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## Appeal Decision

Site visit made on 4 November 2025

**by Thomas Courtney BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25<sup>th</sup> November 2025**

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**Appeal Ref: APP/U1430/W/25/3361605**

**Hemingfold Farmhouse, Hastings Road, Battle, East Sussex TN33 0TU**

- 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 Claire Power against the decision of Rother District Council.
  - The application Ref is RR/2024/1868/P.
  - The development proposed is the conversion of existing stable building to a new dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - the effect of the proposal on the character and appearance of the area, and whether it would conserve and enhance the landscape and scenic beauty of the High Weald National Landscape; and
  - the effect of the proposal on the setting of the Grade II listed building Hemingfold Farmhouse.

### Reasons

#### *Character and Appearance*

3. The appeal site lies to the north of Hastings Road, within a small and loose ribbon of development formed by detached dwellings, farmsteads and the Black Horse public house. Hemingfold Farmhouse and its associated outbuildings sit close to the road, with the appeal building - a modest, modern timber stable block - located to the north-east of the farmhouse on the edge of a paddock. To the east, a new dwelling at Telham Meadows has been constructed. This small cluster of development is surrounded by paddocks, agricultural land and woodland.
4. The appeal site is within the High Weald National Landscape (HWNL), formerly known as the High Weald Area of Outstanding Natural Beauty (AONB). The National Planning Policy Framework (the 'Framework') requires great weight to be given to conserving and enhancing the landscape and scenic beauty in these areas, which is the statutory purpose of such landscapes. I am mindful of my duties to further the purpose of conserving and enhancing the natural beauty of National Landscapes.

5. The High Weald AONB Management Plan<sup>1</sup> outlines the special qualities of the HWNL which has been designated in part because of the natural beauty of the landscape consisting of a tapestry of fields, hedgerows, small ancient woodlands, ponds, farmsteads and late-Medieval settlements. The High Weald occupies the ridged and faulted sandstone core of an area known from Saxon times as the Weald. It is an area of ancient countryside and one of the best surviving medieval landscapes in Northern Europe. The mosaic of small mixed farms and woodlands is considered to represent a quintessentially English landscape.
6. The appeal site and the land associated with Hemingfold Farmhouse directly contributes to the attractive pastoral qualities of the HWNL. To the north of the farmhouse, the open and grazed paddock land is interspersed by tall mature trees and enclosed by timber post-and-rail fencing. It is informal, utilitarian and agricultural in appearance. It reflects the character and special qualities of the protected landscape.
7. The appellant emphasises that the proposal retains the existing footprint and height of the existing stable building. Whilst accurate, the Council's principal concern is not with the built form but with the extent of the proposed residential curtilage. The curtilage approved under the holiday-let permission<sup>2</sup> is modest, tightly defined and closely related to the stable building. By contrast, the proposed curtilage extends deep into the paddock, well beyond the typical extent of neighbouring gardens in this rural grouping.
8. The appellant argues that the land would remain grassed and visually open. However, the shift from paddock to domestic garden land is not visually or functionally neutral. The appeal site currently presents as a simple, uncluttered tract of lightly grazed land with minimal ornamentation, and free of domestic features. The proposed residential garden and sub-division of the paddock would display a higher degree of structure, ornamentation and managed planting.
9. Even where conditions could restrict the erection of outbuildings and lighting, and control landscaping and boundary treatments, the use of the land as domestic curtilage would inevitably introduce activities and influences that are materially different from agricultural use. These changes, whether through informal recreation, incidental storage, outdoor furniture, play equipment, compost bins, washing lines and other domestic paraphernalia, would signal habitation and domestic occupation and erode the undeveloped, rural quality of the paddock.
10. Policies DHG7 and DHG8 specifically resist garden extensions into the countryside where these would not be modest, would not relate well to built form, and would erode rural character. In this case, the proposed curtilage would not be modest, would not follow a natural boundary, and would introduce residential land use into an area of land which positively contributes to the special qualities of the HWNL.
11. The appellant states that new hedgerow planting and meadow management could enhance the landscape. While I acknowledge that planting may soften certain views or increase biodiversity, such measures do not replicate the openness and informality of the existing paddock and may themselves create artificial enclosure.

