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## Appeal Decisions

Site visit made on 11 December 2025

by **John Felgate BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 February 2026

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### **Appeal A Ref: APP/U1430/W/25/3361011**

#### **Bantham Farm, London Road, Hurst Green, East Sussex TN19 7QY**

- 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 Nicholas Watts against the decision of Rother District Council.
  - The application Ref is RR/2023/1451/P.
  - The development proposed is described in the application as: *"Construction of carbon-negative live-work unit, by conversion of existing stable barn and stables to form an eco-home. Addition of landscape and biodiversity enhancements to the wider site, and retention of the existing access."*
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### **Appeal B Ref: APP/U1430/W/25/3362229**

#### **Bantham Farm, London Road, Hurst Green, East Sussex TN19 7QY**

- 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 Nicholas Watts against the decision of Rother District Council.
  - The application Ref is RR/2024/2037/P.
  - The development proposed is described in the application as: *"a barn located in woodland to house agricultural equipment and machinery"*.
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## **Decisions**

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted retrospectively for the erection of a barn to house agricultural equipment and machinery, at Bantham Farm, Hurst Green TN19 7QY, in accordance with the terms of the application, Ref RR/2024/2037/P, subject to the conditions set out in the attached Schedule.

## **Preliminary note**

3. In December 2025, the Ministry of Housing, Communities and Local Government published a draft update to the National Planning Policy Framework (the NPPF), for consultation purposes. The appellant and the Council have both been offered an opportunity to comment on any matters arising from this draft document, and I have taken account of their responses. For the avoidance of doubt however, the 2024 version of the NPPF remains in force until formally replaced, and I have dealt with the appeal on this basis.

## **Planning background to both appeals**

4. Bantham Farm is a holding of around 7.2 hectares, comprising mainly grazing land, with some woodland and two ponds. The site is set in open countryside, with a larger area of ancient woodland to the north and west, and agricultural land to the south and east. Access from the A21 London Road is via a tarmacked private driveway, which also serves a handful of other properties and adjoining land.

5. Within the site there are three timber buildings, grouped together at the end of a rough, gravelled track. The first, generally referred to as the Stable Barn, was constructed in 2008 or thereabouts, under planning permission RR/2007/3367/P. The permitted use was for stables, tack room, hay storage and shower room. Subsequent alterations were granted under permission RR/2011/895/P, and this evidently resulted in the permitted use being broadened to also include a kitchen/rest room area, an equestrian related workshop, and storage of a horse-and-pony trap. This building is now the subject of the present Appeal A.
6. The second building is known as the Art Studio, which was completed in 2019, pursuant to planning permission RR/2013/2533/P, and is subject to a condition limiting its use to that purpose. The third is a smaller barn, erected in recent years within the woodland area, which is now the subject of Appeal B.
7. The site has an extensive history of previous appeals, including some which related to proposals or enforcement notices in respect of residential, live-work or similar uses in either the Stable Barn or the Art Studio, all of which were dismissed. I have been provided with copies of the four most recent of these decisions<sup>1</sup>, and based on the information before me, I am satisfied that these three are the ones that are now the most relevant. Nevertheless, I have dealt with the present appeals on their own merits.

## **APPEAL A: THE STABLE BARN**

### **Main Issues**

8. In the light of all the various submissions before me, I find that the main issues in Appeal A are:
  - whether the appeal site is a suitable location for a development of the type now proposed, having regard to the relevant planning policies relating to the location of new housing and its accessibility by sustainable modes of transport;
  - the effects of the development on the character and appearance of the High Weald National Landscape;
  - and whether the proposed new dwelling would be able to provide satisfactory external amenity space for its future occupants.

### **Reasons for Decision**

#### *Location and accessibility*

9. In the Rother Local Plan Core Strategy (the CS), adopted in September 2014, the overall strategy is set out Policies OSS1 and OSS2. Most development is to be focussed within the boundaries of the District's towns and villages. In the countryside, development is to be restricted, except where necessary to support land-based industries, diversification and rural employment. Policy RA2 seeks to further limit development in the countryside to that which supports agriculture, the economy or tourism. Policy RA3 provides that new dwellings in the countryside are to be permitted only in limited circumstances, including for agricultural needs, replacement dwellings, or the conversion of traditional historic farm buildings.

