
Appeal Decision

Site visit made on 5 November 2024

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/C1435/W/24/3338872

Cowden Farm, Mayfield Road, Five Ashes TN20 6HL

- 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 Mrs E Truman against the decision of Wealden District Council.
 - The application Ref is WD/2021/2148/F.
 - The development proposed is described as 'Demolition of existing buildings as identified on submitted plans. Conversion of buildings to residential use to create 4 new three and four bed dwellings to include associated new vehicle parking and turning areas and driveways.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Areas of Outstanding Natural Beauty (AONB) are now referred to as 'National Landscapes', so I have referred to the High Weald National Landscape (HWNL) in this decision. However, this does not change the legal status of this AONB, relevant local or national policy, or statutory requirements for consideration of the effect of proposed development on the designated landscape.
3. A new edition of the High Weald AONB Management Plan (HWMP) was published in 2024, for the period 2024-2029, replacing the 2019-2024 version which was applicable at the time of the Council's decision. Although there are changes in emphasis and wording, the key landscape characteristics which are relevant to this appeal do not materially change between the 2019 and 2024 editions. Both versions have been provided by the Council and therefore the appellant has had the opportunity to consider and comment on the 2024 update. I have referred to the more recent version where relevant.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area, with particular reference to whether it would conserve and enhance the natural beauty of the High Weald National Landscape, and
 - the effect on the setting of the Grade II listed building at Lower Cowden.

Reasons

Character and Appearance/National Landscape

5. The appeal site is located in the countryside between the villages of Mayfield and Five Ashes. It comprises a range of farm buildings, of which those at the front of the site were most recently used for light industrial and storage purposes, while those at the rear are redundant agricultural barns. The commercial uses have ceased, and the buildings were largely vacant at the time of my site visit, apart from some low-key storage.
6. The buildings are close to the road, between the modern farmhouse on one side and the Grade II listed Lower Cowden on the other. Although there is some ribbon development along the main road, the wider landscape is rural in nature, comprising a patchwork of small fields, hedgerows and woodland, over a rolling topography. The appeal buildings step down from the road and the fields at the rear continue to fall away, opening up expansive views across the landscape.
7. The National Planning Policy Framework (the Framework) states in paragraph 182 that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes. This is reflected in Policy EN6 of the Wealden Local Plan 1998 (WLP) and Spatial Planning Objective SPO1 in the Core Strategy¹, both of which make clear that the nationally designated landscape of the HWNL will be protected.
8. The natural beauty of the HWNL includes its essentially rural and small scale landscape character, with a network of small, irregular fields, hedgerows and ancient woodlands. There is a generally dispersed settlement pattern, in which the rich clay-tiled roofscapes of historic buildings are a distinctive feature. Core character components identified in the HWMP include historic farmsteads surrounded by their own fields, often of relatively modest scale and with loose courtyard plan layouts. Dark night skies are also highlighted as a positive feature which the HWMP aims to preserve.
9. Although the appeal concerns a range of modern farm buildings, they are adjacent to the historic farmhouse. The scale and position of the farmyard is consistent with the loose courtyard layout described in the HWMP. The buildings are utilitarian in appearance and somewhat dilapidated. Nevertheless, despite the recent history of commercial use, they remain typical of the way farmsteads have evolved over time and their appearance is not out of place within the rural landscape.
10. The residential fragmentation of farmsteads is highlighted in the HWMP as contributing to the cumulative erosion of landscape character. While the previously permitted scheme for two dwellings would also have involved some subdivision, the appeal proposal would fragment the land around the buildings to a greater extent, with areas of hard landscaping, several boundary features and domestic paraphernalia around all four sides of the buildings. The access track and car parking would abut the rolling rural landscape to the south. While the track would be recessed, it would increase the amount of engineered hard surface and introduce several parking areas dispersed throughout the

¹ Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan adopted 2013

site. These clear indicators of fragmentation would harmfully erode the loose courtyard farmstead layout which is characteristic of the HWNL.

