



Appeal Decision

Site visit made on 8 January 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/C1435/W/24/3348461

Park Farm, New Road, Hellingly, East Sussex BN27 4EW

- 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 Mark Gribble of GW Gribble against the decision of Wealden District Council.
 - The application Ref is WD/2023/2778/FR.
 - The development proposed is described as: Retention of storage containers for storage purposes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form confirms that the development has been completed and I was able to see this during my site visit. I shall determine the appeal on this basis.
3. For clarity, when identifying storage containers hereafter I use the numbering system on the submitted site plan no: 23.517/01A.
4. It is apparent from the evidence before me that a new Local Plan for the District is in the process of emerging. As yet to be submitted for examination, this remains at a relatively early stage such that its emerging policies and supporting content, which may evolve prior to formal adoption, currently attract limited weight. I shall determine the appeal on this basis.
5. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. On the basis that the revisions made have no material implications for the outcome of this appeal, it has not been considered necessary to request observations from the main parties.

Main Issues

6. The main issues are:
 - Whether the development preserves the setting of the Grade II listed building known as Barn at Park Farm (the building); and,
 - The effect of the development on the character and appearance of the area.

Reasons

The setting of the listed building.

7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. 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.
8. The appeal site comprises three separate portions of land on a wider farm complex (the farm), which includes the building¹. The list entry cites the intactness of the building, a former threshing barn likely dating to the mid-18th century, as a reason for its designation. The hipped cart entrance on the southwestern side of the building is part of what remains intact. It is wide and tall enough to admit a horse-drawn cart and, as such, helps to identify the building's original use. The building is tall and broad, indicating the scale of harvest processing once undertaken therein. It is currently used as a wedding venue.
9. The land east of the building comprises open, picturesque fields. To the north is a courtyard formed by simple, single-storey buildings and a low wall. Immediately to the south and west is a broad, working yard (the yard). All this land is generally flat, save for the fields, which slope gently away from the building. Notwithstanding containers 31 and 32, development immediately around the building is limited. The openness and flatness of the land around the building results in largely uninterrupted views of it from the surrounding grounds and grants it visual prominence.
10. The farm includes a range of structures, the largest of which are clustered to the west of the building. Their style and condition varies, and they are mostly functional and utilitarian. The yard has an ad-hoc, unkempt character. Even so, features therein such as the visible storage of hay bales, and elevated, circular water towers, combined with the backdrop of the fields, create the clear sense that this is a working rural farm. This is despite elements of farm diversification that have previously occurred.
11. The significance and special interest of the building is drawn, in part, from its age, intactness, and how its appearance illustrates its original, traditional, rural function, as well as the scale of that enterprise. The setting of the building contributes to that significance through its openness and flatness, which allows a range of uninterrupted views of the building in spatial isolation, and also through its agricultural, rural character, which emphasises the traditional and ongoing nature of land use near to the building. For the avoidance of doubt, in part owing to their proximity to the asset and the rural/agricultural influences that remain identifiable within and around the yard, I find that each of the three separate portions of the appeal site comprise a part of the building's setting
12. The appellant cites the group value, as described in the listing, between the building and the nearby Grade II listed Park Farmhouse to the north. Wedding

¹ List entry number: 1400312

guests arrive from the north and, as a result, mainly see the northeastern elevation of the building, where it is suggested, the courtyard creates a noticeably more pleasant environment than the yard to the south. This does not mean, however, that the setting of the building is limited to the area between it and the farmhouse. Indeed, I have found the land to different sides of the building to comprise parts of its setting. It is also relevant that the southwestern elevation includes the hipped cart entrance cited as part of the reason for designation.

13. The appeal development comprises the siting of 36 storage containers in four clusters around the farm. They are uniform in size, with a metallic, reflective surface. Each is labelled in bright, white lettering and has tall, shiny metal brackets. They have a distinctly mass-produced and industrial character.
14. Containers 31 and 32 are directly alongside the southeast corner of the building. They erode the openness of its setting, and restrict views of it, particularly the view of the cart entrance from the fields. Containers 1, 2, and 33 are alongside tall structures on the farm but project further into the yard. As such, they fail to preserve the setting of the building in that they erode what openness there is around it to the west. In both cases, the characteristics of the containers are at odds with the rural, agricultural setting.
15. Containers 7 to 26 are arranged in a row to the south of the yard. Beyond them, the site boundary is marked by a bund and mature trees. This forms a natural edge to the setting, which the containers are visible within. Whilst the distance to the building mitigates the effect to some degree, the containers nevertheless erode the openness of the setting. Furthermore, the row is partly on higher ground than the yard, and its length results in a continuous frontage of container doors. The effect is particularly jarring and incongruous in the rural, agricultural setting.
16. Containers 3 to 6, 27 to 30, and 34 to 36 are enclosed by substantial farm structures, which largely conceal them from view, particularly from the main routes through the farm to the building. The containers cannot be seen from the building or vice-versa. Given the above, I find that these particular containers preserve the setting of the building.
17. In the main, direct views encompassing the barn and the containers are from private land, including from within the farm. The role the setting of the building plays in contributing to its significance is not, however, dependent upon being within the public sphere and, in any event, the building is seen in its setting by users of the farm, including users of the building.
18. For the reasons given above, I find that, with the exception of the group of Containers numbered 3-6, 27-30 and 34-36, the development does not preserve the setting of the Grade II listed building known as Barn at Park Farm and, as a result, conflicts with Section 66(1) of the Act. The development, taken as a whole, fails to accord with Policy SPO2 of the Wealden Core Strategy Local Plan (2013), where it requires the intrinsic quality of the historic environment be protected, and with the historic environment protection policies of the Framework, which are not inconsistent with the Local Plan. I would qualify the degree of harm to be less than substantial under the terms of the Framework, which I shall return to under my Heritage and Planning Balance below.

Character and appearance.

19. The farm is on the northern side of the main section of New Road. There is a cluster of housing on the approach road to the farm, and a new housing development is underway to the west of that. Even so, New Road is near the northern edge of the town of Hailsham, and land north of it is noticeably rural and undeveloped. This is reflected in the part of New Road that runs past the farm. All of the northern side, and much of the southern side, is characteristic of a simple country road, with little by way of lighting or pavements, and enclosed by mature greenery. Through this, the fields to the east of the farm are visible in glimpses, reinforcing the predominantly rural character of which the farm is a part.
20. Whilst, notwithstanding their effect on the setting of the building, many of the containers occupy discreet positions upon the site and are not readily visible from publicly accessible vantage points, Containers 7 to 26 are clearly visible through the foliage on New Road. Their elevated position, continuous length, and stark appearance results in an invasive, imposing presence at odds with and harmful to the rural character of the area. I have no evidence that planting capable of screening the containers would be feasible given the location and number of trees on the site boundary. Moreover, planting cannot be relied upon to provide a permanent buffer to views. This is because it is ever evolving, reliant on regular maintenance to retain a consistent form, and may be reduced in scale or extent in the future.
21. My attention has been drawn to two permissions for storage containers in the district². In both cases the containers are positioned away from public view, and are at, or comprise additions to, sites already in commercial use. I have no evidence that either development involves the setting of a listed building. In these ways, the circumstances of those permissions are materially different to those in the appeal, and I attach minimal weight to them, therefore.
22. The appellant has drawn my attention to the changing nature of the area around the farm, citing specific housing developments underway to the west, and approved to the east³ in seeming accordance with the emerging proposals map where land nearby is shown to be designated for development. Whilst the rural character of the area immediately north of New Road is set to continue to alter, it can be fairly anticipated that distinct rural influences shall continue to endure in the immediate locality of the appeal site. This is especially so given that the fields east and northeast of the site are not earmarked for development.
23. For the above reasons, the appeal development, taken as a whole, harms the character and appearance of the area, contrary to Saved Policies GD2, EN8 and EN27 of the Wealden Local Plan (1998), Spatial Objectives SPO1, SPO13 and Policy WCS14 of the Wealden Core Strategy Local Plan (2013), and Policy HNBP6 of the Hellingly Neighbourhood Plan (2021). Amongst other things these policies require development, including that which supports the rural economy, to protect the agricultural landscape character, respect the character of adjoining development and promote local distinctiveness.

² Application Ref WD/2022/2156/FR & WD/2021/3070/FR

³ Application Ref WD/2022/0294/MAO.

Other Matters

24. The appellant claims some of the containers could be immune from enforcement action owing to the passage of time. However, to my knowledge such immunity has not been confirmed by a certificate of lawfulness. For the avoidance of doubt, it is not my role to determine the lawfulness of development undertaken. Instead, I must determine the appeal made under section 78 of the Town and Country Planning Act 1990 (as amended) on the basis of the scheme's planning merits. In the absence of a certificate of lawfulness and the associated certainty this could provide, I attribute limited relevance to any argument made that some containers could remain in perpetuity irrespective of the outcome of this appeal.
25. I recognise that the appellant does not consider the Council to have worked positively and proactively with them. That is not a factor affecting the merits of the development and, as such, it has not been material in my determination.
26. Paragraph 207 of the Framework requires applicants for planning permission to describe the significance of any heritage assets affected, including any contribution made by their setting. The decision notice cites a failure to adequately do so. For the avoidance of doubt, I have found the appellant's submissions sufficient to set out their assessment of the above.
27. My attention has been drawn to a successful application for some 360 homes and associated works to the east of the farm⁴. That scheme, as with the appeal development, was found to cause less than substantial harm to the designated heritage asset. In such circumstances the Framework requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The public benefits associated with the approved scheme include a significant number of houses, sports facilities, and an extension to a local country park. These benefits are not comparable to those associated with the appeal development (as detailed below), and I see no inconsistency in the decisions, therefore.
28. The appellant has suggested the cladding of certain containers could be secured by planning condition in the event the appeal be successful. The procedural guide for planning appeals advises that the appeal process should not be used to evolve a scheme. What is considered by the Inspector should be essentially the same as was considered by the Council and interested parties at the application stage. The cladding containers with timber, even if just to exposed elevations, would likely result in a materially different scheme to that which the Council and third parties considered. Moreover, very limited details of any intended cladding solution are before me for consideration at this stage. As such, I do not consider it reasonable or appropriate to condition details of external cladding.
29. I have noted the appellant's openness to a condition securing the removal of Containers 31 and 32 in the event the appeal proposal be found otherwise acceptable. However, I have identified that these particular units fail to preserve the building's setting. Whilst I have separately found that Containers 3-6, 27-36, and 34-36 preserve the building's setting, a materially different scheme would arise in the event any possible condition be imposed requiring all containers numbered otherwise to be removed from the site. There is also no certainty that any such approach would be responsive to the appellant's requirements.

⁴ Application Ref WD/2022/0294/MAO.

Heritage and Planning Balance

30. Paragraph 212 of the Framework states that when considering the impact of the development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the scale of the development, I find the harm to be less than substantial. Under such circumstances paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal.
31. The containers comprise a commercial storage facility that promotes economic growth and support to the rural economy, which are aims set out in Framework. This weighs in favour of the appeal proposal. Indeed, the need for employment/storage space is identified in the reports 'Land and Premises Supply Study' (May 2020) and 'Room to Grow' (June 2021), and the Council has not contested that there is a demonstrable unmet need.
32. However, the moderate scale of the proposal and relatively modest extent of the storage floorspace under consideration tempers its economic benefits, and, on balance, I find they would not outweigh the great weight that should be given to the asset's conservation. The scheme thus conflicts with the historic environment conservation and enhancement policies contained within the Framework and fails to satisfy the requirements of the Act.
33. In addition to the harm identified to the significance of the building, I have separately identified harm to the character and appearance of the area for reasons that are set out above. Consequently, the proposal conflicts with the development plan when read as whole and material considerations do not lead me to a decision otherwise.

Conclusion

34. For the above reasons, the appeal is dismissed.

A Knight

INSPECTOR