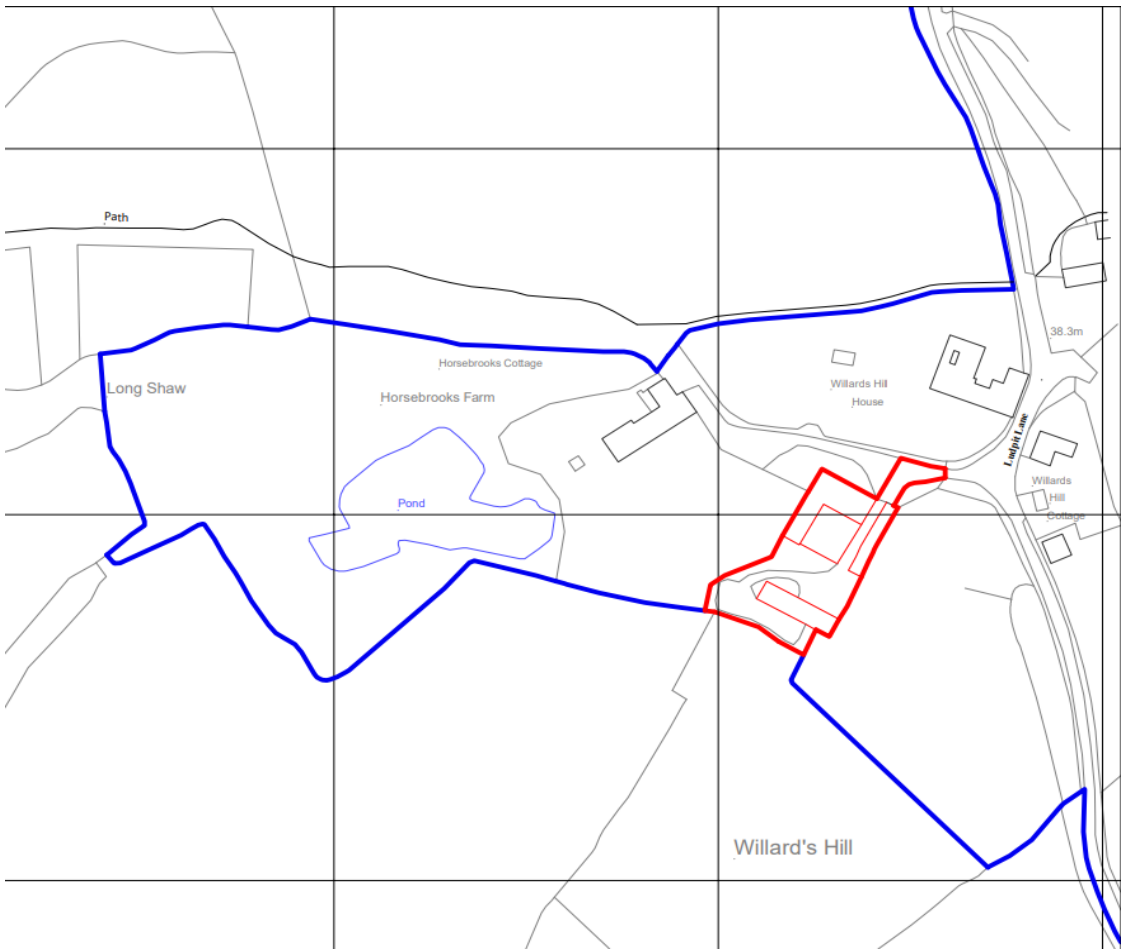


SITE PLAN	BURWASH Horsebrooks Farm Ludpit Lane
	
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Rother District Council

Report to	-	Planning Committee
Date	-	15 December 2022
Report of the	-	Director – Place and Climate Change
Subject	-	Application RR/2022/2199/P
Address	-	Horsebrooks Farm, Ludpit Lane, Burwash TN19 7DB
Proposal	-	Retention and conversion of curtilage Listed Cowshed, retention, rebuilding and repair of curtilage Listed Farmyard Walls, part retention of the Dairy Block, demolition of modern agricultural buildings and erection of a two-storey detached dwelling, with garage, associated hard and soft landscaping and car parking.

