



Appeal Decision

Site visit made on 4 June 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 June 2024

Appeal Ref: APP/C1435/W/23/3334078

Windleshaw House, Beech Green Lane, Withyham, East Sussex TN7 4DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Jarrett against the decision of Wealden District Council.
 - The application Ref is WD/2023/1756/F.
 - The development proposed is described as the demolition of the existing garage building and the construction of a four bay garage building with ancillary accommodation at first floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". AONBs have been renamed and rebranded as National Landscapes to reflect *"their national importance: the vital contribution they make to protect the nation from the threats of climate change, nature depletion and the wellbeing crisis, whilst also creating greater understanding and awareness for the work that they do"*. I have therefore replaced references to AONBs as National Landscapes.
3. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published, however the changes do not materially alter the sections of the Framework most relevant to this appeal. Any references to the Framework hereafter in this decision are to the latest version.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the High Weald National Landscape and whether the proposed development would preserve the setting of the Grade II listed building, Windleshaw House; and
 - whether the proposal would accord with WLP Policy DC19, with regard to the need for the annex accommodation to be physically attached to the host dwelling.

Reasons

Character and appearance

5. The surrounding area has a rural feel, with an open, verdant rolling landscape interspersed with isolated farmsteads and small villages reflecting past historic agricultural and rural industries. The appeal site is accessed via a small tree lined private driveway running south from Beech Green Lane. There is an established woodland opposite the site adding to the verdant rural appearance, which coupled with the thick hedgerows bounding the site and neighbouring properties, provides a private and secluded location.
6. The appeal site is located in the High Weald National Landscape and within the setting of Windleshaw House, a Grade II listed building (List Entry No 1476097). The listing highlights that Windleshaw House and associated garden structures, were built between 1907-1908 to designs of W A S Benson as a country residence for himself and his wife. The building provides architectural interest as one of the finest surviving houses built by Benson, a renowned Arts and Crafts designer.
7. Given its listed building status, I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest.
8. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
9. The significance of Windleshaw House is derived from its architectural and historic interest. The special interest of a heritage asset derives not only from its physical presence and historic fabric but also from its setting which comprises the surroundings. Paragraph 212 of the Framework requires new development within the setting of heritage assets to enhance or better reveal its significance. The Framework defines the setting of a heritage asset as "*the surroundings in which a heritage asset is experienced.*"
10. Both parties acknowledge that the existing prefabricated garage detracts from the setting of the Grade II listed building, and thus its significance, and overall, the site would benefit from its removal and replacement. The proposal is for a two-storey building (albeit the upper floor accommodation is within the roof space) for a four-bay garage at ground floor with ancillary accommodation associated with the main house located on the floor above. The location of the building has been set away from the main house in a similar position to the existing garage, where there are several well-established trees located on the boundary that would provide a good screen of the proposal from any views outside the site.
11. The Grade II listed building is discretely located and longer views of the property are limited, nevertheless the grounds surrounding the house, play an important role in framing the listed building, where historically they would have

provided areas for entertaining. The status and significance of this building is therefore apparent within the surrounding area, which is reinforced by its context and setting. Any development within the plot would therefore have the potential to impact on the contribution that the setting makes to its significance.

