



Appeal Decision

Site visit made on 5 February 2024

by C Jack BSc(Hons) MA MA(TP) PGDip(CHE) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2024

Appeal Ref: APP/M2270/W/23/3321650

Court Lodge, Church Road, Lamberhurst, Tunbridge Wells, Kent TN3 8DU

- 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 Phil Beckingham of BD Lamberhurst Ltd against the decision of Tunbridge Wells Borough Council.
 - The application Ref 23/00161/FULL, dated 4 January 2023, was refused by notice dated 26 April 2023.
 - The development proposed is described as the erection of detached dwelling, to fund additional costs of restoration of walled garden, repair of curtilage listed bothy sheds and outbuilding/barn, repairs to garden walls including new restoration requirements, access off Church Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the original application form and differs from the description given on the Council's decision notice and the appeal form, including a discrepancy between the name of the access road as Church Lane or Church Road. As the road is identified as Church Road on the Proposed Site Layout plan, I refer to it as such in this decision. The application plans relate to the proposed detached dwelling and not to the various works of repair and restoration, which are mainly described in the Caltech Report. Nevertheless, I have considered the appeal in light of both descriptions.
3. A revised National Planning Policy Framework (the Framework) was published in December 2023. The appellant and the Council were invited to comment on the implications of this for their case in the appeal, and I have considered the responses in reaching my decision.
4. The reasons for refusal reference the High Weald Area of Outstanding Natural Beauty (AONB). In November 2023, Areas of Outstanding Natural Beauty were redesignated as National Landscapes. This decision therefore refers to the High Weald National Landscape in place of the High Weald AONB.

Main Issues

5. The main issues are:

- Whether the site is suitable for a new dwelling with particular regard to the accessibility of the location;
- The effect on the character and appearance of the area, including the High Weald National Landscape;
- The effect on biodiversity and protected species;
- Whether the development would preserve the setting of the Grade II listed building, Court Lodge; and
- Whether the proposal would constitute enabling development with particular regard to the restoration and conservation of the walled garden, curtilage listed buildings and garden walls associated with the Grade II listed building, Court Lodge, and, if so, whether any conservation benefits would be sufficient to outweigh the disbenefits of any identified conflicts with planning policy.

Reasons

Site location

6. The site lies in the countryside for the purposes of planning policy, outside the Limits to Built Development (LBD) defined by Policy LBD1 of the Tunbridge Wells Borough Local Plan 2006 (the Local Plan). Core Policies 1 and 6 of the Tunbridge Wells Borough Core Strategy 2010 (the Core Strategy) seek to direct the location of new housing to within the LBD or sites otherwise allocated for the delivery of housing, and Core Policy 14 reinforces this position in relation to development proposed in villages and rural areas. This strategy is echoed by Policy H1 of the Lamberhurst Neighbourhood Development Plan 2021 (the Neighbourhood Plan), which also seeks to strictly control housing development in the countryside in the interests of conserving the nationally important High Weald National Landscape.
7. While the Framework is not specific about defined settlement boundaries such as LBD, it is supportive of sustainable housing development in rural areas provided it is located where it will enhance or maintain the vitality of rural communities and reflects local needs, among other things. It also expects isolated homes in the countryside to be avoided unless one or more specified circumstances apply, which can include appropriate enabling development to secure the future of heritage assets.
8. Church Road is a narrow lane of rural character which provides access to St Mary's Church, Lamberhurst Golf Club, and a small number of dwellings including several located at the Court Lodge Estate or adjacent to it. The lane is generally characterised by the trees and hedges alongside, limited passing places, and lack of formal footways and street lighting. The site of the proposed dwelling faces onto Church Road and is positioned by an existing dwelling, Garden Cottage.
9. Lamberhurst village centre is a short drive from the site, via Church Road and the main B2162, where there is a modest provision of local services including a convenience store, primary school, pubs, village hall, coffee shop and hairdressers, while the wider village also includes a doctors' surgery a little

further from the site. The golf club and St Mary's Church are both a very short distance from the site. Most of the other local services are within a mile or so from the site. The new dwelling would make a small contribution to supporting these facilities and maintaining the vitality of the village.

