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## Appeal Decisions

Site visit made on 8 January 2024

**by Jonathan Bore MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 January 2024**

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### **Appeal A Ref: APP/C1435/Y/23/3321130**

#### **Home Farm, Lewes Road, Laughton, East Sussex, BN8 6BQ**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr and Mrs T W Simpson against the decision of Wealden District Council.
- The application Ref WD/2019/1260/LB, dated 17 April 2019, was refused by notice dated 1 December 2022.
- The works proposed are the demolition of existing buildings as identified on the submitted plans and the conversion of the remaining buildings, including three curtilage listed buildings, to create four new dwellings and the erection of one new dwelling to include associated new vehicle parking and turning areas and driveways.

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### **Appeal B Ref: APP/C1435/W/23/3321117**

#### **Home Farm, Lewes Road, Laughton, East Sussex, BN8 6BQ**

- 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 and Mrs T W Simpson against the decision of Wealden District Council.
- The application Ref WD/2019/0883/F, dated 17 April 2019, was refused by notice dated 1 December 2022.
- The development proposed is the demolition of existing buildings as identified on the submitted plans and the conversion of the remaining buildings, including three curtilage listed buildings, to create four new dwellings and the erection of one new dwelling to include associated new vehicle parking and turning areas and driveways.

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## **Decision**

### **APPEAL A**

1. The appeal is allowed and listed building consent is granted for the demolition of existing buildings as identified on submitted plans and the conversion of the remaining buildings, including three curtilage listed buildings, to create four new dwellings and the erection of one new dwelling to include associated new vehicle parking and turning areas and driveways at Home Farm, Laughton, BN8 6BQ in accordance with the terms of the application Ref WD/2019/1260/LB dated 17 April 2019, and the plans submitted with it, subject to the conditions set out in the annex to this decision.

### **APPEAL B**

2. The appeal is allowed and planning permission is granted for the demolition of existing buildings as identified on submitted plans and the conversion of the remaining buildings, including three curtilage listed buildings, to create four new dwellings and the erection of one new dwelling to include associated new

vehicle parking and turning areas and driveways at Home Farm, Laughton, BN8 6BQ in accordance with the terms of the application, Ref WD/2019/0883/F, dated 17 April 2019, and the plans submitted with it, subject to the conditions set out in the annex to this decision.

### **Preliminary matters**

3. After the planning authority made its decision, the appellant produced revised drawings B010.17.07C, 08B, 09B, 13B and 01D showing a redesigned linking building for House 1 and a relocated and redesigned extension to House 2. These do not amount to a substantial change to the scheme and do not prejudice anyone's interest, and I have taken them into account in determining these appeals.

### **Main Issues**

#### **APPEAL A**

4. The main issue is the effect of the scheme on the significance of the curtilage listed buildings and the listed cottages.

#### **APPEAL B**

5. The main issues are:
  - the impact on the character of the site and the countryside
  - whether this is an appropriate location for new dwellings having regard to the location outside a settlement
  - the effect of the development on the ecology of the site.

### **Reasons**

#### **APPEAL A**

##### **The effect of the scheme on the significance of the curtilage listed buildings and the listed cottages**

6. The buildings which form the subject of these appeals include three long brick stable blocks, one of the 18<sup>th</sup> Century and two of the 19<sup>th</sup> Century. They are considered to be within the curtilage of an adjacent pair of listed cottages, outside the appeal site, which were listed in 1981, and they remain in the same ownership. The listed cottages, 1 and 2 Home Cottages, were built in about 1850 and are listed Grade II. Their significance comes largely from the attractive features on their front elevation facing Lewes Road and their strong chimney features either side, and it also comes from their relationship to the three brick stable blocks to the rear. By virtue of being in the curtilage of the cottages, the brick stables are themselves listed. The site also contains a modern redundant cattle shed, a modern Atcost hay pole barn and a modern steel portal framed agricultural building; curtilage listing does not apply to these buildings because of their relatively recent age.
7. The brick stables are laid out in three ranges. They are plain single storey red brick structures, with utilitarian charm. They are not in an especially good state, being essentially a set of shells with some frontage walls missing and with extensive corrugated roofing. They are no longer used for stabling, and planning permission was granted for the conversion of the buildings to holiday

accommodation under reference WD/2008/1772, although that scheme has not been completed.

8. House 1 would be created by converting two parallel stable blocks and linking them at the rear with a new building to create a single dwelling. The linking building would contain most of the principal rooms; the revised drawings show it to be of two storeys, composed of stock brick and oak boarding, with a relatively low traditional roof of handmade clay tiles. Though its style would contrast with the brick stables, it would be of an acceptable rural design and profile. It is thought that there would likely have been a traditional building in this position in the past, although the design is not known. Currently there is a redundant and unattractive modern cattle shed in this position which the extension would replace, and in so doing it would amount to an improvement in the setting of the stables.
9. House 2 would be created from the adjacent L-shaped stable block, extended by means of an addition which, in the revised drawings, would be located in the angle of the two wings. The extension would be a glazed single storey structure, and although its modern style would be a notable contrast with the brick stable block, it would enable the building to be brought back into use whilst allowing the form and design of the stables to be appreciated effectively.
10. The domestic occupation of these stable blocks would change their character to an extent, although this would be more evident from the rear than from Lewes Road, but there are several important positive aspects of the scheme. The buildings are verging on dereliction; they would be brought back into beneficial use through the conversion and careful positioning of the extensions. Their overall form would be retained and their original appearance and purpose would still be easily discerned. Moreover, the scheme would bring about a considerable improvement in their appearance and condition and in the long-term maintenance of this part of the site, and hence the setting of the listed cottages.
11. Houses 4 and 5 would be created by turning a large modern framed agricultural building into two dwellings. The appellant's submitted survey concludes that the structure is sound and would be capable of conversion subject to strengthening and protection; it appears that the building has potential for conversion under permitted development rights. The building has a relatively low profile from the front, sits well back into the site and appears as an integral part of the former farm complex, and the proposed agri-industrial style conversion would be in keeping with its character and acceptable in this location.
12. Whilst the buildings discussed above would all be conversions, House 3 would be a new house to the east of the cottages. Although the house would be visible from Lewes Road and would be clearly domestic in character, it would be set a little way back into the site and would be in a style appropriate to this rural area. In this location it would make good use of the remaining part of the site between the listed cottages and the adjacent building to the east, and being well back from the front building line of the listed cottages it would not compete unduly for attention with the listed cottages or disrupt the interpretation of the site as a historic complex. An adjacent unattractive redundant and semi-derelict Atcost hay pole barn would be demolished to

make way for the house and this would effect an improvement in the setting of the listed buildings and in the appearance of this part of the site.

13. To summarise, whilst the scheme would introduce a domestic character into the site, it would bring the curtilage listed buildings back into beneficial use whilst enabling their traditional form to be appreciated. It would also bring about an improvement in the setting of the listed cottages as well as the curtilage buildings by improving the appearance and maintenance of the site and by removing unsightly buildings. Overall the scheme would not harm the heritage assets but would serve to preserve them and their setting. The scheme would accord with policies EN27 of the Wealden Local Plan 1998, spatial planning objectives SPO2 and SPO13 of the Wealden Core Strategy Local Plan 2013 and with the objectives of Chapter 10 of the National Planning Policy Framework, "Conserving and enhancing the historic environment".

## **APPEAL B**

### **The effect on the character of the site and countryside**

14. This issues are similar to those in Appeal A and are largely discussed above. Although the conversion of the brick stables into Houses 1 and 2 and the conversion of the modern barn into House 4 and House 5 would change the character of these parts of the site, the proposal would ensure their retention, bring about an improvement in their appearance and condition, and improve the long-term maintenance of their surroundings. The proposed extensions would facilitate their conversion without detracting significantly from their character. The relatively enclosed nature of the brick barns and the set-back position of the barn would mean that residential use would not have a significant effect on the character of the site seen from Lewes Road, or that of the wider countryside. House 3 would make good use of the remaining vacant part of the site and would bring about the removal of a large unsightly building.
15. The scheme would not harm the landscape and would serve to preserve a group of interesting buildings in the countryside whilst making the best use of a substantially built-up site. The scheme would therefore be in accordance with saved Policies EN27 and DC8 of the Wealden Local Plan 1998 and SPO2 and SPO13 of the Wealden Core Strategy 2013 which taken together seek to protect the character of adjoining development, promote local distinctiveness, protect the historic environment, create high quality living environments and ensure that form, bulk and general design are in keeping with the surroundings. For the same reasons it would not conflict with the objectives of the Wealden Design Guide 2008. The scheme would also accord with paragraph 84(c) of the NPPF which allows for the residential conversion of redundant or disused buildings in the countryside where it would enhance their immediate setting.

### **Whether this is an appropriate location for new dwellings**

16. The scheme would create 5 new dwellings in a countryside location outside Laughton. Saved Local Plan Policies GD2 and DC17 and Wealden Core Strategy Policy SPO7 aim to locate development within settlements and in sustainable locations where residents can access a choice of transport modes. Laughton has some services including a post office, convenience store, school and bus routes; the distance to the village is not far and there is a footway along Lewes Road. That said, it is recognised that the new residents would use the private

car to access many facilities. However, the benefits of the scheme in terms of the overall improvement to the site, the setting of the listed cottages, compliance with paragraph 84(c) of the NPPF as discussed above, and the provision of 5 new dwellings in a location with a significant shortfall in the 5 year housing land supply, outweigh any harm in this respect.