[View application/correspondence](#)

RECOMMENDATION: It be **RESOLVED** to **REFUSE FULL PLANNING PERMISSION**

Director: Ben Hook

Applicant:	Mr C. Canetty-Clarke
Agent:	Dowsett Mayhew Planning Partnership
Case Officer:	Mr M. Simmonds (Email: mark.simmonds@rother.gov.uk)

Parish:	BURWASH
Ward Members:	Councillors J. Barnes and Mrs E.M. Kirby-Green

Reason for Committee consideration: Councillor Call-In Cllrs Barnes and Kirby Green: for positive benefits of scheme and lack of adverse impact on Area of Outstanding Natural Beauty

Statutory 8-week date: 26 October 2022
Extension of time agreed to: 20 December 2022

This application is included in the Committee site inspection list.

1.0 SUMMARY

- 1.1 The revised proposal results in an unacceptable level of impact. In terms of scale, despite the revisions, it remains excessive and is considered to be detrimental to the setting and sense of place within the area of a number of other Grade II Listed Buildings. In terms of the overall bulk it is excessive and will have an overbearing effect on the Grade II Listed Buildings in the vicinity which will detract from the overall character and contribution the listed buildings make to the area.

- 1.2 The erection of a dwelling in a location that is outside of any settlement within the countryside is generally unacceptable. The proposal inadequately justifies the need for a dwelling in this location and cannot be justified as enabling development.
- 1.3 The officer recommendation is to refuse permission.
-

2.0 SITE

- 2.1 Horsebrooks Farm is a 90 acre part hay/part arable farm set in the rolling and heavily-wooded countryside of the High Weald Area of Outstanding Natural Beauty (AONB) between the villages of Burwash, Robertsbridge and Etchingham. To the west of the farmyard is Horsebrooks Farmhouse, a Grade II Listed dwelling historically associated with the farmyard largely screened from view by existing established trees.
- 2.2 There are four main existing buildings within the yard: Cowshed; Hay and Cattle Barn; Stable Building; and Diary Block.
- 2.3 The site is not within a conservation area. Horsebrooks Farmhouse is a Grade II Listed Building, the listing is as follows:
- Listing Date 13 May 1987 List Entry No. 1276847 – Possibly once a farm building of Willard's Hill (House) and now converted into a dwelling. Probably C17. Two storeys. Three windows. Ground floor red brick, above le-hung. Tiled roof. Casement windows.*
- 2.4 Horsebrooks Farm is also, within the wider setting of Willard's Hill, Old House, The Cottage and Willard's Hill Farmhouse (all statutory Listed Buildings). The Cowshed and boundary wall are also curtilage Listed.
- 2.5 The site is within Flood Zone 1 the most preferable in terms of flood risk.
-

3.0 PROPOSAL

- 3.1 The proposal is for the retention and conversion of curtilage Listed Cowshed, retention, rebuilding and repair of curtilage Listed Farmyard Walls, part retention of the dairy block, demolition of modern agricultural buildings and erection of a two-storey detached dwelling, with garage, associated hard and soft landscaping and car parking.
- 3.2 This application follows a refusal of the previous planning and listed building applications with the reference No. RR/2022/724/P. This application was refused under delegated powers as it was considered to adversely affect the setting and special architectural and historic character and interest of the listed buildings, adversely impact upon the character and scenic beauty of the High Weald AONB and to constitute unacceptable development in the open countryside.
- 3.3 This application is a resubmission with some very minor changes which do not notably alter the merits and considerations of the previously determined application. The revisions as detailed in the submission include:

- change of materials;
- change of proposed French doors (new dwelling's south elevation) to windows, reducing the external glass and enhancing the agricultural design of the new dwelling;
- incorporated existing early 19th century brick wall into new dwelling;
- addition of photovoltaic panels to garage south roof and electric car and bike charging system;
- reduction of dwelling roof pitch from 48 degrees to 42 degrees, reduction of roof height by 10% and reduction of roof bulk by 19%;
- reduction of garage footprint by 31% and bulk by 34%; and
- total scheme footprint and bulk lower than existing – 4% and 7.1% respectively (this is difference between that submitted for planning previously and new scheme). Difference between existing and new scheme is less total footprint 27.6 % and bulk 28%.

4.0 HISTORY

- | | | |
|-----|---------------|--|
| 4.1 | RR/2005/491/P | Erection of wooden field shelter for animals and wooden shed for the storage of animal feed and equipment.
APPROVED CONDITIONAL |
| 4.2 | RR/2022/724/P | Retention and conversion of curtilage Listed Cowshed, retention, rebuilding and repair of curtilage Listed Farmyard Walls, part retention of the Dairy Block, demolition of modern agricultural buildings and erection of a two- storey detached dwelling, with garage, associated hard and soft landscaping and car parking.
REFUSED |
| 4.3 | RR/2022/726/L | Retention and conversion of curtilage Listed Cowshed, retention, rebuilding and repair of curtilage Listed Farmyard Walls, part retention of the Dairy Block, demolition of modern agricultural buildings and erection of a two-storey detached dwelling, with garage, associated hard and soft landscaping and car parking.
REFUSED |
-

5.0 POLICIES

- 5.1 The following policies of the [Rother Local Plan Core Strategy 2014](#) are relevant to the proposal:
- OSS4: General Development Considerations
 - RA2: General Strategy for the Countryside
 - RA3: Development in the Countryside
 - EN1: Landscape Stewardship
 - EN2: Stewardship of the Historic Environment
 - EN3: Design Quality
- 5.2 The following policies of the [Development and Site Allocations Local Plan \(DaSA\)](#) are relevant to the proposal:
- DIM2: Development Boundaries

- DEN1: Maintaining Landscape Character
 - DEN2: The High Weald AONB
- 5.3 High Weald AONB Management Plan 2019-2024:
- Objective S2: To protect the historic pattern and character of settlement.
 - Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.
- 5.4 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confers a statutory duty to local planning authorities when considering whether to grant planning permission, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.5 The following policies of the Burwash Neighbourhood Plan 2020-2028 are relevant to the proposal:
- GP01: Protection of the AONB Landscape
 - GP02: Heritage
 - GP03: Development Boundaries
 - GP06: Sustainable Development
- 5.6 The National Planning Policy Framework and Planning Policy Guidance are also material considerations.
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6.0 CONSULTATIONS

6.1 Planning Notice

6.1.1 A number of letters of support have been received from the public voicing general support for the proposal.

6.1.2 All comments can be viewed in full on the Council's website.

6.2 Parish Council – **SUPPORT**

6.2.1 The Planning Committee of Burwash Parish Council met on 17-10-22 and resolved to support this application with the following comments:

- The Applicants have worked hard to produce a design to match the High Weald Design Guide.
- The Applicants are requested to support and adhere to the Burwash Neighbourhood Plan Policy ENO4, the protection of dark skies, by providing coverings at night for the glass on the planned buildings. This has been agreed by the Applicant.
- Amended plans show a reduction of the original footprint of the building and will restore and regenerate the current building which the Committee felt was more in keeping with its position in the AONB.
- The Committee felt that the site is well positioned and cannot be seen from the surrounding footpaths and road.
- Site is situated on brownfield classified land.
- Positive inclusion of electric charging points and electric bikes to promote sustainability for the new dwelling

7.0 LOCAL FINANCE CONSIDERATIONS

- 7.1 The proposal is for a type of development that is Community Infrastructure Levy (CIL) liable however, in this case there would be a net balance from the demolitions of minus 109m2 and as such the proposal would be exempt from CIL.
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8.0 APPRAISAL

- 8.1 The main issues are considered to be:

- Principle
- Impact upon AONB and the impact upon Heritage assets
- Residential Amenity

8.2 **Principle**

The site sits outside of the development boundary for the settlement of Burwash as shown in the Burwash Neighbourhood Plan (Inset Map A) set between the villages of Burwash, Etchingham and Robertsbridge. The site is also within the High Weald AONB which has the highest status of protection in relation to landscape and scenic beauty.

- 8.3 Policy OSS4 of the Rother Local Plan Core Strategy requires all development to (iii) respect and not detract from the character and appearance of the locality. Policy GP03 of the Burwash Neighbourhood Plan states that development proposals outside the development boundaries of Burwash Village, Burwash Weald and Burwash Common will be assessed against the approach set out in Policy DIM2 of the DaSA.

- 8.4 Policy DIM2: Development Boundaries states that outside of defined settlement development boundaries, development shall be normally limited to that which accords with specific Local Plan policies or that for which a countryside location is demonstrated to be necessary.