10. While most local services would be within a reasonable walking distance of the site, the lack of pedestrian footways on Church Road and the top section of the B2162 from the Church Road junction partway towards the village, would make walking significantly less attractive and less convenient for occupiers of the new dwelling, making them more likely to favour journeys by car, even for local trips.
11. For services further afield in larger centres such as Tunbridge Wells, public transport would provide an alternative option. However, bus services in Lamberhurst are quite limited in frequency, and using them would be likely to require walking the same route via Church Road and the B2162 to a bus stop on the High Street. Again, private car journeys are more likely to be taken because of the relative inconvenience of the walking route to access the somewhat limited local bus services.
12. In consideration of the location of the site adjacent to existing dwellings and the proximity to the church, golf club and the services and facilities available in the village, albeit they are limited, the facts on the ground indicate that the site is not isolated in the context of paragraph 84 of the Framework either in terms of its physical separation from other buildings or its relationship with the settlement of Lamberhurst.
13. Nevertheless, it has a countryside location, and, while it may not be isolated in the Framework sense, it does not necessarily follow that it accords with development plan policies that among other things seek to avoid the location of new dwellings outside the LBD and direct them to the most sustainable areas, support the transition to a low carbon future, safeguard the countryside, and further the purpose of conserving and enhancing the designated National Landscape.
14. To conclude, the development would conflict with development plan policies for the location of housing, including those that expect new homes to be located where they are reasonably accessible by more sustainable modes of transport to reduce reliance on private car journeys. Accordingly, it would cause harm by undermining the existing strategy for the location of housing and reducing carbon emissions. Given the development would help maintain the vitality of Lamberhurst, albeit to a very modest degree, and considering the Framework's recognition that opportunities for sustainable transport vary between urban and rural areas, in the specific circumstances of the appeal site the harm arising would be limited.
15. The site is not suitable for a new dwelling with particular regard to the accessibility of the location. The development would conflict with Policy LBD1 of the Local Plan, Core Policies 1, 6 and 14 of the Core Strategy and Policy H1 of the Neighbourhood Plan, the relevant aims of which are set out above. It would also conflict with Core Policy 5, which among other things seeks to combat avoidable impacts of climate change, and Neighbourhood Plan Policy T1 which seeks to ensure development is served by sustainable travel arrangements where possible. The aforementioned policies are generally consistent with the

Framework and the conflict with them attracts significant weight in the context of this appeal.

Character and appearance

16. The High Weald Management Plan 2019-2024 summarises the character of the National Landscape as one of the best surviving Medieval landscapes in northern Europe, cherished for its scenery, tranquillity, and wildlife, and comprised of ridges, valleys, and intricate networks of small fields, farmsteads, hedges, and abundant woods. Among other characteristics noted is the separation between settlements, the high concentrations of historic buildings, and the green-ness of roads with dominant trees and hedges.
17. The site is set behind a mixed hedge but is nevertheless visible from Church Road via the existing gated access and the development would be further visible via the proposed opening in the hedge for pedestrian access. At the time of my visit, the site was substantially devoid of vegetation and part surface covered with soil and rubble. Even in this condition, its open and undeveloped nature with frontage hedge and views to the historic walled garden boundary wall, and the separation between the wider built extent associated with Court Lodge and Church Road, generally accord with key characteristics of the National Landscape.
18. The new dwelling would inevitably erode the open and undeveloped character of the site which, together with car parking for the dwelling, domestic paraphernalia, and the removal of a small section of hedge, would detract from the rural character of this part of the High Weald. The effects would be reduced to a degree by the dwelling being single storey, the choice of materials, and the potential for landscaping and biodiversity improvements. Nevertheless, the scale of the new dwelling and intrusion of domestic character at the site would be readily apparent from the lane. This is the case despite the character of the lane clearly having changed to some degree in recent decades, including through the development of the golf club.
19. The design of the house is intended to reference a barn-like building that historic maps and an aerial image from circa 1970 indicate occupied a similar position to the proposed dwelling. While the precise nature and use of the former building is uncertain, it has since been cleared away and no longer forms part of the established character of the High Weald. Furthermore, the evidence suggests that it has been absent for years, perhaps decades, and so its former presence does not justify the harm that the new dwelling would cause to the National Landscape.
20. While a new timber building may in some way aid understanding of the historic layout and operation of the estate, I am not persuaded that this is a significant factor in favour of the development including because of the likely length of absence of the former building and given it is not established that the former building was ever used as a dwelling, thus substantially limiting the potential for a new dwelling here to aid any appropriate understanding of the historic estate.
21. The proposal includes adjustments to a parking area forming part of a previous planning permission. While the changes are relatively small, this would result in adverse effects for some trees. Whilst very limited, this would also have a

negative effect on the character and appearance of the National Landscape, of which the abundance of trees is a defining characteristic.

