



Appeal Decision

Site visit made on 1 October 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2025

Appeal Ref: APP/C1435/W/25/3367979

Cowden Farm, Mayfield Road, Five Ashes, East Sussex TN20 6HL

- 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 Eve Truman against the decision of Wealden District Council.
 - The application Ref is WD/2024/0720/F.
 - The development proposed is the demolition and conversion of redundant farm buildings to provide 2 x 2 bed cottages, 1 x 3 bed unit and 1 x 4 bed unit with parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In 2023, designated Areas of Outstanding Natural Beauty in England and Wales became “National Landscapes”. The appeal site falls within the High Weald Area of Outstanding Natural Beauty (the AONB) which has become the High Weald National Landscape (HWNL).
3. Section 245 of the Levelling Up and Regeneration Act 2023 (LURA) amended the duty on relevant authorities in respect of their interactions with statutory purposes of National Landscapes, as set out in Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (CRWA). In so far as it relates to this appeal, the amendment now requires relevant authorities “in exercising or performing any function in relation to or so as to affect land in an AONB... to seek to further the purpose of conserving and enhancing the natural beauty of the AONB”. As such, it is incumbent on me to evidence consideration of ways to further the purpose of conserving and enhancing the natural beauty of the HWNL.
4. Planning permission was granted in 2020 (reference WD/2019/1835/F) for alterations to create 2 dwellings. A planning application for 4 dwellings (reference WD/2021/2148/F) was subsequently refused in 2024 and dismissed at appeal (reference APP/C1435/W/24/3338872). I have had regard to these decisions in my determination of the appeal.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area with particular regard to the landscape, scenic and natural beauty of the HWNL;
 - whether the proposal would preserve the setting of the Grade II listed Lower Cowden;

- whether the proposed development would provide a suitable location for housing, having regard to the spatial strategy, public transport network and accessibility of services; and,
- the effect of the proposal on ecology.

Reasons

Character and Appearance

6. The appeal site comprises a range of farm buildings located within a farmstead between a modern farmhouse and the Grade II listed former farmhouse known as Lower Cowden. Whilst there is some scattered development along Mayfield Road, the area is rural in character, with a landscape of small fields, hedgerows and pockets of woodland. Locally, the topography is a gently rolling agricultural landscape. The appeal site slopes away from the road and there are far ranging rural views to the south.
7. Planning Practice Guidance (PPG) refers to the relevance of management plans for National Landscapes for assessing planning applications. Whilst these do not form part of the development plan, they help to set out the strategic context for development and provide evidence of the value and special qualities of these areas. In this case, there is a management plan, The High Weald AONB Management Plan 2024-2029 (Management Plan), which is therefore a material consideration.
8. The Management Plan finds that the HWNL in this area is characterised by an historic irregular field pattern, surrounded by hedges and areas of dense woodland. Its outstanding beauty derives from its essentially rural and small-scale landscape character, high proportion of natural surfaces, tranquillity and dark skies. It identifies that a core character component of the HWNL comprises historic farmsteads surrounded by their own fields, often of a modest scale and with loose courtyard plan layouts. The Management Plan also highlights the residential fragmentation of farmsteads as a contributor to the cumulative erosion of landscape character within the High Weald.
9. The buildings on site are largely vacant and in a state of disrepair. The Council indicates that they were last used for commercial purposes. The evidence before me indicates the steel portal frame barns, the former dairy and other storage buildings were erected in the mid-20th Century. They are of a functional appearance, with the portal frame barns being of a significant scale.
10. I have no reason to disagree with the previous Inspector's assessment that although the appeal site comprises a range of modern farm buildings, the scale and position of the farmyard is consistent with the loose courtyard layout described in the Management Plan. It remains typical of the way farmsteads have evolved over time, and even though there has been a recent history of commercial use, the appearance of the farm buildings is not out of place within the rural landscape.
11. In a similar manner to the 2024 appeal scheme, the proposal would fragment the land around the buildings through the creation of domestic gardens and boundaries, domestic paraphernalia, parking and hard landscaping. The tree planting and attenuation pond would offer a 'softer' edge to the southern boundary