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<sup>1</sup> The High Weald National Landscape AONB Management Plan, 2024-2029.

<sup>2</sup> Application ref RR/2023/2398/P.

12. I have considered the appeal decision at Telham Meadows<sup>3</sup>. That scheme involved a different spatial context, with a curtilage that was more contained than what is proposed. In that case, the Inspector also found that new landscaping of the yard (which did not previously contribute to the character of the area and surrounding landscape) would enhance the scenic beauty of the HWNL. The circumstances of Telham Meadows therefore do not provide compelling support for the present appeal.
13. For these reasons, the proposal would harm the character and appearance of the appeal site and surrounding area and would not conserve or enhance the landscape and scenic beauty of the HWNL. It would therefore conflict with the Framework, which requires great weight to be given to this objective, and would be contrary to Policies OSS4, RA2, RA3, EN1 of the Rother Local Plan Core Strategy (2014) (the 'Core Strategy'), Policies DEN1 and DEN2 of the Rother Development and Site Allocations Local Plan (2019) (DaSA) and Policies HD4 and EN3 of the Battle Neighbourhood Plan insofar as they seek to ensure that proposals in the countryside are well-designed and do not adversely impact on the surrounding context and the landscape character of the HWNL.
14. The proposal would also conflict with Policies DHG7 and DHG8 of the DaSA which seeks to ensure residential gardens are proportionate and do not harm rural character.

*Impact on listed building*

15. Hemingfold Farmhouse is a Grade II listed building of clear architectural and historic interest. Mindful of the statutory duty set out in S66(1) of the Planning (Listed Buildings and Conservation Areas Act) Act 1990, I have had special regard to the desirability of preserving its setting. Its significance derives from its age, traditional vernacular construction and materials, and its historic role as part of a modest rural farmstead along Hastings Road. The farmhouse's setting comprises its immediate garden, the surrounding outbuildings and the open paddock land that reflects its historic agricultural function. The paddock to the north, although containing a modern stable, contributes to an understanding of the farmhouse as a building associated with agricultural land.
16. The appeal site forms part of this wider rural setting. Despite the stable's modern appearance, the open character of the land in which it sits plays a role in maintaining the farmhouse's historic relationship with its agricultural surroundings. The land remains free from domestic influence and therefore supports the legibility of the farmhouse's significance as a former agricultural dwelling.
17. The proposal would retain the existing stable footprint, but the more consequential change relates to the substantial enlargement of domestic curtilage into the paddock. This would introduce a residential land use across an area currently perceived as part of the farmhouse's agricultural setting. Domestic activity, even at a modest scale, would alter the rural character of the land and weaken the visual and functional relationship between the farmhouse and its historically associated open agricultural land.
18. It is argued that because the curtilage would extend away from the listed building it would have no discernible effect. However, the portion of the paddock proposed to

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<sup>3</sup> Appeal ref: APP/U1430/W/21/3287672.

become garden land, although further from the farmhouse than the holiday-let curtilage, still forms part of the same open rural landscape that underpins the building's historic agricultural character. The fact that the curtilage extension moves outward does not reduce its relevance to the asset's setting, nor diminish the sensitivity of that land to change.

