



Appeal Decision

Site visit made on 23 April 2025

by **S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 April 2025

Appeal Ref: APP/C1435/W/24/3355547

Fincham Farm, Cat Street, Hartfield, East Sussex TN7 4DY

- 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 David Pickering against the decision of Wealden District Council.
 - The application Ref is WD/2024/0738/F.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The fourth reason the Council refused the application related to the site's proximity to the Ashdown Forest Special Protection Area (SPA). The Appellant submitted a Unilateral Undertaking (UU) with the appeal. The Council confirmed that the UU addressed its objection to the scheme in relation to this matter.
3. All Areas of Outstanding Natural Beauty (AONBs) have been renamed as National Landscapes. I therefore refer to the High Weald AONB as the High Weald National Landscape (HWNL) in this decision letter, unless specifically quoting from other documents.
4. A revised National Planning Policy Framework (the 2024 Framework) was published on 12 December 2024. I am satisfied that none of the changes was material to the assessment of the proposal and have determined the appeal accordingly.

Main Issues

5. The main issues are:
 - a) Whether the site is suitable for a residential development having regard to local and national planning policies for the location of housing with particular reference to access to services and facilities:
 - b) The effect of the proposal on the character and appearance of the High Weald National Landscape (HWNL):
 - c) Whether the proposal would preserve the setting of Fincham Farm, a Grade II listed building.

Reasons

Suitability of location

6. The appeal site lies at the western end of Upper Hartfield, a hamlet primarily characterised by ribbon development along Cat Street, the B2110. It is some 2.4-2.5km from the village of Hartfield and outside any defined settlement boundary. The site is therefore in the countryside for the purposes of planning policy.
7. Policy GD2 of the Wealden Local Plan 1998 (Local Plan) seeks to resist all development beyond settlement boundaries. Policy DC17 of the Local Plan specifically resists residential development in the countryside, although the supporting text sets out a series of exceptional circumstances where housing may be acceptable. It has not been suggested that any of these apply in this case.
8. Strategic Planning Objective SPO3 of the Wealden Core Strategy Local Plan 2013 (Core Strategy) seeks to direct the majority of new housing within or close to existing towns whilst allowing limited growth within villages capable of accommodating growth in a sustainable fashion. Hartfield is defined as a local service centre within the Core Strategy and has some services including a primary school and a surgery. Nevertheless, its ability to accommodate growth in a sustainable manner is limited and local residents depend on other centres to meet their need of access to a broader range of services. Upper Hartfield has very few facilities, namely a pub (Gallipot Inn) and a garage.
9. Strategic Planning Objection SPO7 of the Core Strategy is also relevant to this proposal. It seeks to reduce the need to travel by car by focusing development where there are opportunities to use public transport and to improve the quality of journeys that can be made on foot or by bicycle. The National Design Guide considers a reasonable distance for people to walk to local facilities is no more than 800m (10-minute walk). Although the garage is just within this range, it would take 15-20 minutes to walk to the pub. All the other facilities are further away.
10. However, the propensity to walk is not solely related to distance, but also the quality and character of the route. The walk from the appeal site to Hartfield would be along a narrow, unlit, and in places, overgrown footway. The return journey would be more difficult due to the uphill gradient. It would be unsuitable for anyone with mobility problems and unattractive and potentially unsafe in the dark or poor weather. Walking into Hartfield along this footpath to reach its facilities seems to me to be unlikely on anything other than an occasional basis. In particular it seems highly unlikely that parents would allow primary school age children to walk over 2.4km to the village school. The only practical means of getting children to school on a regular basis would be by car.
11. Cycling into Hartfield, which is at the bottom of a hill, would not be an easy or comfortable journey from the appeal site given the width and alignment of the B2110, its gradients and the volume and speed of traffic. Whilst a competent cyclist might be prepared to do so in daylight and good weather, it would not be a realistic choice for most people, especially in the dark or inclement weather.
12. For future residents to access a broader range of employment, education and leisure facilities, it would be necessary to travel further afield to places such as Forest Row, East Grinstead, Tunbridge Wells or Crowborough. It would be possible to use the bus service to reach some of these destinations. However, I

consider choosing to do so would be unlikely if future residents also had access to a car, as private transport would always provide a quicker and more convenient alternative. The Inspector who permitted a dwelling at Little Tye acknowledged that future occupants would significantly rely on private cars to carry out their daily activities. I agree with this conclusion. However, I would go further and say that future occupants would be likely to be almost entirely dependent on private transport to reach all the facilities and services that they require.

13. I therefore conclude that the site is not suitable for a residential development as its location would not provide future residents with appropriate access to services and facilities. Consequently, it would conflict with the Council's spatial strategy as set out in the aforementioned policies of the Local Plan and Core Strategy.
14. Paragraph 110 of the 2024 Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, this needs to be considered alongside paragraphs 82-84 which restrict housing in rural areas to situations where exceptional circumstances justify a countryside location, the housing would meet an identified local need and would enhance or maintain the vitality of rural communities. No exceptional reason was provided in this case and the proposal offered nothing to encourage or promote the use of sustainable modes of transport. Neither was there any substantive evidence to demonstrate how a dwelling on this site would enhance or retain the vitality of Hartfield or Upper Hartfield. All these factors weigh against the scheme.

High Weald National Landscape

15. The appeal site is within the High Weald National Landscape, an area designated for its landscape and scenic beauty. The Levelling-Up and Regeneration Act 2023 (the 2023 Act) requires that a relevant authority must 'seek to further' the purpose of conserving and enhancing the natural beauty of the area when exercising functions in relation to, or so as to affect, land in an Area of Outstanding Natural Beauty. This additional statutory duty, strengthening the protections afforded to National Landscapes, came into force after the Inspector's decision on the site at Little Tye.
16. The loose knit residential development on both sides of Cat Street to the east of the driveway to Fincham Farm is distinctly different from the predominantly rural character on its western side. The appeal site is an open, undeveloped field on the south side of Cat Street. Although it is mainly flat, the ground falls gradually towards the south. The roadside frontage comprises a band of trees and other vegetation. Mature trees mark the site's western boundary. By contrast the eastern boundary, adjacent to the long driveway serving Fincham Farm, is enclosed by a post and rail fence. This provides open and expansive views of the HWNL over the intervening valley and towards the rising ground of Ashdown Forest to the south. Users of the driveway, which is also a public footpath, currently enjoy views across the site towards the hills beyond. The site therefore positively contributes to the intrinsic beauty and landscape character of the High Weald with its undulating landform and pattern of open, undeveloped fields interspersed with woodland.
17. In this context the introduction of a substantial detached house and garage with its associated domestic activities would be completely incongruous and out of character with the qualities of the surrounding landscape. The loss of the open field would erode the rural character of the area and cause unacceptable harm to

the HWNL. It is suggested that this harm could be mitigated through landscaping and by planting trees along the southern and eastern boundaries. I do not agree as this would lead to a significant loss of openness to the site and the views this provides of the wider landscape. The purpose of landscaping is to integrate development with its surroundings, not to hide an otherwise unacceptable proposal. Additional trees along the boundaries would therefore be inappropriate.

18. I therefore conclude that the proposal would fail to conserve or enhance the HWNL. The proposal would conflict with Policies EN6 and EN27 of the Local Plan which seek to conserve the district's designated landscapes and ensure that development respects its context. It would also fail to accord with the duty to 'seek to further' the purpose of conserving and enhancing the Protected Landscape set out in the 2023 Act. Furthermore, it would be contrary to paragraph 189 of the 2024 Framework which requires me to give great weight to conserving and enhancing the landscape and scenic beauty of a National Landscape.

Heritage

19. Fincham Farm is a Grade II listed building. I therefore have a statutory duty to have special regard to the desirability of preserving the building or its setting. It is described as a two-storey 17th century or earlier timber-framed building. It has been recently restored after a fire and comprises mainly refaced redbrick, together with tile hanging and casement windows.
20. As a farmhouse dating back several centuries its setting is not confined to its immediate domestic garden but includes the fields and rural area that surrounds it. The house is seen nestling in the landscape by anyone using the driveway and public footpath approaching it. The adjacent fields and driveway are therefore places from which the building is experienced as a property surrounded by farmland and woods in a somewhat isolated location. The significance of the farmhouse is therefore not only derived from its age and architectural features but also from its rural setting and the historic function it would have performed within the economy of the High Weald.
21. The introduction of a new dwelling on the appeal site would intrude into this rural setting. This would be so even though it would be separated from the farmhouse by a distance of approximately 270m and intervisibility between the buildings would be limited. Consequently, there would be harm to the significance of the listed building, through the failure to preserve its setting, although in terms of the 2024 Framework this harm would be less than substantial.
22. The proposal would therefore conflict with Spatial Planning Objective SPO2 of the Core Strategy which seeks to protect the intrinsic quality of the district's historic environment. Although the identified harm is less than substantial, and at the lower end of the scale, this is still a significant planning objection. This harm must therefore be weighed against the public benefits of the proposal in accordance with paragraph 215 of the 2024 Framework. I return to this matter below.

Other Matters

Great Crested Newts

23. The appeal site lies within the red impact risk zone for great crested newts. There are 6 ponds within 250m of the site and a further 7 within 500m. There is an

outstanding dispute between the parties about the need for survey work to establish the risk of harm to these protected species. The Appellant provided some additional information with the appeal. However, the Council did not consider this to be acceptable as it had not been the subject of consultation with Nature Space. In these circumstances I cannot be satisfied that this matter has been addressed with sufficient certainty and there is a potential need for further investigations in the event of any future application for development of the site. However, as I am dismissing the appeal for other reasons it is not necessary for me consider this matter further.

Ashdown Forest

24. The appeal site is within the Zone of Influence of the Ashdown Forest SPA. The submitted UU would provide a contribution towards measures to mitigate the effects of the proposal on the SPA. The Council was satisfied that this addressed its fourth reason for refusal. However, notwithstanding the UU, as the scheme is unacceptable for other reasons, there is no need for me to consider the implications of the proposal on the protected site.

Housing land supply

25. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. Current supply is given as 4.45 years representing a shortfall of some 788 dwellings. In these circumstances paragraph 11 d) of the Framework is engaged. However, I have found the proposal would be harmful to the HWNL, one of the protected areas identified in footnote 7 and this provides a strong reason for refusing the development. There is therefore no need to refer to the test in paragraph 11 d) ii) of the Framework. Consequently, the presumption in favour of sustainable development does not apply and the proposal would fail to comply with Policies WCS14 of the Core Strategy and Policy EN1 of the Local Plan which seek to pursue sustainable development.

Planning Balance

26. Given the significant shortage of housing supply, the provision of a new dwelling would be a benefit, but a single dwelling would make only a limited contribution to addressing the shortfall. However, locating it on the appeal site would be harmful to the landscape and scenic beauty of the HWNL, a matter of great weight. Future residents would be too far from local services and therefore overly dependent on car use, contrary to the Council's spatial strategy. In addition, there would be less than substantial harm, albeit at the lower end of the scale, to the setting of Fincham Farm, a Grade II listed building, a matter of considerable importance and weight. The limited benefits associated with provision of a single dwelling would not outweigh these collective harms.

Conclusion

27. The proposal is contrary to the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. For this reason, the appeal is dismissed.

S M Holden

INSPECTOR