



Appeal Decision

Site visit made on 26 January 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 04 March 2024

Appeal Ref: APP/C1435/W/23/3318894

Orchard Cottage and Paddock Cottage, Beech Green Lane, Withyham, Hartfield TN7 4DB

- 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 D Ross against the decision of Wealden District Council.
 - The application Ref WD/2022/3265/F, dated 13 December 2022, was refused by notice dated 8 February 2023.
 - The development proposed is to demolish and replace Orchard Cottage with a two-storey house, erect garage building and turning space to serve Orchard Cottage and Paddock Cottage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In November 2023 all designated Areas of Outstanding Natural Beauty (AONBs) 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. In December 2023, following the deadline for final comments, a revised version of the National Planning Policy Framework (the Framework) was published. Both parties were consulted on the amended Framework, but neither provided comments.
4. The first reason for refusal refers to both Policy SPO13 and Spatial Planning Objective SPO13 within the Wealden District Core Strategy Local Plan, February 2013 (CS). There is no Policy SPO13 within the CS, which I take to be an erroneous reference to the Spatial Planning Objective and I do not, therefore, refer to Policy SPO13 in my Decision.

Background and Main Issues

5. The Delegated Officer Recommendation and the Council's appeal statement, raises a further concern beyond those in the reasons for refusal; specifically relating to the principle of the development and a conflict with Policy DC18 of the Wealden Local Plan, December 1998 (LP). Therefore, having regard to all of the evidence before me, the main issues are:
 - the effect of the proposal on the character and appearance of the area including on the landscape and scenic beauty of the HWNL;

- whether the proposal would preserve or enhance the special architectural or historic interest of the Grade II listed building, 'Highfields Park'¹, with regard to its setting; and
- whether the proposal complies with the spatial strategy.

Reasons

Character and appearance

6. Orchard Cottage is a modestly sized bungalow which is sited within a relatively large garden. The property is partially enclosed by post and rail fencing with wire meshing behind. There is also a thick hedge growing behind some sections of the fence. The appeal site generally slopes downhill from north to south and rises upward from the road toward the back of the site; as such, the property is sited above the road. A defining feature of this section of the road is the large verge along the site frontage. Given there are views through the site, as well as the ample circulation around the property and the prominence of vegetation, the site is open and verdant in character.
7. The appeal site is located within the HWNL, an area designated for its landscape and scenic beauty. The surrounding area is characteristic of the HWNL, as it is an isolated collection of homes, located close to the ridge of a hill, surrounded by pockets of woodland and irregular shaped fields. Given the size and design of Orchard Cottage it could be interpreted as a rural worker's dwelling. There are also views through the site of agricultural development which is characteristic of rural areas within the HWNL. Overall, the appeal site contributes positively to the character and appearance of the HWNL.
8. The proposed dwelling would have a similar siting to Orchard Cottage and the distance it would be set back from the road would also be similar. However, the proposed dwelling would be significantly taller, due to the addition of a second storey. The proposed dwelling would also be wider than Orchard Cottage, extending closer toward the northern boundary. The increased height and massing of the proposed dwelling compared to Orchard Cottage, alongside the reduction in circulation space, would erode the open nature of the site.
9. Whilst there are two-storey properties in proximity to the appeal site, they are either set back from the road, or clearly sub-divided into modestly sized semi-detached dwellings. The presence of a large, detached dwelling fronting Beech Green Lane would be incongruous within the street scene.
10. The proposed garage has been designed to resemble a traditional agricultural outbuilding with open sides. Nevertheless, it would be tall due to the inclusion of a steeply pitched roof and would be substantial in size, even when considering it would serve two properties. Whilst it would be set back from the road, it would be sited between the proposed dwelling and Paddock Cottage, this would further erode the openness of the site.
11. Although the proposal would make more efficient use of previously developed land, the significant increase in built development fronting Beech Green Lane would have an urbanising effect and alter the verdant nature of the appeal site. Given the height and massing of the proposed development, as well as the topography of the area, the proposed dwelling and garage would be prominent and dominating features along this section of the road.

