
Appeal Decisions

Site visit made on 23 September 2025

by **D R McCreery MA BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th November 2025

Appeal A Ref: APP/C1435/W/25/3365421
101 High Street, UCKFIELD, East Sussex, TN22 1RN

- 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 Matthew, Kathleen & Victoria Braxton against the decision of Wealden District Council.
 - The application Ref is WD/2024/1843/F.
 - The development proposed is conversion of existing buildings to provide three flats and ground floor commercial unit alongside associated works.
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Appeal B Ref: APP/C1435/Y/25/3365423
101 High Street, UCKFIELD, East Sussex, TN22 1RN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Matthew, Kathleen & Victoria Braxton against the decision of Wealden District Council.
 - The application Ref is WD/2024/1844/LB.
 - The works proposed are conversion of existing buildings to provide three flats and ground floor commercial unit alongside associated works.
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Decision

1. Appeal A – the appeal is dismissed.
2. Appeal B – the appeal is dismissed.

Preliminary Matters

3. The application for planning permission is to be determined in accordance with the development plan for the area unless material considerations indicate otherwise. I have considered the development plan as a whole, including the policies of relevance to the main issues in the Wealden Local Plan (Local Plan)¹ and Core Strategy. The National Planning Policy Framework (the Framework) is a material consideration.
4. As the site is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).

¹ As saved

5. The Appellant's Unilateral Undertaking (S106) makes obligations aimed at addressing the Council's reason for refusal number two. The financial contributions included are necessary to manage adverse impacts on the Ashdown Forest Special Protection Area (SPA). In principle, the S106 meets the tests at Paragraph 57 (Framework) and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. While I note the Council's view is caveated by a wish for legal colleagues to review the S106, I have no reason to think this is no more than a technicality. As such, effects on the SPA are not a main issue in this appeal.

Main Issues

6. The main issues are whether the proposal would preserve a Grade II listed building known as "101, 103 and 103A High Street" (Ref: 1194305) (the Building) and any features of special architectural or historic interest that it possesses and whether it would preserve or enhance the character or appearance of the Uckfield Conservation Area (the Conservation Area).

Reasons

7. The Conservation Area includes much of the historic core of Uckfield, telling the story of a small historic market town. Its significance, insofar as it relates to these appeals, is derived from the historic understanding it brings of Uckfield's development, with external architectural interest being a key contributor.
8. The Building sits within the historic core of the town. Its significance, insofar as it relates to these appeals, is derived from the example it provides of an 18th century building, evolved to meet changing needs and status, and the retained historic features and contribution of floor plan to the understanding of the building. Given the evolved nature of the Building, it is reasonable to assume that features of archaeological interest contributing to significance may also exist.
9. Notwithstanding the collection of heritage assets within proximity of the site, and paying regard to the scale and nature of the proposal, the conclusion in the Appellant's Heritage Statement (Heritage Statement) that the Building and the Conservation Area are the only assets likely to be affected is a fair one.
10. The assessment of the historic development of the site and surroundings and the current site conditions in the Heritage Statement shows a fair understanding of the assets, which is not materially dented by the limitations on access to the part of the Building currently making up numbers 103 and 103A. These parts of the assessment are a reasonable basis for the general phasing assumptions and statement of significance. Overall, the evidence describes the significance of the heritage assets affected by the proposal in a manner proportionate to the asset's importance and in sufficient detail to understand significance. In this respect, the evidence accords with Paragraph 207 (Framework).
11. However, the details of the proposal and predicted impacts assessment in the Heritage Statement are relatively brief and predominantly narrative in nature. Imprecise language such as terming work as 'including' do not add confidence that the scope of the works is comprehensively and accurately covered. It lacks a clear analytical structure and fuller schedule to give transparency to the extent of the works (including impact on features such as built in cupboards and joinery), correlate with the accompanying drawings, and allow informed judgement on impacts to be reached.

12. While certainty on some of the detail could be adequately achieved by condition, this issue casts a degree of doubt over the instances where the Heritage Statement claims adverse and beneficial impacts. The reasoning that follows should be taken in this context and primarily responds to the specific concerns about elements of the proposal as set out in the Council's officer reports.
13. At ground floor level, the two principal rooms in the main building make a significant and positive contribution to its historic interest. This is due primarily to their association with the evaluated original floorplan and their retained, undivided nature allowing an appreciation of their designed scale and importance.
14. The proposed introduction of a W.C and kitchenette within the front principal room would be a disruptive influence, even if not reaching ceiling height. It would give the perception of a subdivided space and negatively impact the ability to appreciate the scale, proportions and importance of the room as part of the original floor plan. While I appreciate that the partitioned space would be reversible and would not directly interfere with historic fabric at ceiling level, for its time in situ, harm would be caused to the historic interests of the building in an area of significance.
15. The new door opening within the rear principal room would be poorly located. It would detract from the focal point of the main rear window and result in the loss of historic fabric, in circumstances where blocking up two existing doors is poorly justified. The heritage merits of the new wall intended to create an entrance hall adjacent to the front principal room is not well explained in the evidence and, in any event, does not offset the adverse impacts to the ground floor principal rooms discussed.
16. At first floor level, there is debate in the Heritage Statement about whether the partition dividing the front two rooms is part of the historic floor plan or a later than 19th Century remodelling. While I accept the uncertainty, to my mind the presence of a chimney breast in each room is a stronger sign that the partition is part of the historic floor plan and an aspect of the evolution of the building of historic interest. This being the case, the additional partitioning in one of the front rooms and alterations to doors would alter the historic plan form in a harmful way.
17. The alterations to the floor plan at ground and first floor level in the historic extension relate mainly to modern partitioning, some of which is insensitively located and impacts negatively on the ability to appreciate the windows in the side wall of the extension. Such works are beneficial. However, the heritage merits of the door alterations next to the chimney breast and loss of integral cupboards in this area is not adequately explored in the evidence. The insertion of the rear staircase would also result in the loss of historic fabric.
18. I appreciate the Council's concerns about the separation of the cellar from the proposed units. The Appellant's proposal to keep the stair access could be secured by condition and the proposed wall could be removed to facilitate access if needed. Paying regard to this reversibility and the nature of the cellar's contribution to the historic interest of the building, this element of the scheme is acceptable. Potential archaeological remains is a matter that could be addressed by condition.
19. The orangery/glasshouse to the rear is a later addition of importance as part of understanding the evolution and status of the Building and its aesthetic relationship with the main building. The plan form is not a significant contributor and, as such, the Council's case that the proposal doesn't go far enough to maintain the open

