

PROOF OF EVIDENCE ON BEHALF OF THE APPELLANT: HERITAGE MATTERS

DR CHRIS MIELE MRTPI IHBC

LAND AT BIRD-IN-EYE FARM

JUNE 2025



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SUMMARY

1 I appear on behalf of the Appellant in this matter, and to provide expert evidence treating the impact of the proposals on the grade II listed oast house. Harm to this early C19 structure is identified in Putative Reason for Refusal 2.

2 My main evidence sets out my qualifications and experience over nearly 35 years advising on development and the historic environment.

3 I am a chartered planner and member of the IHBC, and have a doctorate in the history of architecture and urban planning.

4 In 1991, after completing my degree, I joined English Heritage (as was) as a listing or designations advisor and then providing research to support its statutory role. I joined private practice in 1998 and qualified as a town planner whilst a director at Alan Baxter and Associates. I joined Montagu Evans as a partner in 2005 and here I have built a large specialist team. I became a senior and owning partner in 2010.

5 **Appendix 1.0** comprises a CV with a list of academic and professional publications.

6 My main evidence explains that I was instructed to review the previous scheme following its dismissal at the last Appeal.

7 My instruction invited me to review those earlier proposals and to advise what changes could be made to the masterplan layout to address the Inspector’s finding of less than substantial harm (with which finding I agreed).

8 Accordingly, I and a colleague worked with the design and landscape team on a new layout. My colleague, Mr Paul Kessler-Lyne (his CV is included at **Appendix 2.0**) attended a pre app and we then advised on further changes to the scheme, which is the one that is before the Inspector on the present Appeal. We were then instructed to prepare the heritage impact assessment supporting the application. I reviewed that document.

9 My work as an expert at this Appeal was subject to a further instruction.

10 This scheme maintains a large area of open land west of the listed oast house.

11 The red line boundary to include land around the oast house and to include for that land’s enhancement, improving the setting of the listed building. This extension of the works was on my advice.

12 My main evidence explains the history and significance of the listed building, and that understanding will not be in dispute. The oast house is a familiar building type in this region. Typically they are round in plan, but many are square. Whilst the building has been altered to some extent, it retains a significant amount of early 19th century fabric and in particular those parts which have technical interest (relating to a novel method of drying).

13 Likewise, the Council’s witness and I will agree that the open character of the land (grazed by horses) contributes to the significance of the oast house, a building closely tied to the arable farming activities of this land holding. The immediate setting of the oast is the former farmyard; some older buildings are recognisably historic farm buildings, though they are too altered to be of listable quality or to be treated as non-designated heritage assets.

14 The farm expanded in the 20th century with larger agricultural barns and sheds. The complex is today a small business centre.

15 The oast’s immediate setting has changed.

16 Likewise, the isolated position of the old farmstead (including the oast) has been eroded by the growth of Uckfield, whose edge is now clearly visible below the listed building.

17 I consider that the amount of land that is left open in the present proposals is sufficient to preserve the setting of the listed building, enabling one to appreciate its historic setting. The housing has been positioned to maintain clear views across that land from the oast. Likewise, it will continue to be appreciated across open land from those limited positions to the west (from within the new housing development, for example) from where the historic building’s distinctive cowl can be appreciated.

18 The use of the land will change but I am advised that the landscape management for the new publicly accessible land will not be highly managed, amenity grassland. It will have a more natural treatment that can be attractive, having as well a rustic quality that can complement an old farm building. There will be a new footpath across this land which will enable an appreciation of the listed oast house across open land. One would be aware of the housing, but it will be set well back.

19 Therefore, the setting of the listed building will be improved around it and public appreciation of it will be enhanced.

20 I have considered the potential impact of the new junction enabling site access. This is separated back from the listed building.

21 I have also reviewed the associated lighting scheme and the light spill diagram. This shows that the area illuminated for the road is set away from the listed building. That taken together with the position of the junction leads me to conclude that the lighting will not result in the urbanisation of the building’s setting. In any event, at present the listed building is not appreciable at night.

22 For these reasons, then, my evidence concludes the setting of the listed building is preserved and in some respects enhanced. The ability to appreciate the oast’s historic interest and its architectural form is maintained.

23 Finally, I comment on the Council’s allegation of harm to setting through change to views as seen from the external stair of the oast. I understand from my research that these structures had external stairs which were needed for their functioning. The present stair is not original though it is likely in its original location. The housing proposed would be more visible than from the base of the listed building, but then so would more of Uckfield. In any event, a stair is an area one passes through and access is limited. The view will include the land left open west of the listed building.

Signed:

Name: Dr Chris Miele IHBC MRTPI, Senior Partner, Montagu Evans LLP

Registered Address:

Date: 17 June 2025

1.0

INTRODUCTION TO THE WITNESS

LAND AT BIRD-IN-EYE FARM

INTRODUCTION TO THE WITNESS

- 1.1 I appear in this matter on behalf of the Appellant, Croudace Homes Ltd, and to provide expert evidence treating the impact of the proposals on the setting, and significance, of the grade II listed oasthouse to the northwest of Bird in Eye Farmhouse, Bird in Eye Hill.
- 1.2 This evidence addresses Putative Reason for Refusal 2 set out in the Council’s Statement of Case (hereafter RfR2). The Reason for Refusal states:

The development would result in harm to and the loss of the traditional rural open and undeveloped setting of the Grade II listed Bird in Eye Oast by virtue of the proposed indicative areas of development to the northwest, west and southwest of the designated heritage asset. The proposed development would visually compete with and distract from this local historic landmark and would not safeguard the existing relatively tranquil and quiet setting through the introduction of housing within the undeveloped area and the infrastructure to serve the proposed SANG leading to a detrimental cumulative impact of change. This in combination with the inappropriate urbanisation of the character of the access road with the introduction of the roundabout infrastructure would result in the proposals leading to less than substantial harm to the significance of the designated heritage asset through inappropriate development within its setting and this harm would not be outweighed by the public benefits resulting from this proposal.

The proposal would be contrary to Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990, Policy EN1 and EN27 of the Wealden Local Plan 1998, Policy SPO2 of the Core Strategy and paragraphs 212 – 217 of the National Planning Policy Framework and Chapter 5, 7 and 12 of the Wealden Design Guide.

- 1.3 My CV is reproduced at **Appendix 1.o**.
- 1.4 I am a chartered town planner and member of the Institute of Historic Building Conservation.
- 1.5 I have more than thirty years of experience advising on the interaction of development with the historic environment, first at Historic England (English Heritage, 1991–98) and then in private practice (1998–present). I am a senior and owning partner at Montagu Evans LLP, where I have built a large team specializing in heritage, townscape, and related areas of town planning.
- OUR PRACTICE**

1.6 Montagu Evans is a leading firm of property advisors, established in 1921. My 19 partners and I employ more than 325 staff. Our main office and registered company address is 70 St Mary Axe in the City of London. We provide all areas of development surveying consultancy, from rating and valuation to investment advice. Our town planning consultancy has always been central to our business.

1.7 As a partner in the Planning and Development department, I provide specialist advice to projects involving changes to listed buildings, new development in their settings and in conservation areas, and on tall developments that have wider setting and townscape impacts. I have worked on development directly affecting assets of the highest grade, for example, within the Westminster World Heritage Site and on land near to it, and similarly on sites affecting the setting of many other world heritage sites including listed buildings (Tower of London, Greenwich, Kew, Studley Royal, Canterbury, Bath, Blenheim, Liverpool, Chatham, Darwin’s Downe).

- 1.8 I have been providing listed building and planning advice to the Trustees of the British Museum for many years (Great Court, new labs and exhibition centre to the north (**Figure 1.1** and now the latest set of proposals including the early stages of master planning work) and also to the Trustees of the South Bank Centre (refurbishment of the Grade I listed Royal Festival Hall and other projects on the South Bank estate, which is in a conservation area and in the setting of highly graded assets).
- 1.9 I have been advising HM Government on the National Holocaust Memorial and Learning Centre (**Figure 1.2** – I gave evidence in support of the proposals to the recovered appeal inquiry) and I also advise several Oxford University Colleges (currently Queens, along with instructions for the University).
- 1.10 Whilst many of my projects involve very complex sites, with listed buildings of particular value, I work on many others where the heritage assets are similar to the current appeal. For example, I am presenting evidence to the inquiry into the provision of 8,500 houses across two applications is Swale District, land west of Sittingbourne, where a number of the heritage assets are oasthouses and farm complexes (**Figure 1.3**). This is a Secretary of State decision.
- 1.11 Many of my projects involve historic landscape considerations, which is pertinent to the facts of this case, and some of this work has involved reinstatement of historic landscape schemes (for example, the Grade II Registered Park and Garden at Hulton, Bolton, for Peel Development at **Figure 1.4** – consent achieved twice first by the SoS on a called in application and second on a section 78 appeal against refusal). Whilst at Historic England I was part of the team that researched and then helped to design the reinstated gardens at Darwin’s House at Downe in Kent/ Greater London.



Figure 1.1 The British Museum, London Borough of Camden



Figure 1.3 Highsted, Sittingbourne, Swale District



Figure 1.5 Turnden Development at Cranbrook, Tunbridge Wells Borough Council



Figure 1.2 National Holocaust Memorial, London Borough of Westminster



Figure 1.4 Grade II Registered Park and Garden at Hulton, Bolton, for Peel Development

1.12 Many of the instructions I discharge for new housing schemes affect agricultural land associated with historic farm buildings or where the fieldscapes themselves are of potential heritage interest (for example, for Berkeley Homes at Turnden, near Cranbrook, in the High Weald National Landscape – a recovered appeal that was dismissed, quashed and redetermined favourably to the appellant in 2024).

QUALIFICATIONS

- 1.13
- My educational qualifications include a MA and PhD in the history of architecture and urban planning from the Graduate School of Arts and Science, New York University. I then studied planning at South Bank University, before achieving chartered planner status on the basis of experience in 2002. I have a BA Hons from Columbia College, Columbia University, also in New York. Before settling in this country and whilst completing my doctoral studies, I lectured at NYU’s Greenwich Village campus.
- 1.14
- I continue to write and lecture on my specialist subject as an independent historian, and in recognition of my contribution to the field of 19th century studies I have been elected a Fellow of the Royal Historical Society and of the Society of Antiquaries, London. I was chair of the board at the Centre for Urban History at Leicester University and hold an Honorary Professorship at Glasgow University in the department of social sciences (which contains the planning faculty).
- 1.15
- I joined Montagu Evans as partner in 2005. Formerly I was Senior Planning Director at RPS Planning (central London office), and before that, from 1998 to 2003, a Director at Alan Baxter & Associates, a multidisciplinary consultancy focused on engineering. From 1991 to 1998 I was employed by English Heritage, as it then was, providing advice in support of its statutory functions.

STATUS OF THIS PROOF OF EVIDENCE

- 1.16
- This report is presented as independent expert evidence, and it is prepared to conform to PINS guidance and the guidance to Part 35 of the Civil Procedure Rules. My signed affirmation, concluding this proof, confirms I have understood the duties of an expert to the Inspector. This affirmation confirms, amongst other things, that I am not paid on any contingency or success basis.

2.0

SCOPE OF EVIDENCE

LAND AT BIRD-IN-EYE FARM

SCOPE OF EVIDENCE

- 2.1

A previous scheme for the site was dismissed at appeal on 12 October 2023 (ref: APP/C1435/W/22/3307820). I discuss the Inspector’s findings in Section 3. The Council did not then identify harm to the setting of the grade II listed oast house.
- 2.2

The Council’s Statement of Case in this matter confirms that its evidence will find a moderate level of less than substantial harm to the listed building.
- 2.3

The Council also explain that its evidence will have regard to impacts on views of the listed building from the hospital to the west of the site. This matter was not raised at the last inquiry. I did visit this land and made a photograph from it as part of my assessment. I have advised the Appellant that there is no need to change its Statement of Case as a consequence of this newly identified impact.
- 2.4

Accordingly, my written evidence will consider:

2.4.1

The architectural and historic significance of the listed building.

2.4.2

The contribution which the site makes to that significance (including the experience or appreciation of that significance).

2.4.3

The steps taken to minimize or mitigate harm, having regard to the previous Inspector’s analysis (see the decision letter paragraphs 54 to 69, CD 14.3).

2.4.4

The impact of the proposals on the setting of the listed building and the effect of that impact on the significance of the asset.
- 2.5

My analysis follows best practice from Historic England, GPA2, Managing Significance in Decision-Taking in the Historic Environment (2015), and GPA 3, The Setting of Heritage Assets (2017).
- 2.6

These are CDs 7.8 and 7.5, and for completeness I reproduce GPA3 as my **Appendix 3.o**.
- 2.7

The Council’s Statement of Case treats heritage at paragraphs 5.15 to 5.30. I reproduce those parts at my **Appendix 4.o**.
- 2.8

I return to the Council’s analysis as set out in the Statement of Case at the end of my evidence (section 8).

3.0

MY INVOLVEMENT WITH THE PROPOSALS

LAND AT BIRD-IN-EYE FARM

MY INVOLVEMENT WITH THE PROPOSALS

- 3.1 I was instructed in this matter in November 2023, after the previous appeal was dismissed. See decision letter at CD 14.3.
- 3.2 My instructions invited me to review:

3.2.1 The appeal decision and the following documents,

3.2.2 The heritage evidence presented to the inquiry along with

3.2.3 The committee report recommending refusal and

3.2.4 The masterplan and design and access statement supporting that application

3.2.5 The Landscape and Visual Impact Assessment (LVIA)
- PREVIOUS APPEAL APP/C1435/W/22/3307820**
- 3.3 The previous Appeal was dismissed in a decision letter dated 12 October 2023 (Inspector H Butcher). For completeness I append the decision letter, which presents the Inspector’s findings on harm to the grade II listed building. See my **Appendix 10.o**.
- 3.4 By way of context, I note that the parties to that Appeal agreed in a Statement of Common Ground (SoCG) that there was no harm to the listed building. My **Appendix 5.o**. contains the consultation response from the Council’s conservation officer, and which confirms that the Council raised no heritage objection to the previous proposals.
- 3.5 In relation to that case, the Appellant instructed an expert to produce evidence mindful of the statutory duty incumbent on the Inspector to consider the impact of the proposals on the

- special interest of the listed building. The provision is section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990) and there is the cognate policy in the National Planning Policy Framework (NPPF) (then Paragraph 199 of the 2021 NPPF, now Paragraph 212 of NPPF 2024).
- 3.6 I am advised that the Appellant’s heritage expert gave oral evidence and answered Inspector’s questions.
- 3.7 The Inspector found less than substantial harm to the setting, and significance, of the asset.
- 3.8 She declined to identify the degree of the less than substantial harm she found. The policy does not require a decision maker to classify harm with the less than substantial spectrum. The PPG (Conservation of the Historic Environment, 018) advises that the identification of a level of harm within that spectrum may be of assistance. No policy or guidance note advises a word scale, but practitioners tend to use very low or limited, low, medium or moderate, high and very high.
- 3.9 The Council’s position on the sensitivity of the listed building to development in its setting has, therefore, changed, from one of ‘no harm’ to a moderate degree of less than substantial harm. The Council’s present finding is in relation to a scheme which is less impactful and addresses concerns raised by the Inspector (whether or not the proposals do so fully is a matter of planning judgment; in my opinion, the present layout does).
- 3.10 The previous Inspector found as follows:

3.10.1 The intrinsic technical interest of the asset would be unharmed;

3.10.2 Any remaining ability to appreciate the significance of the oasthouse in its historic rural setting would be largely lost. The level of development proposed would also visually compete with and distract from its local landmark quality; and

- 3.10.3 The identified area of land left open to present views of the oast house would not preserve the tranquil rural setting she identified as supporting an understanding of its original, agricultural purpose. She did not find that a proposed scheme of interpretation would offset that harm.
- 3.10.4 Overall, the Inspector did not consider that the planning benefits of the proposals (290 houses including Affordable Housing) offset the harmful impacts she found in relation to heritage, ancient woodland, highway safety, and flood risk.
- 3.11 That application did not propose any enhancements to the immediate setting of the oast house, as the present one does (and in line with the advice I gave to the Appellant).
- SITE VISIT AND ADVICE**
- 3.12 I visited the site on 20th December 2023, gaining part access to the listed structure. I viewed the listed building from vantage points identified in the Appeal decision.
- 3.13 I also visited the land immediately to the west of the site, from near to the hospital and the housing estate. The boundary between the site and the roads/footway on this land is vegetated. The boundary opens up near the allotments and the hospital car park, and further south in Widgeon Way (a road in a new housing estate). The oasthouse is visible amongst other buildings on the ridge line. The previous Inspector did not comment on views from this area.
- 3.14 I also walked the parts of Framfield Road to the west from which one can see the upper parts of the oasthouse. The Inspector commented on this distant view.
- 3.15 I concluded that the proposals subject to the previous Appeal did harm the ability to appreciate the significance of the listed building by the urbanization of its setting.

- 3.16 On the basis of this analysis, the Appellant invited me to advise changes to the Appeal masterplan (**Figure 3.1**) seeking to reduce or remove that harm.
- 3.17 I prepared a sketch plan showing roughly the extent of open land I felt should be considered in a new masterplan. I and colleagues then attended two design workshops with the client and wider team to discuss those changes as they related to the scheme as a whole.
- 3.18 I identified the location and number of houses to be removed in order to increase the amount of open space to the west of the oasthouse and reduce the visual impact of the housing on the experience of the oasthouse. Those changes necessarily reduce the potential impact on setting from the points to the west which the Council have now identified.
- 3.19 I encouraged not just the reduction in housing from the land west of the oasthouse but also the location of housing lower down the slope of the hill to reduce its visual impact and prominence. In the end that housing was omitted. I considered some housing to the north of the oasthouse was acceptable because there was here a line of housing facing the along the road. I also suggested landscape to mitigate or soften partly visible roof lines to the north and south of the enlarged space.
- 3.20 The result of these changes was to create a large area of open space running from the northwest to the southwest of the oasthouse.
- 3.21 During my instruction I learned that the owner of the appeal site land was also the owner of the commercial development in which the oasthouse is now located. I suggested, therefore, that a new application should include land around the oasthouse which could be landscaped to enhance the listed building’s immediate setting. I prepared a plan showing the area I considered should be included and that area forms part of the red line.