¹ List entry number 1028030

12. The proposed external finishes and the form of the proposed dwelling would assimilate with nearby properties. The inclusion of features such as a steeply-pitched clay tile roof, tall chimneystacks, ornamental clay tile detailing at the first-floor level of the proposed dwelling, and the proposed use of similar external finishes for the garage, would lead to the proposal being in general accordance with both the High Weald Housing Design Guide² and the Wealden Design Guide SPD³. Nonetheless, the proposal would still cause harm to the character and appearance of the area due to its scale and massing.
13. Overall, I conclude that the proposal would have a harmful effect on the character and appearance of the area, including on the landscape and scenic beauty of the HWNL. It would therefore be contrary to LP policies EN1, EN6 and EN27 and CS spatial planning objectives SPO2 and SPO13. These policies and objectives indicate that development in the HWNL will only be permitted if it conserves or enhances natural beauty and the scale of the proposal respects the character of adjoining development, and the Council will ensure Wealden's environmental assets are used appropriately and will encourage the development of attractive living environments, amongst other things.
14. Moreover, it would be contrary to paragraphs 131, 135 and 182 of the Framework, where it advises the creation of high quality, beautiful places is fundamental to what planning should achieve, planning decisions should ensure that developments are sympathetic to local character and great weight should be given to conserving and enhancing landscape and scenic beauty in NLs.

Designated heritage assets

15. The appeal site is in proximity to the Grade II listed building Highfields Park. Moreover, there are several curtilage listed structures, namely the walled garden, stables, coach house, bothy and the byre range. Highfields Park is a mansion house dating from the early 19th Century, set within a rural estate which includes formal gardens, parkland, and farmland. Under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have a duty to have special regard to the desirability of preserving listed buildings, their setting or features of special architectural or historic interest which they possess. As far as relevant to this appeal, the special interest of Highfields Park relates to the architectural detail of the mansion house and its setting within a formal, rural estate.
16. Orchard Cottage was constructed after Highfields Park in the 20th Century alongside other houses on this section of the road. These properties generally appear as agricultural or estate-related properties. Some of these properties are subject to restrictive occupation conditions and the majority are under the same ownership as the estate. Whilst the properties may appear as a sporadic collection of houses along a rural road, the evidence demonstrates they have a historical and functional relationship with the Highfields Park estate.
17. Highfields Park benefits from planning permission for repairs and alteration to the house and farm buildings, including the aforementioned listed structures, as well as alterations to and restoration of the walled garden and woodland.

² The High Weald AONB, An outstandingly beautiful Medieval landscape, High Weald Housing Design Guide, Building better, building beautiful in the AONB, November 2019

³ Wealden Design Guide, Supplementary Planning Document, November 2008

During my site visit, I observed works were ongoing within the estate, and it appears as though the planning permission had been implemented.

