



Appeal Decision

Site visit made on 18 September 2025

by **R Lawrence BSc (Hons), PGDip (TP), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25th September 2025

Appeal Ref: APP/C1435/D/25/3370100

Wickhurst Farmhouse, Bartley Mill Road, Lamberhurst TN3 8BH

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr and Mrs P Byrne against the decision of Wealden District Council.
 - The application Ref is WD/2025/0550/FA.
 - The application sought planning permission for proposed orangery to replace existing conservatory without complying with conditions attached to planning permission Ref WD/2024/2590/F, dated 14 February 2025.
 - The conditions in dispute are Nos 2 and 3 which state that:
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 8 November 2024, Block Plan 8 November 2024, 79512/24/B/03 Proposed Ground Floor and Roof Layout 8 November 2024, 29512_24B_04B 14 February 2025.
 - 3) Before construction of the orangery (plans 79512_24_B_04) which forms part of the development hereby approved, details of all new joinery, including windows, roof lantern, doors, brick sample and coping shall be submitted to and approved in writing by the Local Planning Authority, including elevations and sections through cills, frames and opening lights, including glazing bars and mullions, showing the relationship to the structure and only those approved details shall be employed within the development and retained thereafter.
 - The reasons given for the conditions are: 2) For the avoidance of doubt and in the interests of proper planning and 3) To safeguard the appearance of the building and the visual amenities of the locality and to comply with Spatial Planning Objectives SPO2 and SPO13, and Policy WCS14, of the Wealden Core Strategy Local Plan 2013, Saved Policy EN27 of the Wealden Local Plan 1998, coupled with the requirements of the National Planning Policy Framework.
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Decision

1. The appeal is allowed and planning permission is granted for Proposed orangery to replace existing conservatory at Wickhurst Farmhouse, Bartley Mill Road, Lamberhurst TN3 8BH in accordance with the application Ref WD/2025/0550/FA, without compliance with condition numbers 1, 2 and 3 previously imposed on planning permission Ref WD/2024/2590/F dated 14 February 2025 and subject to the conditions in the attached schedule.

Background and Main Issue

2. At the time of my site visit, the orangery was at an advanced stage of construction, with the foundations and outer walls in place. The footprint appeared to align with the amended plans submitted for consideration. However, as the development was not yet complete, I have based my assessment on the submitted plans to ensure clarity and certainty.
3. Notwithstanding the works already undertaken, I note that the planning application form stated that development had not commenced at the time of submission. There

is no evidence before me to contradict this, and I have therefore considered the appeal under Section 73 of the Town and Country Planning Act 1990 (as amended).

4. The appeal seeks permission for an enlarged orangery compared to that originally approved, through an amendment to Condition 2 listing the approved plans. In addition, the appellant seeks to vary Condition 3 to require the use of matching materials and details, rather than the submission of further joinery and material details for approval.
5. The main issue is the effect of the enlarged orangery on the character and appearance of the host building—identified as a Non-Designated Heritage Asset (NDHA)—and the surrounding area, including the High Weald National Landscape (HWNL).

Reasons

6. The appeal site comprises a large, detached farmhouse situated within a complex of former agricultural buildings, set in a rural location and in close proximity to several listed buildings. These include the main barn, cart shed, dairy and cattle byre, as well as Wickhurst Oast. Each of these buildings is Grade II listed and collectively significant for their representation of an 18th-century farmstead, in line with the statutory duty set out in s66(1) of the Planning (Listed Building and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving their setting.
7. A walled garden physically separates the host property from the adjacent listed buildings, resulting in very limited intervisibility. In particular, the orangery is not visible from ground level due to its single-storey form and the height of the surrounding wall. Nevertheless, when approaching the house, the farmstead setting and proximity to the surrounding buildings are clearly appreciable. The close-knit arrangement and architectural character of the house, although modern, are consistent with that of a traditional farmhouse.
8. For these reasons, the appeal property holds architectural interest, and it is appropriate to regard it as a NDHA, as acknowledged by the Council. In accordance with the National Planning Policy Framework (the Framework), any proposal affecting a NDHA requires a balanced judgement, taking into account the scale of any harm or loss and the significance of the asset.
9. The proposed amendments would result in the orangery extending beyond the established front building line. While this introduces a change to the building's frontage, its location at the far end of the property and its restrained proportions help to limit its visual impact. The orangery remains clearly secondary to the host building in both height and footprint, ensuring it does not compete with the principal elevation.
10. The use of matching brickwork and traditional materials, combined with a high standard of architectural detailing, allows the orangery to integrate well with the existing building. Although it would now extend beyond the projecting bay windows and the front building line, the addition is modest and sits comfortably within the overall composition of the property.

