



Appeal Decisions

Site visit made on 5 March 2024

by David Cliff BA Hons MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2024

Appeal A: APP/U1430/W/23/3323968

Brays Hill Farmhouse, Brays Hill, Ashburnham, East Sussex, TN33 9NZ

- 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 Mrs Fay Merrick against the decision of Rother District Council.
 - The application Ref RR/2022/2225/P, dated 2 September 2022, was refused by notice dated 23 March 2023.
 - The works proposed are rear extension incorporating internal alterations to a previously approved and extant permission and the provision of new staircase to attic, access to existing roof void to form tank room and insertion of en-suite bathroom to attic bedroom.
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Appeal B: APP/U1430/Y/23/3323976

Brays Hill Farmhouse, Brays Hill, Ashburnham, East Sussex, TN33 9NZ

- 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 Mrs Fay Merrick against the decision of Rother District Council.
 - The application Ref RR/2022/2226/L, dated 2 September 2022, was refused by notice dated 23 March 2023.
 - The works proposed are rear extension incorporating internal alterations to a previously approved and extant permission and the provision of new staircase to attic, access to existing roof void to form tank room and insertion of en-suite bathroom to attic bedroom.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Application for Costs

3. An application for costs has been made by Mrs Fay Merrick against Rother District Council. This application are the subject of separate decision.

Preliminary matters

4. As the appeal relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) (the Act). Whilst not a matter raised by the Council, I have also considered in my main issues the effect on the setting of the adjacent listed building 'Bray's Hill House' which is referred to in the Applicant's submissions.

5. The Appellant submitted with the appeal the document 'Rural Medieval and Transitional Housing in the Eastern High Weald 1250-c1570'. Notwithstanding that this was not part of its original application, it has been provided as supporting evidence to the appeals and does not alter the appeal proposals. The Council and other interested parties have had a fair opportunity to consider it in responding to the appeals. Consequently, I have taken it into account in my determination of these appeals.
6. In addition to the proposed rear extension, the applications also include other works which have either been previously consented or do not appear to involve the significant loss of historic fabric. The Council have not objected to any of the other elements and I have consequently focused my considerations on the effects of the proposed rear extension.
7. Whilst acknowledging the differences between the current scheme and the previously withdrawn scheme that also included a rear extension, this does not have a bearing on my considerations below which are based on the merits of the proposal before me.

Main Issues

8. The main issues are (i) whether the proposal would preserve a Grade II listed building, 'Brays Hill Farmhouse' (Ref:-1044261), and any of the features of special architectural or historic interest that it possesses (ii) whether the proposal would preserve the setting of the Grade II listed 'Brays Hill House' (Ref:-1229529) and (iii) whether it would conserve or enhance the landscape and scenic beauty of the High Weald National Landscape (formerly Area of Outstanding Natural Beauty (AONB)).

Reasons

Brays Hill Farmhouse

9. Brays Hill Farmhouse, listed in 1987, is a two-storey timber framed vernacular farmhouse, with accommodation in the attic. The list description describes the building as being 17th century or earlier. The evidence indicates that the existing building was constructed in c.1560 in place of a former medieval hall house, two sections of which remained as part of the new building. These retained two storey sections being a northern end bay and rear wing. Both these earlier ranges were demolished in the 19th century, at which time the existing single storey lean-to was added to the northern gable end of the building.
10. The house was divided into two dwellings in the 19th century along with further alterations including the addition of an end chimney and the reconstruction of the front and part of the southern end walls in brickwork at ground floor level with the remaining walls being weather clad. The building is now occupied as a single dwelling house with further internal and external alterations.
11. Given the above, I find the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with the traditional materials and construction techniques associated with its timber framed core and the legibility of later historic alterations, evidencing the historic phasing and development of the building that are indicative of changing patterns of use.

