



Appeal Decision

Site visit made on 8 November 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 2nd January 2024

Appeal Ref: APP/C1435/D/23/3319495

The Lodge, Attwood Farm, Bodle Street Green, Hailsham BN27 4RA

- 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 Robert Petrides against the decision of Wealden District Council.
 - The application Ref WD/2022/3281/F, dated 14 December 2022, was refused by notice dated 20 February 2023.
 - The development proposed is a ground floor extension and internal alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became 'National Landscapes' (NLs). Thus, the High Weald AONB is now the High Weald National Landscape (HWNL). Its legal designation and policy status remain the same.
3. On 19 December 2023 a revised version of the National Planning Policy Framework (the Framework) was published. The most pertinent sections of the Framework for this appeal have not been materially altered; therefore, neither party is prejudiced by not being consulted upon the changes. However, within the evidence parties have referred to paragraph numbers within the Framework which have now changed. I have reviewed the corresponding text from the previous version of the Framework and considered it against the new paragraph numbers within the revised Framework.
4. The appeal scheme represents an amended scheme, that was altered following the refusal of a planning application¹. Changes to the appeal proposal, compared to the previous scheme, include reducing the massing and scale of the proposed extension.

Main Issue

5. The main issue is the effect of the proposed extension on the character and appearance of the HWNL and a non-designated heritage asset.

Reasons

6. The appeal site is within the HWNL. Under Section 85 of the Countryside and Rights of Way Act 2000 (as amended), I have a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of NLs.

¹ Planning application Ref. WD/2022/2094/F

Moreover, the Framework indicates that great weight should be given to conserving and enhancing landscape and scenic beauty in NLs.

7. The area is characterised by low density, ribbon development along Victoria Road. There are a few residential properties which are largely traditional in design, surrounded by agricultural and equestrian-related buildings. There is also agricultural land and pockets of woodland beyond. The appeal property is a modest single-storey dwelling attached to a nursery school. The connected buildings are identified as a non-designated heritage asset by the Council. Their significance includes the retention of the appearance of a large barn with stabling attached to the rear, both of traditional design.
8. Whilst the appeal property is linear in shape, with the exception of a small porch protruding from its front elevation, it forms an L-shape with the nursery school. Opposite the appeal property is stabling and other agricultural style buildings. Whilst there is a moderate amount of built development in proximity to the appeal site, most of it is either traditional in design, largely retained its rural appearance, or used for agriculture or equestrian purposes. Given the site slopes gently down from the road, there are views between the buildings toward the open countryside and the odd pocket of woodland. Overall, the appeal site and the surrounding area is rural in character and makes a positive contribution to the landscape and scenic beauty of the HWNL.
9. Although, the proposed development represents a reduction in built footprint from the previously refused scheme, it would still lead to a significant increase in the footprint of the dwelling. It would also increase the mass of the dwelling and extend the dwelling into the gap toward the nearby stabling, beyond the existing porch. The increase in development and, in particular, the reduction of the gap to neighbouring development would reduce the openness of the site and have a harmful effect on the rural character of the site.
10. The existing dwelling is subordinate to the nursery school. The increased scale of the dwelling, with the proposed extension, would harm this relationship between the nursery school and dwelling, as the dwelling would become more of a dominant feature. The proposed extension would also disrupt the linear shape of the dwelling and the agrarian legibility of the buildings combined together. This would have a harmful effect on the non-designated heritage asset as it would no longer appear as a large barn with a modest building attached to the rear. As the most prominent part of the asset, the nursery school, would be unaltered, only moderate weight is ascribed to the harm caused by the proposal to the non-designated heritage asset.
11. Given the vegetation fronting Victoria Road, the proposed extension being single storey and the distance between the proposal and the nearby public right of way, the proposed development would be largely screened from public views. Nonetheless, it would be visible from neighbouring properties and land, and it would be out of character with the area and therefore harmful to the HWNL.
12. I acknowledge that the removal of the conservatory and replacement with an extension of the existing built form in its place would be a positive addition to the building, as it would help retain the agricultural character of the building. Furthermore, the addition of the proposed cat slide roof would be acceptable as it would reflect the roofscape of nearby agricultural buildings.

13. The application form referred to concrete cladding as the proposed material and finish for the walls. However, the appellant has indicated that they proposed to match the existing wooden feather edge cladding, and the concrete cladding referred to, would be the insulating concrete framework and not a finish. A condition could be attached to any planning permission requiring details of the proposed materials for the external finishes to be agreed in writing with the local planning authority. As such, an appropriate form of external finish could be secured by condition.
14. The family being able to continue to effectively operate Attwood Farm Nursery School is a benefit of the proposal. There would also be economic benefits related to the construction of the extension and environmental benefits associated with providing a better insulated property. However, there is no substantive evidence explaining why the extent of the proposed extension is required. Also, the construction benefits would only be temporary, and the overall scale of development is relatively modest. Therefore, only limited weight can be ascribed to these benefits, and they do not outweigh the moderate harm to the non-designated heritage asset.
15. Overall, I conclude that the proposed development would have a harmful effect on the HWNL and a non-designated heritage asset. It would be contrary to policies EN6 and DC19 of the Wealden Local Plan (LP), December 1998 and Spatial Objective SPO13 of the Wealden District Core Strategy Local Plan, February 2013. These policies and spatial objective indicate that outside of the development boundaries proposals for extensions should not be detrimental to the rural setting and within the HWNL proposals should conserve or enhance the natural beauty and character of the landscape; and the Council will promote local distinctiveness.
16. The proposal would also be contrary to chapters 10 and 11 of the Wealden Design Guide, where it advises that all proposals should take into account the impact on the characteristics of the host building and proposals should have a minimal visual impact on converted buildings. Moreover, it would not be in accordance with the Framework where it indicates that achieving the environmental objective of sustainable development includes protecting the natural environment, the creation of beautiful places is fundamental to what the planning system should achieve, planning decisions should ensure that developments are sympathetic to local character, great weight should be given to conserving and enhancing the landscape and scenic beauty in NLs; and the effect on the significance of a non-designated heritage asset should be taken into account.

Other Matters

17. I note neighbours have not raised objections to the planning application or representations to the appeal. Moreover, due to its location the proposed extension would not have a harmful effect on the living conditions of neighbouring residents. Also, I note there may have been a factual inaccuracy within the Delegated Officer Recommendation in relation to the historic use of the nursery school. Nonetheless, this does not alter my assessment of the acceptability of the appeal proposal.
18. Paragraph 128 of the previous version of the Framework, now 133, has been referred to within the reason for refusal on the decision notice. It refers to the production of design guides and codes and therefore does not weigh against

the appeal proposal. LP Policy HG10 is listed within the first reason for refusal on the decision notice. This relates to proposals within the development boundaries and therefore does not weigh against the appeal proposal.

Conclusion

19. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
20. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR