



Appeal Decision

Site visit made on 9 January 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12.02.2024

Appeal Ref: APP/C1435/W/23/3320563

Gillridge, Gillridge Lane, Crowborough, East Sussex TN6 1UR

- 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 G Jarvis against the decision of Wealden District Council.
 - The application Ref WD/2022/3273/F, dated 13 December 2022, was refused by notice dated 1 February 2023.
 - The development proposed is described as 'new agricultural storage barn'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have taken the appellant's name from the application form. A different name was given on the appeal form, but the appellant was confirmed to be the appropriate party prior to the appeal proceeding. I have used the address given on the application form and on the Council's decision notice. However, the appeal site is referred to locally as The Old Apple Orchard and this name is used elsewhere in the appeal documents.
3. In November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became 'National Landscapes'. Therefore, where relevant in this decision, I have referred to the High Weald National Landscape (HWNL). However, this does not change the legal status of this AONB, relevant local or national policy, or statutory requirements for consideration of the effect of proposed development on the designated landscape.
4. The Government published a revised National Planning Policy Framework (the Framework) in December 2023. Those parts of the Framework most relevant to this appeal have not been significantly amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.
5. On 26 December 2023, an amendment was made to Section 85 of the Countryside and Rights of Way Act 2000¹. This requires that a public body '*must seek to further*' the purpose of conserving and enhancing natural beauty in an AONB, whereas the earlier version required that they '*have regard to*' that purpose. In this particular case, I have also been mindful of the Framework's requirement in paragraph 182 that great weight should be attached to conserving and enhancing the landscape and scenic beauty of an

¹ Levelling-up and Regeneration Act 2023 c. 55 Pt 12 s.245(6)(a)

AONB. Against that background, I am satisfied that the outcome would have been the same, had the earlier version of Section 85 still been in force. Therefore, it has not been necessary for me to seek further submissions following this change.

Main Issues

6. The main issues are:

- the effect of the proposed development on landscape and scenic beauty within the HWNL, and
- the effect on the rural economy.

Reasons

Landscape and Scenic Beauty

7. The appeal site is part of a modest agricultural holding which also includes a series of small fields, two orchards and several fenced livestock enclosures. It lies off Gillridge Lane; a narrow country lane which is also the route of a public right of way (PROW). The land slopes generally downwards from Gillridge Lane and there are expansive views from the PROW, encompassing the appeal site and much of the rest of the holding. The proposed storage barn would be sited on the higher land, close to Gillridge Lane and adjacent to one of the orchards, with access from an existing field gate.
8. The landscape and scenic beauty of the HWNL derives from features including its rolling topography and the resulting series of ridges and valleys. Areas of woodland and hedgerow are also typical, interspersed with a patchwork of small fields laid to grass. These characteristics are clearly apparent in views from Gillridge Lane, across the rolling topography, in which the network of open, grazed fields within the holding is enveloped by some substantial blocks of woodland.
9. As well as being sited on an elevated part of the site, the proposed barn would be in a position where there are no existing farm buildings, either within the holding or nearby. It would be conspicuous from a significant length of the PROW, in a prominent location at one end of the open field. Although there is an adjacent orchard of small fruit trees, and a row of taller trees, these do not screen views into the appeal site to any meaningful extent, particularly in winter when their branches are bare.
10. The agricultural use of land is an established feature of the HWNL and includes smaller scale holdings based around the network of small fields and woodlands. To that extent, agricultural buildings are not an inherently alien feature within the landscape. However, it does not follow that any specific new agricultural development is compatible with the purpose of conserving and enhancing natural beauty. Each proposal requires consideration on its own merits.
11. This particular proposal would introduce a modern and utilitarian building in a conspicuous location, exposed to public view. It would not relate well to any established farmstead, but would appear somewhat isolated, in a part of the holding which is open in character. The building would also be of sizable proportions, particularly in terms of its height, as well as being on elevated land. While the standardised design and materials may well be typical of

agricultural buildings throughout the UK, it does not follow that they are appropriate to these particular surroundings.