### **The effect on ecology**

17. A preliminary ecological assessment (PEA), updated in 2023, found that the site was considered to provide suitable habitat for common reptile species and great crested newts (GCN). eDNA surveys have confirmed the presence of GCN within the pond. East Sussex has adopted District Licencing for great crested newts through the NatureSpace Partnership and the appellant has submitted evidence that an application for the District Licensing Scheme has been made; the relevant conditions are attached to this permission.
18. Evidence of barn owls in the form of pellets was found within two of the buildings on site although no nesting sites were located within the buildings. The PEA found that Building 2 (part of House 1) retained moderate potential for roosting bats but none were found during the 2018 survey. The building was re-roofed at about that time and the appellant has indicated that it will not be necessary to disturb the roof of this building again. The potential effects of the scheme on protected species during and after the development phase are dealt with by attaching a condition requiring a construction ecological management plan and another relating to ecological mitigation and biodiversity enhancement.
19. The Council state that there would be no adverse effect on the integrity of the Ashdown Forest Special Protection Area and Special Area of Conservation and there is no objection from Natural England.
20. The scheme would not conflict with the aims of saved Wealden Local Plan policies EN15 and EN16 and Wealden Core Strategy policy WCS12 which seek to protect nature conservation sites and wildlife habitats.

### **Conditions**

21. In respect of Appeal A, conditions are attached requiring details of the design and materials of the proposed extensions and external and internal works to the brick stables. In respect of Appeal B, conditions are attached requiring details of design and materials of the building conversions and the new house, the landscaping of the site, external lighting, and the removal of permitted development rights, to protect the character of the site and locality; water and energy efficiency measures to ensure that the local plan's objectives are met in this regard; a construction environmental management plan, ecological mitigation measures and biodiversity enhancement measures, and measures to protect Great Crested Newts, in the interests of nature conservation and habitat enhancement; a programme of archaeological works, having regard to the historic nature of the site; an investigation of contamination and the carrying out of remedial work where necessary, having regard to the past uses of the site; the design of the two site entrances, visibility splays, parking, servicing and cycle storage, in the interests of highway safety and sustainable transport; and details of foul and surface water drainage. Given the number of conditions requiring the submission of details it would be onerous and potentially impractical to require the commencement of the development within

18 months as suggested by the Council, so the standard three year condition has been attached.

**Conclusion**

22. I have considered all the other matters raised but they do not alter the balance of my conclusions. For the reasons given above I allow both Appeal A and Appeal B.

*Jonathan Bore*

INSPECTOR

## **ANNEX**

### **APPEAL A: APP/C1435/Y/23/3321130**

#### **Conditions**

1. The works authorised by this consent shall begin not later than 3 years from the date of this consent.
2. No development shall take place until details of the external and internal conversion works to the brick barns, together with the design of the extensions, including materials and samples, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

### **APPEAL B: APP/C1435/W/23/3321117**

#### **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:  
  
B.010.17.12 (proposed elevations of units 4 & 5)  
B.010.17.11 (proposed plans of units 4 & 5)  
B.010.17.10 (proposed plans and elevations of unit 3)  
B.010.17.01D (proposed site layout)  
B.010.17.09B (proposed plans and elevations of unit 2)  
B.010.17.07C (proposed plans and elevations of unit 1)  
B.010.17.08B (proposed further elevations of unit 1)  
B.010.17.09B (proposed plans and elevations of unit 2)  
B.010.17.13B (proposed road elevation and site section)
3. Prior to the commencement of development, a schedule of external materials (photographs and/or catalogue details) to be used on the external surfaces of the development shall be submitted to and approved in writing by the local planning authority. The approved materials shall be used in the implementation of the development and thereafter retained.
4. Prior to the commencement of development, 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 agreed in writing by the local planning authority, and the development shall be carried out in accordance with the approved details and thereafter so retained.
5. Prior to the commencement of development hereby approved, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall detail ecological mitigation measures which shall be adhered to during the construction phase to ensure no harms is caused to protected species and/or their habitats.