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<sup>1</sup> Bantham Farm, APP/U1430/C/3200586 and /3200591; and APP/U1430/C/3200608 and /3200610, dated 7 April 2020;  
Bantham Farm, APP/U1430/W/22/3295647 and /3295188, dated 9 February 2023;  
Bantham Farm, APP/U1430/C/22/3308463, dated 29 November 2023;  
Bantham Farm, APP/U1430/X/24/3354697, dated 16 December 2025:

Policy TR3 seeks to ensure that all developments minimise the need to travel, through being well located for access to employment and facilities, by sustainable transport modes.

10. This District-wide strategy is further reinforced by Policy DIM2 of the Development and Site Allocations Local Plan (the DSA), adopted December 2019, and Policy H1 of the Ticehurst Neighbourhood Plan (the TNP), made in July 2019, both of which again seek to limit most development to sites within settlement boundaries, and to restrict development in the countryside to essential needs.
11. In the NPPF, paragraph 84 states that new homes in isolated locations should be avoided, except in certain specified circumstances. These include sub-paragraph (c), where the development would re-use redundant or disused buildings and enhance its immediate setting; and (e) where the design is of exceptional quality. In addition, paragraph 110 seeks to manage patterns of growth to support sustainable transport objectives, focussing significant development on locations which are, or can be made, sustainable.
12. In the present case, the appeal site is well away from any existing settlement, and indeed quite far from any other buildings, and therefore the location is one that can fairly be described as isolated. The proposed scheme would create a new permanent dwelling on the site. The development has not been shown to be needed to support any agricultural business or economic activity at the site; whilst some of the activities carried out at the site may be agricultural in nature, there is no evidence that these constitute a viable enterprise, nor that a dwelling is necessary to enable this to continue. A dwelling on the site would enable the appellant's father, Mr Nigel Watts, more easily to continue his use of the Art Studio, for his painting and drawing, but as I understand it, this is now carried on as more of a hobby than a business. The existing building, although not without some charm, is not historic, nor could its design be said to follow the local vernacular or traditional building styles. And in any event, the scale of the work that would be needed to make it fit for permanent habitation, involving a good deal of reconstruction of the walls, roofs and floors, would be somewhat more akin to a new building rather than simply a conversion. In all these respects, the creation of a new dwelling on the site would clearly conflict with the spatial strategy and rural development policies identified above, at both local and national levels.
13. Furthermore, whilst there is a bus stop in London Road, and some limited convenience facilities a little further on, the route to these from the new dwelling would be along several hundred metres of farm tracks, and then alongside a main road with fast-moving traffic. This would not be a practical or convenient route for regular trips other than by car. In any event, realistically, most day-to-day needs could only be met at one of the surrounding towns or villages, and although the distances to these are not especially far, there can be little doubt that the anyone living at the appeal site would be largely dependent on the use of a car. Whilst East Sussex County Council currently operates a pre-booked 'Flexibus' service for the more isolated rural areas, such a service clearly must depend on some form of continuing public subsidy, and therefore its long-term future must be somewhat uncertain. The use of taxis or 'Ubers' as an alternative would offer no advantage over the private car in terms of environmental impact. The development would therefore not be well located for access to essential facilities. In this respect it would again clearly conflict with the aims of the above local and national policies with regard to the lack of opportunities for sustainable travel.

