



Appeal Decision

Site visit made on 23 May 2025

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

an Inspector appointed by the Secretary of State

Decision date: 30 MAY 2025

Appeal Ref: APP/C1435/W/24/3357229

Yew Tree House, Yew Tree Lane, Rotherfield, East Sussex TN6 3QP

- 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 Paine against the decision of Wealden District Council.
 - The application Ref is WD/2023/3112/F.
 - The development proposed is conversion of existing barn to 3 bed dwelling with associated external alterations, access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council refused the scheme due its potentially harmful effects on the integrity of the Ashdown Forest Special Protection Area (SPA). A Unilateral Undertaking (UU) was submitted with the appeal which would provide a contribution towards mitigation measures. The Council is satisfied that this addressed its concerns in respect of this matter.

Main Issues

3. The main issues are:
 - a) Whether the proposed barn conversion would conserve and enhance the landscape and scenic beauty of the High Weald National Landscape (HWNL):
 - b) The effect of the proposed conversion on the setting of Yew Tree House, a Grade II listed building:
 - c) Whether the site is a suitable location for an additional dwelling having regard to local and national planning policy for the delivery of housing.

Reasons

Landscape and scenic beauty

4. The appeal site is in the countryside of the HWNL, outside any defined settlement boundary. It is part of the extensive grounds associated with Yew Tree House, a Grade II listed building. The southern side of Yew Tree Lane is predominantly rural. Views over the surrounding undulating landscape are limited by the hedges and mature trees which enclose this narrow rural lane. Notwithstanding the scattered dwellings, most of which are on the north side of the lane, the area has a remote and deeply rural character.

5. The barn which is proposed for conversion is a modern structure constructed of blocks with timber walling. Although it has the character and appearance of an agricultural building, it appears to be used as an ancillary outbuilding to the host property. It has three distinct elements. The pitched roof section is partially enclosed on the elevation facing Yew Tree Lane and open on the elevation facing the host property. The second element has a mono-pitched roof. It is enclosed by hit and miss timber panelling on one side and a large roller shutter garage door on the other. The final element is a stable/byre which occupies the full width of the far end of the building.
6. Policy DC8 of the Wealden Local Plan 1998 sets out the Council's approach to the conversion of agricultural and other rural buildings in the countryside. It is accepted that a commercial or business use would not be appropriate in this remote location adjacent to a listed building. However, to be acceptable the proposal must comply with a series of other criteria set out in the policy.
7. The steel structure of the barn and the existing concrete flooring appear to be sound and would be retained. However, to facilitate the conversion the open sections would be enclosed either with timber cladding or large areas of glazing. All the elevations would include windows, some of which would be box shaped. The existing roof would be recovered with zinc. The stable/byre would be removed and replaced with a single storey extension. Although this would occupy the same footprint, it would be taller and bulkier than the existing structure and would include windows and doors.
8. I consider the totality of these works, including the extension, would amount to a significant alteration to the style, character and appearance of the building. The extension alone would result in conflict with criterion (2) of Policy DC8, which specifically requires conversion to be capable of conversion without significant rebuilding, modification or extension. The insertion of large areas of glazing and square box windows would profoundly affect the building's character causing it to lose its integrity and appearance as an agricultural barn. The fenestration would not reflect the vernacular domestic features that are seen elsewhere within the HWNL. The scheme would therefore fail to comply with criterion (3) of Policy DC8.
9. In addition, there would be significant changes to the area immediately surrounding the barn. A new access is proposed from Yew Tree Lane which would breach the existing roadside boundary hedge and draw attention to the presence of an additional dwelling and plot. The need for boundary treatments to enclose the appeal site, and the inevitable domestic paraphernalia that would accompany a residential use, would further erode the rural setting of the existing barn. The separation of the plot for the new dwelling from Yew Tree House would necessitate the provision of adequate parking and manoeuvring space for vehicles associated with the new dwelling and the host property. This would result in the introduction of additional hard landscaping close to Yew Tree House which would harm its immediate surroundings. These factors mean that the proposal fails to comply with the remaining criteria (4) and (5) of Policy DC8.
10. I therefore conclude that the proposal would cause significant harm to the appearance of the existing barn and its immediate surroundings. This in turn would be harmful to the HWHL, an area designated for its landscape and scenic beauty. The proposal would conflict with Policy DC8 of the Local Plan, which requires conversions and their associated activities not to detract from their rural setting.

The scheme would fail to preserve and enhance the landscape and scenic beauty of the HWNL, contrary to Policy EN6 of the Local Plan which seeks to protect the district's designated landscapes.

11. 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. The proposal would fail to achieve this objective. Paragraph 189 of the National Planning Policy Framework 2024 (the 2024 Framework) states that great weight should be given to conserving and enhancing the landscape and scenic beauty of a National Landscape. Any harm is therefore a significant factor against the scheme.

Heritage assets

12. The appeal site is within the setting of Yew Tree House, a Grade II listed building. I therefore have a statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 (the 1990 Act) to have special regard to the desirability of preserving the building or its setting. The 2024 Framework states that any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), should require clear and convincing justification.
13. Yew Tree House is described as a 16th century house related to a farmstead with medieval origins. There is evidence that in the 19th century it was part of a large holding that straddled Yew Tree Lane with the agricultural outbuildings on the other side of the road. These buildings included a 17th century timber framed barn, a 19th century brick barn and an oast house, all of which were converted into residential use many years ago. The farmhouse therefore derives its significance not only from its architectural features, such as its timber frame, but also from its relationship with the surrounding land and buildings.
14. The house stands on a slope that falls away to the south-west and overlooks a valley cut by a stream running from south to north. The house is no longer part of a working farm but has strong rural and agricultural connections. Its immediate setting includes the area of meadow to either side of the house between Yew Tree Lane and the line of a disused railway which is obscured by trees. At present the house sits between what may have previously been two fields and are now large areas of lawn. However, the area around the house has not been cultivated as domestic garden and continues to have the character of agricultural land. The barn sits within this context and the relationship between the two buildings is typical of the functional link that exists between an historic farmhouse and its outbuildings.
15. The proposal would change the utilitarian and agricultural features of the barn particularly through the insertion of box-style windows and large areas of glazing. This would give it a more suburban domestic character that would be completely at odds with the appearance of a rural farmhouse which dates back over several centuries. It would also result in a fragmentation of the large area of meadow/ garden around Yew Tree House and the creation of an entirely separate and enclosed plot to serve the residential use associated with the converted barn. The increased area of hardstanding, combined with the engineering works to provide them and the new access, would further erode the setting of the host property.

16. All these factors demonstrate that the setting of Yew Tree House would not be preserved. This would be contrary to the provisions of the 1990 Act and the 2024 Framework. It would also conflict with Policy EN27 of the Local Plan which requires development to respect its context.
17. The harm I have identified would, in terms of the 2024 Framework, be less than substantial. Nevertheless, as this harm would be permanent it is a significant planning objection and one to which I am required to give considerable importance and weight. It is therefore necessary to weigh this harm against the public benefits of the proposal as required by paragraph 215 of the 2024 Framework. However, the public benefits associated with the provision of a single dwelling would be insufficient to outweigh the harm to the setting of Yew Tree House.

Suitable location

18. The hamlet of Town Row lies outside any defined town or village and is in the countryside for the purposes of planning policy. Policy GD2 of the Local Plan seeks to resist all development beyond settlement boundaries. The presence of existing detached houses along Yew Tree Lane means that the appeal site is not isolated. However, this is not an indication that the introduction of a new dwelling would be acceptable in the absence of a specific justification. Policy DC17 of the Local Plan resists residential development in the countryside unless it meets one of a series of specific exceptions, one of which is the conversion of an existing agricultural or other rural building, in accordance with Policy DC8. As I have found the proposal would conflict with Policy DC8, it follows that the proposal would be contrary to Policy DC17 and to the Council's overall spatial strategy.
19. Spatial Planning Objective SPO7 of the Core Strategy seeks to reduce the need to travel by car. To achieve this aim, development will be concentrated where there are opportunities to use public transport and to improve the quality of journeys that can be made on foot or by bike.
20. The appeal site is within a reasonable walking distance of the convenience store at Town Row. However, to do so would necessitate a walk along a narrow, unlit lane with no footway which is enclosed by hedges for much of its length. It is unlikely that this would be done regularly by anyone who had access to a car. It would also be unattractive and potentially unsafe for the young, the elderly and anyone with mobility problems, and especially so in the dark or poor weather. This walk would also be required to access the bus service which passes through Town Row. The practical reality is that to reach most of the services and facilities that future residents would require, using a car would be much more convenient. The contribution that a single dwelling would make to enhancing or maintaining the vitality of this rural community would therefore be minimal.
21. In the absence of any justification for permitting the proposed conversion, the site is not a suitable location for a residential development. The proposal would conflict with the Council's spatial strategy which seeks to locate development within identified settlements and where a genuine choice of travel mode is available. The Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between rural and urban areas. However, in this location, other than occasionally walking to the shop in Town Row, there would be minimal opportunities to choose any mode other than the private car.

Other Matters

22. The Council is currently unable to demonstrate a 5-year supply of deliverable housing sites and states that its current position is that of a 3.68-year supply or 73.5% of the requirement. There is therefore a significant shortfall of some 2,270 dwellings. However, I have found that the proposal would fail to conserve and enhance the HWNL, and it would fail to preserve the setting of Yew Tree House, a Grade II listed building. These two findings provide strong reasons for refusing the development having regard to footnote 7 to paragraph 11 d) i) of the Framework. There is therefore no need to refer to the test in paragraph 11 d) ii) and the presumption in favour of sustainable development does not apply.
23. Both parties have referred to other appeals relating to the conversion of barns in the countryside, some of which were allowed and others dismissed. From what I read, all these were assessed on their individual site-specific characteristics, and none was directly comparable with the appeal proposal. Neither are previous permissions for workshops and garages to be used as ancillary to the host property on this site directly comparable with a proposal for a separate, new dwelling. These decisions therefore carry little weight in my assessment of the current scheme which I have determined on its individual merits.
24. I appreciate that the Appellant was dissatisfied with the Council's handling of the application. However, that is not a matter for me to consider in the context of this appeal, which is confined to assessing the proposal on its merits having regard to current planning policy.
25. 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 second 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.

Planning Balance Conclusion

26. Given the shortage of housing supply, the provision of a new dwelling would be a benefit. However, locating it in the HWNL and in the setting of a Grade II listed building would be harmful to a protected landscape and a designated heritage asset. It would also be contrary to the strategic aims of the Local Plan and Core Strategy which seeks to locate new homes in or near existing settlements and where there will be a genuine choice of travel mode. The limited benefits of a single dwelling would not outweigh these collective harms.
27. The proposal conflicts with the development plan as a whole and there are no other considerations, including the Council's housing land supply position, which indicate that a decision should be taken other than in accordance with the development plan.
28. I therefore conclude that the appeal should be dismissed.

S M Holden

INSPECTOR