setting of the farmhouse on this side of the building. This would be the case regardless of the extent of the residential curtilage. It would also give rise to more intensive human activities on this part of the site and, in all probability, additional domestic paraphernalia. These features and recreational activities would be away from those associated with the working of the farmstead which were focused in front of the farmhouse, and close to its associated outbuildings.
8. I conclude that the proposal would erode the tranquil, rural setting which contributes to the significance of the building as an isolated farmhouse in the High Weald. It would fail to preserve the setting of the listed building. There would be conflict with Spatial Planning Objective SPO2 of the Wealden Core Strategy Local Plan, 2013 (Core Strategy), which seeks to protect the intrinsic quality of the district's historic environment. As this harm would be less than substantial in terms of the National Planning Policy Framework (the Framework), I am required to weigh this against the public benefits of the proposal in accordance with Framework paragraph 202. The pool would be of benefit to the occupants of the dwelling and others who they invite to make use of it. However, this does not amount to a public benefit which can be weighed against the identified harm.

Effects on the AONB

9. Kiln Brick Farm is in a remote and unspoilt part of the High Weald AONB, a landscape nationally designated for its scenic beauty and landscape quality. The introduction of a swimming pool, together with the inevitable pump house and domestic paraphernalia that would accompany its construction, would represent an undesirable intrusion of man-made features into the countryside. This would be the case regardless of the extent of the area enclosed as garden by the post and rail fence.
10. The area to the rear of the house is on slightly higher ground than the adjacent rural lane. Consequently, the siting of the pool and its associated pool house would be visible from the lane. Whilst the existing trees would provide some screening, there would be a stark contrast between the adjoining open undeveloped fields and woodland and a domestic swimming pool. This would represent a harmful encroachment of urbanising features and domestic activity into the sensitive landscape of the AONB.
11. I conclude that the proposal would harm the landscape and scenic beauty of the High Weald AONB. It would conflict with saved Policies EN6, EN27 and DC19 of the Wealden Local Plan 1998, and Spatial Planning Objectives SPO2 and WCS14 of the Core Strategy. These policies require development to respect its context and to conserve or enhance the natural beauty of the landscape of the AONB, thereby securing sustainable development. Although cited in the Council's decision notice, Policy EN2 relates to development which generates significant traffic movements and SPO13 promotes good design in development within towns and villages. Neither of these policies are therefore directly relevant to this case.

Other Matters

12. It is put to me that numerous swimming pools and pump houses associated with listed buildings have been granted within Wealden District. Even if that was the case, I have determined the appeal proposal on the evidence presented and the site-specific circumstances of this case. In doing so, I have had regard to local planning policy and national guidance and legislation in respect of designated heritage assets and protected landscapes.

Conclusion

13. I have found the proposal harmful to the setting of Brick Kiln Farm, a Grade II listed building, and the landscape and scenic beauty of the High Weald AONB. There is therefore conflict with the development plan. Furthermore, the Framework advises that harm to heritage assets and the conservation and enhancement of AONBs are matters that carry great weight.
14. There are no public benefits to outweigh these identified harms. The proposal is therefore unacceptable and there is nothing to indicate that a decision should be taken other than in accordance with the development plan.
15. For this reason, the appeal is dismissed.

S M Holden
INSPECTOR