14. Turning to the exceptions in NPPF paragraph 84, at the time of my visit, although some parts of the building were being used for other purposes, the building as a whole did not appear to have been actively used for its permitted equestrian use for some considerable time. To that extent, I agree that the Stable Barn could be described as disused, as referred to in sub-paragraph (c). But, as pointed out by the Inspector in the February 2023 appeal decision, that does not mean that it is redundant, as there could be other potential purchasers or occupiers for that type of use. And in any event, for the reasons already explained, it seems likely that the extent of the works required would exceed what is normally understood by the reuse of an existing building. With regard to sub-paragraph 84(e), the scheme incorporates innovative measures, in seeking to achieve very high levels of energy and water efficiency, low emissions and all-round carbon negativity. But in most other respects, the design is severely constrained by the limitations of the existing building. Consequently, in terms of its overall design quality and its contribution to architecture, the scheme could not be said to be anything more than ordinary. Furthermore, both of the exceptions under (c) and (e) also depend on achieving an enhancement to the building's setting; in this case, although rewilding and ecological measures are proposed, it is not evident that these would translate into any form of visual or landscape enhancement. Having regard to the scheme as a whole, I am not persuaded that either of these exceptions in NPPF paragraph 84 are applicable in this case.
15. In this context my attention has been drawn to an appeal decision relating to Mill Corner Stables, Northiam<sup>2</sup>, in which the Inspector stated that he found the sustainability aspects of that scheme, were sufficient on their own to justify regarding it as exceptional architecture. However, having regard to the content of the relevant NPPF paragraph as a whole, it seems to me that it is clear that the visual and aesthetic aspects of a design are generally likely to be a matter of primary concern in the assessment of its overall quality. This is the approach that I have followed in reaching my view above.
16. With regard to NPPF paragraph 110, it is true that that paragraph acknowledges that opportunities for sustainable transport in rural areas will be less than those in towns. However, it is clear to me that this cannot mean that policies relating to locational sustainability are inapplicable in such areas. That interpretation would negate the purpose of the whole approach set out in both paragraph 110 itself and paragraph 84. NPPF paragraph 11(d)(ii) makes clear that policies such as these, that deal with directing development to sustainable locations, are seen as particularly important in the context of the NPPF as a whole.
17. I conclude that the proposed scheme in Appeal A conflicts with the development plan's strategy for the location of new housing, and for sustainable development in the countryside, as set out in the suite of policies comprising CS Policies OSS1, OSS2, RA2 RA3 and TR3, together with DSA Policy DIM2 and TNP Policy H1. It also conflicts with two of the NPPF's key national policies, in paragraphs 84 and 110. In policy terms therefore, the appeal site is not an appropriate location for the development now proposed.

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<sup>2</sup> APP/U1430/W/22/3294724: Mill Corner Stables, New Road, Northiam; dated 19 December 2022

### *Effects on the High Weald National Landscape*

18. The appeal site lies within what is now designated as the High Weald National Landscape (NL), formerly known as an Area of Outstanding Natural Beauty (AONB). In such areas, there is a duty on relevant authorities, in exercising their functions, to seek to further the purpose of conserving and enhancing the natural beauty of the area<sup>3</sup>.
19. In the CS, Policy EN1 seeks amongst other things to protect the High Weald's distinctive landscape character, including its settlement pattern, its Ancient Woodlands, its tranquillity, and its dark night skies. In the DSA, Policy DEN2 seeks to conserve and enhance the NL's scenic beauty, and requires any development within it to be of a small scale and in keeping with the area's landscape and pattern of settlements. Policy R1 of the TNP reinforces these aims, and seeks to avoid unacceptable visual impacts on the setting of the NL's villages or views of key landmarks. Both CS Policy EN3 and TNP Policy H5 emphasise the desirability of good design, informed by an understanding of the local context and vernacular. In addition, the statutory High Weald Management Plan<sup>4</sup> identifies the NL's key character components and sets out recommended principles to be taken into account in planning decisions. These follow broadly similar themes to those in the development plan policies already identified.
20. In the NPPF, paragraph 187 states that decisions should contribute to protecting and enhancing valued landscapes. In National Landscapes, paragraph 189 requires that great weight is given to conserving their landscape and scenic beauty.
21. In the present case, the appeal site lies in a relatively remote and tranquil part of the NL, unrelated to the historic settlement pattern. The proposed development would add to the volume of the existing building slightly, by linking the two existing roof structures. It would also involve some other small changes to the building's external appearance, principally by the addition of shutters to some of the windows, plus photovoltaic roofing, and 'living green walling' on two of the elevations. Residential use would also generate traffic movements and parked vehicles, and would have the potential to bring with it boundary fencing, lighting, and external paraphernalia such as garden furniture, washing lines and play equipment.
22. However, the scale of these changes would be limited. The additional section of roof would be small, and none of the proposed alterations or additions would extend the building beyond its existing height or footprint. The sizes of the existing window and door openings would not change, nor would the extent of the glazing. The new shutters, like those that already exist on some of the building's windows, could be designed to match the timber cladding. The visual effect of the living wall panels would be to soften and disguise the building's presence rather than to draw attention to it. The number of vehicles generated by a single dwelling would be likely to be quite small, and indeed there is no evidence that these would be any more numerous than the original equestrian use. In the present scheme, amenity space would be provided at the rear of the building only, and I see no clear reason why conditions should not be successful in ensuring that any domestic paraphernalia could be confined to that area. Nor does there seem any reason why new boundary treatments and lighting could not be similarly controlled. In any event, given the site's discreet location, screened by woodland on two sides,