of the site than contained in the 2024 appeal scheme and the overall footprint would be reduced. However, the effect of the proposal would nevertheless harmfully erode the loose courtyard farmstead layout characteristic of the HWNL. There would be a large area of hardstanding arising from the vehicular access, turning area, resident and visitor parking. Taken together with the boundary treatments and the extent of domestic curtilage, the overall effect would be urbanising and would be a harmful contrast with the rural landscape to the south and west. The hardstanding and formalised parking and manoeuvring areas shown in the 2020 scheme would not be as extensive, and would be less intrusive relative to the surrounding rural landscape.

12. Local Plan Policy DC8 sets out various criteria for the conversion of agricultural buildings. Part (2) requires the building to be of sound construction and capable of being converted without significant rebuilding, modification or extension. The proposals include significant demolition. Given the state of disrepair and the degree to which the portal barns have open or partially open sides, re-building of the elevations would be required, and new roofs are proposed.
13. A structural appraisal has been provided, although this comprised a non-intrusive survey carried out in 2018 and does not specifically relate to the appeal scheme. It nevertheless concluded that the buildings are structurally sound subject to recommendations that the timber needed to be inspected, all necessary bracing reinstated and the caveat that the composition and extent of foundations and ground floor slab were unverified. Given the age of the report and recommendations regarding further investigation, I do not consider it provides sufficient evidence to demonstrate that the appeal proposal could reasonably constitute a conversion.
14. The retained mass of the barns would be re-roofed with profiled steel roof sheeting. The proposed vertical timber boarding and proliferation of aluminium framed windows to portal barns of significant scale would result in an incongruous appearance which would depart significantly from the existing functional appearance of the farm buildings. The overall appearance would be one of a new-build rather than a conversion of a group of farm buildings.
15. Whilst there would overall be a lesser expanse of glazing when compared to the 2024 appeal scheme and the 2020 scheme, there would nevertheless be numerous doors and windows at ground and first floors. The glazing to the west and south elevations would be in an exposed position where light could spill into an otherwise dark landscape. Although the glazing is described as 'low transmission', given the number of windows and doors, the overall effect would not be consistent with the preservation of dark skies within the HWNL.
16. Taken together, the detailed design and the urbanising effect of the proposal would harm the rural character and appearance of the area. Although the visual impacts of the proposal would be localised, it would nonetheless neither conserve nor enhance the landscape, scenic and natural beauty of the HWNL. Hence, it would fail to accord with Section 85 of the CRWA, as amended by LURA; the aims regarding the built and natural environment of the district, particularly to the HWNL, as expressed in the Wealden Local Plan 1998 (Local Plan) Policy EN6; Spatial Planning Objective SPO1 of the Wealden District Core Strategy Local Plan 2013 (Core Strategy) and Framework paragraph 189.

17. The proposal would also conflict with Local Plan Policies EN1 and DC8 and Core Strategy Policy WCS14. Taken together and amongst other things, these policies reflect the presumption in favour of sustainable development, set out criteria for the conversion of rural buildings, require proposals to respect existing character and promote local distinctiveness, along with aiming to protect landscape character.