6. Prior to the commencement of development, a landscaping scheme shall be submitted to and approved in writing by the local planning authority, which shall include full plans and specifications for all hard and soft landscape works including, but not limited to, the following:

- a) planting plans;
- b) written specifications (including cultivation and other operations associated with plant and grass establishment);
- c) schedules of plants, noting species, plant sizes, types, forms and proposed numbers/densities, most comprising native species;
- d) an implementation programme and a timescale;
- e) details of any gates, fences, walls or other means of enclosure to be erected; and,
- f) the surfacing for the driveway and parking and turning area.

All planting, seeding and/or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the dwellings or the completion of the development, whichever is the sooner, and maintained at an approved height. Any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All hard landscaping comprised in the approved details of landscaping shall be carried out prior to the first occupation of the dwellings or the completion of the development, whichever is the sooner. All approved details shall thereafter be retained.

7. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WMLOR112, or a 'Further Licence') and with the proposals detailed on plan "Home Farm, Laughton: Impact Plan for Great Crested Newt District Licensing (Version 1)", dated 6th July 2023.

8. No development hereby permitted shall take place until a certificate from the delivery partner (as set out in the District Licence WMLOR112, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to the local planning authority for approval prior to the commencement of the development hereby approved.

9. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt mitigation principles, as set out in the District Licence WML-OR112 (or a 'Further Licence') and in addition in compliance with the following:

- a. Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
- b. Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e., hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent

suitable habitat, installed for the period of the development (and removed upon completion of the development).

d. Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

10. Prior to the commencement of development, the applicant shall secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the local planning authority. The archaeological work shall be carried out in accordance with the approved written scheme of investigation and a written record of all archaeological works undertaken shall be submitted to the local planning authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing by the local planning authority.

11. Prior to the commencement of works below ground level, an investigation and risk assessment shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report shall be submitted to and approved in writing by the local planning authority. The report of the findings must include:

- a. a survey of the extent, scale and nature of contamination;
- b. an assessment of the potential risks to:
  - i. human health
  - ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes
  - iii. adjoining land
  - iv. ground waters and surface waters
  - v. ecological systems
  - vi. archaeological sites and ancient monuments
- c. an appraisal of remedial options and proposal of the preferred option(s).

The assessment shall be conducted in accordance with the Environment Agency's Land Contamination Risk Management (LCRM) guidance:

<https://www.gov.uk/government/publications/land-contamination-riskmanagement-lcrm>.

12. Prior to the commencement of works below ground level, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and the natural and historical environment shall be submitted to and approved in writing by the local planning authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 (as amended) in relation to the intended use of the land after remediation.

13. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority shall be given two weeks' written

notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the local planning authority.

14. The development shall not be occupied until the accesses serving the development have been reconstructed in accordance with the agreed specification set out on Form HT407 attached to the Highway Authority's consultation response, dated 1 August 2019.

15. The accesses serving the development shall not be used until visibility splays of 2.4m by 160m are provided in both directions at the western access and 2.4m by 140m to the east and 2.4m by 160m to the west are provided at the eastern access. These visibility splays shall be maintained and kept clear of obstruction in perpetuity.

16. The accesses serving the development shall have a maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.

17. Prior to first occupation of the development, adequate vehicle parking and turning areas shall be laid out to serve the development in accordance with details submitted to and approved in writing by the local planning authority.

18. Any gate shall be positioned at least 5.5m back from the edge of the highway and open inwards in order that a vehicle may wait clear of the highway whilst the gate is being operated.

19. Prior to the first occupation of the development, details of cycle storage, which shall be covered and secure, shall be submitted to and approved in writing by the local planning authority and shall be constructed in accordance with the approved details. The cycle storage shall be retained for that use thereafter and shall not be used other than for the parking of cycles.

20. Prior to the first occupation of the development, bin store(s) and turning facilities for refuse vehicles shall be provided in accordance with details to be submitted to and approved in writing by the local planning authority.

21. Ecological mitigation and biodiversity enhancement measures shall be carried out on the site in accordance with the appellant's Preliminary Ecological Appraisal, dated February 2023, and Ecological Technical Note, dated 9 March 2023. The measures shall be carried out on or before the first planting and seeding seasons following the first occupation of the dwellings or the completion of the development, whichever is the sooner, and thereafter retained.

22. No external lighting shall be installed on the site other than in accordance with details that have first been submitted to and approved in writing by the local planning authority. The details should provide for lighting that is low level, hooded and directional.

23. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no buildings, structures or works as defined within Classes A-H of Part 1, Schedule 2, inclusive of that

Order, shall be erected or undertaken on the site.

24. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure, and no building as defined in Section 336 of the Town and Country Planning Act 1990 (as amended), shall be erected or undertaken on the site.

25. No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b) include a timetable for its implementation; and,
- c) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

26. None of the dwellings hereby permitted shall be occupied until works for the disposal of sewage shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.