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<sup>3</sup> Under Section 85 of the Countryside and Rights of Way Act 2000

<sup>4</sup> Prepared by the High Weald Joint Advisory committee, under Section 88 of the Countryside and Rights of Way Act 2000



inward views are limited to users of the shared private access track, some 200m or so to the south; and even from this direction, the majority of the building itself, and its immediate surrounds, are largely concealed by the land levels.

23. In the February 2023 appeal, the Inspector considered that the change of use of the Stable Barn and Art Studio would harm the area's rural landscape character and tranquillity, and in the November 2023 case, it was found that the residential use of the Art Studio and adjacent land would erode the landscape's openness and quality. However, the full details of those proposals are not before me, and I must judge the present appeal on the evidence that I have now. In this case, given the Stable Barn's limited visibility, and the small scale of the physical changes proposed, it seems to me that any harm to the landscape would be negligible.
24. For these reasons, I find that the present appeal proposal would have no material impact on the character or appearance of the High Weald National Landscape. In this regard, the development would involve no conflict with CS Policies EN1 or EN3, or with DSA Policy DEN2, or TNP Policies R1 or H5, nor with the relevant national policies in NPPF paragraphs 187 and 189.

#### *External amenity space*

25. Policy DHG7 of the DSA requires new dwellings to have usable private external amenity space, of an appropriate and proportionate size, with a minimum length of 10m. Policy OSS4 of the CS seeks to ensure that development meets the needs of future occupiers by providing appropriate amenities.
26. In the present appeal, the submitted plans indicate an area to be designated as amenity space, measuring 10m by 7m, on the west side of the building. The Council's concerns relate partly to the adequacy and usability of this space, and also to its effect on the nearby ancient woodland, and on the landscape.
27. I agree that the proposed amenity space area would not be as large as some occupiers might wish. However, it would meet the requirement of Policy DHG7 as to length, and there is no evidence of any other specific policy requirement or standards that are relevant. The designated space would not directly abut the ancient woodland, and indeed a buffer of several metres in width would remain. There therefore seems no obvious reason why the use of this space as a garden should have any adverse impact on the trees or woodland habitat. The garden would be in shade throughout much of the afternoon, but that is not an unusual situation, and need not prevent its use. As already noted, the siting of the proposed garden would avoid any visual impact on the surroundings. In these respects, the amenity space provision seems to me unobjectionable.
28. That is not to say that what is now proposed is ideal. Visually, the garden would appear somewhat undersized in relation to the size of the building. The space would have no direct door access from inside the building. Its positioning would not allow the occupants to make the most of the available sun or views. In all these respects, the present proposal could have been improved upon. But these shortcomings are not so serious as to result in unacceptable living conditions, and therefore do not warrant refusal.
29. For these reasons, I find that the proposed development would be capable of providing adequate amenity space for the needs of its occupiers, in accordance with the relevant policies that have been identified.