Figure 3.1 Appeal Scheme, April 2023 (Croudace Homes/Paul Brown).

PRE-APPLICATION SUBMISSION

- 3.22 The resulting revised masterplan (**Figure 3.2**) formed part of a pre-application submission to the local planning authority. A site section drawing was also prepared and is provided in **Figure 3.3**. The section showed the relationship between the oasthouse and an area of housing to the northwest and enabled one better to understand the potential intervisibility between the development and the repositioned blocks of housing.
- 3.23 Our instruction entailed supporting the pre-application discussions with the local planning authority. To inform that discussion we prepared a summary impact assessment, which concluded that any harm to the ability to appreciate the significance of the listed building, as a consequence of setting change, was much reduced from the appeal proposals. We also explained the intention to enhance the landscape setting of the oasthouse on land around it. That note did not comprise a full assessment, but was prepared to explain how the changes reduced the impacts of concern to the Inspector.



Figure 3.2 Pre-Application Scheme, February 2024 (Croudace Home/Paul Brown)

- 3.24 A pre-application meeting took place on 23 May 2024. I was unable to attend the pre application meeting because of other professional commitments. My associate Mr Paul Kessler-Lyne (see his CV following on from mine at **Appendix 2.0**) did attend and reported the discussion to me. I was aware, then, that the authority had advised that the proposals then presented caused harm to the significance of the asset. This was confirmed in written pre-application advice received in June 2024.
- 3.25 We did suggest at the pre-application stage the potential also to effect some repairs to the listed building. The local planning authority advised, however, that officers would not give any weight to repairs, and the inclusion of these works was not, I understand from my colleague, encouraged or supported.

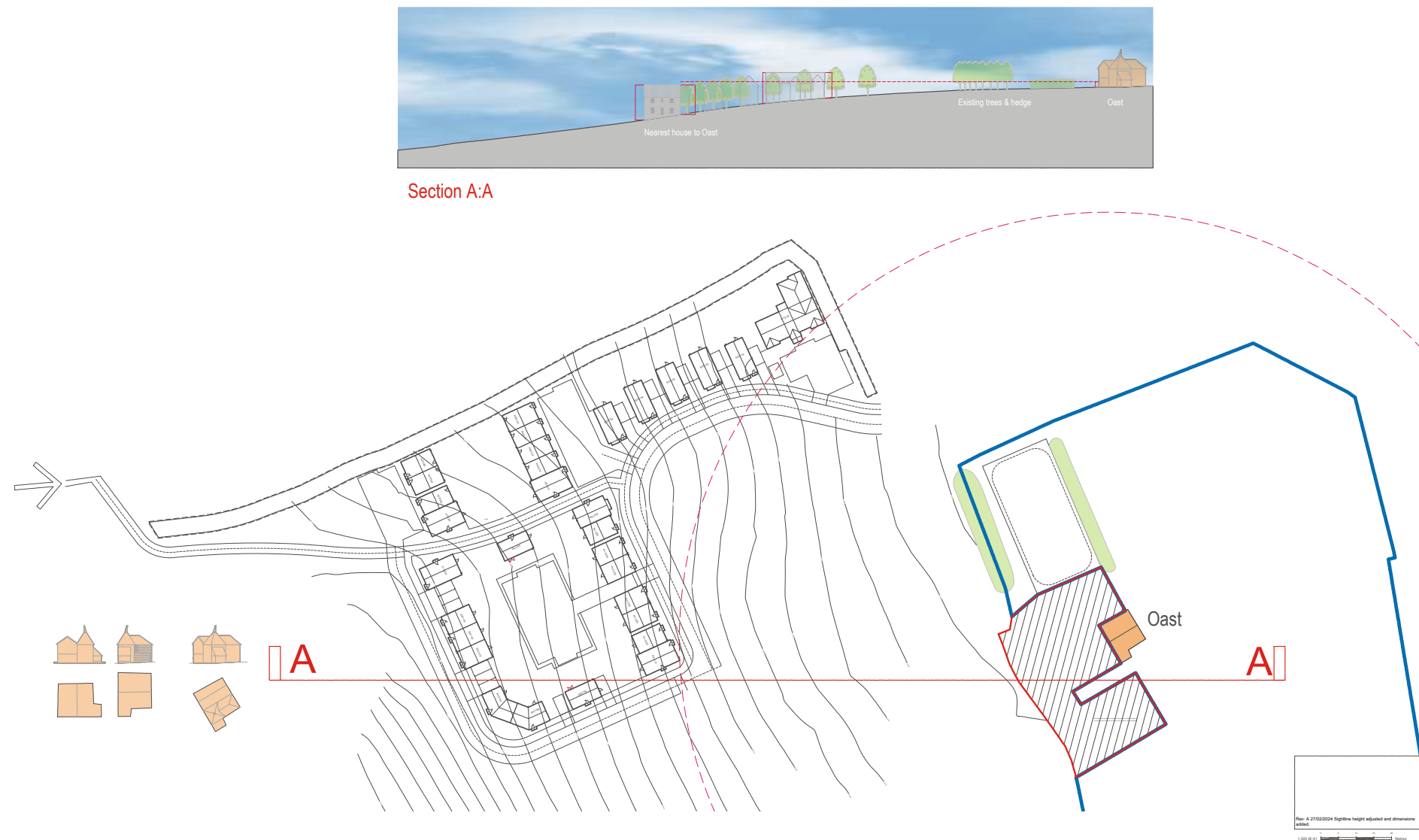


Figure 3.3 Pre-application Illustrative Site Section (Croudace Homes/Paul Brown)

FORMAL APPLICATION SUBMISSION

- 3.26 Following the receipt of the pre-application advice I worked with the team to consider further revisions to the scheme masterplan ahead of the submission of a planning application. The number of dwellings proposed to the west of the oasthouse was reduced again and the access road was rerouted to the east of the farm so that it no longer passes through the land to the west of the listed building. The total number of houses was reduced from 290 in the previous Appeal scheme to 190 in the scheme now before the Inspector (compare **Figure 3.1** with **Figure 3.4**). This results in a significant amount of open space being retained to the west of the listed building.
- 3.27 Informed by discussions at the pre-application meeting, I advised that the houses along the northwestern boundary of the Site should be of a lower scale and have a more 'agricultural' or vernacular character than those proposed to the south and east. This was presented in the illustrative masterplan submitted with the formal application (**Figure 3.4**) and shown in the submitted illustrative street scene at **Figure 3.5**. The indicative materials, building forms, heights and roof forms shown in the Illustrative Street Scene would respond sympathetically and be visually subservient to the oasthouse, in my opinion, and I will return to later.
- 3.28 I reproduce here the submitted landscape plan for the land around the oasthouse. See **Figure 3.6**. This shows an improved boundary treatment, including low native hedge planting and amenity grass. This plan also shows an area of structural tree planting, native trees, orchard and wildflower meadow designed to provide screening between the oasthouse and proposed housing along the northwest of the boundary.
- 3.29 Our instruction concluded with a heritage impact assessment supporting the application. That assessment was prepared in line with best practice (Historic England guidance notes GPA2 and GPA3) and with the intention of meeting the information requirements of the NPPF. The assessment also comprised a policy assessment of the proposals' impacts.

- 3.30 We concluded no harm to the special interest or significance of the oasthouse. That finding was reported in the Statement of Case and the evidence I present here concludes in line with the Statement of Case.
- 3.31 I understand that the Council do not take issue with the method or scope of our assessment, or dispute that it meets the information requirements of the NPPF. The Council do not agree our conclusions.
- 3.32 I subsequently learned that our client was intending to appeal against the Council's failure to determine the application in the specified period. At that point I was invited to tender a proposal for expert witness services at the Appeal.