18. The reconstructed byre range would be converted to a residential use and adjoin the appeal site. Nonetheless, it would retain its form and the proposed external finishes would ensure it would appear as an agricultural building. Given the surrounding development, including stabling, barns and modest rural worker dwellings, the byre range would assimilate with its rural setting. As above, the proposed replacement dwelling would appear as a dominating feature and harm the character of the area. Given the size of the proposed dwelling and the orientation of the byre range, it could be interpreted that the byre range was linked to the replacement dwelling rather than Highfields Park. Not only would the proposal be harmful to the rural setting of the byre range, but it would also confuse the legibility of the estate.
19. The coach house and stables are also in proximity to the appeal site and are connected to one another, currently there are views from the road across the appeal site of these two buildings. Due to their massing, siting and appearance from the road, there is a hierarchal relationship whereby the coach house and stables, combined, are the dominant building compared to Orchard Cottage. The proposed replacement dwelling would be much larger and closer in massing to the coach house and stables. As such, it would not respect the existing relationship between the buildings and would be viewed as a competing property within their setting.
20. The curtilage listed bothy is also in proximity to the appeal site, but it would be the other side of the byre range and would be closely related to the coach house and stables. Given its siting and the intervening development, the proposed development would not have a harmful effect on its setting. Furthermore, given the siting of the walled garden further away from the appeal site and much closer to the mansion house, it is not considered that the proposal would have a harmful effect on its setting.
21. The mansion house is located a significant distance away from the appeal site, and there is a substantial amount of intervening development. As such, the proposed dwelling would be largely screened in views from the house and its immediate garden area. The proposal would therefore not have a harmful effect on the visual setting of the mansion house. However, for the reasons outlined above it would be harmful to setting of the estate, as a whole.
22. There are limited public views of the coach house, stables and walled garden across the appeal site, and once the byre range and the bothy have been reconstructed, they would largely screen views of these curtilage listed structure from public areas, across the appeal site. Nonetheless, the proposal would harmfully affect how the listed structures are appreciated from within the estate and neighbouring private land.
23. For the reasons given, I conclude that the proposal would harm the special architectural or historic interest of the Grade II listed building, 'Highfields Park' with regard to its setting. It would therefore be contrary to CS spatial planning objectives SPO2 and SPO13 which indicate that the Council will ensure that the intrinsic quality of the historic environment is protected and encourage the development of high-quality living environments. It would also be contrary to paragraphs 139, 206 and 212 of the Framework, which indicate that any harm to the significance of a designated heritage asset should require clear and

convincing justification, and local planning authorities should look for opportunities for new development within the setting of designated heritage assets to enhance or better reveal its significance, and development that is not well designed should be refused.

Spatial strategy

24. LP policies GD2 and DC17 generally seek to resist development, including houses, outside of the defined development boundaries. However, LP Policy DC18 supports replacement dwellings in such locations, subject to complying with the four criteria set out in the policy. The proposal does not conform with all the criteria, as the proposed replacement dwelling would not be of a comparable size and massing to the existing dwelling and, for the reasons set out above, it would not be in keeping with the character of the locality.
25. The proposal would therefore not comply with the spatial strategy and would be contrary to LP policies GD2, DC17 and DC18, which seek to restrict development outside the development boundaries and support the development of replacement dwellings where they comply with the criteria in the policy.
26. I acknowledge that LP Policy GD2 is not wholly consistent with the Framework, because it seeks to protect the countryside for its own sake. However, the Framework does recognise the intrinsic character and beauty of the countryside and it indicates that planning decisions should aim to achieve healthy, inclusive and safe places which are accessible. As such, the policy is generally in accordance with the strategic aims of the Framework, and therefore moderate weight is assigned to the conflict with LP Policy GD2.

Planning Balance

27. Given the scale of the development and the nature of the harm to the heritage asset, I find it to be less than substantial in this instance. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.
28. The public benefits derived from the scheme include an improvement to the local housing stock, through the provision of a more energy efficient, larger property which is more suitable for accommodating a family. The proposed dwelling would also be capable of being adapted to suit a range of needs. I ascribe moderate weight to these public benefits, as the proposal would only improve a single dwelling. Accordingly, the public benefits do not outweigh the harm.

Other Matters

29. The appeal site is located within the zone of influence of the Ashdown Forest Special Area of Conservation and Special Protection Area. The Conservation of Habitats and Species Regulations 2017 (as amended) require that, where a project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, the competent authority must, before any grant of planning permission, make an appropriate assessment of the project's implications in view of the relevant conservation objectives.

However, as I have found the appeal proposal to be unacceptable for other reasons, it is not necessary for me to undertake an appropriate assessment, or to consider this matter further.

Conclusion

30. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that indicate a decision should be made otherwise. Therefore, I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR