



Appeal Decision

Site visit made on 24 April 2025

by **JJ Packman MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 May 2025

Appeal Ref: APP/C1435/W/24/3354213

Dragonfly Farm, Jenners Lane, Wartling, Hersmonceux, BN27 1RR

- 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 Rham against the decision of Wealden District Council.
 - The application Ref is WD/2023/2987/FR.
 - The development is change of use of the building to allow for flexible agricultural use.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of the building to allow for a flexible agricultural use at Dragonfly Farm, Jenners Lane, Wartling, Hersmonceux, BN27 1RR in accordance with the terms of the application Ref WD/2023/2987/FR, and the plans submitted with it, subject to the following conditions:
 - 1) The building shall be used for agricultural purposes incidental and ancillary to the land only and/or private equestrian purposes and shall not be used for, or in connection with, any commercial equestrian or business equestrian purposes, including livery or riding school uses.
 - 2) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for private equestrian use and/or agricultural purposes and for no other use as defined within Schedule 2, Part 3 shall be carried out on the site.

Preliminary Matters

2. The red line on the submitted site location plan includes a small open sided wood store. No details or drawings have been provided of the store. It appears to be a minor structure incidental to the use of the stable building and the use of the land. As the building is not included within the description of development and plans / details have not been provided, I have made no reference to the building in my determination.

Main Issue

3. The main issue is the effect the proposal would have on the on designated ancient woodland.

Reasons

4. The appeal property comprises an existing stable building situated within a woodland clearing. The site is accessed by an unsurfaced track which intersects with Wood Lane and a minor road to the north east.
5. The stable building is of timber construction with stained timber cladding and a metal roof.
6. The stable building is divided into a number of storage rooms and loose boxes. During my site visit I noticed some livestock present within the building, most notably lambs. There was also some evidence of equestrian activity, with tack hanging over one stable door, but there were no horses on site. The building appeared to be in agricultural use.
7. The cleared land surrounding the building is laid to pasture and appears in low intensity agricultural use, predominantly for grazing livestock. Geese and chickens were present on site and were being fed at the time of my visit. The use of the land, however, does not form part of this appeal.
8. The proposal is for the change of use of the building to allow for a flexible agricultural use. The range of activities carried out on site are detailed within the appellant's planning statement and include agricultural activities (keeping and trading of livestock) and some forestry or 'land management' activities such as the preparation of wooden stakes, maintaining ditches, maintaining and replanting hedges and trees and charcoal burning. Reference has also been made to forestry schools.
9. Notwithstanding the above, it should be noted that S55 2(e) states that the use of any land and buildings for the purposes of agriculture or forestry does not constitute development. Typically, a stable building would be able to lawfully revert to agricultural use without the need for consent. In this case, planning conditions were applied to the original consent for the building (WD/99/1322/FF) and subsequently to a new consent under reference WD/2012/1587/FA. This is understood to be the current consent for the use of the building.
10. Consent WD/2012/1587/FA limits the building specifically to private equestrian use and requires the stable building to be removed upon the cessation of the use. The reason given for this condition was "*to ensure that the use is compatible with its isolated rural location given the constrained access arrangements and sensitive location within an ancient woodland...*". The appeal proposal effectively seeks relief from this condition by means of a new planning permission.
11. Appendix B of the LPA's statement of case shows the extent of the Ancient Semi Natural Woodland (ASNW) designation. The designation washes over the woodland, the cleared agricultural land and the appeal site (including the stable building).

12. The land is already in low intensity agricultural use, this use is beyond the scope of the appeal. Whilst the building facilitates the agricultural use of the land, the removal of the building would not necessarily prevent continued use of the land for agricultural purposes.
13. This appeal is concerned with the agricultural use of the building only. The three main uses for the building appear to be: the housing and rearing of livestock, the storage of agricultural and forestry materials / equipment, the maintenance and fabrication of agricultural and forestry materials.
14. It is likely that many of the site management / forestry activities including planting, fencing and ditch maintenance would have already been taking place under the previous equestrian use of the barn. The only significant changes in the nature of use will be the types and likely numbers of animals being grazed and reared on site and the forest school component mentioned in the applicant's submission.
15. The modest size of the building will naturally limit the number of animals being sheltered and reared within the building, but it will not necessary limit the number of animals grazing on the agricultural land.
16. As training and skill development occurs in all agricultural and forestry settings, a low level of training could be accommodated under the scope of this proposal providing it remained ancillary to the agricultural use of the barn and land. I note that the internal layout of the barn does not contain any dedicated training or teaching areas.
17. Given the above it is not considered that the agricultural use of the stable has given rise to impacts above and beyond those resulting of the agricultural use of the land or the previous equestrian use of the land and buildings. Furthermore, due to its modest size, it is not considered that the presence of the building in agricultural use will act as a particular catalyst for the significant intensification of the agricultural use. The intensification of agricultural activities on site could occur with or without the building.
18. No evidence has been provided to suggest that the agricultural use of the building has resulted or will result in the loss of irreplaceable habitat. No felling is required to facilitate the proposal, no alterations or widening of the existing track is proposed. Consequently, it is considered that the proposal would not have a detrimental effect on the designated ASNW.
19. The appeal scheme accords with saved local plan policies EN1, EN12, EN13, and EN15 which seek the pursuit of sustainable development, retaining and enhancing the contribution of trees to landscape character, resisting proposals that prejudice the ecology of ASNW, and safeguarding designated sites. The proposals also comply with policies WCS12 and WCS14 of the Wealden District Core Strategy which seek to maximise opportunities to protect habitats and take a positive approach that reflects the presumption in favour of sustainable development and NPPF para. 188 concerning significant effects on habitats sites. The proposal accords with Natural England Standing Advice for Ancient Woodland insofar as it is relevant to this appeal.

Other Matters

20. I note that a number of representations have been received from interested parties, Wartling Parish Council and the Woodland Trust. The matters raised in these representations predominantly concern the previous planning history of the site and the existing agricultural use of the land. Whilst the planning history of the site provides important context, I attribute limited weight to planning determinations made on materially different proposals. I cannot apply any weight to concerns about the existing agricultural use of the land as this falls outside the scope of planning and this appeal. This appeal has been determined on the main issue identified above.

Conditions

21. I have accepted two of the planning conditions proposed by the LPA, with some wording changes. Due to the ASNW designation it is necessary to restrict the use of the building and remove permitted development rights that may enable the building to be used for other purposes inappropriate to this location. I have not included the condition requiring the removal of the building, which I consider unnecessary and potentially wasteful as there may be an appropriate future use for the building even with the constraints of the ASNW.

Conclusion

22. For the reasons given above, having regard to the development plan taken as a whole, and all other relevant material considerations, I conclude the appeal should be allowed.

JJ Packman

INSPECTOR