22. Overall, the harm to the character and appearance of the area would be modest in relation to one additional dwelling in this location. However, in accordance with the Framework, great weight is attributed in this decision to conserving and enhancing the landscape and scenic beauty of Areas of Outstanding Natural Beauty – such as the High Weald National Landscape – which have the highest, nationally important, status of protection in this regard.
23. The main access to Court Lodge from School Hill is within the Lamberhurst Conservation Area (LCA) but most of the estate, including the site of the proposed dwelling, lies outside the designated conservation area boundary. Given the degree of separation between the site and the LCA, the development would have a neutral effect on the character or appearance and the significance of the LCA, and on its setting.
24. To conclude, the development would harm the character and appearance of the area, including the High Weald National Landscape. It would conflict with Policy EN1 of the Local Plan, which among other things seeks to ensure that development respects character and site context including with regard to design, scale and historic setting. It would also conflict with Core Policies 4 and 14 of the Core Strategy, and Policy EN25 of the Local Plan, which together and among other things seek to conserve and enhance the designated High Weald landscape, maintain the quality of the countryside, and avoid detrimental impact from development outside the LBD on the landscape setting of settlements and the character of rural lanes. There would also be conflict with Policies D1, L2 and L3 of the Neighbourhood Plan in so far as they respectively seek to reinforce local character and conserve and enhance the landscape.
25. The development plan policies relating to the character and appearance of the area including the conservation of the National Landscape are generally consistent with the Framework and substantial weight is attributable to the policy conflicts identified in this appeal.
26. The Council's second reason for refusal also referred to Core Policy 5, sustainable design and construction, but I find no specific conflict with this policy for this main issue.

Biodiversity and protected species

27. The appeal is accompanied by a Preliminary Ecological Appraisal (PEA) dated 18 April 2019 and an Arboricultural Survey dated 2 December 2019. Among other things, the PEA identified potential for bats in the locality of the site. I also saw during my visit that alterations have taken place on and near the site, apparently since the surveys were carried out. Both surveys are more than four years old, and there is considerable potential that their assessments and recommendations could be out of date and therefore unreliable in relation to the effects of the development at appeal, including because they are not specific to the development as proposed. Furthermore, while the appellant considers the site to offer considerable potential for biodiversity improvements, no significant details have been provided and it is instead suggested that such details, and up to date surveys, could be secured by planning conditions.

28. Advice in Circular 06/2005 and BS 42020:13 states that it is essential that the presence or otherwise of protected species, and the extent that they might be affected by the proposed development, is established before planning permission is granted. In the absence of up-to-date surveys, I cannot be satisfied that all relevant considerations can be taken into account, particularly in respect of the potential for protected species to be affected by the development, and there are no exceptional circumstances in this case to justify leaving the relevant surveys to condition.
29. To conclude, on the evidence provided, the effect of the development on biodiversity and protected species has not been satisfactorily assessed and therefore the protection and enhancement of biodiversity and the absence of harm to protected species have not been demonstrated. It is therefore appropriate to take a precautionary approach.
30. Thus, the development fails to accord with Core Policies 4 and 14 of the Core Strategy, which respectively and among other things seek opportunities for biodiversity enhancements and to preserve or enhance the interrelationship between the natural and built environment, Policy EN1 of the Local Plan in so far as it seeks to maximise opportunities for increasing biodiversity potential and avoid, mitigate or compensate for any harm and result in a net gain, and Policies L2 and L4 of the Neighbourhood Plan which respectively and among other things seek to conserve and enhance the ecology of trees and hedgerows and expect development to utilise all available opportunities to protect and enhance habitats and biodiversity. These policies are generally consistent with the Framework's approach to habitats and biodiversity, and the policy conflict therefore attracts significant weight in this appeal.