Figure 3.4 Submitted Application Scheme, July 2024 (Croudace Homes/Paul Brown)



Figure 3.5 Submitted Application Illustrative Street Scene (Croudace Homes/Paul Brown)



Figure 3.6 Submitted Application Landscape Strategy, July 2024 (CSA Environmental)

CHANGES TO PROPOSALS POST SUBMISSION

- 3.33 Changes have been made to the appeal proposals post submission of the application. This was partly due to consultation on the proposals only commencing once an appeal had been made against non-determination of the submitted planning application.
- 3.34 I have provided advice to the appellant and design team with regard to these changes. None of the proposed changes have altered my view that the appeal proposals are acceptable with regard to their impact on the setting and significance of the listed building.
- 3.35 Minor updates have been made to the design of the proposed roundabout at the access to the site. Given the distance between the roundabout and the oast house, the presence of interposing development, and the level of the roundabout below the grass verge fronting the site, I advised that these changes did not alter my conclusions with regard to impacts on the setting of the listed building.
- 3.36 Some street lighting has also been introduced. When reviewing these proposals my advice was that during the day the lighting columns would not be conspicuous and at night the proposed lighting would be located away from the oast house. As shown in **Figures 3.7 and 3.8**, photographed by my colleague, Paul Kessler-Lyne, at night the oast house is currently not illuminated and this would not change as a result of the appeal proposals.
- 3.37 Five lighting columns are proposed extending east from the hospital access to the shared footway/cycle way within the Site. However, given the slope and the heavy vegetation in the area (virtually all of which is retained in the appeal scheme – save as necessary for the access point), it is not realistic that this will be noticeable from the oast or otherwise detract from its heritage significance, during the day or at night.
- 3.38 I was also consulted regarding adjustments to the alignment of the pedestrian and cycle connection proposed across the site, and considered the proposals acceptable. I noted that the route provides an opportunity to locate an information board relating to the listed building, secured by a planning condition.
- 3.39 **Figure 3.9** shows the revised scheme for the Site.



Figure 3.7 Night time view of oast house from the west (Montagu Evans)



Figure 3.8 Night time view of oast house from the west (Montagu Evans)



Figure 3.9 2025 Appeal Scheme (Croudace Homes/tor&co)

4.0

STATUTORY PROVISION AND POLICY CONSIDERATIONS (NATIONAL AND LOCAL)

LAND AT BIRD-IN-EYE FARM

STATUTORY PROVISION AND POLICY CONSIDERATIONS (NATIONAL AND LOCAL)

SECTION 66 (1) OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

- 4.1
- The Inspector will be familiar with section 66 (1) of the PLBCAA 1990. This states:
'In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall 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.'
- 4.2
- I understand from case law that this provision creates a presumption against development which causes harm to a designated asset. I am advised that such a presumption is rebuttable on the basis of planning benefits, including heritage benefits.
- 4.3
- I understand also that the special regard makes the avoidance of harm, that is, preservation, a matter of great weight.

THE NATIONAL PLANNING POLICY FRAMEWORK

- 4.4
- The section 66 (1) provision is reflected in paragraph 212 of the Framework, which states:
'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 whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

- 4.5
- The glossary to the Framework defines 'conservation' as:
'The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.'
- 4.6
- As a matter of policy, then, any enhancement to significance (or its appreciation) attracts great weight in the planning balance. I draw attention to this aspect of policy because the proposals in my opinion do deliver an enhancement to significance through setting improvement, which I will describe in my section 6. I also consider the scheme presents an opportunity for enhanced appreciation of the asset.
- 4.7
- I summarize now the approach to the assessment of heritage impacts as set out in the NPPF.
- 4.7.1
- First, the significance of all designated heritage assets needs to be identified in a manner proportionate to their importance (paragraphs 207 and 208 of the NPPF). The heritage interest of any asset may be archaeological, architectural, artistic or historic (Annex 3: Glossary, NPPF). The setting of a heritage asset may contribute to that significance or an appreciation thereof. Hence a change to setting can harm significance (I treat setting as defined in the NPPF further below).
- 4.7.2
- Second, the assessment must consider the impact of the development and its effect on the significance of the identified assets.
- 4.7.3
- If the proposals have no harmful effect on the significance of any identified designated asset, then 'conservation' (as defined in the Glossary to the NPPF) is achieved. If the proposals enhance or benefit that significance, or enhance our ability to appreciate that, then these benefits attract significant weight as a matter of policy.

- 4.7.4
- If, on the other hand, the proposed development is held to cause harm to the significance of a designated heritage asset, such harm should be categorised as either less than substantial or substantial (NPPF paragraphs 214 and 215 respectively), and within each category the extent of harm should be clearly articulated (Planning Practice Guidance or 'PPG' paragraph 18).
- 4.7.5
- The nature and extent of harm can be important to ascertain because that analysis informs the balancing out of any harm under the terms of paragraph 215. Underpinning this approach is the principle of proportionality. Whilst any harm to a designated asset is 'weighted harm', it is important for the assessor to assess the extent, nature or degree of harm through the exercise of expert judgement.
- 4.7.6
- In either case, if a proposal would result in harm to the significance of a designated heritage asset, great weight should be given to the asset's conservation (NPPF paragraph 212), meaning the avoidance of harm and the delivery of enhancement where appropriate.
- 4.7.7
- Any harm to the significance of a designated heritage asset should require 'clear and convincing justification', as per NPPF paragraph 213. A clear and convincing justification does not create a freestanding test requiring the demonstration of less damaging alternatives. To the extent that there is a test it is to be found in NPPF paragraphs 214 (in the case of substantial harm) and 215 (in the case of less than substantial harm).

- 4.7.8 In either case, and particularly looking at less than substantial harm, the clear and convincing justification the NPPF requires is thus made out through countervailing public benefits delivered by a proposal. Public benefits can include heritage benefits (which are weighted) and any other planning benefit (housing, for example).
- 4.7.9 Under NPPF Paragraph 219, local planning authorities should look for opportunities for new development within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

THE DEVELOPMENT PLAN

- 4.8 The development plan here comprises the adopted Wealden District Core Strategy Local Plan (2013), the ‘saved’ policies of the adopted Wealden Local Plan (1998) and the Affordable Housing Delivery Local Plan (2016).
- 4.9 Spatial Planning Objective SPO2 of the Core Strategy treats the historic environment, which includes listed buildings, and states:
‘We will ensure that the intrinsic quality of the historic environment is protected and that Wealden’s environmental, heritage and cultural assets are used appropriately to encourage suitable tourism development and support inward investment.’
- 4.10 There is no ‘saved’ policy relating to development within the setting of listed buildings within the adopted Wealden Local Plan.
- 4.11 RfR2 refers to Policy EN1 and EN27 of the Wealden Local Plan 1998, and Chapter 5, 7 and 12 of the Wealden Design Guide. Neither policy references the setting of listed buildings.

- 4.12 Policy EN1 states:
‘The Council will pursue sustainable development, having regard to the principles contained in Government guidance and its own Strategy for the Environment, in considering the location, layout and design of development, renewable energy and waste management proposals and in assessing the effects of proposals on the environment, including on water and air quality.’
- 4.13 Policy EN27 provides layout and design criteria that should be met for development proposals to be permitted. Criterion 1 states:
‘(1) the scale, form, site coverage, density and design of the development and the use of materials and landscaping should respect the character of adjoining development and, where appropriate, promote local distinctiveness. The design, materials and landscaping should be of an appropriate high standard;’
- 4.14 The Wealden Design Guide provides advice to encourage high design standards within the District. Paragraph 10.8 with Chapter 12 of the Design Guide provides the following advice on the setting of listed buildings:
‘10.8 The ‘setting’ of a listed building or structure is not defined in the legislation but policy and practice tends to follow the principle that it relates to ‘all views out’ and ‘all views in.’
- 4.15 Given the lack of a development plan policy relating to the setting of listed buildings my assessment of the appeal proposals relies on the Framework.
- 4.16 Mr Brown, who presents planning evidence for the Appellant, treats the development plan.

5.0

THE ARCHITECTURAL AND HISTORIC INTEREST (SIGNIFICANCE) OF THE LISTED BUILDING

LAND AT BIRD-IN-EYE FARM

THE ARCHITECTURAL AND HISTORIC INTEREST (SIGNIFICANCE) OF THE LISTED BUILDING

- 5.1

I think that the heritage experts addressing the Inquiry will be able to agree the history and significance of the listed building.
- 5.2

I reproduce the listing particulars for the asset as my **Appendix 6.o.**
- 5.3

Appendix 7.o contains photographs of the listed building and its context.
- 5.4

The LVIA publishes photographs that illustrate the position of the oast house in relation to the landform and site, and over medium distances.
- 5.5

I extract the following views from the LVIA to reproduce as my **Appendix 8.o.**
- 5.5.1

Photographs 1 and 2 showing a view of Uckfield looking west, from on the site west of the oasthouse, and a view looking north.
- 5.5.2

Photograph 4, showing a view of the oasthouse from lower down to the site.
- 5.5.3

Photograph 6 from the northwest part of the site which is useful for showing the oasthouse in relation to the other buildings near it, including some larger barns and converted and altered former farm buildings.
- 5.5.4

Photograph 12 shows how the setting of the oasthouse to the south and east has changed with modern farm buildings, now converted to commercial uses.
- 5.5.5

Photograph 13 shows how the oasthouse appears in closer proximity and in association with some of the older, converted farm buildings.
- 5.5.6

Photograph 19 shows the site, with the oasthouse and farm buildings from the west, from a position within the hospital car park. See also photographs 20 and 21.
- 5.5.7

