
Appeal Decisions

Site visit made on 9 May 2024

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2024

Appeal A Ref: APP/C1435/W/23/3334615

**1 Cornfords Yard, The Granary, High Street, Uckfield, East Sussex
TN22 1RJ**

- 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 Lawson Commercial against the decision of Wealden District Council.
 - The application Ref WD/2023/0679/F, dated 8 March 2023, was refused by notice dated 6 June 2023.
 - The development proposed is described as *erection of photovoltaic panels on existing roof areas to curtilage listed converted office building*.
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Appeal B Ref: APP/C1435/Y/23/3334617

**1 Cornfords Yard, The Granary, High Street, Uckfield, East Sussex
TN22 1RJ**

- 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 Lawson Commercial against the decision of Wealden District Council.
 - The application Ref WD/2023/0680/LB, dated 8 March 2023, was refused by notice dated 6 June 2023.
 - The works proposed are described as *erection of photovoltaic panels on existing roof areas to curtilage listed converted office building*.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Application for costs

3. There was an application for costs by Lawson Commercial against Wealden District Council. This was a single application relating to both appeals. It is the subject of a separate decision.

Preliminary matters

4. As the proposal is in a conservation area and relates to listed buildings and their settings, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act).

Main issues

5. The main issues are the same for both appeals:

- the effect of the proposal on the setting and special interest of Nos 95, 97 and 99 High Street, which together comprise a Grade II listed building, on the Granary, which is within the curtilage of that listed building, and on the character and appearance of the Uckfield Conservation Area; and
- the contribution that the proposal would make to providing renewable energy and reducing carbon emissions.

Reasons

Effect on listed buildings and the conservation area

6. The conservation area covers the historic core of Uckfield, including numerous listed buildings lining High Street and Church Street. The buildings are generally sited adjacent to the footway, forming continuous frontages with small breaks. The buildings date from the 17th to the 19th centuries, with some modern infill development. The assemblage of listed buildings, together with the range of building ages and styles and the well-defined street frontages they create, all contribute to the character and appearance of the conservation area and to its significance as a designated heritage asset.
7. The Granary lies to the rear of Nos 95, 97 and 99 High Street, which are together designated as a Grade II listed building. The listed building fronts the west side of High Street. The listing description notes that the structure dates from the early 19th century and was originally two houses. The frontage building comprises two storeys and an attic floor, with various extensions to the rear. At the time of my visit the frontage building comprised a shop and a restaurant fronting High Street, with accommodation over.
8. The Granary is separated from the frontage building by a narrow pedestrian way leading through from High Street. It is not referred to in the listing description. However, historic mapping shows that there has been a structure here since at least 1841, albeit with some alterations over the years. The Council and the appellant agree that it should be regarded as being listed by virtue of being within the curtilage of Nos 95, 97 and 99. I see no reason to disagree.
9. Nos 95, 97 and 99 have architectural interest, as examples of early 19th century architecture. They also have historic interest through the fabric they retain and the evidence they provide of the development of Uckfield as a commercial and service centre. Together with adjoining buildings to the north and south, they form part of a coherent group of listed buildings on the west side of High Street. This results in a group value which adds to their individual significance. The whole frontage is within the conservation area, providing an important component of the significance of the designated area. Similarly, the setting within the conservation area makes an important contribution to the significance of the individual listed buildings.
10. The appellant states that the Granary was extensively refurbished in 2006 to 2007, and that the roof is a modern structure. Nevertheless, the scheme of conversion has retained the scale and character of the curtilage-listed outbuilding. It continues to make a positive contribution to the significance of the principal listed building, as an ancillary building within the coherent group described above. As the proposed photovoltaic (PV) panels would be mounted

on the roof slopes, there is no reason to think that any historic fabric would be lost.

11. There would be some impact on the setting of Nos 95, 97 and 99 in that the east and south facing PV panels would be seen from windows in the rear elevation. However, any such views also take in the modern car park to the west of the Granary and, in any event, are partially restricted by existing outbuildings. There is nothing to suggest that these views are of particular importance and, to my mind, any impact on significance would be minor.
12. Views of the Granary from the High Street are restricted by frontage development. There is just one view, which is along the narrow pedestrian way referred to above. Although the east-facing PV panels would be visible from the High Street, they would be set well back. The panels could only be seen from a short length of the footway and would not impact strongly on the ability to appreciate the listed buildings or the character and appearance of the conservation area.
13. There would be a view of the south-facing PV panels from Church Street. Whilst modern infill development off Church Street creates some screening, it also has the effect of focussing the view northwards, such that the panels would be readily apparent. The colour and tone of the panels would be in marked contrast to the tiled roofs which predominate in this view.
14. Views from the west are more open because there is a public car park adjacent to the Granary. The boundary of the conservation has been drawn close to the western side of the Granary, excluding part of the car park. Although the western viewpoints are mainly outside the conservation area, they still contribute to the ability to experience its character and appearance.
15. These are views of the backs of the buildings fronting the High Street, together with various projections and outbuildings. The built form is therefore quite varied and there is a complex roofscape with hipped and gabled roofs at varying levels. Nevertheless, there is a consistency in roof pitches and in the colour and tone of the roof tiles. This results in a harmonious appearance, making a positive contribution to the character and appearance of the conservation area and the settings of the listed buildings.
16. The Granary is prominent in such views. Although the roof structure is modern, the roof shape and facing materials are sympathetic to the adjoining listed buildings. The Granary makes a positive contribution to the character and appearance of the conservation area and to the settings of the listed buildings, particularly Nos 95, 97 and 99 High Street.
17. The proposal would result in the whole of the prominent west and south-facing roof slopes being covered in PV panels. The two elevations would be seen together in views from the car park. This would be in stark contrast to the existing roofscape. To my mind it would undermine the consistency of materials which is currently experienced and would be harmful to the appearance and significance of the Granary itself, to the setting and significance of Nos 95, 97 and 99 and to the character and appearance of the conservation area.
18. The appellant argues that the car park detracts from the setting of the listed buildings and from views of the conservation area at this point. Whilst I agree

to some extent, I consider that the appellant overstates the impact. This is a relatively small car park, the effect of which is softened by trees and boundary walls. In any event, the presence of one detracting feature is not a good argument for allowing further harm.

19. The appellant refers to a planning permission that was given for PV panels on the south-facing roof slope in 2012. That scheme was not implemented. Whilst I note the comments made by the Council's Heritage Officer at that time, I have reached my own conclusions on the impact of the current proposal in the site context as it stands today.
20. I conclude that the proposal would fail to preserve the character and appearance of the Uckfield Conservation Area. It would be harmful to the appearance of the Granary itself and would undermine the positive contribution that the curtilage-listed building makes to the significance of the principal listed building. It would also fail to preserve the settings of Nos 95, 97 and 99 High Street and would be harmful to their significance. It would conflict with Policies EN19 and EN27 of the Wealden Local Plan 1998 (WLP) which, together, seek to protect conservation areas and ensure that the design of development and the use of materials respects the character of adjoining development and promotes local distinctiveness. The proposal would also conflict with Policies SPO2 and SPO13 of the Core Strategy Local Plan 2013 (CSLP), which together seek to protect the quality of the historic environment and to promote local distinctiveness.
21. There would therefore be harm to the significance of the conservation area and harm to the significance of the listed buildings. In the terms of the National Planning Policy Framework (the Framework) the harm would be less than substantial in each case. However, this does not mean that the harm would be minor or unimportant. The Framework makes clear that great weight should be given to conserving the significance of a designated heritage asset. Where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I return to that balance below.

Contribution to the provision of renewable energy

22. WLP Policy EN3 states that the Council will support the development of renewable forms of energy, where it is demonstrated that there will be an acceptable impact on local amenities and environmental character. CSLP Policy SPO9 seeks to ensure that development takes account of the effects of climate change, including through minimising the use of non-renewable sources of energy. Policy SPO13 seeks to ensure that developments will make a contribution to addressing climate change, although this is in the context of the objective of promoting local distinctiveness through good design. Since these plans were adopted, the Council has declared a Climate Emergency and has committed to reaching "Net Zero" by 2050.
23. The Framework states that the planning system should support the transition to a low carbon future. It should support renewable and low carbon energy, recognising that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Planning decisions should support low carbon heating improvements to existing buildings, including through installation of solar panels. To my mind the Framework, the most recent version of which post-dates both the WLP and the CSLP, provides a stronger

emphasis on the importance of addressing climate change that the development plan does. That said, the Framework is to be read a whole, including the section dealing with the historic environment.

24. The appellant acknowledges that the appeal scheme is modest in scale but states that it was anticipated that it would remove the Granary from the grid. That is an important consideration weighing in support of the appeal.
25. I conclude that the proposal would accord with Policy SP09, in that it would minimise the use of non-renewable sources of energy. I return to Policies EN3 and SPO13 below.

Other matters

26. The appellant refers to a revision to the boundary of the conservation area that was made following a review in 2017. However, it is not for me to comment on why the boundary was revised. The conservation area designation engages both a statutory duty and policy considerations which I have taken into account.
27. The appellant also refers to an appeal decision at Edith Summerskill House¹. That decision notes that development in the setting of a heritage asset does not affect the significance embodied in the asset itself. I have had regard to that approach in relation to the effects on the setting of Nos 95, 97 and 99. That said, in the current appeal there would also be impacts on the significance of the curtilage-listed Granary and the conservation area.
28. The Town Council questions whether the roof structure could support the weight of the proposed panels. That would be controlled under other legislation. If further structural works turned out to be necessary, that could potentially result in the need for a further application for listed building consent. This is not a factor weighing against the appeal.

Conclusion

29. The Framework requires the public benefits of the proposal to be weighed against the harm to designated heritage assets. In this case, whilst the contribution the proposal would make to renewable energy is an important consideration, it is not sufficient to outweigh the great weight that should be given to conserving the significance of designated heritage assets.
30. The conclusion is the same, whether the designated assets are considered individually or collectively. The proposal is therefore contrary to the policies of the Framework relating to the historic environment. The Framework is to be read as a whole and, in this case, I conclude that the support the Framework gives to renewable energy does not outweigh the policies that seek to protect the historic environment.
31. The proposal would conflict with Policies EN3 and SPO13, notwithstanding the general support those policies give to renewable energy and addressing climate change, because it would not have an acceptable impact on environmental character, nor would it promote local distinctiveness. For the reasons given above, it would conflict with Policies EN19, EN27 and SPO2. Although it would

¹ APP/H5390/V/21/3277137

accord with Policy SPO9, I conclude that the proposal would conflict with the development plan as a whole.

32. For the reasons given above, the Appeal A proposal would be contrary to the development plan. I have not identified any considerations that indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.
33. For the reasons given above, the Appeal B proposal would be contrary to the development plan insofar as it is relevant to this application for listed building consent. The proposal would fail to preserve the special interest of the listed building. I have not identified any public benefits sufficient to outweigh the harm. The appeal should therefore be dismissed.

David Prentis

Inspector