Downlands, Uckfield
Heritage Statement of Common Ground
edp6170_r008

QA: ESt_MWI_130923

1 INTRODUCTION

1.1 This Heritage Statement of Common Ground (SoCG) has been prepared between Gleeson Land and John Alison Land and Research Ltd ('the Appellant') and Wealden District Council (herein referred to as 'the Council') in respect of a planning appeal made under S78 of the Town and Country Planning Act 1990 (Appeal Reference: APP/C1435/W/23/3321978).

1.2 This Appeal has been made following the Council's decision to refuse planning permission for the planning application (LPA ref. WD/2022/1637/MEA) submitted for the following development;

(1) "Outline Application (with all matters reserved except for access) for the erection of up to 424 residential dwellings including affordable housing, the provision of vehicular, pedestrian and cycle access and separate emergency access from the Uckfield Bypass (A22), pedestrian and cycle access from Snatts Road, open spaces including children's play space, sustainable urban drainage systems, associated landscaping, infrastructure and earthworks.

(2) Full Application comprising creation of a Strategic SANG, associated landscaping and car parking, and demolition of existing residential property and other buildings and provision of pedestrian and cycle access from Rocks Road, associated landscaping, infrastructure and earthworks."

1.3 Nine reasons for refusal (RFR) are detailed on the decision notice with RfR 3 relevant specifically to heritage assets, as follows:

"Reason for Refusal 3

The Council has a duty 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 (Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990) (hereafter referred to as The Act). There are three listed buildings immediately surrounding the site, including Oast Cottage (NHLE 1028090) and Swallows Barn (NHLE 1262256) at Downlands Farm and the grade II listed Buck*[s]*wood Grange (NHLE 1194277).*

It is commonly agreed that Spring Cottage and Patridges Oast are considered to be non-designated heritage assets. The application also identifies an unlisted historic building -

Chicory Cottage - which has the potential to be considered a non-designated heritage asset (if not curtilage listed) by virtue of its historic association to Buck[s]*wood Grange. There are further unlisted historic buildings at Downlands Farm Cottages (historically known as Bridge Farm) which also have the potential to be considered non-designated heritage assets.*

Section 72(1) of The Act relates to planning and conservation areas and requires that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of that area. In this instance, the proposed access for the application site lies in the vicinity of the designated Maresfield Conservation Area. The Draft Conservation Area Appraisal for Maresfield has been published on the Council's website, and provides the most up to-date considerations of the character of the conservation area as designated in March 2017.

It should be noted that the Courts have held that 'preserve' means an absence of harm. The NPPF points out that harm can be either 'substantial' or 'less than substantial' and where harm occurs, it should be given considerable weight as a material consideration in the assessment of planning applications and as part of the balance exercise and in ascertaining if any public benefits would outweigh that harm. This national policy intent is addressed by 'saved' Local Plan Policies EN1 and EN27; Core Strategy Policy SP02; as well as Chapter 12 of the Wealden Design Guide.

The scheme in its totality would cause less than substantial harm to the significance of heritage assets through the proposed development within their setting.

At present, in the absence of any mitigation evidenced in the indicative proposals, this is regarded to be the higher end of less than substantial harm. Though it was set out that this harm might be reduced through more thorough and considered understanding of significance and amendments to the design, none has been forthcoming.

In summary, the National Planning Policy Framework recognises that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. Great weight should be given to the conservation of designated heritage assets, including any harm or loss of significance through development within their setting. The National Planning Policy Framework also places great importance on development being of good design and responding to local character to ensure the integration of new development into the existing environment. Where harm is considered to be less than substantial, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is not considered that any heritage benefits would arise from the present scheme, nor that planning conditions could be capable of sufficiently mitigating that harm.

The wider public benefits matters could include the delivery of housing on a site that is ready and available. However, the delivery of that housing presents other challenges in regard to Ancient Woodland, access and connectivity. If the only benefits of the scheme are laced and intertwined with those harms, then the less than substantial harm is not outweighed. Therefore, the scheme would not satisfy the aims of the National Planning Policy Framework as regards the conservation of heritage assets, nor would it 'preserve' the significance of the listed buildings, including one grade II listed building and two grade II listed buildings."*

1.4 The purpose of this SoCG is to confirm matters of fact and matters of agreement between the Appellant and the Council in respect of historic environment matters; i.e. the effects on Heritage Assets. It also confirms the key areas of dispute on this topic.

1.5 The parties accept the reason for refusal 3 includes incorrect reference to the listing grade of Buckswood Grange (it is not II* but II). The refusal also refers to a range of harm to heritage assets collectively. It is the Council's intention to expand on the identified harm in respective evidence.

Heritage Matters Agreed

1.6 The following heritage matters are agreed:

- The parties agree that the Appeal Site does not contain any known archaeological deposits and there is considered to be only the potential for hitherto unidentified remains of no greater than local or regional significance to survive in the Appeal Site;
- A programme of post-determination archaeological works would be secured by condition to enable any significant archaeological deposits or features which may exist to be recorded in advance of development commencing; and
- The heritage assets of relevance for consideration in this Appeal are:
    - The Grade II Listed Oast Cottage to the east of the Appeal Site;
    - The Grade II listed Barn at Downlands Farm to the east of the Appeal Site;
    - The Grade II Listed Buckswood Grange to the south of the Appeal Site;
    - the Maresfield Conservation Area, which is located approximately 900m to the north of the Appeal Site;
    - Partridges Oast, a non-designated heritage asset;
    - Lake Wood which only the Council considers to be a non-designated heritage asset; and
    - Chicory Cottage, which only the Council consider to be a non-designated heritage asset.
- As the Appeal Site is wholly outside the Maresfield Conservation Area, the only aspect of this asset that development may potentially impact is its setting;
- As the Grade II listed Buckswood Grange, Grade II Listed Oast Cottage and Grade II listed Barn at Downlands Farm are each located wholly outside the Appeal Site, the only aspect of these assets that development may potentially impact is their setting;
- As Partridges Oast is located wholly located outside of the Appeal Site, the only aspect of the asset that development may potentially impact is its setting;

- As the Appeal Site is wholly outside of Lake Wood, the only aspect of this asset that development may potentially impact is its setting;

- Chicory Cottage is within the Appeal Site and the appeal proposals will result in its total loss.

- The NPPF (2021) defines setting as '*the surroundings in which a heritage asset is experienced'*. The most up to date guidance on the methodology for assessing setting is set out in *Historic England (2017) The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (GPA3 Second Edition);*

- It is agreed that the application of the GPA3 guidance in determining the effects on relevant heritage assets is a matter of professional opinion;

- The Council agrees with the Appellant's finding of less than substantial harm, at the lower end of the scale, to the Maresfield Conservation Area;

- Buckswood Grange is a Grade II listed building, not Grade II* listed; the Council do not consider that any Grade II* listed buildings would be affected by the Appeal Proposals;

- Chicory Cottage is not considered a curtilage listed building in association with Buckswood Grange (as set out in email correspondence from the Heritage Officer via the Major Projects Planner dated 5 December 2022).

- The Council consider Partridges Oast, Snatt's Road, located to the east of the Appeal Site, to be a non-designated heritage asset;

- Spring Cottage, a non-designated heritage asset located on London Road to the north of the Appeal Site, is not considered to be affected by the Appeal Proposals;

- Aside from Chicory Cottage and Partridges Oast, the Council do not allege that any further non-designated built heritage assets would be affected by the Appeal Proposals;

- The Council also considers Lake Wood to be a non-designated heritage asset that would be affected by the Appeal Proposals.

- The group of buildings at Downlands Cottages (to the east of the Appeal Site) are not considered to be non-designated heritage assets (in line with the Heritage Officer's consultation response of 13 February 2023);

Heritage Matters Not Agreed

1.7 The following heritage matters are not agreed:

- The effects on the Grade II Listed Oast Cottage and Grade II listed Barn at Downlands Farm to the east of the Appeal Site are not agreed. The Council consider that the Appeal Proposals would result in the range of 'moderate to higher end' less than substantial harm to the significance of these designated heritage assets through change to their

setting, while it is the Appellant's position that there would be no harm to the significance of listed buildings at Downlands Farm through any change to their setting;

- The effects on the Grade II Listed Buckswood Grange, located to the south of the Appeal Site are not agreed. The Council consider that the appeal proposals would result in the range of 'moderate to higher end' less than substantial harm to the significance of this designated heritage asset through change to its setting, including loss of Chicory Cottage and development of Fir Tree Grove; while it is the Appellant's position that there would be no harm to the significance of the listed building; and

- The effects on the significance of the non-designated Partridges Oast dwelling are not agreed. The Council consider that the Appeal Proposals would result in harm to the non-designated heritage asset, as part of the farmstead group, through change to its setting. The Appellant's position is that there would be no harm to the non-designated heritage asset.

- The effects on Lake Wood are not agreed. The Council consider that the Appeal Proposals would result in harm to the significance of the non-designated heritage asset through change to its setting, while it is the appellant's position that there would be no harm to the non-designated heritage asset.

- The effects on Chicory Cottage are not agreed. The Council consider that Chicory Cottage is a non-designated heritage asset, and that the Appeal Proposals would result in harm to the significance of the non-designated heritage asset through its total loss. It is the appellant's position that this is not a non designated heritage asset.



Heather Hall, on behalf of Wealden District Council



Eddy Stratford, EDP, on behalf of the Appellant