



Appeal Decisions

Site visit made on 5 March 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2025

Appeal A Ref: APP/U1430/W/24/3351014

Southside, High Street, Burwash, ETCHINGHAM, TN19 7ES

- 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 and Mrs J Plant against the decision of Rother District Council.
 - The application Ref is RR/2024/497/P.
 - The development proposed is a proposed single storey rear extension.
-

Appeal B Ref: APP/U1430/Y/24/3351017

Southside, High Street, Burwash, ETCHINGHAM, TN19 7ES

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs J Plant against the decision of Rother District Council.
 - The application Ref is RR/2024/404/L.
 - The development proposed is a proposed single storey rear extension.
-

Decision

Appeal A Ref: APP/U1430/W/24/3351014

1. The appeal is dismissed.

Appeal B Ref: APP/U1430/Y/24/3351017

2. The appeal is dismissed.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was updated in December 2024 and amended in February 2025. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. The revised version has been referenced in this decision.

Background and Main Issues

4. The main issues are therefore whether the proposal would:
 - preserve a Grade II listed building known as '1 and 2 South Side' (reference 1232718) (LB) and any of the features of special architectural or historic interest that it possesses;
 - the extent to which it would preserve or enhance the character or appearance of the Burwash Conservation Area (CA) bearing in mind the special attention that should be paid to the desirability of preserving the setting as it relates to the special interest of the adjacent Grade II listed

buildings known as 'Chaunt House' (reference 1352927) (LB2) and 'Pope's Cottage Sadlers (Antiques)' (reference 1044045) (LB3); and

- conserve or enhance the High Weald National Landscape.

Reasons

Heritage assets

5. As the proposal is in a conservation area and relates to listed buildings, special regard must be given to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
6. The LB was a pair of 2 storey 19th century cottages which have been combined to create a singular dwelling. However, it is still clearly identifiable as 2 cottages, and this is largely down to the replication of external and internal features, such as door and window positions and room layouts. It is a good example of modest residential dwellings, but its value is enhanced by its infill position between the higher ordered LB2 and the vernacular LB3.
7. Due to the terraced nature of the LB its front and rear aspects are visually exclusive and therefore works to the rear would not affect its visual impact on the High Street. Directly to the rear of the LB is a large garden which is separated from the publicly accessible fields beyond by a maturely planted boundary. In combination with the fall of the land, this means views of the rear are largely screened. Nevertheless, the impact of a proposal on a listed building is not limited to its visibility.
8. The significance of the LB is largely related to its group value with the neighbouring properties and it represents a good example of vernacular dwellings informing the changing face of the Burwash High Street. That the original 2 cottage form is still legible adds to its significance as a heritage asset.
9. The CA is focused around Burwash High Street and its significance is linked to the age of the village and the progression in its development over time with the buildings on either side providing good examples of various vernacular styles, one being the LB, as well as LB2 and LB3.
10. LB2 is a good example of a mid-19th century upgrade and refacing of a medieval timber framed building whose significance is derived from its age. Whilst LB3 was once 3 cottages, and now 2, which date from around the 17th century. Again, these were timber framed buildings refaced slightly earlier in the 18th century and so their significance is also derived from their age.
11. The rear elevation to the LB, although not as symmetrical as the front elevation, clearly shows evidence of the dwelling having originally been 2 separate properties. This is specifically obvious when correlating the balance of the roof form, upper floor windows, and the ground floor dual window and door configuration. The proposal would remove one of the ground floor window and door pairs and cover up their original location. The loss of these feature would mean from the rear the LB would no longer be clearly identifiable as 2 cottages. This would therefore conceal a feature which is instrumental in understanding the LB's special interest as well as constitute a loss of historic fabric. The proposal would therefore fail to preserve the LB's significance.

12. It is appreciated that there are more modern extensions to the rear elevations of LB2 and LB3. However, the setting of these listed buildings is intertwined with their group value and hierarchical relationship to the LB. LB2 being the grandest and the LB the most modest. The proposal, by removing the legibility of the rear elevation, would mean the LB would visually look like a larger singular building from the rear which would alter its position with the group value hierarchy and thus diminish the comparative dominance of LB2 and LB3 when viewed from the rear. Accordingly, the proposal would harm the overall historic understanding of the group and therefore the setting of LB2 and LB3 as far as it relates to their special interest.
13. This would also be the case for the CA. It is acknowledged that the High Street is the main focus of the CA, but there are views of the rear elevation of the LB and therefore its importance to the CA is in the round and not just limited to the front, street facing elevation. Therefore, the loss of the rear elevation legibility would also fail to preserve and enhance the CA.
14. It is recognised that the proposal would not alter the internal layout of the LB, is relatively modest in size and that the proposed materials would be sympathetic. Nevertheless, this does not negate the loss of historic fabric or reduction in legibility of the rear elevation. It is also acknowledged that the proposal would not be visible from the front of the building, which the appellant considers to be the principal feature of the LB. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether public views of the whole building can be gained.
15. The examples of other extensions to listed buildings in the area, as set out in Appendix 2 of the appellant's Statement of Case, are acknowledged. However, in the instance of LB2, it was shown that there was evidence of a historic building in the location of the proposed rear extension. In the case of 5 Prospect Cottages the extension replaced an existing conservatory, and for 1 Victoria Terrace the cumulative impact from existing extensions on the full terrace had been found to diminish the significance of the rear elevation. In terms of Gideon House, the extension would appear to have been on an existing 20th Century addition so was not considered to affect historic fabric. It was also part of a wider remodelling of the whole property which, with 2 further bedrooms than the appeal dwelling, was found to require additional kitchen space.
16. These examples simply serve to show that due to the specificity of heritage assets, each proposal must be considered on its own merits and not simply considered acceptable because it has occurred on other buildings. That the LB has not been extended to the rear like other properties simply serves to enhance its significance as a largely unfettered heritage asset.
17. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the heritage asset's conservation. In this instance I find the proposal would fail to preserve the LB, the setting of LB2 and LB3, and fail to preserve or enhance the character or appearance of the CA.
18. However, given the scope of the works I find this harm to be less than substantial of a moderate order, and therefore paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the LB's optimal viable use.

19. As the appeal site has been in use as a residential dwelling for a considerable time in its current form, I am satisfied the optimal viable use has already been secured and is not dependent on the proposal. Nevertheless, the appellant considers that the extensions of the kitchen and dining space the proposal would create would be beneficial. However, it has not been evidenced how this would be a public benefit. Therefore, as a private benefit only, it is beyond the scope of the Framework's Paragraph 215 test. Nevertheless, were I to consider this a public benefit, it would not be sufficient to outweigh the harm caused.
20. The proposal would therefore fail to comply with the Act, the Framework, the Rother Core Strategy (CS) Policies EN2 and RA1, the Development and Site Allocation Plan (DSA) Policy DHG9, and the Burwash Neighbourhood Plan (NP) Policies GP02, GP03 and GP04, insofar as they seek to protect and enhance the historic environment. It would also fail to comply with CS Policies EN3 and OSS4(iii) as far as they require development to respect the character and appearance of the appeal site and locality, in this case the CA.

High Weald National Landscape (NL)

21. The NL is characterised by villages nestled into a patchwork of fields and woods creating a bucolic landscape. Burwash is one such village and being a largely contained linear village surrounded by fields, forms part of the landscape character that makes the NL unique.
22. The Council consider that the impact of the proposal on heritage assets would cause harm to the wider landscape and so the NL. However, national landscapes are designated for the purposes of conserving and enhancing natural beauty and Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 places a duty upon me to further these purposes in this decision.
23. In relation to the scale of the NL the proposal would be small and located within the built envelope of Burwash village. It would not encroach into the surrounding countryside, nor would it be visually obvious when viewed in the context of the village in the NL. Therefore, the proposal would have a neutral impact on the NL thus conserve its natural beauty. Accordingly, the proposal would comply with DSA Policies DEN1 and DEN2, CS Policy EN1 and NP Policy GPO1 insofar as they seek to protect the NL.

Other Matters

24. The Council have found no harm in relation to the living conditions of neighbouring residents, archaeology, or protected species. Nevertheless, a lack of harm, by definition, cannot weigh for or against the proposal.
25. Although the Parish Council has shown support for that proposed, it has not advanced any evidence which would overcome or outweigh the identified harm.
26. It is recognised that the proposal was been submitted to overcome issues with a previously refused application, and the appellant has referred to a lack of engagement from the Council across both applications. This, however, does not alter the planning merits of the scheme before me.

Balance and Conclusion

27. Although I have found for Appeal A in relation to the NL, its impact would constitute a lack of harm and so carries neutral weight. It cannot, therefore, outweigh the harm identified in relation to heritage assets. Consequently, and considering all other matters raised, both Appeal A and Appeal B should be dismissed.

RJ Redford

INSPECTOR