Setting of Lower Cowden

18. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features or special architectural or historic interest which it possesses. The Framework sets out when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
19. Lower Cowden is a distinctive timber-framed house with a steep clay tiled roof and prominent central chimney stack. It dates from the 16th or 17th Century and would have been a high-status farmhouse. Its significance is derived from its age, surviving architectural detail which includes the close studded timber framing, along with its physical proximity and relationship to the wider farmstead. The wider setting of the asset is formed of the surrounding open fields which allow an appreciation of the relationship between Lower Cowden and the farmstead. This wider setting contributes positively to the special interest and significance of the listed building.
20. The Heritage Assessment confirms that the house, farm buildings and surrounding land historically formed a holding referred to as Cowdens Farm. There is a surviving range of historic outbuildings including a former Oast which the Heritage Assessment dates to the late 18th/early 19th Century. The listed buildings do not form part of the appeal site and are in separate ownership, though there is still a close relationship between them as the Oast runs directly adjacent to the modern farm buildings. The buildings' relationship is apparent in views from Mayfield Road and from the access drive to Lower Cowden and the farm.
21. The historic layout of the farmstead has been significantly altered following the introduction of large barns in the 20th Century, and the construction of the modern farmhouse buildings to the west. I agree with the previous Inspector's assessment that despite the fragmentation of ownership and modern interventions, the agricultural character of the appeal site makes a positive contribution to the setting of Lower Cowden as it contributes to the understanding of the agricultural origins which are an element of its historic significance.
22. The appeal scheme would further fragment the land around the buildings and introduce a residential character. The proposed materials and extent of fenestration would read as a modern residential development and would harmfully erode the contribution of the agricultural buildings to the setting of the heritage asset.
23. In a similar manner to the 2024 appeal scheme, the demolition of some of the agricultural buildings would potentially open up new glimpsed views of the listed

building including the Oast. However, this would not outweigh the harm to the setting through the erosion of agricultural character that I have described above.

24. The proposal would therefore neither preserve nor enhance the setting of the Grade II listed Lower Cowden. For the reasons set out above, and given the scale of the proposals, I find that there would be less than substantial harm caused to the significance of Lower Cowden, through development within its setting. Accordingly, the proposal would conflict with the aim to protect the historic environment set out in Spatial Planning Objective SPO2 of the Core Strategy.
25. The Framework identifies that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. That exercise takes place here within the context of the Council acknowledging that it is unable to demonstrate a 5-year supply of deliverable housing sites.
26. The proposal would provide 4 additional homes, which would make a modest but nonetheless important contribution to the housing shortfall. The proposal would provide a beneficial use to vacant buildings. There would also be modest socio-economic benefits through construction employment and new residents contributing to the local economy and community. There would be a minor benefit arising from the fewer traffic movements associated with residential uses than the previous commercial use. However, I attach little weight to that benefit given the commercial use is no longer in operation. Additionally, had the appeal been allowed, ecological benefits could have been secured through conditions.
27. Whilst there are some clear public benefits to the proposal, they are modest in scale and are not sufficient to outweigh the identified less than substantial harm to the significance of the designated heritage asset. Therefore, the proposal would not accord with the policies of the Framework and the development plan which seek to conserve and enhance the historic environment.

Location

28. As the appeal site is not located within a development boundary as defined in the development plan, it is within the countryside for the purposes of planning policy. Local Plan Policies GD2 and DC17 seek to resist development outside development boundaries. Core Strategy Policy WCS6 seeks to maintain a settlement strategy for the rural areas with the aim of ensuring that appropriate development protects, supports and increases the range of and quality of facilities and services to sustain rural living.
29. The Framework allows for some housing in rural areas, where it would not be isolated and would enhance or maintain the vitality of rural communities. At the same time, it directs significant development towards locations where the need to travel can be limited. Core Strategy Spatial Planning Objective SPO7 aims to reduce the need to travel by car, by concentrating development where it most closely relates to public transport opportunities.
30. Given the presence of other dwellings near the appeal site, and the network of nearby villages, the proposed dwellings would not be isolated. Nevertheless, the site is located on a heavily trafficked road without a footway. As such, it is not in a location that is reasonably accessible to services and facilities required for every-

day living, and future residents are likely to be reliant on private cars for most journeys.

31. I acknowledge the appellant's view that the traffic movements of car-dependent future occupiers should be offset against the traffic movements arising from the previous commercial use of the site. However, in making an assessment of the sustainability of location in line with the policies referred to above, access to services and facilities by alternative means including public transport, walking or cycling is a more pertinent consideration than the relative volume of vehicular traffic according to land use.
32. In conclusion on this issue therefore, the scheme would conflict with the spatial strategy for the location of new residential development, alongside the limited opportunities for public transport and lack of opportunity for safe walking routes to nearby services. It would be contrary to the aims of Core Strategy Policies WCS6 and SPO7 and Local Plan Policies GD2 and DC17 insofar as they seek to restrict development outside development boundaries, maintain a settlement hierarchy and direct development towards locations where the need to travel can be limited.