- 8.5 The application is supported by a Planning Statement and detailed Heritage Impact Assessment (HIA). The HIA includes the following conclusions:

When considered as a whole and on balance, the proposed development is considered to have significant positive net benefits to the special interest of the designated heritage assets, their curtilage listed buildings and their wider setting.

The conversion of the Cowshed and dairy block, as well as their incorporation into the proposed development, will provide them with optimum viable use, ensuring their long-term preservation. The proposed scheme to convert the historic buildings on-site is considered to be respectful and sympathetic with their original character, preserving their significance.

The removal of the existing stables will eliminate a harmful element to the traditional farmyard and its setting. The traditional design and materials proposed for the new building will preserve and enhance the traditional and rural character of the site as a whole.

The proposed landscape works are considered to result in a betterment of the setting of the traditional farmyard which, by extension, contributes to the significance of the surrounding designated heritage assets and their setting.

- 8.6 The Applicants' justification is that the scheme presents an enabling development as established in Paragraph 208 of the National Planning Policy Framework that secures the preservation of heritage assets and their setting. Paragraph 208 states:

Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

- 8.7 Consideration of the scheme requires understanding of the significance of the heritage assets. In line with Paragraph 194 of the National Planning Policy Framework applicants are required to describe the significance of any heritage assets affected, including any contribution made by their setting. The Applicants' describe the significance of the heritage assets in the Heritage Statement:

*Horsebrooks Farmhouse – High
Cowshed – Moderate
Boundary wall – Moderate
Dairy Block – Low
Stable – Negative
Hay/Cattle barn – Negative*

- 8.8 The building with the greatest significance is the Farmhouse. The main residential dwelling located in the long range of the building is well maintained and in very good condition. The new dwelling proposed will sit to south-east of the Grade II Listed Farmhouse, within the group of farm buildings. Given the moderate, low and harmful significance of the majority of the farm buildings, it is considered that their setting or preservation as heritage assets does not give sufficient justification for the erection of a new dwelling in an unsustainable countryside location. The case for enabling development has not been made.
- 8.9 The scheme must also be assessed and balanced against the provision of a dwelling in an unsustainable location that is contrary to the strategic policies of the development for the distribution of dwellings and also within an AONB, which carries the highest status of protection in relation to landscape and scenic beauty.
- 8.10 Paragraph 176 of the National Planning Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty of AONBs which have the highest status of protection. Policy EN1 of the Rother Local Plan Core Strategy seeks to ensure the protection, and wherever possible enhancement, of the District's nationally designated and locally distinctive landscapes and landscape features, including: (i) the distinctive identified landscape character ecological features and settlement pattern of the High Weald AONB. Similarly, Policy EN3 requires all new development to be of a quality design taking into account a variety of factors. The main issue is the effect of the proposal on the character and appearance

of the area with particular reference to the countryside of the High Weald AONB.

- 8.11 Burwash Neighbourhood Plan Policy GP04-Design Standards, specifies scale, nature and location, development proposals should achieve a high quality of design and demonstrate how they complement local vernacular, distinctiveness and the aesthetic qualities of rural settlements and buildings found in the High Weald AONB. Therefore, great weight is applied to the need to protect the AONB and the test is appropriately set at a high level so that harmful proposals as is the case here are not supported.
- 8.12 The modifications to the proposal are noted, in particular the minor reduction in the scheme, but this does not sufficiently mitigate the harm identified here. The Council have a duty to preserve and protect the AONB and its predominant character and appearance. The proposal is described as enabling development so that the agricultural buildings can be preserved and enhanced, however this is at the detriment of establishing a prominent new dwelling in this sensitive location. In concluding the matter of the principle of development, the principle of the demolition of the metal barns and remodelling of the 1940's agricultural building is acceptable however, the principal of development of the substantial new dwelling as proposed is not and cannot be considered as development which enables the preservation of existing farm buildings.
- 8.13 **Heritage and Landscape**
Paragraph 200 of the National Planning Policy Framework requires any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), to require clear and convincing justification.
- 8.14 Rother Local Plan Core Strategy Policy EN2: Stewardship of the Historic Built Environment, states that development affecting the historic built environment, including that both statutorily protected and the non-statutorily protected, will be required to:
- i. Reinforce the special character of the District's historic settlements, including villages, towns and suburbs, through siting, scale, form and design.*
 - ii. Take opportunities to improve areas of poor visual character or with poor townscape qualities.*
 - iii. Preserve, and ensure clear legibility of, locally distinctive vernacular building forms and their settings, features, fabric and materials, including forms specific to historic building typologies.*
 - iv. Make reference to the character analysis in Conservation Area Appraisals, where relevant; (v) Reflect current best practice guidance produced by English Heritage and HELM59.*
 - v. Ensure appropriate archaeological research and investigation of both above and below-ground archaeology, and retention where required.*