12. Despite its corner positioning, away from Windleshaw House, the appearance of the proposed building would result in a significant increase in the scale, height, footprint and mass of development, in comparison to the distinctly more modest garage building it would replace. This would be visually distracting and would erode from the spacious setting of the Grade II listed building. Whilst the building would be subservient to the Grade II listed building, and materials could be incorporated to tie in with the host property, its two-storey nature and overtly domestic design, including dormer windows, provides a distinctly more conspicuous appearance, rather than as an ancillary or incidental structure normally found in this type of setting.
13. However, given the separation distance to the Grade II listed building the degree of harm to its significance would be less than substantial. The Framework indicates where a development proposal will 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 including, where appropriate, securing its optimum viable use¹.
14. The benefits of the scheme are generally private in nature, by providing additional secure parking and on-site staff accommodation for a gardener and housekeeper to assist with the day to day running of Windleshaw House. Therefore, these carry limited weight in favour of the proposal. Whilst the proposal would also provide a limited benefit to the local economy during the construction phase, and the replacement of the existing prefabricated garage would improve the setting of the Grade II listed building, these benefits would only carry moderate weight.
15. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of whether there would be less than substantial harm to significance. In weighing the identified heritage harm against these public benefits, that harm would not be outweighed. This outcome is due to the considerable importance and weight that I attribute to the erosion of the setting of this Grade II listed asset that would cause a loss of its significance. The identified heritage harm is therefore unjustified in terms of the approach to heritage set out in the Framework.
16. Consequently, I have found conflict with the statutory presumptions under Section 66(1) of the Act, which carries considerable importance and weight. I have also found that there would be conflict with Policies GD2, EN6, EN27 and DC19 of the Wealden Local Plan (WLP), adopted December 1998; Policy SPO2, SPO13 and WCS14 of the Wealden District Core Strategy Local Plan (WCS), adopted February 2013; the aims and objectives of the Wealden Design Guide Supplementary Planning Document (SPD) adopted November 2008 and the High Weald AONB Management Plan 2019-2024 (HWMP), insofar as they relate to heritage assets and the character and appearance of the landscape and rural settings.

¹ Paragraph 208

17. The Framework further advises² that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which has the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. WLP Policy EN6 applies similar principles for protecting and enhancing these settings where possible.
18. The visual impact of the proposal I have identified above would also harm the historic pattern, and thus the character and appearance of this part of the National Landscape. It would not conserve or enhance the natural beauty and character of the landscape and thus further conflict with WLP Policy EN6 and the aims and objectives of the HWMP.

Ancillary accommodation

19. The Council have concerns that a new separate dwelling could be created on the site, citing WLP Policy DC19 in this regard. This requires annex developments to normally be physically attached to the dwelling. Whilst I accept that the proposal is separated from the main house, the proposal is within the same plot under the same land ownership for the specific purpose of staff accommodation. Whilst land ownership does not necessarily correlate with the use of land, where it relates to a self-contained unit, it would not be unusual for the land owned to be used for incidental or ancillary residential purposes.
20. Furthermore, the description of development explicitly identifies that the proposal is for a garage building with ancillary accommodation, and so any future plans to use it as an independent dwelling would require separate consent. Had the scheme otherwise been found acceptable a suitable condition could have been attached to retain the unit for ancillary accommodation. Consequently, I am satisfied that there could be sufficient controls in place, that such a change of use would require a separate application for planning permission.
21. Overall, the proposal would be ancillary to the Grade II listed building and thus would not provide a new standalone dwelling outside of development boundaries. The proposal would therefore not conflict with the relevant provisions of WLP Policies GD2, EN1, EN27, DC17 and DC19; WCS Policy WCS14; the aims and objectives of the SPD; and the Framework which amongst other things, support sustainable development and where they are appropriate to the rural setting and character of the area, and do not conflict with the Local Plan as a whole.
22. I also do not find conflict with WLP Policy EN6 nor WCS policies SPO1, SPO2 and SPO13, as these policies are largely irrelevant to this particular matter, given they are principally concerned with protecting and enhancing biodiversity, National Landscapes, the historic environment and the design of new development, amongst other things.

² Paragraph 182

Other Matters

23. The appellant draws my attention to an alternative scheme submitted during the application stage for a single storey unit. The merit of alternative scheme falls beyond the scope of this particular appeal, and these are not the details before me. Therefore, I have focused my decision based on the proposed scheme only.
24. The appellant also highlights that planning permission³ has been granted for large extensions and outbuildings at nearby properties. However, as I have only been provided with limited details in respect to these schemes, I cannot be certain that they are directly comparable, and therefore give them limited weight. In any event, each case must be judged on its own merits, and I must determine the appeal on the evidence before me.

Conclusion

25. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR

³ Wealden District Council Planning Refs: WD/2021/1776/F and WD/2021/1045/F