



Appeal Decision

Site visit made on 12 August 2025

by **S Wilkinson BA BPI DIP LA MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 September 2025

Appeal Ref: APP/C1435/W/25/3360096

Land south of Sandy Cross Lane and east of Monkhurst House, Heathfield, TN21 8QR

- 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 Harry Tucker against the decision of Wealden District Council.
 - The application Ref is WD/2024/1678/O.
 - The development proposed is outline planning permission with all matters reserved bar access for the provision of 9 self build dwellings, access from Sandy Cross Lane and ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme is submitted in outline with all matters reserved apart from access. A master plan submitted with the appeal is treated as illustrative only.
3. The Council's third reason for refusal relates to a requirement for a mechanism to ensure the delivery of affordable housing. The appeal scheme was submitted with a completed S106 Agreement which addresses this matter and is referred to later in this decision.
4. The Development Plan comprises the Wealden Local Plan (WLP) 1998 and the Wealden Core Strategy 2013 (WCS). Whilst a Regulation 18 draft of the new Wealden Local Plan has recently been the subject of consultation both parties accept that due to the limited progress made towards its adoption this is not material to this appeal. I have determined this appeal on the basis of the existing Development Plan policies.
5. All references in this decision are to the Government's adopted National Planning Policy Framework (the Framework) December 2024 and not the previous draft referred to in the Council's decision.
6. Both parties agree that the Council does not have a policy compliant housing land supply; this is estimated to be 3.68 years.

Main Issues

7. The appeal scheme raises the following issues:
 - Its effects on the character and appearance of the area, with particular regard to the High Weald National Landscape

- Its effects on designated heritage assets with particular regard to the two Grade II listed properties, Little Monkhurst and Farm Cottage, and
- Its effects on protected species with particular regard to the Great Crested Newts.

Reasons

Character and Appearance

8. The appeal site extends south from Sandy Cross Lane and comprises overgrown pasture. Its boundaries are defined by tree belts which are particularly strong on its northern, eastern and southern edges. Many of these comprise Ancient Semi Natural Woodland. Its western edge comprises dense shrub planting and towards the south west mature trees. The site slopes downwards west to east although a more marked slope is down from its road frontage. The whole of the site lies within the High Weald Area of Outstanding Natural Beauty, a National Landscape (HWNL). This designation distinguishes it from the site to the east cited by the appellant as a comparable site for development following the recent decision¹ of an Inspector colleague to allow housing.
9. The site lies in the High Weald Landscape Character Area (LCA) 5B – Central, characterised by rolling hills, high ridges, mixed and ancient woodlands interspersed with a patchwork of fields edged by trees and hedges. The site's natural features are consistent with this description. However, in other respects the site does not adhere to other qualities found in the LCA such as tranquillity or remoteness given its proximity to the business park located to the west and the visibility of surrounding development to the west and north. The site forms the northern extent of the High Weald which extends southwards from Sandy Cross Lane. For these reasons it has a high landscape value but with a moderate susceptibility to the residential development proposed.
10. The Council identifies that the scheme conflict with Policies GD2, DC17, EN1, EN6, EN27, strategic objectives SPO1 and SPO13 and policies WCS2 and WCS14. These policies coalesce around requirements for development to be sustainable, that it enhances and protects the natural landscape including protection for the HWNL. However, given that the Council accepts that the site is in a sustainable location allowing a choice of transport modes to access shops and services, policies EN1 and WCS14 are not relevant to this issue. Furthermore, policy WCS2 identifies housing growth numbers in Heathfield and Waldron and given that the appeal site lies outside the development boundary it is also not strictly relevant to this main issue.
11. The High Weald AONB unit identifies that the location of the scheme conflicts with objectives S1, FH2 and PQ2 of the Management Plan which together seek to protect the historic pattern of settlement, the field pattern and unspoilt rural character of the High Weald. This is a material consideration.
12. The illustrative master plan identifies proposed housing located in the centre of the site where the existing slopes in both directions are not as pronounced as in other parts of the site. A landscape and drainage basin would be located towards its southern edge. The scheme would involve the loss of 110m of native hedgerow

¹ APP/C1435/W/22/3306792

and 40m of a line of trees² but that there would be replacement of planting of hedgerows and enhancement of the tree lines by around 200%.

13. Given the slope across the site there would be a need to create a series of development platforms which would significantly alter the site's natural and pastoral character. Structurally the form of development proposed, involving 9 metre high detached dwellings, would be an outlier of development extending beyond the edge of the business park into this part of the High Weald.
14. For this reason, the appeal scheme would have a significant impact on the physical characteristics of the site, involving development on a large part. Whilst landscape is a reserved matter the areas proposed for landscaping are unlikely to maintain the site's natural character given the loss of trees and hedgerows proposed. The magnitude of change resulting from the development would be significant, adversely impacting on the site's landscape character.
15. A series of viewpoints included in the appellant's evidence were used for the site visit. Due to a combination of the height and depth of surrounding tree belts and local topography the scheme would have limited visibility from points east of the access on Sandy Cross Lane and from the south (viewpoint 5) along the Public Right of Way (PROW). However, from the farm access track to the west whilst there are only limited viewpoints due to the height of the surrounding hedge, parts of the upper floor and roof profiles would be visible. A similar view would be obtained from the more distant view point 4 which due to its vantage would offer similar views. The proposed housing would be seen as part of the business park and would identify with housing located on the southern edge of Heathfield to the north east which due to its elevation presently dominates views.
16. Accordingly, I conclude that the appeal scheme would adversely impact on the landscape character and appearance of the area with regard to the HWNL. The scheme conflicts with policies GD2, DC17, EN6, EN27, strategic objectives SPO01 and SPO13 and the management objectives of the Management Plan.

Heritage

17. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty requiring a decision maker, to have special regard to the desirability of preserving listed buildings or their setting or any features of architectural or historic interest which they possess. The Framework defines 'setting' as the surroundings in which a heritage asset is experienced.
18. Historic England's guidance (The Setting of Heritage Assets, Planning Note 3) advises that setting itself is not a heritage asset. Its importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate the significance of that asset.
19. Strategic objective SPO2 and policy WCS14 together, require that development conserves the historic environment and preserves and where appropriate enhances the character, appearance and special interest of listed buildings and their settings. Two assets are identified in the evidence of both parties.

² Appellant's SoC - Appendix 4 GCN DLL application form

Monkhurst Farm

20. The asset is Grade II listed and includes two listed curtilage buildings. An oast house used as private dwelling lies to the west. The asset is used as a private residence located on the south side of Sandy Cross Lane. It is understood from the Listing Description that it dates from the seventeenth century and includes tile hung elevations with a thatched roof. However, it has been significantly altered with the addition of a two-storey extension which dates from 1990. The appeal site lies several hundred metres to the southeast of the asset.
21. Tithe records from 1840 indicate that the site was surrounded by farmland and whilst there is no direct evidence to demonstrate that the appeal site (identified as plots 1691, 1708 and part of 1402) was occupied and farmed by the same owner or tenant there is a high likelihood that it was.
22. The asset's setting is informed by its relationship with surrounding farmland which includes the appeal site. Given the extent of development to the north and housing lying to its west these remaining pastoral areas are important in determining the setting. However, whilst the asset's rural setting can still be appreciated from viewpoints to the south, this is less clear from across the appeal site from the east. This reflects the location of the business park, its vehicular access, parking and service areas. These extend from the boundaries of the farmhouse towards the appeal site. The business park may be located in converted farm buildings but these have a marked commercial appearance and do not readily appear as converted agricultural properties. Whilst the importance of setting is not entirely determined by visibility, in this case no part of the asset is visible from the appeal site.
23. Furthermore, the noise and activities associated with the commercial development undermines the historic relationship between the farmhouse and the appeal site to the extent that any vestige of historic relationship has been significantly undermined. Less than substantial harm at the low end of the scale of harm would arise to the asset from the appeal scheme.

Little Monkhurst

24. This asset is Grade II listed and located on the north side of Sandy Cross Lane, constructed of brick with weather boarding to the upper floor with a tiled roof. It lies around two hundred metres from the northern edge of the appeal site.
25. It is unclear from the evidence of both parties exactly what the historic relationship of the asset is with the appeal site. There is no doubt however, that its historic setting, informed by a rural context, has been significantly and irretrievably altered by the expansion and proximity of Heathfield to its north.
26. Lying immediately to the south of the asset is the business park, and residential properties of Farm Cottage, Monkhurst Cottage and the Long Barn beyond which is open countryside. However, the location of these buildings effectively screen the asset and undermine any perceived relationship with a rural context.
27. The asset is not visible from the appeal site although in long distance views from the south its tall chimney can just be identified. However, its limited visibility together with the impact of noise and activity associated with the business park

diminish its setting considerably. No harm would arise to this asset from the appeal scheme.

Conclusions

28. The National Planning Policy Framework requires that great weight must be given to the protection of designated heritage assets and given the duties of the decision maker under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard is to be had to the desirability of preserving the building and its setting.
29. I acknowledge the importance of published guidance³ on how the cumulative effects of small-scale changes within a setting could affect how the significance of a heritage asset is appreciated. Whilst the extent of existing development around each asset has compromised their settings the extent of development that would be introduced by the appeal scheme would have no effect on the relationship to each. The significance of Monkhurst Farmhouse could still be readily appreciated from its wider setting in distant views from the south.
30. Paragraph 215 of the Framework requires that great weight must be given to the protection of designated heritage assets and given the duties of the decision maker under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 special regard is to be had to the desirability of preserving the building and its setting.
31. No harm would arise from the appeal scheme on the setting and significance of Little Monkhurst. However, in respect of Monkhurst Farmhouse given that the scheme would involve development on three plots which would appear to have had a historical connection to the farmhouse, the less than substantial harm which would arise requires balancing against the scheme's public benefits. For this reason, the proposal would conflict with Strategic Objective SPO2 and policy WCS14 together. This is considered further in the heritage balance.

Ecology

32. Both main parties accept that the appeal site is located within a Great Crested Newt (GCN) impact zone and that GCN may be potentially present on the appeal site. This is due to the location of ponds lying in close proximity to the site boundary which may have ecological connectivity through the site.
33. The appellant has confirmed their intention to enter into a District Level Licence (DLL) and has approached Nature Space, an independent body which advises the Council and prepares DLL. The Assessment Summary included in the evidence identifies that Nature Space are satisfied that this matter can be addressed through the DLL and that appropriate mitigation would be applicable to this site.
34. The parties differ on the extent to which the Appellant's approach is sufficiently robust to ensure that appropriate mitigation would occur if the appeal is allowed. The Appellant in seeking to avoid what could be unnecessary costs has suggested three pre commencement conditions which each refer to the licence application. Whilst some re wording of the suggested conditions may be necessary to strengthen their precision they could be a suitable 'vehicle' to address this matter.

³ Historic England GPA2

35. I conclude that the absence of a completed DLL would not conflict with policy WCS12 and that the applications of conditions would be appropriate, were I minded to allow this appeal.

Planning Obligation

36. The Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 58 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms, be directly related to the development, and be fairly and reasonably related in scale and kind to the development.
37. Obligations include an offsite contribution of £639,393.00 for affordable housing and a requirement for the proposed housing to comprise self/custom build plots within the site. These measures are consistent with policies AFH1, Strategic Objective SPO3 and WCS14 and Paragraph 63 and 64 of the Framework.
38. I conclude that the S106 Agreement includes the provision of infrastructure, which is necessary, directly required and fairly and reasonably related in scale to this development. To conclude I am satisfied that each of these obligations fall within the provisions of Regulation 122(2) of the CIL Regulations and Paragraph 58 of the Framework.

Heritage balance

39. The heritage assets include the Grade II listed Monkhurst Farmhouse that requires consideration in the Heritage Balance.
40. The development of the appeal scheme would lead to less than substantial harm at the low end of scale of that harm to the significance of this heritage asset. Nevertheless, less than substantial harm does not equate to a less than substantial planning objection and bearing in mind the statutory duty set out in the Planning (Listed Buildings and Conservation) Act 1990 the harm still attracts considerable importance and weight.
41. In this case, however, I find that the limited harm to the heritage asset is outweighed by the social, environmental and economic public benefits included in the appeal scheme that I have identified above.

Planning balance and conclusion

42. Both main parties acknowledge that there is an undersupply of housing land. In these circumstances there is a presumption in favour of sustainable development as defined by the Framework. This deems the policies as out of date. The tilted balance is not invoked, however, because the Framework at Paragraph 11d(i) and footnote 7 protects both areas and assets of particular importance, which include National Landscapes, and provides a strong reason to dismiss the appeal.
43. The fact that policies are deemed as out of date does not mean that they carry no weight. To carry weight policies must be consistent with the Framework, as explained in Paragraph 232, which amongst other things, states that the closer that local policies are to those in the Framework, the greater weight that may be given to them. As such it is possible for policies which are deemed out of date by reason of an inadequate land supply to still carry significant weight.

44. Given my findings on the main issues above, the most important policies relate to the issues of landscape character. Therefore, the most important policies are GD2, DC17, EN6, EN27, strategic objectives SPO01 and SPO13.
45. Policies GD2 and DC17 are predicated on the protection of the countryside for its own sake and are inconsistent with Paragraph 135 of the Framework. For this reason, I accord only limited weight to the conflict with the appeal scheme.
46. In contrast policies EN6, EN27 and SPO01 and SPO13 aim to achieve good quality design, local distinctiveness and protect designated areas. In this they are consistent with Paragraphs 135 and 189 of the Framework. I accord significant weight to the conflict with the appeal scheme.
47. The scheme would deliver benefits in the provision of self/custom build housing with financial contributions for off site affordable housing provision. There is an acknowledged need, accepted by both parties for these distinct forms of housing consistent with Paragraph 63 and 64 of the Framework. Furthermore, there would be a Biodiversity Net Gain on the site in excess of the legal requirement of 10%. The scheme would also deliver limited economic benefits through the employment during construction and through increased spend in local shops and services consistent with paragraph 85 of the Framework.
48. However, set against these benefits would be harm to the landscape character of the HWNL. This is the determining issue in this appeal and Paragraph 189 of the Framework requires that great weight should be given to the conservation and enhancement of the scenic beauty of the National Landscape. Whilst the amount of development is limited it would lead to an incursion into the High Weald which would appear as an extension to Heathfield. This conflicts with Paragraph 189 of the Framework.
49. Overall, I conclude that the harm caused in this case would significantly and demonstrably outweigh the benefits identified when assessed against the policies in the Framework taken as a whole. As such the proposed development does not benefit from the Framework's presumption in favour of sustainable development.
50. Bearing all of the above in mind, there are no material considerations, including the Framework, that would indicate that the decision in this case should be taken otherwise than in accordance with the Development Plan. Accordingly, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Wilkinson

INSPECTOR