12. Given the proposed scale and location of the building, its intrusive presence in the landscape could not be adequately mitigated by additional tree screening. In any case, the use of screening to enclose views from Gillridge Lane would itself undermine the opportunity for users to appreciate the open, rolling topography of the landscape.
13. A single building capable of accommodating all potential storage requirements may have some advantage in terms of reducing outdoor storage in visible locations. However, any such benefit would be offset by its consequent scale, which in this case would be materially harmful to the landscape. While I have noted that a covenant limits the options for alternative siting, this does not, of itself, provide sufficient justification for development at the scale and in the location proposed.
14. For the reasons given above, I conclude that the proposed development would neither conserve nor enhance landscape and scenic beauty within the HWNL. The harm arising from the proposal is a matter to which I have attached great weight, in accordance with the provisions of paragraph 182 of the Framework.
15. For similar reasons, the proposal would conflict with relevant requirements in Policies EN6 and DC3 of the Wealden Local Plan 1998 (WLP). These policies, amongst other things, state that development within the HWNL will only be permitted where it conserves or enhances the natural beauty and character of the landscape, and that particular care should be taken in relation to the siting, design and appearance of new farm buildings. It would also conflict with paragraph 135 in the Framework, which requires more generally that development should be sympathetic to its landscape setting.

Rural Economy

16. Paragraphs 88 and 89 in the Framework are generally supportive of development to support a prosperous rural economy. Paragraph 88 is specifically supportive of the development and diversification of agricultural and land-based rural businesses and recognises that development to support the rural economy may require new buildings. However, this is subject to consideration of their design and appearance.
17. In the WLP, the supporting text to Policy DC3 recognises that new agricultural development will continue to be required, responding to changing agricultural practices and restructuring of farm holdings. Policy DC3 sets out a series of criteria for consideration of such development, including that new buildings should be reasonably necessary for the purposes of the holding. A range of requirements is also set out in relation to siting, design and appearance and the consequent effect on the landscape.
18. Although modest in scale, the holding encompasses a diverse range of agricultural activities. These are detailed in the application and appeal documents, and the details given are consistent with the way the land was being used at the time of my site visit. There are two apple orchards, two fields grazed by a small flock of sheep, and a range of paddocks and enclosures for pigs and horses. The latter are described as including two working horses and I am told that the pigs are used to clear windfalls and bramble growth in the

orchards. The appellant states that hay is cropped for use on the farm and timber coppicing is undertaken within the woodland. Although the keeping of free-range poultry has been suspended due to Avian flu, the application details an intention to reinstate this use and to increase the breeding of pigs.

19. The proposed building would support these activities by providing storage for hay and straw for supplemental feed and bedding, particularly during the winter months. It would also provide storage for cropped apples and other produce, together with secure storage for farm vehicles and machinery. It would be conveniently located, being accessible from both grazing fields.
20. Although there is an existing storage building on the holding, this is relatively modest in scale and is already in use for other purposes. These are variously described as including storage of equestrian equipment, small feedstuffs and animal care items, as well as shelter for farm workers. While there does appear to be some degree of potential overlap with the proposed use of the barn, there is no clear evidence that the existing building could accommodate the storage requirements of the holding in full, given its scale and existing use.
21. Against that background, there is evidence that an increase in dry and well-ventilated storage would support agricultural activities at the holding. However, I am not persuaded that there is a clear justification for a building of the scale proposed. The land available for hay production appears limited, bearing in mind that the fields are also grazed. Although a variety of livestock is kept, they are modest in number and kept outdoors. In that context, the scale of the proposed storage for supplementary feed and bedding during the winter appears very generous. It follows that the need for a building of over 8 metres in height, to provide ventilation above the stored feed and bedding, has not been clearly justified.
22. While I accept that there are security considerations in relation to the storage of vehicles and machinery, it is less clear that these items require a building of the height proposed. Given that the apple crop is described as being supplied to a local business, the necessity for extensive or long-term apple storage on site is questionable.
23. The supply of apples and fleece to local businesses appears to be at a relatively small scale, given the extent of the orchards and the size of the flock. The land indicated on the plans for future rearing of free-range poultry is also limited, which would restrict the likely scale of future egg production. Therefore, while I recognise that the enterprise aims to make a positive contribution to the rural economy, any additional economic benefits associated with the proposed development are likely to be modest.
24. Taking all the above matters into consideration, while I recognise that the proposal would be beneficial to the holding, supporting its contribution to the rural economy, that contribution would be at a modest scale and I have given the associated benefits modest weight.
25. Given the lack of persuasive evidence that a building of the proposed scale is required, I conclude that the proposal would conflict with Policy DC3 of the WLP, which requires amongst other things that new agricultural buildings are reasonably necessary for the purposes of the agricultural holding and that their siting, design and appearance avoid intrusion within the landscape, particularly within the HWNL. It would also not be consistent with paragraphs 88 and 89 of

the Framework, which include that new buildings for rural businesses should be well-designed, beautiful and sensitive to their surroundings.

Planning Balance

26. The proposed development would benefit the agricultural holding by providing significantly increased indoor storage, including secure storage for vehicles and machinery. However, its significant scale has not been clearly justified and the benefits to the rural economy would be limited, given the scale of the holding. Taking all those factors into consideration, I have given the benefits to the rural economy modest weight.
27. While non-designated heritage assets can include landscapes with heritage significance, National Planning Practice Guidance makes clear that these should be clearly evidenced and identified as such by local planning authorities, by means of a local list or other published evidence. There is no indication that the orchards on the holding have been identified by the Council as non-designated heritage assets as part of a suitably evidence-based process. Even if they had, for the reasons already given, the evidence does not clearly demonstrate that a building of the scale and location proposed is required to enable ongoing management of the orchards by traditional means.
28. Biodiversity benefits are outlined, but these are largely linked to the way the land is already managed and the planting of a new hedgerow, neither of which is dependent on the proposed development.
29. The Council has not alleged any harm to ecology within the nearby ancient woodland and, based on the evidence before me, I have no reason to reach a different view. However, this is a neutral factor, weighing neither for nor against the proposal. Similarly, the availability of utilities on site and an intention to include measures to support efficient use of water and energy do not weigh in favour of the proposal, since there is no evidence that these would deliver benefits over and above those expected through compliance with the development plan.
30. Set against the benefits to the rural economy, to which I have given modest weight, is the harm to the landscape and scenic beauty of the HWNL, which carries great weight. Based on the circumstances of this particular case, therefore, the harm arising from the proposal would not be outweighed by other material considerations, including the effect on the rural economy.
31. Having reached that conclusion, the harm to the HWNL represents a clear reason for refusal, based on the application of policies that protect areas of particular importance, as listed in Footnote 7 to Framework Paragraph 11. Therefore, the proposal does not benefit from the presumption in favour of sustainable development, and planning permission should not be granted.

Other Matters

32. My attention has been drawn to various other barns and developments in the area around the appeal site. They include modern barns of a similar scale, although it is less clear to what extent their relationship with other buildings, the surrounding topography or public viewpoints are comparable to the appeal proposal. In any case, the circumstances surrounding individual development proposals are rarely identical and it is a well-founded principle of the planning system that each proposal should be considered on its own merits. Therefore,

while I have had regard to the evidence about other nearby development, it does not outweigh my conclusions based on the circumstances of this particular case, as set out above.

33. I note that the appellant and his agricultural adviser feel that the application process would have been straightforward had the appeal site not been within the HWNL. However, the site is, as a matter of fact, within this nationally designated landscape and therefore the proposal has been considered by both the Council and myself within that context.
34. The application is for full planning permission and therefore the degree to which the proposal complies with limitations set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) is not relevant.
35. While I have noted the extensive planning history, this also does not have a direct bearing on the outcome of this appeal, which has been based on the planning merits of the particular case which is before me. Similarly, the appellant's concerns regarding the way in which the Council processed this planning application, and earlier applications under the GPDO, is a separate matter from my consideration of this appeal based on the planning merits.
36. Any pre-application advice offered by the Council is not binding on its consideration of the application, taking account of all matters raised at that stage, including those expressed by interested parties in response to the required notification procedures. I have likewise had regard to representations from interested parties, to the extent that they are material to the matters before me. This is in accordance with the relevant procedural requirements for consideration of this appeal.

Conclusion

37. For the reasons given above I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR