
Appeal Decisions

Site visit made on 6 February 2025

by **A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 March 2025

Appeal A Ref: APP/C1435/W/24/3347816

Brick Kiln Farm, Hadlow Down, East Sussex TN22 4EJ

- 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 A Orgill against the decision of Wealden District Council.
 - The application Ref is WD/2024/0702/F.
 - The development proposed is the construction of private swimming pool and repair and conversion of privy into pump house.
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Appeal B Ref: APP/C1435/Y/24/3347817

Brick Kiln Farm, Hadlow Down, East Sussex TN22 4EJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mrs A Orgill against the decision of Wealden District Council.
 - The application Ref is WD/2024/0703/LB.
 - The development proposed is the construction of private swimming pool and repair and conversion of privy into pump house.
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Decision

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

Applications for costs

3. An application for costs was made by Mrs A Orgill against the Council. This application is the subject of a separate decision.

Preliminary Matters

4. As Appeal A relates to a planning permission and Appeal B relates to a listed building consent, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The two appeals concern the same scheme under different, complementary legislation. To avoid duplication, I have dealt with both appeals together in my reasoning.
6. The Council included reasons for refusal relating to the submission of insufficient information. I consider the plans before me to be sufficient to enable me to assess the proposal without being prejudicial to interested parties.

Main Issues

7. The main issues are:

- whether the proposed development and works would preserve the Grade II listed building, Brick Kiln Farmhouse, its setting, or any features of special architectural or historic interest which it possesses; and
- the effect of the proposal on the landscape and scenic beauty of the High Weald National Landscape.

Reasons

Heritage assets – special interest and significance

8. Brick Kiln Farmhouse is a Grade II listed building¹. The current building dates from around the 17th century, with possible earlier origins. The main building is of two-storeys and finished in part red brick, part weatherboard. Despite the extension and alteration of the building over time, including the conversion of former barns, this has not unduly eroded the listed building's intrinsic heritage merit.
9. Based on the evidence before me, I find that the special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its traditional construction techniques and use of materials, surviving historic fabric and its illustration as a vernacular farmstead.
10. The brick 'privy' structure, which sits within the rear garden of the listed building, is of traditional construction and adds authenticity to the main house, illustrating how it has evolved over time. This structure contributes somewhat to the special interest and significance of the heritage asset. Given the structure's curtilage listed status, its conservation is afforded the same great weight as Brick Kiln Farmhouse.
11. Pertinent to the appeal, in relation to the settings of listed buildings and the contribution they make to the special interest and significance of assets, I have had regard to the definition of setting within the National Planning Policy Framework (the Framework). The garden plot within which the dwelling sits has an historic, visual and functional connection with the heritage asset. The rear garden, in particular, is formed of an open and verdant area laid to lawn, with several mature trees within it. It forms a tranquil space of a rural character, viewed together with the surrounding open landscape.
12. The grounds of Brick Kiln Farmhouse form the asset's immediate setting, and it is from here that the asset is best appreciated. This immediate setting contributes positively to the asset's special interest and significance.

Heritage assets – appeal proposal and effects

13. The proposed development and works seek to install a swimming pool to the immediate north of the main house. In addition, the privy structure would be repaired and converted to accommodate equipment such as a pump.
14. I accept that the proposed pool would be sunken, and that there would be no site level changes. I also acknowledge that the proposed pool has been relocated

¹ List Entry Number: 1286613

relative to a previously refused scheme at the site, and that a new-build pool house has been omitted. Nevertheless, the proposed development would constitute a highly modern intervention that would, in its current form, harmfully urbanise the rural and open character of the site and the asset's immediate setting. In doing so, it would diminish the ability to fully appreciate the significance of the asset and weaken the contribution that the immediate setting makes to the asset's significance.

15. I note the appellant's reference to the intensive use of the garden area. Even were this the case, the proposed development would have a degree of permanence that is not currently the case with its use as an open garden. Moreover, this would be at odds with the historic concentration of activity and built form within, and surrounding, the farmstead's front yard.
16. Turning to the historic fabric of the privy, the physical repairs to the fabric would not be significant and would affect what is a more recent phase of the asset. However, no substantive detail of those interventions, or those required to install pool equipment, has been provided. Nevertheless, even if this was before me, this would not lessen the harm to the listed building's special interest and significance overall.
17. I accept that the landscaping to the front boundary of the property, in particular, is mature and this limits views into the asset's grounds. However, the building is listed for its intrinsic architectural and historic interest and the visibility of the proposed development and works is not a determining factor in considering whether they would preserve the special architectural or historic interest of the building. In any case, landscaping cannot be relied on in perpetuity to provide the same level of screening as at present.
18. Overall, I conclude that the proposal would fail to preserve the Grade II listed building, Brick Kiln Farmhouse, or its setting, contrary to the requirements of section 66(1) of the Act. Consequently, the proposal would harm the significance of this designated heritage asset.

Heritage assets – public benefits and balance

19. Paragraph 212 of the Framework advises that when considering the impact of a proposed development or works 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 alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
20. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the development and works relative to the listed building, I find the harm would be 'less than substantial' in this instance. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposal.
21. Economic benefits would be brought about through the construction phase and the general investment into the property (the privy). However, the scale of those benefits is short-term and very limited by the nature and extent of the proposal. The primary outcomes of the proposed works, namely the provision of a swimming

pool, would be private benefits to the appellant that do not provide clear and convincing justification for allowing the appeal.

22. Conservation is an active process of managing change to heritage assets in ways that sustain, reveal or reinforce their heritage interests. I am not persuaded that the scheme before me is fundamentally necessary to secure the optimum viable use of the building. Moreover, no substantive evidence has been put before me which verifies that the property would not be useable or viable as a dwelling or that its conservation as a designated heritage asset would be at risk if the appeals were to fail and the proposal, as submitted, was not implemented.
23. Overall, although several benefits have been identified, the weight that I ascribe to the public benefits that would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Accordingly, the proposed development would fail to preserve the Grade II listed building, Brick Kiln Farmhouse, or its setting. It would be contrary to the requirements of section 66(1) of the Act and the relevant provisions of saved policies GD2, EN27 and DC19 of the Wealden Local Plan (1998) and policies SPO2 and WCS14 of the Wealden Core Strategy Local Plan (2013). These policies, in summary, seek high quality design in development and the protection of heritage assets. This is in a similar vein as the provisions of the Framework insofar as good design and the protection of heritage assets is concerned.

National Landscape

24. The appeal site is located within the High Weald National Landscape (formerly Area of Outstanding Natural Beauty). National Landscapes are designated for the purpose of conserving and enhancing natural beauty. Section 85(1) of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to these purposes. Supporting this objective, the Framework paragraph 189 sets out how great weight should be given to conserving and enhancing landscapes and scenic beauty in National Landscapes.
25. Despite some nearby built form, the immediately surrounding area is predominantly unspoilt and remote in character, largely formed of open fields and mature landscaping. Although some parts of the appeal site have been developed and altered over time, the grounds of Brick Kiln Farm are largely open, verdant and undeveloped. These grounds positively contribute to the character of the surrounding landscape.
26. I note that the previous appeal at the site was dismissed. This was, in part, due to the Inspector's conclusion that the introduction of a swimming pool and pump house to the north-east of the site would represent an undesirable intrusion of man-made features into the countryside. I accept that the location of the proposed swimming pool has now moved closer to the rear of the main house, and away from the most open part of the rear garden. I also acknowledge that no standalone pumphouse is proposed and that the privy structure would instead be used.
27. Notwithstanding this, and noting that the appellant has worked to overcome the concerns previously raised, the proposed development would introduce a highly domestic and harmful urbanising feature to a part of the site where there is currently no built form. This would erode the open and rural nature of the appeal site that positively contributes to the character of the surrounding landscape.

28. Consequently, I conclude that the proposed development would harm the character and appearance of the area, and the landscape and scenic beauty of the High Weald National Landscape, contrary to the relevant provisions of saved policies GD2, EN6, EN27 and DC19 of the Wealden Local Plan (1998) and policies SPO1 and WCS14 of the Wealden Core Strategy Local Plan (2013). In summary, and when taken as a whole, these policies seek to ensure that development respects its context and conserves or enhances the natural beauty of the landscape. This is in a similar vein to the provisions of the Wealden Design Guide (2008), insofar as good design and the conservation of landscape is concerned.

Conclusion

29. For the reasons given above, having regard to all other matters raised, I conclude that both appeals should be dismissed.

A Price

INSPECTOR