Photograph 24 is from the west, along a pavement in Framfield Road. The oasthouse is glimpsed from this location.
- 5.6

The following discussion is based on the statement of significance presented in our submitted heritage statement at pages 14 to 18. I contributed to that document and reviewed it prior to completion. I have read it again in preparing for this Inquiry.
- 5.7

In preparing the HIA, we drew on Gwen Jones's work, "An Example of Early Nineteenth-Century Technology: Bird-in-eye Oasthouse," which I reproduce in **Appendix 9.o.**
- 5.8

Our heritage statement also had regard to the evidence of Thomas Copp (Director, RPS Heritage), who presented to the last inquiry.
- 5.9

The statutory entry for the designation has number 1028381. The building was designated on dates to 31 December 1982.
- 5.10

The list description is reproduced below:
FRAMFIELD BIRD IN EYE HILL 1. 5208 Uckfield Oasthouse to the north- west of Bird in Eye Farmhouse TQ 4820 43/860 ll 2. C19. Square stone building with slate roof and retaining its cowl. Inside, a flue (still intact) winds round the walls of the kiln. Fresh air entering at intakes near the floor was heated indirectly from the hot flue wall before rising through the hop-drying floor. Said to be the only fresh air oast surviving in Sussex. Listed for technical rarity.
- 5.11

The statutory entry explains the building is listed for the following reasons:
- 5.11.1

Historic interest: Said to be the only fresh air oast surviving in Sussex. Listed for technical rarity; and
- 5.11.2

Architectural interest: Square stone building with slate roof and retaining its cowl. Inside, a flue (still intact) winds round the walls of the kiln. Fresh air entering at intakes near the floor was heated indirectly from the hot flue wall before rising through the hop-drying floor.
- HISTORICAL INTEREST
- 5.12

The Oasthouse is an unconverted example of a 'Read Kiln', the technical characteristics of which I describe later.
- 5.13

The Read Kiln was common in Kent and Sussex.
- 5.14

This one is understood to have been in use until 1965.
- 5.15

Due to its location in a commercial or business estate and to the form of the building, it has not been converted to residential use or adapted to a new commercial use. Many oasthouses have been converted to residential use, as is well known, with loss of features communicating their function (or the obscuring of them). The survival of flues etc. in this, unconverted structure adds to the technical interest of the building.

ARCHITECTURAL INTEREST

- 5.16 The oldest section of the oasthouse was completed in the 1820s and is referred to as the kiln. The original structure features stone walls to the north, south, and west elevations, which support a slate-covered time framed roof. A distinctive timber cowl sits atop the roof and pivoted in the wind. The cowl is an important functional design feature; it was used for ventilation when the kiln is operating. The cowl is also a recognisable feature of this locally distinctive historic building type.
- 5.17 Later additions in the 20th century include a brick-built cooling room to the north, clad in contrasting timber weatherboarding. These alterations evidence the evolution of the building over time but obscure its historic form to some extent.

TECHNOLOGICAL INTEREST

- 5.18 The Bird-in-Eye oasthouse is a departure from what was previously understood about the Read-kiln system, which was thought to have been used for round oasthouses only. As documented by Jones, the survival of this building demonstrates the system's adaptability to square footprints. This oasthouse exemplifies the flexibility inherent in traditional oasthouse design. It is understood to be unique for that technical reason. There are other examples of square plan oasthouses.
- 5.19 The listed building retains evidence of the distinctive original kiln and flue system remains intact, along with the hop press housed in the stowage building.



Figure 5.1 Southwest elevation of Oasthouse



Figure 5.3 West elevation of Oasthouse



Figure 5.2 Northeast elevation of Oasthouse

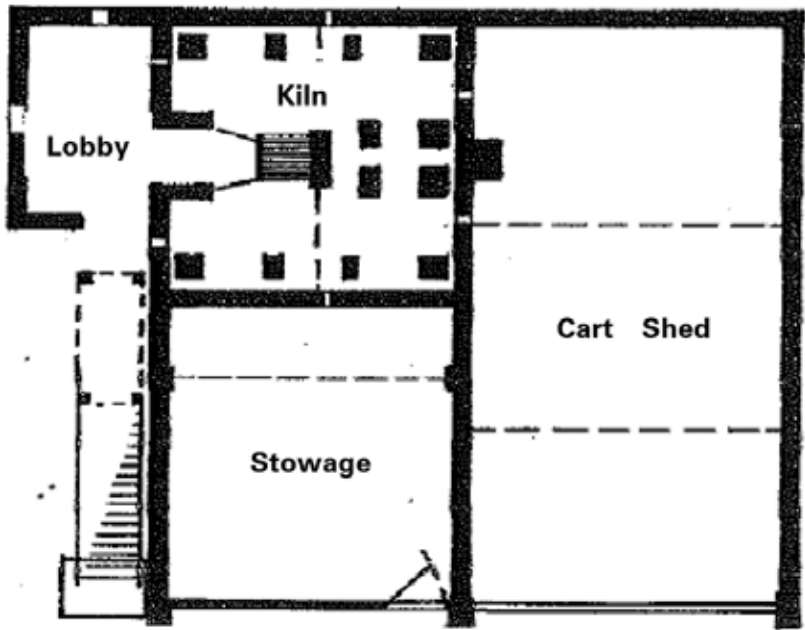


Figure 5.4 Ground Floor (Source: Mr Berry, owner of Bird-in-Eye Farm)

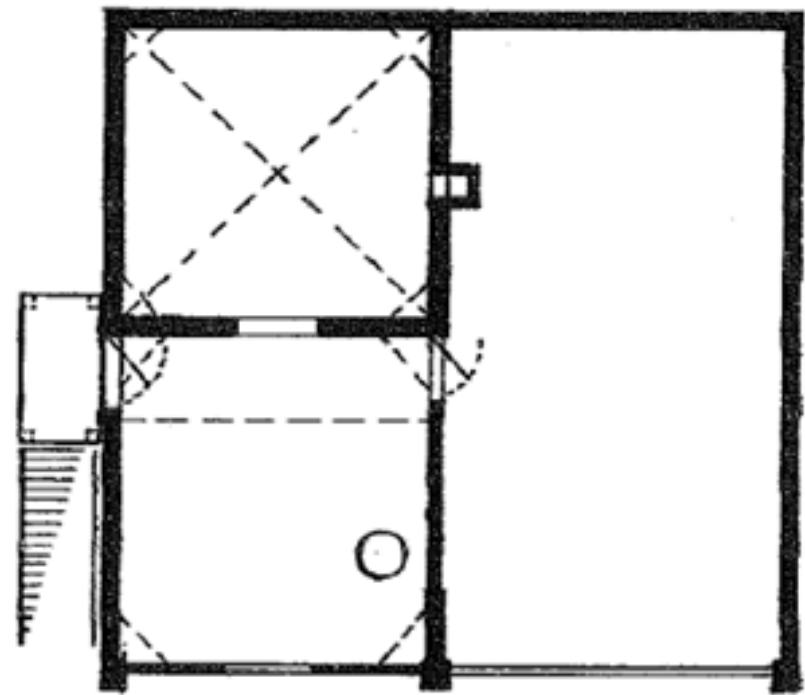


Figure 5.5 First Floor (Source: Mr Berry, owner of Bird-in-Eye Farm)



Figure 5.6 Interior view of Oasthouse

EXTERNAL STAIR

- 5.20 I comment here on the external stair because views from it are raised in the LPA Statement of Case as matters of particular concern. I confirm I climbed it during my site visit.
- 5.21 **Figure 5.1** shows an external stair to the upper chamber of the oasthouse. My research concludes that such external stairs were common; the present stair is clearly not original. Such stairs served the use and maintenance of an oast house and were functional. Views from this area (as seen in **Figure 5.7**) are obviously more extensive than from the foot of the building. They show more of Uckfield and if the appeal is allowed, and the housing built, that development would be more visible. I return to the point in section 7.0 where I comment on the local authority's observations about this stair view.



Figure 5.7 View from the Oast House external staircase

JOHN READ’S OASTHOUSE DESIGN

- 5.22 John Read, a resourceful innovator from Kent’s renowned hop-growing region of Horsmonden, identified flaws in the traditional oasthouse design. In 1835, he addressed these issues with a streamlined, circular oasthouse design submitted to the “Encyclopaedia of Cottage, Farm and Villa Architecture”.
- 5.23 The first oasthouse built to John Read’s specifications emerged in Teston in 1832. The design gained widespread adoption due to its spacious layout, cost-efficiency, and its ingenious method of channelling hot air upwards to the drying floor. The now-iconic conical shape of oasthouses stems from Read’s groundbreaking circular design.
- 5.24 The Bird-in- Eye structure is thought to be unique, in that it is the only documented example of the Read system to be applied to a square-plan oasthouse. It is also understood to be important for retaining functional elements of that design.
- 5.25 The Inspector agreed with the heritage expert at the previous Appeal, who concluded that the main interest of the asset, and the reason for its listing, was its age taken together with the assumed intactness of the internal arrangements used to dry hops evenly. The building’s identity as the only known instance of this system applied to a square plan house is also historically significant. This aspect of the building’s significance relates to the history of building or industrial technology. The system was not influential, as things turned out, so this instance was not innovative, setting a new standard of design later commonly followed.
- 5.26 This technical interest is not perceptible from the external appearance of the building and to understand it requires historical interpretation. Even someone used to looking at oast houses (many of which do have square plans¹) would not be aware of the technical interest of the building.