11. The approved orangery already introduces a degree of asymmetry to the front elevation, and the additional projection would not significantly alter this. Its scale and design ensure that the overall appearance of the building remains coherent and visually balanced.
12. From the nearest side view, the orangery would obscure much of the projecting bay windows, aside from their pitched roofs. However, this is a limited viewpoint, and the proximity of the brick boundary wall restricts visibility, meaning longer-range views from outside the site remain unaffected. Even from this closer perspective, the orangery complements the host building by replicating key architectural features, including ground floor detailing, which helps preserve its character. Positioned adjacent to existing hardstanding and near the boundary wall, its modest scale and sympathetic design ensure it does not appear visually intrusive, including in views from nearby listed buildings.
13. Consequently, the character of the appeal property and its relationship with the surrounding farmstead buildings would remain unchanged. The development would not harm the significance of the host property as a non-designated heritage asset (NDHA). Furthermore, I am satisfied that the setting and significance of the nearby listed buildings as designated heritage assets would not be affected by the appeal scheme. Notably, the Council did not identify any harm to their setting.
14. The site lies within the HWNL, a designated area recognised for its exceptional landscape and scenic beauty. The statutory purpose of National Landscapes is to conserve and enhance the natural beauty of the area. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) now includes the duty on relevant authorities that they must seek to further this purpose when exercising or performing any functions in relation to, or so as to affect, land in a National Landscape.
15. In addition, the Framework places great weight on the conservation and enhancement of landscape and scenic beauty in National Landscapes, which are afforded the highest level of protection in this regard. The HWNL is valued for its distinctive character, including its rolling countryside, historic field patterns, and dispersed settlement form.
16. The extension is within a developed area of the site, is set away from the rolling countryside which surrounds the appeal site and neighbouring buildings, and as I have found the extended orangery would be compatible with the character of the appeal property and its surroundings, it follows that it would also conserve the natural landscape and scenic beauty of the area and the HWNL.
17. The appeal site, comprising a former farmstead, is set within an open rural landscape where the surrounding undulating countryside contributes positively to the area's scenic quality. However, the proposed extension is located within a developed part of the site, well-contained by existing built form and adjacent to areas of hardstanding. It is physically and visually separated from the wider landscape setting.
18. Given the orangery's modest scale, subordinate form, and its compatibility with the character of the host building and surrounding structures, the proposal would not detract from the qualities that define the HWNL. It would conserve the natural beauty and scenic character of the area. Accordingly, the scheme accords with saved Policies EN27 and DC19 of the Wealden Local Plan 1998 and Objectives

S1, S2 and S3 of the High Weald Management Plan 2024-2029, which taken together and insofar as relevant, require development to be of an appropriate high standard design to conserve the natural beauty and character of the landscape of the HWNL.

Conditions

19. In finding the enlarged orangery acceptable, I have placed weight on the use of matching brickwork and traditional materials, alongside a high standard of architectural detailing. These elements contribute to the orangery's compatibility with the host building and its surroundings. Condition 3 of the original permission required the submission of further design details. However, as the approved plans already demonstrate a high level of detail and show materials that match those of the existing dwelling, a condition requiring matching materials alone would be sufficient to safeguard the character of the building. Accordingly, I find that the original wording of Condition 3 is neither necessary nor reasonable.
20. Condition 2, which relates to the approved plan numbers, remains necessary to ensure clarity and compliance with the submitted details. I have updated this condition to reflect the revised drawings and the enlarged orangery.
21. Allowing the appeal would result in a new planning permission, separate from the original. It is therefore necessary to review all previously imposed conditions to determine which remain relevant. In this context, Condition 1, which limits the time for commencement, has not been reimposed as the development has already begun and the condition is no longer necessary.
22. Condition 4, requiring the replication of design details, remains necessary to protect the architectural integrity of the host property, however, I have omitted the tail piece used by the Council requiring alterations to be approved by the Council, as this would circumvent the statutory route to vary the condition, depriving interested parties of the opportunity to comment. This condition will help ensure that the extension continues to respect the character of the original building.

Conclusion

23. For the reasons set out above, the appeal is allowed.

R Lawrence

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall be carried out in accordance with drawing nos 79512/24/B/06 (Ground Floor Plan as Proposed) & 79512/24/B/07 (Elevations as Proposed).
- 2) The external materials including all windows, brick, render and doors, of the extension hereby permitted shall match those used in the existing building/dwelling.
- 3) All decorative design details used in the construction of the development hereby approved shall match the type, texture, tone, colour, size and profile of those used on the existing building and shall be retained permanently as such.

****End of schedule****