- 8.15 Neighbourhood Plan Policy GP02 requires development proposals to complement and enhance the distinctiveness of the local vernacular, buildings, structures and other features and their setting of historic significance.
- 8.16 The site is not located in a Conservation Area, however, the scheme has the potential to harm the setting of the Grade II Listed building and the setting of the curtilage Listed buildings.
- 8.17 The previously refused scheme was of a scale in terms of the proposed dwelling that was considered to be excessive. The previously refused application assessment stated that the principle of the demolition of the corrugated metal barns and remodelling of the 1940's agricultural building is acceptable, though the remodelling as it is described is essentially reconstruction. The scale of the proposed dwelling was considered to be excessive, being 9.3m high, 13.5m wide and approx. 8.1m deep and will not only dwarf the stone built dairy shed (being 4.5m high and 4.4m deep) but also would be considerable in scale when compared to the Farmhouse, this would be harmful to an unacceptable degree. The existing agricultural barns are approximately 5.7m high which only provides a further contrast as to the excessive scale of the proposals.
- 8.18 The level of impact that the development will have in terms of scale is also considered to be detrimental to the setting and sense of place within the area of a number of other Grade II Listed Buildings including Willards Hill (68m distance) and Willards Hill Cottage (72m distance).
- 8.19 This amended proposal has similar concerns being 8.4m high (0.9m reduction), 13.5m wide (no reduction) and 8.1m deep (no reduction). In relation to the Cowshed's overall height of 5.7m, the proposed building is still considerably taller and is considered to be oppressive and certainly not subservient to the Listed Cowshed or principle Farmhouse and is considered to be overly ambitious for such a modest and rural setting.
- 8.20 In terms of design and aside from the already unacceptable scale, the north east elevation is considered to carry some agricultural character but the south west elevation is clearly a departure to a more domesticated form, with an extensive use of glass, introduction of symmetry resulting in a façade that is considered to be a style of mock agricultural architecture being neither residential or functional in appearance, that will have a negative impact upon the general appearance, and setting of listed buildings and the wider rural setting. The installation of three rooflights into the roof slope of the field access roof is also considered to be an excessive addition.
- 8.21 The rebuilding of the stone dairy shed to a degree is welcomed as sufficient evidence of original form has been provided, however, the use of weatherboarding and timber to reform the part of the structure that was lost to fire is considered to not have a sufficient aesthetic relationship to the existing and would require amendment to a matching material. It is also considered that rebuilding in any other material would be a transition to speculative rather than evidence-based reconstruction which is not acceptable.
- 8.22 The associated 3-bay open garage is considered to be acceptable and is of an appropriate scale being approximately 5m in height to the ridge line.

Therefore, in summary the principle of demolishing the 20th century elements currently in place is acceptable from a heritage perspective and the rebuilding of the Dairy Shed is considered acceptable in principle, but the specification, use of materials that do not match is not acceptable.