- 5.27 The oasthouse retains its integrity as an 19th century structure (constructed before 1838, the date of the earliest documented reference to it). It is part stone faced, square/rectangular in plan and with a distinctive cowl over one part of it.
- 5.28 I conclude that in this case listed building fabric contributes materially to its special interest. Its appearance also gives it architectural value. The cowed roof is attractive and distinctive; and the ashlar stone masonry used in construction is characteristic and contributes to the aesthetics of the building.
- 5.29 Architecturally, the oasthouse appears in fair condition, but there has been unsympathetic extension and rebuilding of what was, essentially, a two-cell building. It is partly in use: the upper floor as a chiropractor’s practice. The lower floor (which retains some of the original heating apparatus and other features) is unused and open to the elements. There is a lean-to to one side, single storey.

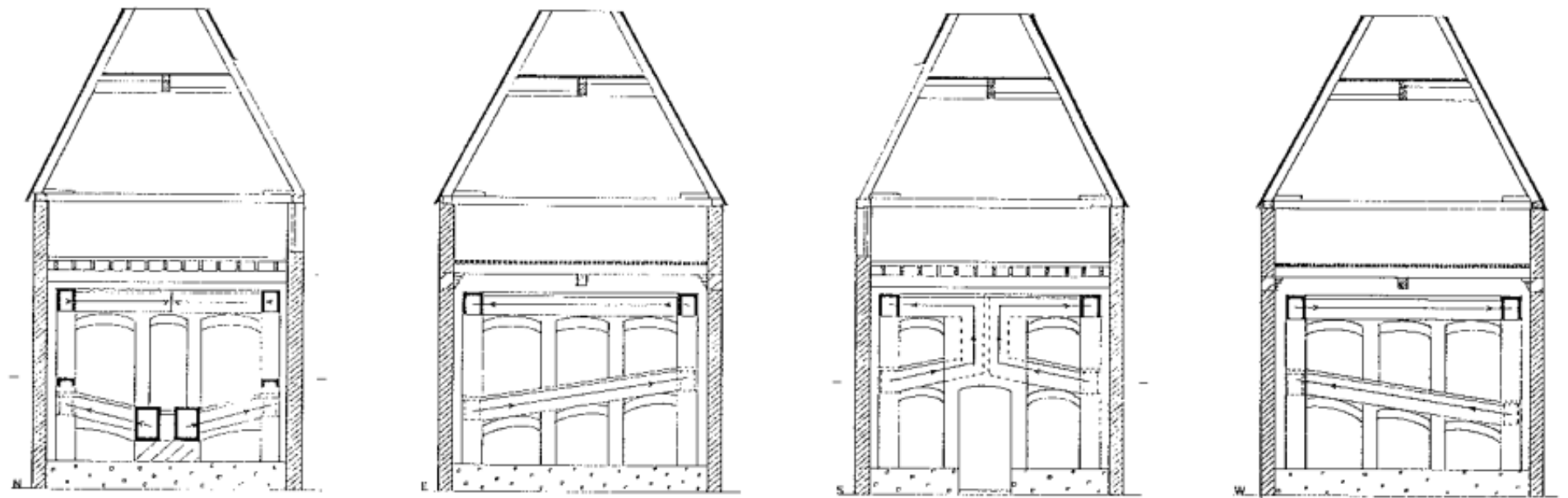


Figure 5.8 John Read Oast House Diagram (Source: Gwen Jones)

CONTRIBUTION OF SETTING TO SIGNIFICANCE

- 5.30 I structure my discussion of the site’s contribution to the significance of the asset with reference to the checklist on page 11 of the Historic England Setting Guidance (see **Appendix 3.0**).
- 5.31 This discussion is based on the analysis presented in our submitted heritage statement at pages 8 to 13 and 18.
- 5.32 I think it assists the Inspector to understand the listed building, first, in the context of the town’s development, and then, second, in the context of the site’s development.
- 5.33 Uckfield began as a small village centred around the local parish church. The area gradually expanded in response to the intensification of agriculture which occurred in the Georgian and Victorian periods.
- 5.34 Historically farmland dominated the landscape surrounding Uckfield. Dense woodlands of the Weald, including Ashdown Forest to the north, provided a natural backdrop to this rural setting.

¹ Patrick Grattan in the 2021 Historic England publication *Oasts and Hop Kilns A History* discusses this building type and provides surviving examples in Sussex and Kent. Extracts of the publication are provided in **Appendix 11.0**. Additionally, a search on the National Heritage List for England website (www.historicengland.org.uk/listing/the-list/) for oasthouses with ‘square’ in the list entry text reveals 141 list entries. If the search is refined to ‘square plan’ seven list entries are provided, and these are reproduced in **Appendix 12.0**. All are listed at Grade II.

- 5.35 The area developed following the arrival of the railway in the mid-19th century. This spurred population growth, leading to a gradual conversion of open farmland for residential development.
- 5.36 Bird-in-Eye farm was established at the end of the 18th century as part of the Buxted Park estate. The land holding was approximately 70 acres and supported mixed farming. Historical sources document the buildings that served this use (and some of which survive, albeit in altered form). There is a brick-built barn, stable, dairy, cow shed, tackle-store and enclosed yard. It is shown on the 1843 Tithe Map (**Figure 5.9**). These other buildings survive but in such an altered form that they are not of listable quality. No party has suggested they are non-designated assets. I agree.
- 5.37 The earliest documentary record for the listed building is a lease from 1838. At this time, it comprised a single kiln and stowage with a covered entrance and storage area. The house was used for drying hops which came from the nearby fields. This is typically how oasthouses functioned, serving the needs of individual farms. Later in the C19 this process intensified as larger farms required larger facilities. I am also aware of large oasthouse complexes serving the needs of several farms.
- 5.38 The earliest reliable map evidence is the first edition Ordnance Survey map of 1874–1875 (**Figure 5.10**). This documents the introduction of the railway line to the northwest of the Site which is depicted in reasonable detail. This survey is the most detailed of the OS series both as to buildings and trees. It shows isolated specimens accurately and woodland groups too, distinguishing between deciduous and coniferous species.

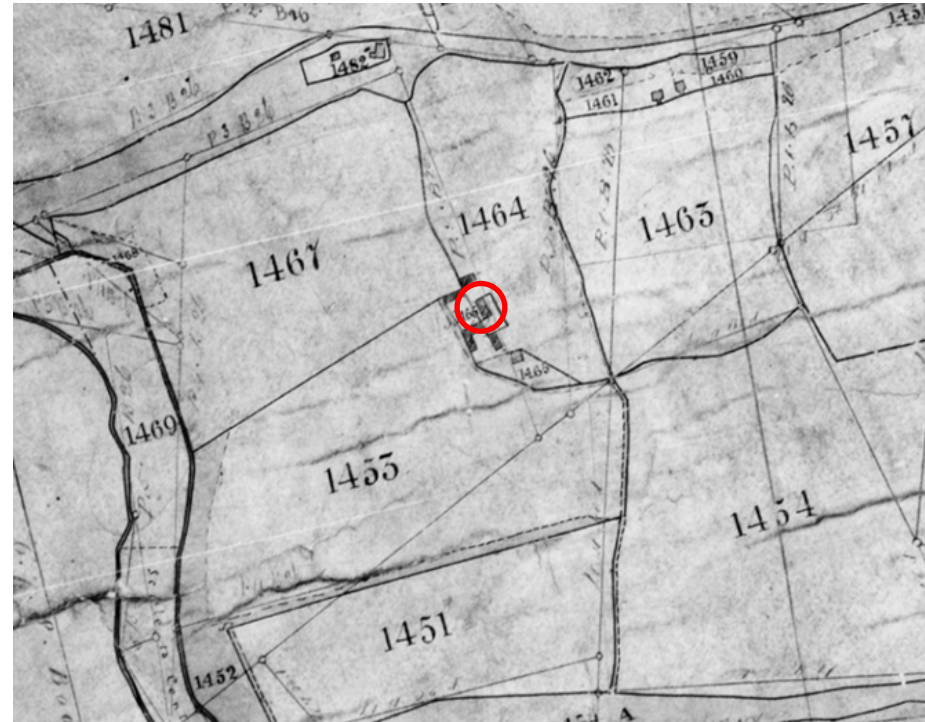


Figure 5.9 Tithe Map 1843 with position of Oasthouse is highlighted in red (Source: Genealogist)



Figure 5.10 1874–1875 OS Map (Source: National Library of Scotland)

- 5.39 Uckfield's expansion is evident north of the oasthouse, along Bird-In-Eye Hill. Incremental development began in the early 1900s, as evidenced by comparing the Ordnance Survey maps of 1910 (**Figure 5.11**) and 1930 (**Figure 5.12**). These maps illustrate the gradual introduction of housing into the area, a process reflecting the economic development of the area.
- 5.40 The 1961 OS survey shows relatively few further changes, See **Figure 5.13**. By the date of the next survey, published in 1975, there is additional housing. By the 1992 edition, there is more development, this time north of housing has been developed north of Bird in Eye Hill. See **Figure 5.16**. This is identified as 'Works' on the plan and now appears to be used by construction companies.
- 5.41 The Oast House is approximately highlighted in red.



Figure 5.11 1910 OS Map (Source: Promap)



Figure 5.12 1930 OS Map (Source: National Library of Scotland – reproduced with the permission of the National Library of Scotland)

5.42 The later 20th century saw further change, and to the nearer setting of the oasthouse. The original farmhouse was by then converted, and a new building was constructed to the east. The other historic buildings had also been altered². The barn was then, I am advised, repurposed as a radio studio and offices. Part of the oasthouse became a chiropractor's office. Further development continued to the east of it. The oasthouse was listed on 31 December 1982.

5.43 The Bird in Eye land is today used as a pasture and grazing for horses. A paddock not shown on the 1992 Ordnance Survey map was built for horses directly to the north of the oasthouse. To the east are a collection of buildings, including some larger ones in industrial/light industrial use.

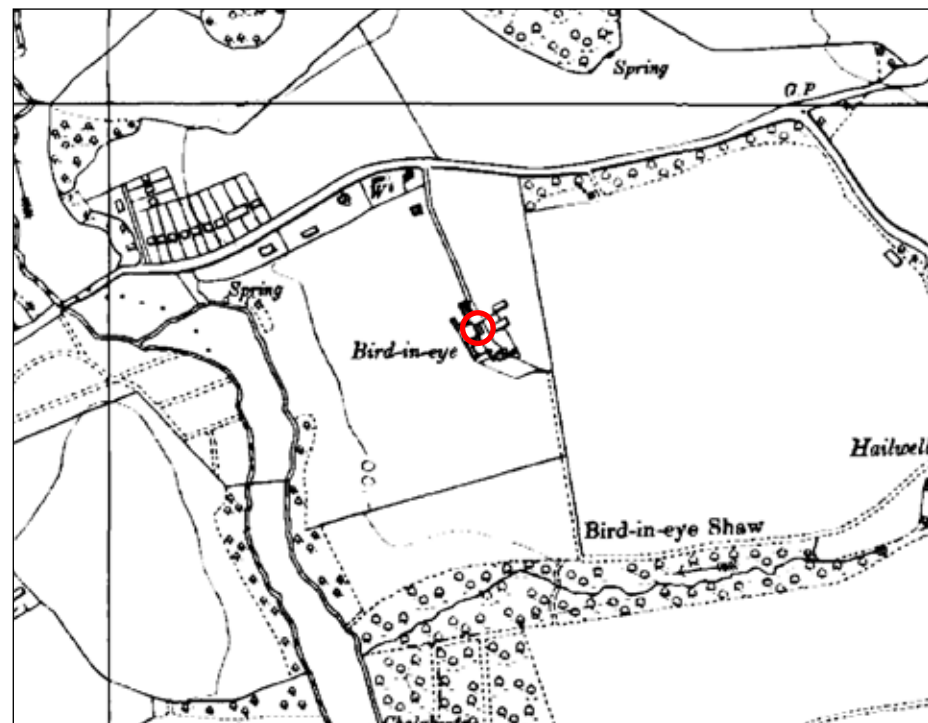


Figure 5.13 1961 OS Map (Source: Promap)

5.44 More recent changes comprise a new housing development comprising 146 dwellings built to the west of the oasthouse and on rising land over the river under planning approval ref. WD/2010/2874/FE. The development replaced an area of open land which I understand was in agricultural use. There is a modern hospital near to the new housing.

5.45 As noted, there are a number of older structures in the vicinity of the oasthouse, including a barn, which reflect the original setting of the building. These have been unsympathetically extended and generally modernised and are no longer in agricultural use. The Site is a small business centre.



Figure 5.14 Setting of the Oast House as seen today (looking south).



Figure 5.15 Setting of the Oast House as seen today (looking north)

² At the last appeal the Inspector did not conclude that the older buildings at Bird in Eye Farm were non-designated heritage assets. This was the Council's position at that appeal and the position of the appellant's expert witness. It is also the position of the appellant's expert witness at the current appeal. The reason for refusal for the current appeal set out in the Council's Statement of Case does not identify harm to these other buildings.

5.46 Thus, the immediate setting does allow one to understand the original purpose of the oasthouse, taken together with its distinctive roof. Buildings in the immediate setting retain enough of their agricultural character to provide some historic context for the Listed Building; however, the setting has changed materially through the construction of large structures to the east, and as a consequence of the commercial use of the site (which has brought vehicle traffic to the site, for example along with signage). The overall setting change can be best appreciated by comparing the 1992 OS plan with a contemporary aerial photograph (See **Figure 5.17**).

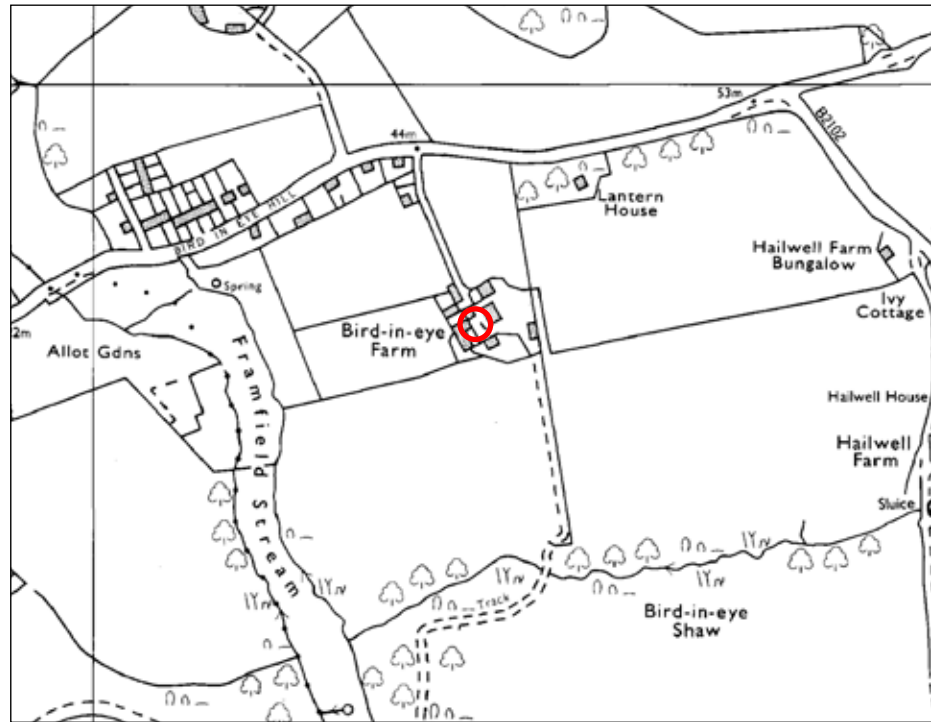


Figure 5.16 1992 OS Map (Source: Promap)



Figure 5.17 Contemporary aerial image of the Site (Google Earth)

- 5.47 The immediate setting of the listed building is, however, capable of improvement. It comprises on the west side, towards the land in question, a gravelled and partly concreted car park (Figure 5.18). Some of the associated buildings have been unsympathetically rebuilt. There is a remnant stone wall nearby, possibly formed with reused materials or part of an original complex. To the east is a collection of larger 20th century farm buildings, now converted to commercial uses, and various areas of hard standing (Figure 5.14 and 5.15). The original layout of the building can be ascertained with reference to the published article on it, and notwithstanding some unsympathetic rebuilding to the north.
- 5.48 Given recent changes immediately to the north, east and west of the oasthouse the principal wider setting to the listed building comprises the agricultural landscape to the west. The land slopes to the west and the oasthouse sits at a higher point. The steep, cowed roof is recognisable and distinctive.