### *Other matters*

30. The Council acknowledges that the most recent housing land supply figure for the District is 3.09 years, and the last housing delivery test result was 41%. These figures fall well below the required levels. The appeal proposal would contribute, albeit in a small way, to making up part of the shortfall. However, for the reasons already discussed, it would do so in a location which is unsuitable for housing development and undesirable in planning terms. Consequently, the weight that this benefit carries in favour of the appeal is very limited.
31. The appellant has put forward an extensive and detailed programme of works for the enhancement of the site's habitat and biodiversity value, which are presented principally in the form of a Landscape and Environmental Management Plan (LEMP). These proposals appear to be generally welcomed by the Council's ecology advisor, and I have no reason to disagree that they would be beneficial to the wildlife of the site and surrounding area. Planning policies at all levels encourage development that achieves such benefits. However, in this case the proposed LEMP works go well beyond what would be necessary to mitigate any impacts arising from the development itself, and would not be directly related to it. Nor would they overcome the identified policy objections to the location. The LEMP works could therefore not reasonably be required by way of conditions or obligations, and for this reason, the potential ecological benefit carries little weight.
32. As already noted, the scheme has been designed as an 'eco-home', and has been assessed as having the potential to achieve exceptional standards of sustainability in that regard. Whilst in principle this approach is commendable, and is generally encouraged by planning policies, the fact remains that detailed design matters of this kind are necessarily secondary in importance, behind higher-order policies such as those that I have identified earlier in this decision, relating to locational sustainability. For this reason, the appeal scheme's potential contribution to cutting carbon emissions and reducing the use of natural resources carries only modest weight.
33. I note the appellant's suggestion that the Art Studio could be used for art groups or classes. If this came to fruition, it would have some benefits for the local community. But there is no further detail, nor any means of securing such an arrangement. A condition would not be justified. The suggestion therefore carries no weight.
34. The appellant points to a development at Beech Farm, Sedlescombe, where a new dwelling was permitted by the Council. On my visit, I saw that this development is now under construction. The Beech Farm development has some similarities to the present appeal proposal, and the Council's reasons for granting the permission appear to cover similar ground to some of those advanced in the present case. However, the Beech Farm site differs from Bantham Farm, in that the former lies only just outside the village boundary, on the edge of a defined settlement, whereas the appeal site is far more remote. Furthermore, although I have not visited all of the other sites to which reference has been made in a similar vein, there is no evidence the circumstances at any of these are directly comparable. Whilst I am mindful of the desirability of consistency in planning decisions, I must determine this appeal, as with any other, on its own merits.
35. Finally I have considered carefully the appellant's submissions with regard to human rights, including those of Nigel Watts, as the intended occupier. The rights

protected by law include the right to peaceful enjoyment of property and possessions, and the right to respect for private and family life. In the present case, whatever the decision on the appeal, no-one would lose their home, and no-one would be deprived of any property. With regard to the Stable Barn, no-one would lose the rights that they currently enjoy, to use that building in accordance with its existing lawful use. I appreciate that Mr Watts senior would be denied the opportunity to pursue his preferred plan of living close to his Art Studio, but in my view that does not involve any protected rights. As far as I am aware, Mr Watts would not be made homeless. Nor would he be 'forced' to continue to commute, because that is a matter of choice. Consequently, whilst I am not unsympathetic to the position of any of the parties involved, I can see no evidence that any protected rights would be infringed in this case.

## The Planning Balance

36. For the reasons set out above, I have found that in policy terms the appeal site is not an appropriate location for residential development, as it fails to accord with the relevant development plan policies for the sustainable location of new housing and for the control of development in the countryside. Collectively, these are Policies OSS1, OSS2, RA2, RA3 and TR3 of the CS, Policy DIM2 of the DSA, and Policy H1 of the TNP. Whilst the appellant seeks to draw support for the proposal from various other policies, including those relating to nature recovery and climate change, there is no question in my view that the policies that I have identified are the ones which have the greatest and most direct relevance to the appeal proposal. Consequently, when the development plan is looked at as a whole, the Appeal A scheme is clearly in conflict with it. In these circumstances, it is a matter of law<sup>5</sup> that planning permission must be refused, unless this conflict is outweighed by other material considerations.
37. In this case, the principal considerations in favour of the appeal are the gain to the housing stock, the potential for enhancements to the site's ecology, and the claimed prospect of negative carbon emission levels and lower than normal demand for natural resources. In the present case however, for the reasons already explained, these carry limited weight. Whilst I have also found that the scheme would cause no material harm to the landscape, and would be capable of providing adequate outdoor amenity space, the absence of harm cannot count as a benefit; these matters are therefore essentially neutral, weighing neither for nor against the proposal.
38. The planning balance must also take account of the relevant provisions of the NPPF, and in particular paragraph 11(d), which sets out the presumption in favour of sustainable development. Given the District's lack of a 5-year supply, and the failure to satisfy the Housing Delivery Test, the advice of NPPF Footnote 8 is to the effect that the most relevant development plan policies may be regarded as out of date. But in this case that is not determinative, because the appeal proposal would also conflict with two of the NPPF's key policies, namely paragraphs 84 and 110, as identified earlier. Paragraph 11(d)(ii) makes it clear that a conflict of this kind with key national policies is likely to be a significant factor in applying the 'tilted balance'. In the case of the appeal proposal, it is clear in my view that the adverse impacts on the aims of NPPF paragraphs 84 and 110 would be such as to significantly and demonstrably outweigh the scheme's benefits. In these

<sup>5</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004



circumstances, the presumption in paragraph 11 does not support the proposed development.

39. With regard to the development plan policies which the NPPF deems to be out of date, it is self-evident that those policies have failed to deliver enough housing in recent years to meet the District's needs. But even so, for the most part, the locational policies that have been identified seem to me broadly consistent with the approach advocated in NPPF paragraphs 84 and 110. The most obvious weakness lies in the definition of the present settlement boundaries, which have been in place since the adoption of the present plans, and are therefore overdue for review. But this seems to me to have no bearing on the present appeal, because the site is so far away from any existing settlement that any future review is very unlikely to change its status as part of the countryside. In these circumstances, it seems to me that, despite their age and outdatedness, CS Policies OSS1, OSS2, RA2 RA3 and TR3, DSA Policy DIM2, and TNP Policy H1 should continue to carry full weight in this case.
40. I have been referred to an appeal at 'Villa Flair', Flimwell<sup>6</sup>, in which the Inspector carried out a corresponding analysis in relation to NPPF paragraph 11, and reached a different conclusion. However, notwithstanding any other differences between the two cases, that decision was considered under an earlier version of the NPPF, which differed from the present one, in that it made no reference to key policies, and therefore did not highlight the particular importance of policies for directing development to sustainable locations. That wording was first introduced in the 2024 version. As will be evident from the above, I find this change to be particularly significant in the present case.
41. Having regard to the above matters, I now conclude that the harm that would be caused due to the development's isolated and unsustainable location would significantly and demonstrably exceed the scheme's minor benefits. I also further conclude that, even when all the considerations weighing in favour of the appeal are added together, they do not outweigh the conflict with the development plan.

### **Conclusion on Appeal A**

42. It follows from the above that permission for the Appeal A proposal must be refused. This appeal is therefore dismissed.

## **APPEAL B: THE 'BARN IN THE WOODS'**

### **Planning background to Appeal B**

43. In February 2018, the Council took enforcement action against a timber building elsewhere on the appeal site, referred to in that case as 'Building A'. In an appeal decision dated April 2020<sup>7</sup>, the notice was upheld, and Building A was required to be demolished and removed from the site within a period of 7 months. Subsequently, the building was altered and reduced in size, by the removal of two lean-to elements from the sides, and the remaining central section was relocated within the site. That relocated structure is now the subject of the present Appeal B, which seeks permission retrospectively. The appellant refers to the building as 'the barn in the woods'.

<sup>6</sup> APP/U1439/W/22/3309165: Villa Flair, Union Street, Flimwell; dated 23 February 2023

<sup>7</sup> Bantham Farm, APP/U1430/C/3200586 and /3200591; and APP/U1430/C/3200608 and /3200610, 7 April 2020:

44. In December 2025, an appeal, against the Council's refusal of a certificate of lawfulness for the relocated barn was dismissed<sup>8</sup>, because there was insufficient evidence that it had been in place for long enough, before the date of the application, to have gained immunity. It was also held that the building could not be permitted development because prior approval had not been sought or granted.
45. The Inspector in the latter appeal also stated that, in his judgement, although the barn which exists now is constructed of materials re-used from the earlier one, it is not a reinstatement of the building that was enforced against. With regard to the original enforcement notice, he commented that *"the notice may remain in effect, but not for the removal of the barn"*. Nevertheless, in the present Appeal B, the Council maintains that the current structure remains part of the same building which was enforced against, and that the failure to remove all parts of it from the appeal site represents an on-going contravention of the 2018 enforcement notice.
46. In determining this appeal, I have had full regard to this background. The period for the removal of the original Building A has long expired. Although the reused parts of that building now form part of a new, different building, I do not disagree that the remaining requirements of the enforcement notice are still capable of being enforced, if considered expedient. The granting of planning permission for the retention of the new structure, would result in that building becoming lawful, and to that extent, would conflict with the notice's residual requirements. But nevertheless, the development which is now the subject of the present appeal is clearly different from that in the enforcement case, in terms of both its size and its siting. The appeal is validly made and must be determined, in the normal way. I have dealt with it on its own planning merits.

## Main issues

47. In the light of the submissions before me, the main issues in Appeal B are:
  - the effects of the development on the character and quality of the High Weald National Landscape;
  - and whether the development would accord with relevant planning policies which seek to limit development in the countryside to that which is necessary.

## Reasons for Decision

### *Effects on the National Landscape*

48. The national and local policies relating to development in the National Landscapes, including the High Weald, have been summarised earlier in this decision, in the discussion of Appeal A. The same policies are relevant to appeal B. These include Policy EN1 of the CS, Policy DEN2 of the DSA, and Policy R1 of the TNP, together with the contents of the High Weald Management Plan, and paragraphs 187 and 189 of the NPPF. All of these seek primarily to conserve and enhance the landscape's scenic beauty and distinctiveness.
49. The Appeal B building is a small storage barn, measuring around 10.6m by 4.5m, with a height of 5.5m. It has a rectangular floor plan and a steeply pitched roof. The materials are natural-coloured timber weatherboarding on a timber frame, with a green steel-sheeted roof. The structure sits on a series of low concrete pads,

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<sup>8</sup> Bantham Farm, APP/U1430/X/24/3354697, 16 December 2025

each on its own shallow hardcore base. At either end there are double doors, each with a low timber ramp for access. In summary, the building in question is small, simple, and unmistakably agricultural in style. To my mind its size and appearance are clearly in keeping with its function, and with the surroundings.

50. The building is sited in a patch of youngish woodland, surrounded by trees on three sides. The fourth side faces inwards, towards the Stable Barn and Art Studio, with a backdrop of further woodland close behind these. Although the woodland around the building itself is mainly deciduous, the trees and understorey are sufficiently dense to filter out any inward views from the shared farm track to the south, or from any other parts of the surrounding countryside. In this location therefore, the building is not visible from any public views, or indeed from anywhere outside the confines of the appeal site.
51. I saw no evidence that the installation of the building had caused any trees to be removed or damaged. Part of the woodland floor has been lost for the time being, but given the nature of the structure and its minimal foundations, that area seems likely to be capable of regenerating when the structure is removed, with only limited works being needed to assist that process. Such removal can be secured by condition.
52. For these reasons I find that the Appeal B building in its present location has no discernible impact on, and causes no material harm to the High Weald National Landscape. In this regard therefore, its retention would not involve any conflict with any of the identified policies which are designed to protect the landscape's special character and quality.

*Whether the development is necessary*

53. Policy RA3 of the CS has been referred to earlier, in relation to Appeal A. In the context of Appeal B, the Council draws particular attention to subsection (i) of the policy, which states that support will be given for new agricultural or other non-domestic buildings for farming, woodland and land-based industries, where such buildings are demonstrably needed.
54. On my visit I saw that the building in question was being used to house a variety of tractors, agricultural machinery, grounds maintenance equipment, tools, fencing materials and the like. From their condition, I saw no reason to doubt that these items are in reasonably regular use, nor that their use is in connection with activities carried on at the site. There is no evidence that any of the stored items are unnecessary, nor would it be reasonable to expect each one to be explained and justified in detail.
55. I note that in recent times the harvesting of the hay crop from the two large fields at the site is said to have been carried out by contractors, using their own machinery which is kept elsewhere. But nonetheless, the site also includes woodlands, ponds, hedges, driveways, and ornamental lawns, all of which will clearly require management and maintenance works, and which will generate the need for equipment and storage. From the evidence available, including my own observations, the size of the building for which permission is now sought does not seem excessive for the site's likely needs.
56. The Council suggests that the existing Stable Barn building should be used in preference to a new building. However, at the time of my visit, a good deal of the

space in that building was already being used for purposes similar to the Appeal B barn, including the storage of mowing machines, a trailer, ladders, tools, and also as a workshop. These currently take up almost all of those parts of the Stable Barn which have level access. To use the remaining parts for the storage of items of this kind would require extensive physical alterations; and such works would also appear likely to be incompatible with any return to the permitted equestrian use at some time in the future. Given the likelihood of an on-going need for storage of the kind now sought, I am not persuaded that it would be reasonable to expect the remaining parts of the Stable Barn to be given up for that purpose, especially in view of my finding that the retention of the 'barn in the woods' building would cause no harm.

57. Overall, I am satisfied that the Appeal B building has been shown to be reasonably necessary for the needs of the site, in accordance with Policy RA3.

### **Other Matters**

58. Attached to the appeal building are a large number of bat boxes, many of which are evidently being actively used as roosts. If the building were required to be removed, a licence would be required under the Wildlife and Countryside Act 1984. However, there is no evidence that such a licence could not be obtained. I therefore agree that the presence of the bats need not be an insuperable obstacle, had there been any justifiable reason to refuse permission for the building to be retained. But, for the reasons given above, I have not found that to be the case.

### **Conditions**

59. The conditions that I intend to impose are set out in the attached schedule. Condition 1, listing the approved plans, is necessary to define the permission and to avoid uncertainty. Conditions 2 and 3, limiting the nature of the use and requiring removal and restoration when the building is no longer needed, are necessary to minimise any harm to the woodland.

### **Conclusion on Appeal B**

60. For the above reasons, I conclude that the retention of the existing Appeal B building would avoid harm to the landscape of the High Weald, and would meet a demonstrable need. As such, the appeal proposal would accord with the relevant policies of the development plan. None of the other matters raised outweighs this conclusion.
61. Appeal B is therefore allowed.

*J Felgate*

INSPECTOR

## **SCHEDULE OF CONDITIONS: APPEAL B**

The planning permission hereby granted in respect of Appeal B, for the erection of a barn for agricultural use, is granted subject to the following conditions:

- 1) The development hereby permitted shall be carried out in accordance with the approved plans:

|          |                                            |
|----------|--------------------------------------------|
| 791-01   | Site location and block plan 1:2500/1:1250 |
| 791-SK3  | Block plan 1:200                           |
| 791-SK4  | Floor plan                                 |
| 791-SK5  | Front elevation                            |
| 791-SK6  | Side elevation                             |
| 791-SK10 | Foundation plan                            |
- 2) The barn hereby permitted shall be used only for the storage of tools, equipment and machinery required for the purposes of agriculture, woodland and landscape management, land management, and general maintenance within the application site.
- 3) If at any time the building ceases to be used for the purposes stated in Condition 2 above, it shall be removed from the site, and the land restored to its former condition as woodland, within a period of 6 months from the date of the cessation of the use.