The significance and setting of Court Lodge

31. Dating from the 17th Century, Court Lodge is a Grade II listed country house, enlarged in the early and mid-18th Century and the mid-19th Century. Of three storeys, red brick cased with sandstone on the east, south and west elevations, and exhibiting typical Georgian architectural features including multi-paned sash windows, proportions, and polite symmetry particularly to the south façade. The house, now subdivided to several apartments, became the seat of the Morland family, Lords of the Manor of Lamberhurst, in the 18th Century.
32. Court Lodge is surrounded by extensive gardens and landscaped grounds, including a terrace and parterre with open views to the south and west over the golf course, formerly parkland, and beyond. The Grade I listed St Mary's Church is situated beyond the formal lawn to the east of the main house. Roughly to the north lies an assorted arrangement of outbuildings including bothy sheds, other converted outbuildings, several existing dwellings including the recently completed Malus Cottage, two walled gardens, a large pond, a former sunken rockery garden, golf club buildings and car parks, and Church Road beyond. For context in relation to setting, the site lies between Church Road and the northernmost wall of the larger walled garden.
33. The list description incorporates various elements including the former stable yard and coach house, and the two walled gardens with red brick walls, boarded gates, and attached sheds and outbuildings.
34. Court Lodge is occupied and appears to be generally in good order based on my external visual site inspection. Whilst mainly in residential use, a ground

floor room arrangement at the time of my visit suggests some use for weddings, for which there is a previous planning permission. There is evidence that various works of repair and restoration have taken place at the estate in recent years under the appellant's ownership, together with other new developments including a swimming pool and Malus Cottage. Some other listed and curtilage listed elements, particularly including the outbuilding identified as the 'barn', the boundary wall adjacent to the Church, and expansive areas of the walls of the walled gardens are in a state of significant disrepair and decay.

35. The sunken rockery, the design and construction of which is attributed to James Pulham and Son who are credited as instrumental in the rise in fashion and popularity of rock gardens from the 1840s, was completed for the Morland family in the 1860s. While decayed and overgrown, core elements of the rockery remain in situ, and the Pulham association adds to significance.
36. In light of above, the special interest and significance of the listed building, in so far as it relates to this appeal, is principally derived from its historic and architectural interest as a prominent country house and manorial seat, together with a range of outbuildings, gardens and features in the grounds that provide a narrative to the historic development and operation of the estate. The spacious grounds of the listed building have a strong association to Court Lodge and make a considerable positive contribution to the setting and significance of the designated heritage asset, allowing appreciation of the building, its historic development, and the historic functioning of the estate.

The effect on setting and significance

37. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to preserving the building or its setting or any features of special architectural or historic interest which it possesses, and I have considered the appeal in light of this weighty statutory duty.
38. There would be some harm to the setting of Court Lodge arising from the introduction of the new dwelling and associated garden, parking, and domestic paraphernalia in a part of the estate that does not appear to have been used historically in that manner. While historic maps and photographs indicate a barn-like structure once occupied a similar position, and notwithstanding a local reference to a 'house of sticks', the evidence generally indicates this was, more probably, a functional barn or store associated with the operation of the estate. Therefore, the new dwelling would provide no significant benefit in terms of interpretation of the historic operation and layout of the estate. Even if the 'house of sticks' was ever inhabited as a dwelling, the intervening period is substantial such that there would be no meaningful association or benefit to interpretation arising from the new dwelling.
39. The site is separated from the main Court Lodge building by some distance and various intervening structures including the Coach House, houses and gardens at Malus Cottage and Court Lodge Cottage, storage and garage areas, and the listed walled gardens. This arrangement limits the degree of harm arising to the more intimate setting of Court Lodge, albeit there would be some wider setting harm to the way in which the walled garden boundary wall and outer areas of the estate are appreciated from Church Road, and some limited interference in the longer public views and appreciation of the estate looking

towards the rear elevation of Court Lodge from Church Road due to the size and position of the new dwelling.

40. There would be benefits to the setting of Court Lodge from the suggested restoration and repairs including to boundary walls, the walled gardens, and the Pulham rockery. However, for the reasons set out elsewhere in this decision the weight to these benefits cannot attract any significant weight in the appeal because of the lack of a suitable mechanism to secure their delivery.
41. In conclusion, some of the significance of Court Lodge, which in part is derived from its setting, would be harmed by the development. Any harm to the setting of a listed building is a matter of considerable importance and weight. The magnitude of the harm arising, under the terms of paragraphs 207 and 208 of the Framework, would be less than substantial. Nevertheless, this does not equate to a less than substantial planning objection. Heritage assets are an irreplaceable resource and great weight should be given to their conservation. Neighbourhood Plan Policy D6 and Core Policy 4 of the Core Strategy are generally consistent with this expectation and the requirement to have special regard to the desirability of preserving the setting of a listed building. Paragraph 208 requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use, and I return to this matter below.
42. Given the degree of separation between the site and St Mary's Church, and the position of the proposed dwelling adjacent to several existing homes, there would be no significant impact on the setting of the church and the effect of the development on the significance of the Grade I listed building would be neutral.

