

From: Jo Tucker
Sent: 22 November 2021 11:54
To: Claire Turner
Cc: planning
Subject: WD/2021/2198/MAO - LAND AT BIRD IN EYE FARM, SOUTH OF BIRD IN EYE HILL, FRAMFIELD

Categories: Consultee

Dear Claire,

Please accept this email as my formal consultation response on the above major application for outline planning permission.

I can confirm that I have viewed the application particulars. My considerations revolve around whether the setting of any heritage assets would be unacceptably harmed by any future development within the application site.

Heritage considerations

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) (thereafter referred to as The Act).

The requirements of The Act are reinforced by the National Planning Policy Framework 2021 (NPPF), which at Chapter 16, sets the national agenda for 'Conserving and enhancing the historic environment'. This, in particular, requires the significance of any heritage asset to be identified and assessed that may be affected by a proposal (including by development affecting the setting of a heritage asset) and for this to inform future change in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 206 of the NPPF states that significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset or through development within its setting. Paragraph 189 of the NPPF states that planning should conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of this and future generations.

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.

Considerations of proposals

The NPPF at paragraph 199 states that great weight should be given to the conservation of designated heritage assets through an understanding of the impact of a proposed development on their significance and this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

There is one listed building located in the vicinity of the application site and this is the Grade II listed Oast House at Bird in Eye Farm. A robust and comprehensive heritage statement has been submitted with the application that has considered the potential for impact on the setting of the listed building and has followed guidance set out with the Historic England Guidance on assessing 'Setting' within GPA3.

Subject to a layout at reserved matters that is informed by a thorough understanding of the setting of the listed building, it should be possible to accommodate development proposed within the red line area without harm to the significance of the listed building. I note all matters are reserved accept for access which would therefore allow the amount of units and their size (detached, semi-detached, terraced), layout (including positioning of buildings), appearance and landscaping to be properly considered at reserved matters stage, fully informed by the constraints of the setting of the listed building and to show heritage benefits in the development of this site.

Joanna Tucker

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Further details on the reponse of the Council's Planning and Building Control Services to Covid-19 are available here: <https://www.wealden.gov.uk/planning-and-building-control/planning-services-coronavirus-covid-19-update/>

From Monday 7th September the office reception will be open on a trial basis. All visits to the Council's reception will be by **strict appointment only** for customers with **a specific need** to see an officer in person. Social distancing measures will be in place and enforced at all times. Opening hours are limited to Monday, Wednesday and Friday from 10am until 1pm.

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