- 8.23 The construction of a dwelling and its acceptability in principle is also determined by other planning matters, but in terms of heritage it is considered that the proposal in terms of the overall bulk is much the same as the previous Planning Application No. RR/2022/726/L and gives a sense of being overwhelming towards the Cowshed and the principal Farmhouse albeit set at a greater distance. It is also considered that where the Cowshed is an evidenced rebuild, the reconstruction of the existing building to form a field access way and hall/landing for the new dwelling is considered to be tantamount to a new building in addition to the proposed new barn style dwelling. It is considered that the cumulative impact of the development in terms of plan form, layout and intensity of development would overall dwarf developments in the vicinity including the original Farmhouse.
- 8.24 It is concluded that in terms of the overall bulk is excessive and will have an overbearing effect on the Grade II Listed Buildings in the vicinity which will detract from the overall character and contribution the listed buildings make to the area.
- 8.25 Therefore, for heritage reasons alone, the proposal fails to comply with Chapter 16 of the National Planning Policy Framework in particular Paragraphs 194, 197, 200 and 208, Local Policies OOS4 and EN2 of the Rother Local Plan Core Strategy, Policy GP02 of the Burwash Neighbourhood Plan Section 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.26 **Residential Amenity**
Policy OSS4 (ii) of the Rother Local Plan Core Strategy seeks to ensure that development proposals do not unreasonably harm the amenities of adjoining properties.
- 8.27 The only potential impacts upon residential amenity are from overlooking from the new dwelling to the existing dwelling of Horsebrooks Farmhouse to the north-west. However, the separation distance is sufficient so to avoid a loss of privacy. Therefore, there will be no adverse impacts upon residential amenity in compliance with Policy EN3 of the Rother Local Plan Core Strategy.
- 8.28 The proposal is not considered to be a sustainable development and therefore conflicts with key policies within the development plan and the strategy for the location of new development and Chapters 2 and 14 of the National Planning Policy Framework.

9.0 PLANNING BALANCE AND CONCLUSION

- 9.1 On balance, the revised proposal results in an unacceptable level of impact. In terms of scale, despite the revisions, it is considered to be detrimental to the setting and sense of place within the area of a number of other Grade II Listed Buildings including Willards Hill (68m distance) and Willards Hill

Cottage (72m distance). In terms of the overall bulk is excessive and will have an overbearing effect on the Grade II Listed Buildings in the vicinity which will detract from the overall character and contribution the Listed Buildings make to the area.

- 9.2 For the reasons outlined above the erection of a dwelling in a location that is outside of any settlement within the countryside is unacceptable. New residential development is only allowed in such areas where a countryside location is necessary. The proposal inadequately justifies the need for a dwelling in this location and cannot be justified as enabling development.
- 9.3 The proposal fails to comply with Chapter 16 of the National Planning Policy Framework in particular Paragraphs 194, 197, 200 and 208, Local Policies OOS4 and EN2 of the Rother Local Plan Core Strategy, Policy GP02 of the Burwash Neighbourhood Plan Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. On this basis and due to the Council's duty to preserve and protect the AONB, the recommendation is for refusal

RECOMMENDATION: REFUSE PLANNING PERMISSION

REASONS FOR REFUSAL:

1. The proposal involves the erection of a new dwelling in a location that is outside of any settlement within the countryside. New residential development is only allowed in such areas where a countryside location is necessary. The proposal inadequately justifies the need for a dwelling contrary to Policies OSS1, OSS2, OSS3, RA2 and RA3 of the Rother Local Plan Core Strategy, Policy DIM2 of the Development and Site Allocations Plan Policy, GP03 and GP06 of the Burwash Neighbourhood Plan and Chapters 2, 15 and 16 of the National Planning Policy Framework.
2. Having regard to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed works, by virtue of materials, scale, proportion and bulk would adversely affect the setting and special architectural and historic character and interest of the listed buildings as designated heritage assets, and as such would be contrary to Policies EN2 and RA1 of the Rother Local Plan Core Strategy, Policy DHG9 of the Development and Site Allocation Plan, GP02 of the Burwash Neighbourhood Plan and Paragraphs 130, 199, 200 and 202 of the National Planning Policy Framework.
3. By virtue of the proposed materials, scale, proportion and bulk, the development would adversely impact upon the landscape character and scenic beauty of the High Weald Area of Outstanding Natural Beauty, and therefore fails to comply with Policy GP01 and GP04 of the Burwash Neighbourhood Plan, Policy EN1 and EN3 of the Rother Local Plan Core Strategy, Policy DEN2 of the Development and Site Allocations Local Plan and Paragraph 176 of the National Planning Policy Framework.

NATIONAL PLANNING POLICY FRAMEWORK: In accordance with the requirements of the National Planning Policy Framework (paragraph 38) and with the Town and Country Planning (Development Management Procedure) (England)

Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal. However, the issues are so fundamental to the proposal that it would not be possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.