spatial quality of the interior is not justified. The insertion of the external doorway in the south elevation would result in a loss of historic fabric and change to the architectural composition of the Building that generates a degree of harm. However, this would be offset by improvements to the windows. The absence of an east elevation drawing does not affect my ability to reach a conclusion on this issue.

20. Turning to effects on the Conservation Area, I agree with the Council that the proposal would preserve the external features of the building, including the commercial frontage, in a manner that would preserve the character or appearance of the area. The Council's view that the extent of loss of the commercial use in itself results in harm to the Conservation Area is a hard line of argument to follow.
21. For the reasons set out, the proposal would fail to preserve the Building and features of special architectural or historic interest that it possesses. Paragraph 212 (Framework) says that, when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to say that any harm to, or loss of, the significance of a designated heritage asset from its alteration should require clear and convincing justification.
22. The harm in this case would be less than substantial but nevertheless of considerable importance and weight. In these circumstances, paragraph 215 (Framework) advises that the harm should be weighed against the public benefits including, where appropriate, securing its optimum viable use.
23. The scheme would deliver new homes in a sustainable settlement location. It would contribute towards the range and choice of homes in the locality, at a time when supply is constrained, as well as the wider aim in the Framework of significantly boosting the supply of housing, and on a small/medium sized site. This attracts significant weight. Economic benefits of more moderate weight would arise from the conversion and occupation of the dwellings, although these are unquantified. The economic benefits of refurbishing the commercial unit are not demonstrated one way or another as the commercial attractiveness of the size of unit is unclear.
24. Benefits would result from bringing the property back into active use, as this would be the best way to secure its proper maintenance and future. The Appellant's struggles to secure a commercial user for the unit are not well evidenced. Nor am I persuaded that the works are necessary to secure the optimum viable use of the premises. There is little evidence to show that conversion could not take place without the heritage harm and whether the size of the commercial unit places limits on its use is questionable. This does not suggest optimisation and I do not have evidence regarding viability. Overall these issues temper the benefit of bringing the property back into active use, resulting in more moderate weight in the heritage balance.
25. While the benefits of housing delivery in particular are weighty, there is limited evidence to suggest that the benefits of the scheme could not be achieved without this level of heritage harm in circumstances where great weight is to be given to conservation. I do not find that the public benefits are sufficient to outweigh the harm that I have identified in this instance.

26. The proposal would fail to preserve the Building and features of special architectural or historic interest that it possesses. There is conflict with the development plan for the area, in particular saved Policy EN27 (Local Plan) and Policy SPO2, and SPO13 (Core Strategy) which together aims to ensure proposals conserve and enhance the historic environment as a function of achieving sustainable development.
27. While the Wealden Design Guide is referenced in the reason for refusal, the Council's evidence does not adequately demonstrate specific conflict. Policy WCS14 (Core Strategy) relates to the presumption in favour of sustainable development in the Framework, which I will return to.

Other Matters

28. I have noted and paid regard to the appeal decision to the rear of the site, including that bin and cycle storage would be shared with the proposal. Appropriate provision is therefore made in this respect.

Conclusion

29. The proposal would fail to preserve the Building and the features of special architectural or historic interest that it possesses. A grant of listed building consent in these circumstances would not accord with the Act.
30. While the planning and listed building elements are legally distinct, they are functionally interrelated in this case. The proposed internal works that would harm the Building form an integral part of the overall scheme and cannot be reasonably severed from the planning permission. As such, while the proposal is acceptable in terms of effects on the Conservation Area and other planning elements, granting permission in isolation risks facilitating harmful works to the Building that would be contrary to the provisions of the Act. For these reasons, the proposal is harmful in planning terms and in conflict with the development plan as a whole.
31. The benefits of the scheme are discussed elsewhere in this decision, in the context of the heritage balance. The same benefits apply when considering a more general planning balance. In addition, the Council's housing land supply position triggers consideration of whether the presumption at Paragraph 11 (Framework) applies. Even if the most important development plan policies are considered to be out of date, for the reasons explained above, the application of policies in the Framework designed to protect designated heritage assets provides a strong reason for refusing the proposal. As such, Paragraph 11 d(i) applies and the presumption in favour of sustainable development is not a material consideration in this appeal.
32. In relation to the planning elements, material considerations do not indicate that a decision should be taken other than in accordance with the development plan. In final conclusion, and paying regard to all the points made, both appeals are dismissed.

D R McCreery

INSPECTOR