Ecology

33. The Preliminary Ecological Appraisal report was dated December 2021, with a follow up Ecological Impact Assessment report dated July 2022. A separate Reptile Strategy and letter were dated November 2022 and February 2023 respectively. No updates have been provided with the appeal. The 2022 Ecological Impact Assessment report identified there were some features within the appeal site which could support bats, a European protected species. It would be a reasonable assumption that the baseline situation with particular regard to bats, amongst other things, may have changed in the 3 years since the survey was completed. Necessarily taking a precautionary approach, and without up-to-date evidence, I cannot make an informed assessment of the effect of the proposal upon ecology, including protected species.
34. I conclude therefore that there is insufficient information before me to provide any certainty over how the ecology of the site and surroundings, including protected species, may be affected by the proposal. I do not consider that the use of a condition would be appropriate in the absence of an understanding of the potential ecological effects of the proposal. The appeal proposal conflicts with the aims of Local Plan Policy EN1 and Core Strategy Policy WCS12 insofar as they relate to environmental protection and biodiversity enhancement. Paragraph 193(a) of the Framework is clear that where significant harm to biodiversity from a development cannot be avoided or adequately mitigated then planning permission should be refused.

Other Matters

35. There is dispute between the parties over whether the 2020 permission for 2 dwellings has been implemented. It is not for me, under a section 78 appeal, to determine whether the planning permission for two dwellings remains extant. It is open to the appellant to apply to the Council for a separate determination under sections 191/192 of the Act regardless of the outcome of the appeal. In any case, even if the approved two dwelling scheme could still be implemented, the appeal proposal would be more harmful to the HWNL and the designated heritage asset, for the reasons given above.

36. Similarly, reference has also been made to alternative ways of developing the site through the use of permitted development as defined in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). No specific scheme or certificate of lawful development has been drawn to my attention and as such I cannot readily determine any relative effects on the HWNL or heritage asset. I give limited weight to a potential fall-back position in this respect and cannot conclude that it would result in greater landscape or heritage harm than the appeal scheme.
37. My attention has also been drawn to the possibility of the barns reverting to their previous commercial use. Whilst this may be the case, it is not a consideration which weighs in favour of the appeal scheme or would lead me to alter my conclusions regarding the harm identified above.
38. I have limited evidence before me to corroborate the existence of any report by the Council stating that 3 dwellings on the appeal site would be acceptable. Even if this were the case, that is not the scheme before me.
39. The Council have not identified harm to the living conditions of nearby residents, or to highway safety as a result of the proposals. I have no substantive evidence before me which would lead me to disagree. These are neutral matters which do not weigh for or against the scheme.

Planning Balance and Conclusion

40. The Council is unable to demonstrate a 5-year supply of deliverable housing sites, the delegated report quotes a supply of 3.68 years. Consequently, paragraph 11 d) of the Framework is applicable. However, paragraph 11 d) i) provides an exception if there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provides a strong reason for refusing the proposal. Footnote 7 establishes that this includes both National Landscapes and designated heritage assets. As I have found that the proposal would cause harm to both the HWNL and the designated heritage asset, it follows that the appeal proposal does not benefit from the presumption in favour of sustainable development set out in paragraph 11 d) ii) of the Framework.
41. The less than substantial harm I have identified to the setting of Lower Cowden, the harm to the character and appearance of the area including the HWNL, the unsustainable location, and the insufficient evidence regarding the effect of the scheme on ecology and protected species, draw the proposal into conflict with the development plan read as a whole. The material considerations in this case, including the aforementioned public benefits of the scheme, do not indicate that the decision should be taken otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

L Francis

INSPECTOR