11. Although the High Weald Housing Design Guide 2019 advocates use of traditional, vernacular materials and detailing, it gives limited attention to the residential conversion of larger, modern farm buildings. However, while the proposed materials draw on the functional timber boarding and corrugated sheeting found on the existing buildings, they would be deployed in a significantly more refined and not typically agricultural form.
12. In particular, the continuous standing seam cladding over both the walls and roof of the dairy building would depart significantly from the utilitarian, low key appearance of this smaller building element. The overall level of glazing, particularly on the northern and southern elevations, and including large openings at roof level, goes well beyond the modest number of large openings generally found on barns and similar buildings. The detailing of the western elevation is more successful in that regard. However, the elevational treatment as a whole neither reflects the vernacular domestic architecture of the HWNL nor sufficiently maintains the agricultural character of the existing buildings.
13. While large gardens are not unusual in rural areas, the extensive rear gardens for Units 3 and 4 would urbanise and domesticate the part of the site which is most directly exposed to the wider rural landscape. These Units would include outdoor seating areas and roof terraces, which are positioned to benefit from views out over the countryside. Therefore, the likelihood is that the soft landscaping around the access track would be maintained at a low level, to preserve the outlook for future occupiers. The increased hard landscaping and introduction of domestic paraphernalia within this area would contrast harmfully with the adjacent landscape of fields, hedges and woodland.
14. Although the buildings already have some clear panels in the roof, the use of artificial illumination is likely to be significantly increased in residential occupation. The large ground floor openings and roof terraces at the rear would be in a particularly exposed, elevated position, where light could spill out into an otherwise dark landscape. The roof louvres would not cover all the roof openings, so would be of limited benefit. Consequently, the design would be inconsistent with the aim of preserving dark skies.
15. There would be some benefit from removing the dilapidated agricultural barns. However, other harmful aspects of the design, as outlined above, would outweigh the landscape benefit derived from the reduced building mass.
16. For the reasons given above, I conclude that the proposal would have a harmful effect on the character and appearance of the area and would fail to conserve and enhance the natural beauty of the HWNL. It would conflict with relevant requirements in Policy DC8 of the WLP, including that alterations associated with the conversion of rural buildings should not materially change their appearance as rural buildings. There would also be conflict with Policies EN1, EN6, EN27 and EN29 of the WLP and Spatial Planning Objectives SPO1 and SPO13 of the Core Strategy which require, amongst other things, that development respects local character and distinctiveness, that important landscapes including that of the HWNL are protected and that light spillage from development is minimised. In accordance with paragraph 182 of the

Framework, the harm to the natural beauty of the HWNL is a matter carrying great weight.

Heritage

17. Lower Cowden is a distinctive timber-framed house with steep clay tiled roof and prominent central chimney stack. Its significance is derived from its age, dating back to the 16th or 17th century, and the survival of architectural detailing, including close-studded timber framing, which is indicative of a high status farmhouse of that era.
18. The Heritage Assessment² (HA) confirms that the house, farm buildings and much of the surrounding land historically formed a holding referred to as Cowdens Farm. Between the listed building and the appeal site is a range of outbuildings, including a former oast house, which the HA dates to the late 18th/early 19th century. The former dairy in the eastern part of the appeal site is described as a probable early to mid 20th century addition, which appears to have replaced an earlier building in the yards that historically existed within this area.
19. The historic layout of the farmstead has been significantly altered as a result of changes in the latter 20th century, notably introduction of the larger portal framed buildings and the modern farmhouse to the west. The listed building is in separate ownership and no longer has any functional connection with the farmstead. Given its separate occupation, the prospects for reintegration of the historic farmhouse and farmyard appear to be limited. Nevertheless, they still have a close physical relationship, with the oast range being directly adjacent to the range of modern farm buildings.
20. The most complete views of Lower Cowden are across the fields to the east. Closer views are limited by boundary hedging and fences. Nevertheless, the relationship between the listed building, the oast range, and the modern farmyard remains clearly apparent from the adjacent A267 and in views down the access drive. Consequently, the appeal buildings continue to communicate the historic farmyard layout, despite the degree of change in modern times. As such, the agricultural character of the appeal site contributes positively to the setting of the listed building, since it enables understanding of the agricultural origins which are an element of its historic significance.
21. The proposed development would not materially increase the scale of the buildings or alter their outer envelope. However, there would be extensive elevational changes and fragmentation of the land around the buildings, as described above. While design measures are included to mitigate the effect of the alterations, such as recessing the balconies and additional soft landscaping, they would not sufficiently safeguard the agricultural character of the buildings or their coherent farmstead layout. Consequently, the proposal would undermine the relationship between the listed building, the oast range and the farmyard.
22. There would be no intrusion into views of Lower Cowden from the east, or its outlook over the rural landscape. Nor would there be any disruption of the relationship between the listed building and the oast range. Demolition of the agricultural barns would reduce the volume of modern buildings and may open

