



Appeal Decision

Site visit made on 30 April 2025

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 May 2025

Appeal Ref: APP/C1435/W/24/3357573

Broomfield Farm Stalkers Lane, East Hoathly, Lewes BN8 6QS

- 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 D Felstead against the decision of Wealden District Council.
 - The application Ref is WD/2024/0329/F.
 - The development proposed is the demolition of buildings and floodlit sand school and alteration, reuse and conversion of the remaining barn to a dwelling, strategic landscaping, parking and gardens and use of existing access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - i) whether the building is suitable for residential use in terms of the alterations required and its effect on the character and appearance of the area; and
 - ii) the effect of the development on the Ancient Woodland.

Reasons

Residential Use

3. The National Planning Policy Framework (the Framework) supports the conversion of existing buildings, and the re-use of redundant or disused rural buildings is one of the circumstances in which isolated homes in the countryside are acceptable, subject to them enhancing the immediate setting (paragraph 84c). While the barn would be close to the existing property at Bloomfield Farm, and there are some other properties along Stalkers Lane, these are rural buildings set within the open countryside with an array of agricultural fields separating the site from the nearest villages of East Hoathly and Chiddingfold, approximately 2km and 4km away. Future occupants would therefore be reliant on private motor vehicles to access facilities.
4. As such and having regard to relevant caselaw, I agree with the appellant that in locational terms, the site is isolated from any settlement. Accordingly, the scenarios under paragraph 84, including the creation of a dwelling through the use of a disused building, are in principle applicable.
5. Wealden Local Plan 1998 (WLP) includes a number of policies relating to the conversion of rural buildings, and whilst priority is given to commercial uses, the

WLP pre-dates the Framework and its housing policies. Nonetheless, policy DC8 sets out a number of criteria for residential conversions which include (2)- the building being of sound construction and capable of conversion without significant rebuilding, modification or extension.

6. The existing barn is a steel portal frame agricultural barn with a fibre cement roof, metal sheeting to the walls, and an open frontage. It is a robust structure, and the appellant's *Report on Structural Condition of Steel portal framed barn* advises that the building is structurally sound and capable of accepting the proposed conversion works without major structural enhancements. It is a typical modern agricultural barn, and to enable the use as a residential dwelling, it would require a number of alterations. These include creating a floor with a concrete upstand for a plinth wall, the enclosure of the front elevation, openings for doors and windows and bracing for wind resistance. In addition, a whole section of the existing barn is proposed to be removed, with a new rear elevation being created.
7. As such, it would primarily only be the structural frame, in a modified form, which would be retained, with the application documents referring to new replacement external clad walls and metal roofing. An internal structure would also be created to support a first floor and aside from the open bay at the front, the structure currently lacks any openings, with doors and windows to be created. Therefore, while the general external form of the building may be similar to the existing barn, in combination, the proposed works in my judgement, would amount to significant modifications and building work contrary to WLP policy DC8 (2).
8. Reference is made to a previous application (Council WD/2018/0771/F) which sought to replace the barn with a new dwelling pursuant to a specific Council policy at that time. No details of that proposal or policy are before me. Moreover, the application was not determined, and the policy was withdrawn. There is also no direct evidence that the Council accepted that the barn was capable of conversion. Rather, the Council's pre-application advice letter refers to concerns raised previously in relation to the reasonably necessary works required to convert the barn. As such, this does not provide a fallback, nor is it a matter to which I have attached weight.
9. My attention has been drawn to other schemes for barn conversions which the Council has permitted. While there is a need for consistency and there appear to be some similarities, the provided reports do refer to significant changes to the buildings, and each was subject to a planning balance exercise, which included a range of factors, including non-designated heritage assets, fallback, and enhancements. The Council have also referred to a number of appeal decisions where potential conversions were found to amount to significant modification and/or harm to the appearance of the rural building. Thus, as in this case, the particular details of each proposal are to be considered. It is suggested that some of the works do not require planning permission, whilst some alterations may be feasible there are no specific details before me, and I am considering the building as it exists. Additionally, and notwithstanding the appellant's concerns regarding the reasonableness of the condition, the original planning approval for the barn requires its removal once it is no longer required for agricultural purposes.
10. It is a building directly related to its agricultural function. While the building is relatively screened from the road and integrated into its setting, this is in part due to its open and simple structure, whereas the addition of residential features and the

associated garden would materially change its appearance and increase its visual presence.

11. The barn is located on the edge of a woodland, and to the side are a number of smaller timber buildings and a floodlit equestrian sandschool which are to be removed. A garden area for the property, effectively the size of the barn, is to be created to the side and a defined area of parking to the front. As a result of the alterations to the barn, including the arrangement and type of fenestration and the materials, it would, in my view, give the building a somewhat of a commercial appearance, which would be at odds with its rural setting and together with the other alterations there would be a change to the character of the site.
12. However, the proposal also includes a number of wider changes to the land, including returning the rest of the sand school to open land, a buffer to the woodland and new planting, thereby providing a number of landscape and habitat enhancements. An orchard area is to be created between the barn and Stalkers Lane, which would further filter views of the site, which in any event is primarily screened by existing trees and hedging from the road.
13. In terms of the Low Weald, I have not been directed to any particular views that would be affected. The scale of the development is limited, and whilst the addition of glazing and other residential paraphernalia would diminish the agricultural form, there is a level of change implicit in allowing the use of a rural building as a dwelling. There would be a reduction in the footprint of the building, and together with alterations to the wider site, I do not find on balance that the proposal would be detrimental to the broader landscape.
14. Therefore, in conclusion on this matter the existing barn is not suitable for conversion, and would be to the detriment of the agricultural appearance of the building and its immediate setting contrary to policy DC8. As the proposal would not accord with DC8 there would be conflict with policies GD2 and DC17, as well as Objectives SPO7 and Policies WCS6 and WCS14 of the Wealden Core Strategy Local Plan (CS), February 2013. Amongst other things these policies seek to restrict development outside of settlement boundaries, subject to defined exceptions, and reducing the need to travel by car. In addition, there would be conflict with the Wealden Design Guide Supplementary Planning Document, November 2008, which seeks to ensure that design of conversions reflect the vernacular of the building and that features such as openings are minimised.
15. The development would however as a whole accord with WLP saved Policy EN8, which seeks to conserve the rolling landscape of the Low Weald.

Ancient Woodland

16. Paragraph 193c of the National Planning Policy Framework (the Framework) makes it clear that development resulting in the loss or deterioration of irreplaceable habitats (such as Ancient Woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
17. The boundary for the Ancient Woodland (AW), as indicated by MAGIC maps, runs through the appeal site, including through the middle of the barn. This does not, however, reflect the physical location of trees on the ground. There is a clear boundary defined with a fence along the southwestern edge of the site, adjacent to

the sand school, but the trees do wrap around the rear and along the southeastern side of the barn.

18. There would be no direct loss of woodland as part of the development. The Standing Advice in relation to planning applications in Ancient Woodland provided by Natural England and the Forestry Commission¹ does not define deterioration of AW but it does include a list of direct and indirect effects that they consider can lead to it. It also indicates that a buffer zone of at least 15 metres should be maintained between the boundary of Ancient Woodland and excluded from proposed development, including gardens.
19. A buffer zone from the mapped designation would extend further into the site than the strip shown on the application plan (reference 2022/PL02 Rev E), but in any event, includes a significant proportion of the proposed residential property and its garden. The buffers are intended to ensure not only that RPAs to individual trees are protected, but also that other potential impacts, such as noise, air or light pollution, which may affect species which live within the Ancient Woodland are avoided. The proposal, including the use of the building and creation of the garden and associated operational effects, would be in direct conflict with the Standing Advice.
20. Notwithstanding this, the existing barn, other structures and the floodlit sand school will exert impacts on the AW. As part of the proposal, the barn would be reduced in size, offset from the woodland, the other structures removed, and a defined buffer created to be planted with deciduous native trees. This reflects the Standing Advice which recommends that buffer zones be planted and would potentially provide long-term protection to the edge of the AW compared to the existing situation.
21. It is not uncommon for woodland to be adjoined by agricultural land, and whilst in this instance there are some buildings and equestrian use (personal use only), a permanent residential property with associated activity from people, vehicles and pets would be a more intensive use. Additionally, while utilising an existing building, and having regard to my findings above, various alterations to the building would be required.
22. The tree assessment submitted with the application advises that no trees would be directly affected. Yet, from my observations on site, there are trees in close proximity to the building, to the southeast, with some of the canopies overhanging the barn, and there is reference in the updated Ecological Appraisal to coppicing of this area. Windows are also proposed in that side elevation with issues of light pollution and potential future pressure to fell, particularly where the window is the only source of light to a room.
23. The proposal does offer enhancements and management of the AW, and I accept that this potentially offers a strong benefit. However, there are no specific landscaping plans or a woodland management strategy before me. The appellant has suggested that this could be secured by condition, as well as other matters, including tree protection measures and details of lighting. However, the development relates to an irreplaceable habitat, and therefore, there should be a level of certainty that the proposal would deliver the proposed measures, and there

¹ Published 2022 - **Ancient woodland, ancient trees and veteran trees: advice for making planning decisions**

are a number of aspects within the proposal where further details are needed to fully assess the impacts.

24. As such, overall, I could not be certain that the proposal would not result in the deterioration of the AW. Thus, the proposal would be contrary to WLP Saved Policy EN13 and the Framework (paragraph 193), which restricts development which would be prejudicial to Ancient Woodlands. The reuse of the building and creating a residential home does not provide a wholly exceptional reason justifying the development.
25. There would also be conflict with Wealden District Local Plan, Core Strategy (CS) strategic objective SPO1 and policy WCS12 in relation to biodiversity and managing designations.

Other Matters

26. The Council indicate that they do not have a 5-year housing supply which would normally activate a presumption in favour of sustainable development as set out in the Framework and CS policy WCS14. However, in accordance with footnote 7 to paragraph 11d of the Framework, Ancient Woodlands are a protected asset, and as such, the tilted balance is not engaged.
27. I understand that the proposal is for the current occupants of Broomfield Farmhouse, who are seeking to downsize to an adaptable home whilst remaining close to the farmland. I have no reason to doubt their desire to support environmental objectives, ecological enhancements, and to be appropriate custodians of the land. I also note that there were no objections to the scheme from the Parish Council or neighbours and that pre-application consultation was undertaken with the Council. I have, however, to assess the proposal before me against the development plan, and whilst other similar schemes may have been allowed, each case is considered on its own merits.
28. The decision notice also refers to insufficient information in relation to protected species. Whilst acknowledging the appellant's Updated Ecology information, having regard to my findings on the main issues, I have not considered this further as it would not be determinative.

Planning Balance

29. While there is support for the utilisation of rural buildings for residential dwellings the barn would require significant alterations which go beyond converting the building. The building is within the 15m buffer zone to the Ancient Woodland where development is resisted. There would be benefits to the AW from the reduction in the footprint of the building and the removal of the other adjacent structures. However, the introduction of a permanent residential use would bring with it direct and indirect intrusions. The proposal includes a number of wider enhancements, with a formal buffer area being created and other management and planting opportunities. The details of such provisions are limited and, therefore, unfortunately, the weight to be attributed to these is diminished, and overall the AW would not be protected from deterioration. As such, in accordance with the Framework, development should be refused unless there are wholly exceptional reasons justifying the development.

30. The proposal would conflict with the development plan and policies of the Framework. Other material considerations do not outweigh this conflict, and thereby the appeal is dismissed.

G Ellis

INSPECTOR