Public benefits

43. There would be significant public benefits from the proposed repairs and restoration to the designated heritage asset, which it is stated that the profit from the dwelling would fund. However, these benefits can only attract commensurately significant weight if they would be properly secured to provide appropriate certainty that the proceeds from the new dwelling would be directed to the repairs and restoration and that they will be carried out in a timely manner. The provision of an additional home is a public benefit including in supporting the local economy and services, but this attracts limited weight in this case as only a single dwelling would result. A dwelling on the site would also result in increased surveillance and security at the back of the estate including this part of Church Road, and this attracts a small degree of weight as a public benefit.
44. The appellant has made considerable investment at Court Lodge including undertaking an extensive programme of repairs and other works to date and clearly indicates a desire to continue to restore the historic estate. Whilst in some circumstances conditions may be appropriate for securing heritage benefits, in this instance there is insufficient certainty that any suggested conditions to this end would meet the relevant tests and provide a suitable mechanism to ensure their delivery. The lack of a legal undertaking to secure the timely delivery of the further works stated to be linked to and dependent upon funding arising from the appeal development therefore limits the weight to the public benefits from heritage conservation.

45. This is particularly the case given the suggested phasing condition would not be effective in securing the repairs and restoration that the new dwelling is intended to fund, including because the works of repair and restoration do not form part of the development for a new dwelling for which permission is sought in this appeal and thus would not form part of the development's phasing. In addition, no clear and detailed programme of the specific works to be directly funded from the new dwelling has been submitted, neither are the repair and restoration works shown on the plans submitted with the application.
46. Furthermore, due to the passage of time since the 2020 Caltech Report, some further or more extensive repairs have been identified in brief in the Nolans costings. From the information provided, it appears some of these would be in addition to the works that were consented together with the construction of Malus Cottage. Whilst the appellant considers the description of the development proposed to be precise, funding is not in itself a form of development. The description (even as revised on the appeal form which does not refer to 'funding') and the suggested condition, either individually or together, would not be sufficient to ensure delivery of the repair and restoration works in this instance.
47. In the circumstances, the combined weight of the public benefits is not sufficient to outweigh the degree of less than substantial harm identified to the setting and significance of the designated heritage asset when set against the great weight that is attributable to the asset's conservation irrespective of whether the potential harm amounts to substantial or less than substantial harm to significance.
48. The development therefore conflicts with Policy D6, Core Policy 4, and the expectations of the Framework in relation to the conservation of heritage assets, including their settings, in a manner appropriate to their significance. This conflict with the development plan policies attracts significant weight given the degree of consistency of those policies with the Framework.

Enabling development

49. Whilst not presented as a formal application for Enabling Development as set out in Historic England's *Historic Environment Good Practice Advice in Planning Note 4: Enabling Development and Heritage Assets* (Note 4), principally because the appellant does not consider the development to be contrary to planning policy, it is nonetheless submitted that the new dwelling is required as a form of enabling development to generate funds for the programme of restoration and repairs at the Court Lodge estate, which has been ongoing since they purchased it from the Morland family in 2019.
50. The Council granted a previous planning permission for a new dwelling, identified as Plot 1/Malus Cottage, the proceeds from which were to be used towards a phased programme of the restoration and repairs that had been identified as the most urgent. Malus Cottage has been completed and sold, but its planning circumstances differ significantly from the proposed dwelling including because it is situated between existing dwellings and opposite the golf clubhouse. Plot 1 has a different character to the appeal site and, accordingly, the previous planning permission does not establish a principle for the proposed development, or any form of enabling development.

51. Typically, the responsibility for the repair and maintenance of a property lies with the owner. The appellant cites various logical reasons why costs have risen since permission was granted for Plot 1, including delays from the pandemic, rising costs of materials and labour, and further deterioration of the condition of historic structures on the estate. It is therefore stated that the profit from the sale of Malus Cottage is insufficient to meet the additional costs for various elements including the restoration of listed walled gardens, repair of curtilage listed bothy sheds and outbuilding/barn, repairs to garden walls adjacent to the church, and the restoration of the Pulham rockery. Updated costings by D R Nolans and Co show the shortfall to be substantial, and it is proposed to set this against the profit from the sale of the proposed new dwelling.
52. Where enabling development is proposed, which would secure the future conservation of a heritage asset but would otherwise conflict with planning policies, paragraph 214 of the Framework requires an assessment of whether the benefits of the enabling development outweigh the disbenefits of departing from those other policies. Note 4 sets out core principles and guidance for making this assessment. Given I have found that the development would conflict with several development plan policies, consideration of its appropriateness as an enabling development is relevant in this appeal.
53. Section 4 of Note 4 describes a seven-step approach for assessing whether the requirements of paragraph 214 would be met. The steps include a condition survey of the heritage asset(s) in need of repair, assessment of alternative solutions by which the asset's future might be secured, assessment of the asset's market value in current and repaired condition to calculate whether a conservation deficit exists, and a delivery plan to demonstrate how the heritage benefits would be secured in a timely manner. Unsurprisingly, given the appellant has not set out to promote a case for formal enabling development under the terms of Note 4, the appeal lacks sufficient evidence of these crucial elements.
54. Of particular importance, it is not clear whether any conservation deficit exists – that being the amount by which the cost of repair of the heritage asset would exceed its market value on completion of the repair. The existence of a case for enabling development rests on there being a conservation deficit, which is not demonstrated in this case. As referred to above, there is also no detailed delivery plan and secured mechanism for ensuring the profits from the new dwelling would secure timely heritage benefits.
55. Furthermore, while some alternative funding sources have been set out by the appellant, the various identified potential sources for grant funding appear to have been discounted largely on the basis that Court Lodge is privately owned and any public access that might be required in relation to grants would be unduly onerous or incompatible with its main private residential use. This avenue does not appear to have been explored in detail, including with regard to the required nature and frequency of such public access as may be required by potential grant funders.
56. Whilst there is no reason to doubt that the costs of running and maintaining the Court Lodge estate are substantial, Note 4 explains that any harms from enabling development contrary to planning policy are likely to be permanent and irreversible, thus enabling development should be a last resort following

consideration of all reasonable alternative means – whether that is grant funding and/or other means.

57. As a result, on the evidence, I am unable to conclude that a conservation deficit is likely to exist, or that the development would be a measure of last resort as the only means to safeguard the future conservation of Court Lodge based on the costs of the remaining identified repairs. The evidence including of my visit indicates that, while some further repairs should be carried out, much of Court Lodge has been recently repaired or maintained by the appellant and is in generally good order with no significant evidence of current risk to the future conservation of the asset overall. As such, the development would not be justified as enabling development in favour of the appeal. The conservation benefits of the proposal therefore do not outweigh the disbenefits arising from the identified conflicts with the development plan and the objective of paragraph 214 of the Framework is not met.

Other Matters

58. The Council acknowledges that it could not demonstrate the required five years' supply of land for housing when it determined the application. That remains the case, with supply as of 1 April 2023 stated to be 4.29 years' worth. However, the relevant provisions of paragraph 226 of the revised Framework now expect 4 years' supply and I have identified harm to a designated heritage asset and the High Weald National Landscape which provide clear reasons for refusing the development as proposed. Accordingly, the presumption in favour is not engaged in this case. Whilst the Local Plan and Core Strategy date from 2006 and 2010 respectively, I have had regard to Framework paragraph 225 and considered the degree of consistency of relevant policies to the Framework and given due weight accordingly.

Conclusion

59. The proposed development would not be in a suitable location with regard to accessibility to services, it would harm the character and appearance of the High Weald and thereby fail to further the purpose of that designated National Landscape, and it has not been demonstrated that there would not be harm to protected species. Moreover, it would fail to preserve the setting of the Grade II listed building, which is a matter of considerable importance and weight. Furthermore, a case for enabling development has not been established and, whether assessed as formal enabling development or not, the weight to the potential heritage benefits from associated funding is substantially reduced because they would not be adequately secured in this instance. In total, the public benefits, and any other benefits, are not sufficient to outweigh the harms, and development that conflicts with relevant policies in the development plan has not been shown to be justified on the basis that it would secure the future conservation of the heritage asset.
60. The development is contrary to the development plan taken as a whole and there are no material considerations, including relevant provisions of the Framework, of sufficient weight to justify a decision other than in accordance with the development plan. The appeal is dismissed.

C Jack

INSPECTOR