



Appeal Decisions

Hearing held on 12 October 2023

Site visit made on 30 August 2023

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2023

Appeal B Ref: APP/C1435/W/22/3307016

The Walled Garden, Hammerwood Park, Holtye Road, Hammerwood, RH19 3QE

- 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 Rob Bradstock against the decision of Wealden District Council.
 - The application Ref WD/2021/1191/F, dated 2 May 2021, was refused by notice dated 21 March 2022.
 - The development proposed is the erection of an agricultural barn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an agricultural storage barn. The description of development also refers to a wind turbine, although no details of the turbine are included with the application.
3. A second application, for the erection of three pods, to provide temporary living accommodation is the subject of a separate decision.
4. I undertook a site visit on the 30th of August. Following this, to enable a discussion of the merits and facts of the case, a virtual hearing was held on the 12th of October.

Main Issues

5. The main issues for the appeal are:
 - Whether the proposed development is reasonably necessary for the agricultural holding;
 - The effect of the proposal on the character and appearance of the area, in particular, the effect of the works on the significance of the heritage assets of "The Walled Garden", which is a Grade II Listed Registered Park and the Grade I listed Hammerwood House.

Reasons

The Need for the Building

6. Policy DC3 of the Wealden Local Plan (LP) seeks to ensure that proposals for new farm buildings are reasonably necessary for the purposes of the agricultural holding and as far as possible are not visually intrusive. In combination with other policies, specifically GD2, EN1 and EN27, the plan seeks to limit rural development to that which is appropriate to meet identified needs, in the interests of preserving rural character.
7. The proposal relates to the provision of a substantial steel framed structure, to be clad in timber with a concrete roof. The barn would measure 25m wide, 10m deep and around 4.95m from base to the apex of the pitched roof.
8. During the hearing the appellant advised that the structure was necessary to accommodate various pieces of equipment which he uses for his enterprise and which are currently mostly stored openly on ground adjacent to the appeal site. The Council consider the level of open storage that is currently taking place on site to go beyond that which would be reasonably necessary for a holding of this size.
9. The application is supported by a planning statement which sets out that the business comprises keeping a flock of 30 sheep, a 20 acre woodland estate and the use of a further 30 acre estate. The appellant intends to grow the flock and extend the woodland management side of the business, including the milling section. I was told at the hearing that the flock has since grown to 100 sheep, that the appellant now keeps pigs within the woodland and that his business includes maintenance and other forestry jobs in the local area. I wasn't advised that the enterprise had any other full-time employees or sub-contractors, other than Mr and Mrs Bradstock. It was also unclear as to whether the enterprise represented full-time employment for the couple. From what I was told, the enterprise appears to comprise a number of low-key strands, not all of which are wholly related to the holding.
10. I noted on site that a number of pieces of equipment were stored in the open and that they appeared to been there for some time. Some of this equipment appeared to be of some age. It isn't clear to me how all the equipment related to the operation, but in any case, it is likely that a barn of the scale proposed would exceed the reasonable needs of a small scale enterprise of the nature described. Therefore, although I have some sympathy for the appellant's fear of theft and am conscious that theft from farms is a very real and growing issue, I cannot conclude that a structure of this size is reasonably necessary to support either the holding or the rural enterprise as described to me in the application and at the hearing.
11. The appellant advises that as the barn will house equipment currently stored in the open the proposal would lead to a visual improvement of the site. Given the varied nature of the operation, it appears to me unlikely that all open storage would cease if the appeal were granted. This reduces the weight I can attribute to any anticipated visual benefit that may accrue from use of the structure.
12. Accordingly on the first matter I conclude that it has not been demonstrated that the building is reasonably necessary for the purposes of the holding. It

follows that it would conflict with Policy DC3 of the LP. The Council have referred to a number of other Policies. Of these I consider EN27 to be most relevant. The policy seeks development of a scale which promotes local distinctiveness. Insofar as the scale of the proposal exceeds requirements and would be prominently visible on the site, I find some limited conflict with it.

Character and Appearance and Effect on Heritage Assets

13. The barn would be located adjacent to the Walled Garden of the Grade I listed Hammerwood House. The Walled Garden is itself part of a Grade II listed Registered Park, which forms part of the wider setting of Hammerwood House, a Grade I listed building. The site also lies within the High Weald Area of Outstanding Natural Beauty (AONB).
14. Hammerwood Park covers a large area, extending to some distance south of the Hammerwood House. As a designed landscape its significance lies in both the verdant setting it provides to the main house, and as a surviving example of extensive residential parkland. The Park is diverse in character, being made up of a number of interconnecting elements which have evolved over time. The appeal site lies to the far north of the Registered Park adjacent to an area which was used as a kitchen garden to Hammerwood House during the last century. The garden walls remain largely intact, although the areas outside them are no longer used for cultivation and now form part of the wooded landscape. The extent to which they separate the space within from the uncultivated area beyond forms part of their special character. They are a striking feature, and although the site is no longer in the same ownership as the main estate, their presence is a visual reminder in the otherwise pastoral landscape of a connection with the Hammerwood Estate.
15. The barn would be a large permanent structure located immediately adjacent to the listed wall and would be constructed in timber cladding with a concrete roof with solar panels within. Although it would be partly subsumed within rising land to the rear it would nonetheless be a substantial permanent structure which due to its size would be prominently visible in views in and around the site. As an agricultural structure the materials for the building would not appear out of keeping in an otherwise rural context. However, the positioning of a structure of this size would be unduly close to the listed wall, obscuring views of the structure from the east. Views of the Wall from the west would also include the barn which would be clearly visible behind the brick structure. In these views the distinct enclosed character of the Walled Garden and the extent to which it is perceived as separating the space from the countryside around it would be undermined. This would be harmful to the significance of the asset.
16. I noted on site that views into the site are relatively limited. It is also true that the harm identified would extend to only part of the overall Registered Park, but as the whole asset is listed I have no grounds for concluding that harm to a more recently constructed part of it is less significant than an alteration to a more established part. However, I note that the harm to the Registered Park would be relatively contained and could be characterised as on the lesser end of "less than substantial". Furthermore, although the barn would alter the character of the Walled Garden and how it is perceived, I am content that this harm would not extend to altering the historic linkage of the space with

Hammerwood House and so would not alter the significance of this Grade I asset.

17. The Framework indicates that where less than substantial harm is found, then this should be weighed against the public benefits of the scheme. The proposal would support a rural enterprise by assisting with site security. However, as set out above, I have no convincing evidence that a building of this scale is necessary to support the enterprise and this diminishes the weight I can attribute to the scheme before me. The public benefits of the scheme would therefore be insufficient to outweigh the harm that would accrue to heritage assets.
18. The Framework is clear that heritage assets are an irreplaceable resource and that in considering the impact of development on the significance of heritage assets, great weight should be given to the asset's conservation. The significance of the Park is derived in part from both its pastoral nature and in the varied character of its various parts. The proposal would lead to harm to a discrete but nonetheless important part of the Park. I therefore attribute great weight to the harm which would arise to the significance of Hammerwood Park Grade II Registered Garden. It follows that it would conflict with strategic objective SPO2 of the CS which seeks to ensure that the intrinsic quality of the historic environment is protected.
19. The Council have referred to a number of other policies and objectives which relate to the impact of the proposal on the character and appearance of the area and the character and quality of the landscape of the High Weald AONB. The scale of the building would be excessive, going substantially beyond the needs of the enterprise it is intended to serve. The intrusive appearance of the proposal would lead to some limited harm to the countryside which would be in conflict with policy EN27 of the LP which seeks to ensure the scale and appearance of development is appropriate to local context. However, as the effects of the proposal would be relatively localised I am satisfied that the proposal would not cause harm to the wider landscape, including the AONB. Of the policies and objectives put to me I find policy EN6 to be most relevant but find no conflict with it.

Other Matters

20. During the hearing my attention was drawn to potential legal impediments in relation to access to the site. These matters would not, to my mind, preclude the grant of permission in this case and notwithstanding my conclusions above have not weighed against the proposal. I also note concerns regarding potential noise and groundwater pollution, and the potential effects of the proposal on surface water flows off-site. However, these matters, in the event do not add to my concerns set out above.

Conclusion

21. The proposal would harm the significance of the Grade II Hammerwood Park. Furthermore, an agricultural need for the structure has not been demonstrated. The identified benefits of the development do not indicate that the proposal should be determined otherwise than in accordance with the development plan taken as a whole.

22. Accordingly, for the reasons given above, and taking account of all other matters raised, I conclude that the appeal should be dismissed.

Anne Jordan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr and Mrs Bradstock	Appellants
Mr Alex Bateman BA (Hons) MSc MRTPI	Agent

FOR THE LOCAL PLANNING AUTHORITY

Mr Declan Redman	Senior Planning Officer Wealden District Council
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INTERESTED PARTIES:

Mr Saunders	Local Resident
Mr Pinnegar	Local Resident