19. This would result in less than substantial harm to the significance of the listed building. In accordance with paragraph 212 of the Framework, great weight should be given to the asset's conservation. Paragraph 215 of the Framework establishes 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.
20. The proposal would be an effective use of land by re-using an existing building. It would also boost the supply of housing in an accessible location close to amenities and facilities. These are positive aspects of the scheme and lend weight in favour of the appeal. However, given the modest scale of the proposal, it is considered that these benefits attract limited weight.
21. I give the harm I have identified considerable importance and weight in accordance with the Framework. In this context I find that the limited public benefits of the proposal are not sufficient to outweigh the degree of harm identified.
22. I therefore conclude that the proposal would not preserve the setting and significance of the Grade II listed Hemingfold Farmhouse. It would conflict with the Framework which seeks to ensure that the significance of heritage assets, including any contribution made by their setting, is not adversely impacted. It would also conflict with Core Strategy Policy EN2 and neighbourhood plan Policy EN4 insofar as they seek to safeguard heritage assets and their settings.

### Other Matters

23. The Council is unable to demonstrate a five-year supply of deliverable housing sites, which stood at 2.63 years in April 2024. Paragraph 11 (d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provide a strong reason for refusing the proposal. Footnote 7 identifies National Landscapes and designated heritage assets as such areas and assets. I consider that the harmful impacts of the scheme on the HWNL and on the setting of the listed building and the great weight attributed to these harms provide a strong reason for refusing the proposal. Therefore, the presumption in favour of sustainable development does not apply in this case.
24. The appellant refers to several other appeal decisions to argue that the site is a sustainable location suitable for development. However, the site's accessibility is not disputed. The appellant also refers to appeals allowed in Burwash<sup>4</sup> and Staplecross<sup>5</sup>. In those cases, it was found that the developments would not harm or would cause very limited harm to the HWNL and therefore the presumption in favour of sustainable development was engaged and the Council's housing land

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<sup>4</sup> Appeal ref: APP/U1430/W/24/3336599.

<sup>5</sup> Appeal ref: APP/U1430/W/23/3323506.

undersupply was given significant weight. These cases therefore differ from the appeal proposal which would harm the HWNL and the setting of a listed building.

25. The appellant also refers to other material considerations including the suggestion that the proposal represents an efficient use of land, supports rural communities, and constitutes a small-scale, low-impact development. However, the very modest scale of the proposal limits the weight these considerations attract. They do not alter my findings on the main issues and do not outweigh the tangible harm I have identified. A lack of harm with regard to living conditions, design, highway safety, refuse, cycle storage and other matters are neutral considerations which do not alter my overall assessment of the scheme.
26. Furthermore, there would be some minimal economic benefits during construction and from future occupants' contributions to the local economy through the use of services and facilities. I have attached limited weight to this consideration.
27. The appellant also states the proposed dwelling would be energy efficient and incorporate measures to reduce water usage. Whilst these aspects are generally desirable, they do not weigh significantly in favour of the development in the planning balance, particularly where the proposal is found to conflict with key development plan policies and national guidance.
28. In determining this appeal, I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity. The appellant has set out the specific needs and personal circumstances of a family member and the contended justification for the need for the dwelling.
29. I have carefully considered the submissions, and I am satisfied that consideration of the needs of the occupier would fall within the auspices of the PSED. However, although I recognise the importance that the provision of additional living accommodation would play in meeting these needs, no evidence has been submitted to demonstrate that the appeal proposal is the only feasible or realistic option for meeting the needs of the occupier. Whilst the formation of a new modest single-storey dwelling would allow living on one level and undoubtedly provide for the prospective occupants, I am not persuaded that the form of development as proposed, with its large garden curtilage, would be the only possible solution to the provision of the required accommodation.
30. For these reasons and based on the submitted evidence, I attach only moderate weight to the need to address the specific circumstances as presented in this instance in accordance with the PSED, and which must therefore weigh in support of the development.

### **Planning Balance and Conclusion**

31. The proposal would have a harmful impact on a protected National Landscape and on the setting of a protected heritage asset. I have attached great weight to this harm. The moderate weight attached to the benefits of the scheme would not significantly and demonstrably outweigh the harm I have identified.
32. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
33. For the reasons given above the appeal should be dismissed.

*Thomas Courtney*

INSPECTOR