



Appeal Decision

Site visit made on 20 May 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 09 JULY 2025

Appeal Ref: APP/C1435/W/25/3361239

Kestral Farm, Land to the South of the B2096 (Cade Street) TN21 9DB

- 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 Falak-Rafat against the decision of Wealden District Council.
 - The application Ref is WD/2024/0661/FR.
 - The development proposed is the relocation of an existing field shelter and the construction of a barn/field shelter and an agricultural storage barn on three concrete bases.
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Decision

1. The appeal is allowed and planning permission is granted for the relocation of an existing field shelter and the construction of a barn/field shelter and an agricultural storage barn on three concrete bases at Kestral Farm, Land to the South of the B2096 (Cade Street) TN21 9DB in accordance with the terms of the application, Ref WD/2024/0661/FR subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos 01 (Block Plan Proposed), 02 Rev V1 (General Plan Location Plan and Proposed Plans and Elevations), 03 (General Plan Proposed), 04 Rev V1 (Block Plan Existing Site Plan).
 - 2) The development hereby permitted shall be carried out in strict accordance with the mitigation measures set out at paragraph 4.2.3 of the submitted Preliminary Ecological Appraisal, dated 31 January 2024.
 - 3) Prior to construction above slab level of the development hereby approved, a scheme for the enhancement of the site for biodiversity purposes, in accordance with paragraph 4.3 of the submitted Preliminary Ecological Appraisal, dated 31 January 2024, to include timescales for implementation and future management, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of enhancements shall be implemented in accordance with the approved details and thereafter so retained.
 - 4) Prior to construction above slab level of the development hereby approved, the colour and treatment of the external surfaces of the buildings shall be agreed in writing by the Local Planning Authority and shall be carried out to the approval of the Local Planning Authority before the buildings are first used and thereafter so retained.
 - 5) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated at the site.

Preliminary Matter

2. At the time of my site visit, the three concrete bases had already been constructed. Retrospective as referred to in the application form and the decision notice does not constitute an act of development. I have dealt with the appeal on the basis that planning permission is being sought for the relocation of an existing field shelter and the construction of a barn/field shelter and an agricultural storage barn on three concrete bases and have amended the description of development accordingly.

Main Issue

3. The main issue in this appeal is the effect of the main barn/field shelter 'main barn' on the scenic beauty of the High Weald National Landscape (HWNL).

Reasons

4. Kestral Farm comprises approximately six hectares of agricultural land divided into two adjoining fields accessed from the B2096. The fields are currently used to produce hay and are divided into a northern field and a southern field with a field gate linking the two. The land slopes from north to south and is largely open aside from the boundary treatment, an existing field shelter towards the bottom of the northern field and three concrete bases (one in the north field and two in the south field).
5. The boundary to the B2096 is relatively well established and comprises mixed hedgerow and trees with a break for the field gate providing access to the north field. The boundaries to all other sides comprise mature mixed hedgerow and enclose the site. The site is located within the countryside and is within the HWNL.
6. The appeal is for the relocation of an existing field shelter and the construction of a barn/field shelter (main barn) and an agricultural storage barn on three concrete bases to support the farmers business of rearing goats on the land. The main barn would be located in the north field, positioned centrally along the northern boundary and would be used for storage and as a dry area for animal welfare. The footprint of the main barn would be approximately 16m by 4m with a ridge height of approximately 3.6m. It would be simple and functional in its form and design and would be constructed of timber with limited fenestration.
7. The existing field shelter on site would be relocated to one of the concrete bases in the southern field to provide shelter for goats and an agricultural storage barn would be located on the other concrete base in the southern field for additional storage. The proposed development in the southern field does not form part of the reason for refusal and the Council does not raise any concerns regarding this part of the scheme. Based on the information before me, and my observations at the site visit, I have no reason to take a different view.
8. The most relevant policies to this appeal are Policies DC3, EN27 and EN6 of the Wealden Local Plan 1998 (LP). Policy DC3 is permissive of proposals for new farm buildings where these are reasonably necessary for the purposes of the agricultural holding, clearly designed for such use and suitably sited so as not to be intrusive within the landscape or detract from local amenities. The proposed main barn would be used to store baling equipment, a trailer, goat welfare equipment, feed, medicines and animal records and would double up as an area

where equipment could be washed/maintained and as a covered, dry shelter for the goats as required. The division of the structure into two separately accessible sections would allow for flexibility in use between activities associated with both hay production and animal husbandry. The use of the main barn would therefore be compliant with Policy DC3.

9. Policy EN27 of the LP has regard to scale, form, design and neighbour amenity and Policy EN6 of the LP seeks to conserve or enhance the natural beauty and character of the HWNL. Paragraph 189 of the Framework gives great weight to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas. The scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
10. Section 245 of the Levelling-up and Regeneration Act 2023 (LURA) places a duty on relevant authorities to further the statutory purposes of the National Landscape (further the purpose of conserving and enhancing the natural beauty) as a Protected Landscape.
11. The High Weald AONB Management Plan 2024-2029 identifies the core components of natural beauty to be conserved and enhanced and identifies the main drivers of change affecting the High Weald. The site is located in the Landscape Character Area of the 'South Slopes of the High Weald', which particularly notes there are wide views to the South Downs. The landscape evaluation states that the area is largely unspoilt and is a tranquil rural landscape with few intrusive features, but with pressures from intrusive modern farm buildings which are especially prominent on the ridges. As the proposed main barn would be a traditional design with a timber frame clad in timber it would not have the appearance of a modern farm building within this context due to its use of traditional design and materials.
12. Furthermore, although the proposal would be located close to the B2096, it would be located on a sloping site below the ridge line of the B2096 and would therefore conserve the wide views that are a feature of the Landscape Character Area.
13. The appellant has submitted a Landscape and Visual Analysis (LVA) which considered the landscape and visual baseline and potential landscape and visual receptors of the proposal including users of the Public Right of Way (PRoW) on the site (No 30B), the PRoW nearby and nearby roads and lanes. The LVA concluded that the main barn would form a small element within the wider Landscape Character Area and would not be incongruous within the wider landscape. Its analysis was that there would be no loss of any landscape features within the site and the proposal would have a predominantly agricultural character and would be in keeping with similar agricultural buildings within fields near to the site. It also states that the majority of the views of the main barn would be glimpsed and partially screened by mature hedgerows/trees at field boundaries and within fields where the proposal would not form the main element of the view.

14. Although the Council acknowledge the LVA, it concludes that as the proposal would be visible this would result in adverse visual impacts and would fail to conserve and enhance the scenic beauty of the National Landscape. However, this is a binary approach which does not consider the findings of the LVA which found that the proposal would not be incongruous in the landscape or the wider Landscape Character Area. Just because you can see something does not mean it is automatically harmful and cannot preserve and enhance the scenic beauty of the National Landscape.
15. The main barn would be positioned at the top of the north field to enable access to existing water and electric connections and to have good road access, thus minimising disruption to the HWNL from the provision of access and services required. The land slopes north to south and therefore the proposal would be located on higher ground within the site, but lower than the B2096 and the northern boundary hedging. The proposal would not be unduly prominent from the B2096 due to the boundary screening, scale and the positioning of the proposal at a lower site level than the B2096. Whilst the proposal would be more visible from the south, due to the moderate scale of the proposal and use of timber with minimal fenestration set against a backdrop of mature hedging and other development positioned along the B2096, the proposal would not result in an intrusive feature in the landscape or undermine the relatively open and undeveloped nature of this part of the High Weald.
16. It is noted that the Chapel positioned to the north of the location for the main barn is a dominant feature in the landscape and concern has been raised the main barn would be equally prominent within the HWNL. However, the Chapel is noticeable from distant views due to its elevated position, height and white rendered elevations. The muted tones, natural materials, smaller scale and height and positioning on the north field below the ridge of the B2096 would ensure the proposal would not appear as a dominant or intrusive building within the HWNL.
17. In conclusion, the siting, scale and appearance of the proposal would have no adverse effect on the scenic beauty of the HWNL. There would be no conflict therefore with Policies DC3, EN27 and EN6 of the LP or Policy WCS 14 of the Core Strategy Local Plan 2013, which amongst other matters, seek to ensure that development has regard for scale, form, design and neighbour amenity and conserves or enhances the natural beauty and character of the HWNL. The proposal also aligns with paragraph 189 of the Framework and the provisions of the LURA respectively in relation to the scale and extent of development within the HWNL being limited and furthering the statutory purposes of Protected Landscapes.

Other Matters

18. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. The Grade II listed Heathfield Independent Chapel (Chapel) is located within an Archaeological Notification Area and includes a Graveyard. The Chapel may also be on the site of another earlier Chapel. There is architectural interest in the Chapel in terms of its design for use as a Place of Worship and in the key features of the building and there is historical interest in the cultural role of

the Chapel in past lives and events. Its significance is therefore architectural, historic and may potentially also be archaeological.

19. The main barn would be located on the opposite side of the B2096 from the Chapel and as such it would be physically separate from this Grade II listed building. Furthermore, the barn would be well screened from the road and the Chapel by an existing mature hedge and it would be located at a lower land level. The Chapel, by contrast, is elevated above the road which gives it greater visual prominence. The proposed barn would be sufficiently small in scale, screened and separated from the Chapel to preserve the setting of this listed building. There would be no harm to the architectural or historic interest significance of the heritage asset through development in its setting, or to any below ground archaeology.
20. Concerns have been expressed in relation to residential amenity, PRowS, water and air pollution, surface water drainage, the presence of a high-pressure gas main on the appeal site and the impact on highways. The Council raised no objection to the appeal proposal on any of these grounds. I see no reason either, particularly given that in relation to residential amenity the land can be used for the grazing of animals without planning permission, that the development would generate few vehicle movements, the separate legislation that governs PRowS and pollution, and that the Environment Agency considers that the site is at a very low risk of flooding. In relation to the gas main, I note that the network operator has no objection subject to precautions that it has detailed and are noted in the officer report.
21. The development proposal falls within the description at 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) regulations 2017 (the EIA Regulations). It is the opinion of the Council, the proposal would not be likely to have a significant effect on the environment and is not EIA development considering the nature, scale and location of the proposal and nature of the receiving environment. The threshold criteria at 10(b) of Schedule 2 to the EIA Regulations are also not exceeded. I have no reason to take a different view.
22. Third party concerns regarding the use of the site and the potential for additional development in connection with the keeping of goats on site and the potential need for either an agricultural worker dwelling to enable good animal husbandry or for the potential to convert the proposal into residential use have been raised. The default use of the land is agricultural and therefore the site may be put to active farming use without any requirement for planning permission. In terms of further development, the intentions of the appellant, implied or otherwise, are not a material consideration in relation to the appeal. Any future application would be determined by the Council on its planning merits and against local and national planning policy.
23. With regard to biodiversity on the site, a Preliminary Ecological Appraisal (PEA) has been carried out which confirms the proposal would have no significant impact on protected species and suggests enhancements to encourage biodiversity as a result of the scheme. I have not been provided with any evidence the PEA undertaken was not fit for purpose.

Conditions

24. A condition stipulating the relevant drawings is required to provide certainty.

25. A condition requiring the scheme to be carried out in accordance with mitigation measures and to provide enhancements to the site for biodiversity purposes as set out in the Preliminary Ecological Appraisal is required to ensure the survival and protection of important species and to secure biodiversity improvements in and around the development.
26. Conditions requiring agreement to the external surfaces of the buildings and preventing illumination on the site are required to safeguard the appearance of the site, character of the area and to preserve the rural and residential amenities of the locality.

Conclusion

27. For the reasons given above the appeal should be allowed.

C Coles

INSPECTOR