² Archaeology South-East Heritage Assessment dated January 2023

up some new glimpsed views of the listed building. Removal of these buildings was viewed by the Council as a positive effect of the approved scheme for two dwellings, in conjunction with a simpler approach to conversion of the remaining buildings. However, taking account of the higher degree of change in this more intensive proposal, their demolition would not outweigh the harm to the setting of the heritage asset as a result of the erosion of agricultural character.

23. Consequently, I conclude that the proposal would neither preserve nor enhance the setting of the Grade II listed building at Lower Cowden. It would conflict in this regard with Spatial Planning Objective SPO2 of the Core Strategy which states that the intrinsic quality of the historic environment will be protected.

Public Benefits

24. The harm to the significance of the designated heritage asset would be less than substantial, given the degree of previous change to the farmstead layout. However, while the harm is less than substantial, I have attached considerable importance and weight to the desirability of avoiding such harm, in accordance with paragraph 205 in the Framework and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
25. Paragraph 208 of the Framework requires that, 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 use.
26. The Council's evidence acknowledges that less than four years' housing land supply is in place and provision of four new homes would make a modest contribution towards addressing that shortfall. The dwellings would not be isolated, and the occupiers may make some limited contribution to the nearby rural communities. However, they would be largely reliant on travel by car, given the lack of realistic alternatives. The proposal would also make beneficial use of a range of buildings which is currently standing empty.
27. However, as referenced above, a smaller scheme for two dwellings has been approved in the recent past. The appellant considers this approved scheme to have been implemented, implying that the planning permission may remain extant. While the Council's evidence expresses some doubt on that point, even if the permission has lapsed, the Council acknowledges that re-use of the buildings for some level of residential use could still be acceptable, subject to approval of an acceptable design approach. The appellant also suggests that an alternative proposal could be progressed through the implementation of permitted development rights.
28. While the acceptability of any such alternative proposal would be for the Council to determine, there is some basis for concluding that a contribution towards housing supply may be achievable through an alternative design approach. While this may be for a slightly reduced number of dwellings, it does indicate that the net additional benefit of this specific proposal is limited.
29. Transport evidence prepared for the earlier approved scheme indicates that residential use of the buildings would generate less traffic than the previous commercial use. However, that use has ceased, and the buildings are

described as redundant, implying that there is little realistic likelihood of an intensive, traffic-generating use resuming. In any case, any positive effect on traffic flow along the main A267, from which the site is accessed, would be very minor given the scale of the proposal.

30. Overall, the public benefits of the proposal would be modest and would not outweigh the less than significant harm to the setting and significance of the designated heritage asset.

Other Matters

31. It is not the function of this appeal to determine whether planning permission for two dwellings remains extant. Even if that approved scheme can still be implemented, the current proposal would be more harmful to the designated landscape and heritage asset, for the reasons given above. Since no details are available of any relevant scheme comprising permitted development as defined in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the comparative effect on the landscape and heritage asset cannot be readily determined. Equally, there is no clear evidence that such a scheme would be more harmful. Therefore, neither of these potential fallback positions outweigh the conclusions reached above.
32. Given the housing land supply position, paragraph 11d of the Framework is relevant. However, there are clear reasons for refusing the proposed development, based on the application of policies in the Framework that protect the HWNL and designated heritage assets. Therefore, the test defined in paragraph 11dii, sometimes referred to as the 'tilted balance', is not applicable. For the reasons given above, the proposal does not benefit from the presumption in favour of sustainable development as articulated in paragraph 11 of the Framework and Policy WCS14 of the Core Strategy.

Conclusion

33. The proposed development would conflict with the development plan and no material considerations indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR