
Appeal Decisions

Site visit made on 13 January 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 April 2026

Appeal Ref: APP/U1430/W/25/3372851 (Appeal A)

Pay Cottage, The Furnace, Ashburnham, Battle, East Sussex TN33 9PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Gregg Leon against the decision of Rother District Council.
 - The application Ref is RR/2025/676/P.
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Appeal Ref: 6000970 (Appeal B)

Pay Cottage, The Furnace, Ashburnham, Battle, East Sussex TN33 9PG

- 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 Gregg Leon against the decision of Rother District Council.
 - The application Ref is RR/2025/677/L.
 - The works proposed are a single storey rear extension..
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Decisions

1. Both appeals are dismissed.

Preliminary Matter

2. As the two appeals concern the same development, albeit under different but complementary legislation, I shall deal with both appeals together in my reasoning. In reaching my decision I have had regard to the statutory duties under sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

3. The main issue, common for both appeals A and B, is whether the proposal would preserve the special architectural or historic interest of this Grade II listed building and its setting. An additional issue, in respect of Appeal A, is the proposed development's effect on the High Weald National Landscape.

Reasons

Special Interest and Significance

4. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
5. The appeal concerns one of a terrace of three, two-storey, seventeenth/eighteenth century cottages, all Grade II statutory listed. The whole building – all three

cottages - is fronted with red brick and grey headers on ground floor and tile hung above.

6. The setting of a listed building refers to the surroundings in which the heritage asset is experienced and here the setting relates to the terrace of which Pay Cottage forms part. Pay Cottage itself has a characteristic half-hipped gable end and, most distinctively, its rear roof plane is a traditional catslide form. This is clearly its most significant architectural and historic feature.

The Proposal

7. This involves the erection of a flat-roofed, single-storey rear extension, slightly separated from the rear wall of the cottage by a narrow link addition. The full width extension would have a depth of 8.5m and be to a height of 3m. The link structure, to a similar height, would extend slightly above eaves height and would therefore pitch into the catslide roof.
8. The extension would be constructed of a lightweight steel frame with timber studwork external walls, oak feather edge weatherboarding, and a zinc roof, along with the glazed link corridor. It would accommodate a day room, a utility room and a shower facility. Otherwise, little information is given as to the dwelling's existing internal layout, save for the indication that additional internal floorspace is required.

The effects of the proposal

9. From my site visit observations the building's historic fabric appears largely intact and, from its listing description, it has not seemingly undergone any notable alteration, at least externally. Accordingly, this listed building has significant architectural interest.
10. The appellant's Heritage Statement, submitted at the application stage, under the heading 'How will the proposal impact on the significance of the heritage asset including their setting, erroneously states *'there is no heritage asset at the site'*. That said, it goes on to indicate that the materials to be used would have little impact on the listed building. The Design and Access Statement (DAS) submitted takes a similar line in saying that the proposed extension would be to a simple, insignificant, box design so as not to detract from the listed building. It goes on to say that the development would also be hidden from Lakehurst Lane.
11. The appellant's appeal statement continues in the same vein in saying that the extension would not adversely affect the historic character of Pays Cottage and, in particular, the feature of the rear catslide roof. The said roof, the profile of which remains as originally built, essentially emphasises the dwelling's form and characteristic design, yet the proposed flat-roofed addition, presumably for reasons of head height, is shown to pitch in to the catslide feature. I agree with the Council that this would result in harm to the building's historic fabric.
12. Given the actual intended physical relationship I consider that the appellant has made a series of sweeping statements in an attempt to promote the proposal, but without the necessary justification. In essence, the appellant stresses that the development would provide a high quality design. This might be the case as an individual and stand-alone entity – although the flat roof's depth and expanse would not necessarily integrate well or be visually attractive, whilst the glazed link

would do little to break up or mitigate the impact. Indeed, I find that the extension's disproportionate size and visual obtrusiveness would be markedly pronounced. Importantly, I am not convinced that the historic contextual setting was the starting point in the design process here. In illustration, a DAS should ideally discuss why alternative designs were discounted and then provide appropriate justification for the development ultimately decided upon. No such details were given.

13. As mentioned, the DAS says that the proposed extension would not be visible from Lakehurst Lane. However, harm to the historic environment or heritage assets does not have to be readily visible to result in such impact.
14. Instead, I am of the view that the development's uncharacteristic form and design has been put forward due to two distinct factors; first, the difficulties of extending the existing building so as to allow for a viable development; and second, the appellant's requirements in this regard. The latter is understandable, as houses are for living in, but the fact that the extension would be almost as deep as the existing dwelling does not suggest that it would amount to a subordinate relationship; an essential requirement of a domestic extension, irrespective of whether the host building is listed or not.
15. Here, in the circumstances, I would consider that the proposed development would not respect the authenticity of the listed building and would have a negative impact on its significance. For the purposes of the National Planning Policy Framework (the Framework), this would result in '*less than substantial harm*.' Impact from less than substantial harm requires convincing justification, but does allow for any public benefits to be weighed against it.

Public benefits and Planning balance

16. Paragraph 212 of the National Planning Policy Framework (the Framework) says that, 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, and the more important the asset, the greater the weight should be. This is irrespective of the considered level of harm that would arise.
17. The advice within the Framework is that, firstly, it needs to be identified whether there would be harm, and the second stage is whether public benefits weigh against this harm, including 'securing the asset's optimum viable use' as a factor against which the less than substantial harm has to be weighed. In other words, the primary objective and starting point is to preserve the building's special interest, and a robust argument is required for any departure from that principle.
18. In this particular instance the benefits highlighted, particularly the additional habitable floorspace, are more private aspirations than public benefits. Also, there is nothing compelling before me to suggest that Pay Cottage is not currently fit for habitable purposes and needs substantial repair and improvement to properly function as a dwellinghouse.
19. The planning practice guidance says that heritage benefits may include securing the optimum viable use of a heritage asset in support of its long term conservation. This balances economic viability with heritage protection. It can involve requiring compromises to secure the building's future and is a key concept in heritage planning to keep significant buildings in use and prevent decay. On this point I note

that the Council considers that an outbuilding of a smaller scale and footprint, significantly less harmful to the building's character and setting, may be possible. No such scheme is before me, so I am unable to comment further on this point. Accordingly, this must remain a matter between the two main parties.

20. I have found that here are no public benefits which would arise to sufficiently outweigh the considerable importance and weight I attach to the resultant harm identified to the significance of the designated heritage asset. Accordingly, I am of the opinion that this listed building's conservation would be compromised to an unacceptable degree and, as such, it would not be conserved in a manner appropriate to its significance.
21. The proposal is therefore contrary to the aims and requirements of policies EN2 and EN3 of Rother's Local Plan Core Strategy (CS) which stipulate, amongst other things, that new development should accord with local character and appearance, along with policy DHG9 of the Council's Development and Site Allocation Plan (DSAP) which, more specifically, says that new extensions should respect and be consistent with the character and qualities of historic buildings,

Effect on the High Weald National Landscape

22. The Framework advises that National Landscapes, formerly known as Areas of Outstanding Natural Beauty, should have the highest level of protection. The site is within the High Weald National Landscape (HWNL) and DSAP policies DEN1 and DEN2 and CS policy EN1, taken together, seek to protect the character and appearance of this nationally designated area.
23. In this particular instance, although the development is of very limited scale in the much wider context, it would neither conserve nor enhance the landscape.

Other considerations

24. The appellant, in his Personal Statement, indicates that the submitted drawings might have misrepresented the size and appearance of the proposed extension. Nonetheless, its intended depth of 8m, especially in this particular context, speaks for itself. I also have reservations about the drawings, due to their small scale which, given that proposals affecting heritage assets are often of a considerably larger scale and detailed, would tend to suggest that the proposal's impact is here being downplayed. If the appellant is of the view that the drawings did not do the proposal justice then more illustrative material could have been provided in the form of computer generated images, which are often submitted alongside planning applications.
25. Taking the above point further, it is apparent to me that the material submitted in support of these appeals is thin on substance, but that is almost certainly due to the physical context and setting of the heritage asset and the statutorily listed terrace of which it forms part. Obviously, with these constraints, it would be extremely difficult to advance a convincing argument as to why this proposal might be considered acceptable in its setting. This might explain the inclusion of a section within the appellant's Statement which refers to neighbour amenity. Overlooking and loss of light entry etc were not included in the Council's reasons for refusal, relating to the s78 submission (Appeal A), to which I agree, and it is therefore of little consequence.

26. Instead, the statute I refer to and national policy and guidance are paramount. I acknowledge that extensions designed to a contemporary form can integrate into the historic fabric of a heritage asset, but in this particular instance the form, extent and design would result in an unacceptable relationship with the heritage asset, and its significance.
27. Finally, I have had regard to the representations made from interested parties relating to the proposal. However, these have not affected my conclusions.

Conclusions

28. I conclude that the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building, Pay Cottage and the terrace of which it forms part, and its setting would be harmed. There are insufficient public benefits to outweigh the totality of harm and, as such, the proposal would be contrary to the requirements of sections 16(2) and 66(1) of the said Act and the Framework.
29. Neither would it protect the character and appearance of the HWNL although, given the clear relevance and importance of the first main issue, this is a secondary matter.
30. I have already cited the relevant policies from the Council's development plan, and the proposal fails to accord with their objectives. I therefore find that the proposal conflicts with the development plan as a whole, and there are no material considerations which indicate that the decision on Appeal A should be made other than in accordance with the Plan. Although development plan policies do not strictly apply to applications for listed building consent, the proposal would be in conflict with the thrust of DSAP policy DHG9 and CS policy EN2.
31. For the reasons given, I conclude that both Appeals A and B should be dismissed.

T C King

INSPECTOR