12. The Council objection relates to the effects of the proposed rear extension. The appellant's evidence indicates the existence of a former rear range in the location of the proposed rear extension at the northern end of the building, this being formerly part of a transitional rural dwelling with progressive layout. Whilst this provides a good indication that a building previously existed in this location, I do not consider there to be clear and categoric evidence of its length and height and therefore the overall size of such a previous building.
13. The examples of other buildings provided and the document 'Rural Medieval and Transitional Housing in the Eastern High Weald 1250-c1570' demonstrate the existence of attached and detached kitchens, noting that attached kitchens were not as prevalent as detached. The other examples are mixed in their context and form and even the appellant's example of specific relevance in Figure 1 of Appendix B of its appeal evidence does not appear to be of an equivalent length to the appeal proposal (though no dimensions are provided).
14. In any case, I do not find that the evidence sufficient to substantiate that a rear range of the extent and form now proposed previously existed. As such, it would be an inauthentic addition which would undermine the evidential value of the building and lead to a loss of integrity. Even if this were not the case, the re-instatement of a previous addition would erode the legibility of the historic phasing of the building which would also lead to a loss of integrity. Furthermore, it would involve a completely new built form of which only the broadest details are known.
15. Whilst the proposed extension is similar to that of two bays (A-A to B-B and B-B to C-C) of the building as argued by the appellant, this does not in my view amount to it being proportionate to the size and scale of the existing building, noting that it would be greater than the existing depth of the main form of the existing building. Moreover, I do not consider that the half hip and cat slide roof of the extension would not serve to limit its physical and visual form to the extent advanced by the appellant. Also taking into account the previously approved two storey side extension, it would neither be physically or visually subservient to the historic massing of this modestly sized farmhouse. As such, whilst it would be located to the rear, it would unacceptably dominate both its proportions and plan form.
16. I acknowledge that the free-standing form of the proposed rear extension would limit the harm to the historic fabric. In addition, the detailed elevational design and materials of the rear extension would be sympathetic to the existing building. However, these factors do not override the harm that would result to the integrity of the listed building as described above. Furthermore, the other works to the building, including those already consented, do not appear to be dependent on the proposed rear extension. In any case, the harm arising would be the overriding factor.
17. Given all the above, I find that the proposal would fail to preserve the special interest of the Grade II listed building. Consequently, I give this harm considerable importance and weight.

Brays Hill House

18. Brays Hill House, a modest two storey cottage dating from 1843 is located directly to the northeast of the appeal property. Its special interest includes its architectural and historic interest as a 19th century vernacular rural property,

set within a cluster of similar properties. Its setting, insofar as it relates to these appeals, includes the open rural character of its rear aspect and its immediate surrounds, of which the appeal site forms a part. As such, it directly contributes to the special interest of the building through helping to main the legibility of its humble rural origins.

19. The Appellant's heritage statement¹ recognises that the proposed development would represent a change to the setting of this building, but that the heritage benefits associated with the appeal proposals would outweigh the harm to the setting of the adjacent listed building. Taking account of the juxtaposition of the proposed rear extension to the rear of Brays Hill House, the prominence and size of the extension in proximity to the shared boundary would draw the eye and erode, to an albeit moderate degree, the historic setting and therefore the special interest of this modest rural cottage. This would cause harm to the asset which also carries considerable importance and weight.

High Weald National Landscape

20. Given my concerns outlined above regarding the effects on the special interest of Brays Hill Farmhouse, I also find that the proposal would not conserve or enhance the character and quality of buildings in the High Weald. This is particularly so given the unacceptably large size of the extension and the open aspect to the rear of the property. Consequently, it would not accord with Objective S3 of the High Weald AONB Management Plan and, by reason of it failing to conserve or enhance its landscape and scenic beauty, it would be contrary to Policy DEN2 of the Rother District Council Development and Site Allocations Local Plan 2019 ('the Local Plan 2019').

Planning Balance

21. Paragraph 205 of the National Planning Policy Framework 2023 (the Framework) advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 goes on to advise that any harm to, or loss of, the significance of a designated heritage asset through its alteration or destruction should require clear and convincing justification. Given that the scheme would preserve the large majority of the existing historic fabric of Brays Hill Farmhouse, I find the harm to be less than substantial in this instance but nonetheless of considerable importance and weight. The harm to the significance of Brays Hill House would also be less than substantial given the harm would only affect part of its setting.
22. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which include the securing of the optimal viable use of listed buildings. I acknowledge that the works to the front of the building have some limited benefit given that they are agreed to be sympathetic to the historic appearance of the building. The appellant considers that the proposal would also be beneficial as it would enhance the living accommodation for existing and future residents including the provision of a larger kitchen and other accommodation. However, this is a private benefit and does not fall to be considered in this balance. Furthermore, the continued viable use of the building as a residential dwelling is not

¹ Paragraph 3.07

dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.

23. Given the above, I find that the harm would outweigh the public benefits. I conclude that the proposal would fail to preserve the special interest of the Grade II listed building Brays Hill Farmhouse as well as the setting, as it contributes to the special interest, of the Grade II listed Brays Hill House. This would fail to satisfy the requirements of the Act and would be contrary to the relevant heritage and design aims of Policies EN2 and EN3 of the Rother Local Plan Core Strategy 2014, DHG9 of the Local Plan 2019 and the Framework. As set out above, the proposal would also be harmful to the landscape and scenic beauty of the High Weald National Landscape. As a result, the proposal would not be in accordance with the development plan. Furthermore, for the reasons I have already identified, including the material harm that would result to the special interest of the listed building, the proposals would not accord with the Historic England Conservation Principles: Policies and Guidance.
24. Even were I to have found there to be no harm to the setting of the adjacent Grade II listed Brays Hill House, the harm to the special interest of Brays Hill Farmhouse (that would not be outweighed by the public benefits) and the harm to the High Weald National Landscape would be the overriding matters where relevant to each respective appeal.

Conclusion

25. For the above reasons I conclude that the appeals should be dismissed.

David Cliff

INSPECTOR