Figure 5.18 Car park situated to the West of the Oast House

- 5.49 Therefore, and in summary, I conclude the open condition of the subject land and its position relative to the listed building does contribute to an appreciation of its special interest, reflecting the historic condition of the land.
- 5.50 The open condition of that land also provides a view up the hill, from the land itself and other land to the west. The earlier farmstead has, in my opinion, been altered and so eroded the historic setting of the building to some extent when seen from various points and also when standing near to it.
- 5.51 Public access to those views is limited. There are views from modern estate roads and car parking areas (future hospital and housing) to the west. These areas are not particularly attractive or designed to take advantage of these views up the hill, towards the oast house. .
- 5.52 There is no scheme of interpretation. Such a scheme is, in my opinion, of particular relevance given the highly technical nature of the listed building’s historic interest.
- 5.53 The Inspector’s finding on the contribution the Appeal site land makes to setting at paragraph 57 of her decision letter, which states:
The setting to the oasthouse contributes to its significance insofar as its historic use for drying hops and functional relationship with the surrounding fields which grew the hops can still be appreciated today. These fields remain open, undeveloped, and in use as pasture. Consequently, they enable the oasthouse to be appreciated in broadly its historic rural scene. These fields also provide for a qualitative understanding of the significance of the oasthouse derived from its setting as they provide a degree of quiet and tranquillity which you would reasonably associate with such a rural, historic scene. Furthermore, the lack of development in these fields along with its elevated position above the town gives it a local landmark quality.
- 5.54 I agree.

- 5.55 It is not clear to me, however, just what views the Inspector has in mind.
- 5.56 I surmise she is referring to the view from Framfield Road, to the west (see CSA Photograph 24, my Appendix 8.o and reproduced here as Figure 5.20). I do not think the oasthouse stands out in this view, but if a different view is formed then the proposals as now configured would not be visible in this view anyway.
- 5.57 From within parts of the site to the west, and the hospital car park, the distinctive cowed roof is appreciable because it is silhouetted, but I would not say it is prominent; but that may be what the Inspector meant by ‘local landmark’.
- SUMMARY OF CONTRIBUTION OF SETTING TO SIGNIFICANCE WITH REFERENCE TO THE HISTORIC ENGLAND GPA3 CHECKLIST**
- 5.58 I draw together my observations with reference to the checklist on page 11 of HE’s setting guidance. See my Appendix 3.o.
- 5.59 This comprises potential attributes of setting that, as the document explains, ‘may help to elucidate [setting’s] contribution to significance’.
- 5.60 The topography of the land contributes to an appreciation of significance in certain views, enabling a silhouetted view of the cowl of the listed building. The change in level of the land down also helps to give the oasthouse a certain prominence when you stand close to it and from vantage points on the Application site land (see views from the LVIA).
- 5.61 The elevated view of the expanded settlement to the west gives a sense of Uckfield’s historical development too. The changes to the original farm complex demonstrate the evolution of the settlement, and the change to farm practice (an old farmstead becomes a commercial business centre).
- 5.62 The open condition of the land and its use for horses and hay cutting reflects an earlier rural use, but not a use connected specifically with the purpose of an oast house.

- 5.63 The setting of the oasthouse has changed materially over time, within its farmstead context but also looked at more widely. It no longer forms part of an isolated farm, which is how it would have been when the oasthouse was new.
- 5.64 There are attractive views across this land from the oasthouse and of the oasthouse from the lower parts of the Appeal site. There are views from developed land to the west, on the other side of the stream, but these are influenced by the proximity of development including roads.
- 5.65 I do not think the oasthouse is visually dominant because its scale is modest relative to the expanse of open land around it. It has presence in its local context (the term 'local landmark' is fair, I think).
- 5.66 I appreciate the Inspector found the setting possessed a 'degree of quiet and tranquillity'. It is part of a small business centre, and I did not feel particularly tranquil standing next to it and looking west over the site. It does not feel remote because the settlement is visible to the west. The activities in the business centre are also the source of noise. Whatever view is taken on that judgment, however, from positions near to it or looking at it, I concluded the setting was materially different to what it would have been in the 1830s or even as recently as the early 1990s (see **Figure 5.16**).
- 5.67 There is presently no scheme of interpretation or public access to the land providing managed views of the oasthouse in its setting. The views to it from the housing estate and hospital car park are possible because there are no hedges here.
- 5.68 The character of the immediate setting of the oasthouse has changed. The landscape is of poor quality and the commercial uses do not complement the listed building's original, ancillary agricultural context.



Photograph 13 View from Parcel A within the Site looking north east

Figure 5.19 View of Oast House from Parcel A

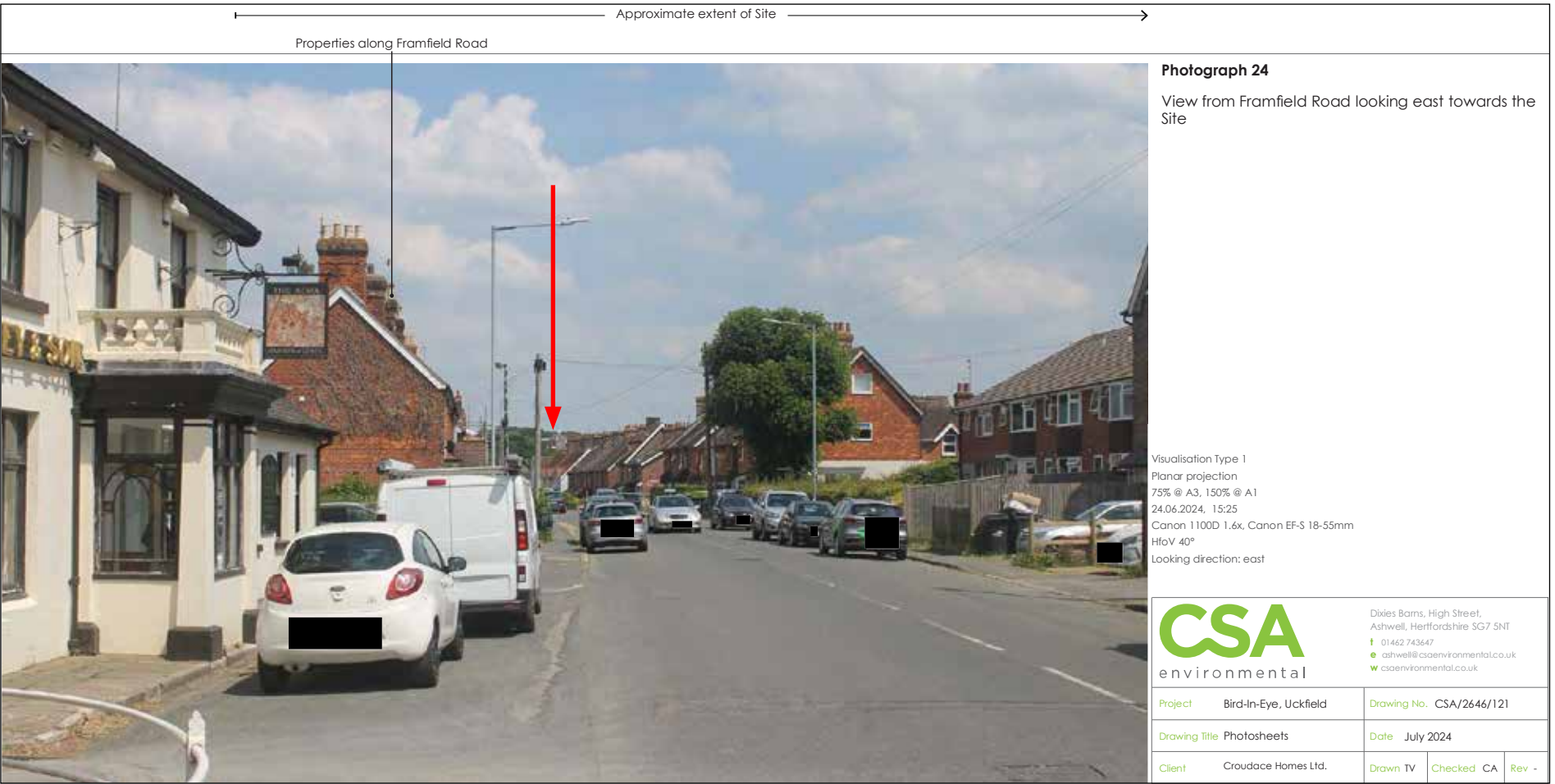


Figure 5.20 View from Framfield Road (Source: CSA)

6.0

ASSESSMENT

LAND AT BIRD-IN-EYE FARM

ASSESSMENT

- 6.1 I describe here the features of proposed development which inform my assessment. Drawings of the submitted scheme have been reproduced in **Figures 3.4–3.6** above.
- 6.2 Vehicular access to the Site would be via a single roundabout leading south off Bird in Eye Hill. This new site access would replace an existing lane as the main entrance to the Proposed Development, providing access to the principal spine road. The spine road would incorporate pedestrian and cycle routes.
- 6.3 **Figure 6.1** shows the proposed highways layout, which includes lighting columns on the roundabout and approach, together with planting to the roundabout and road edges. **Figure 6.2** illustrates the proposed lighting contours³. There is no footpath on this part of Bird in Eye Hill so the proposed street lighting is unlikely to be experienced by pedestrians. I understand some cyclists use the road but most users are motorists. The new junction is not in the immediate setting of the listed building, and neither it nor the lighting columns would have any material intervisibility with the listed building.

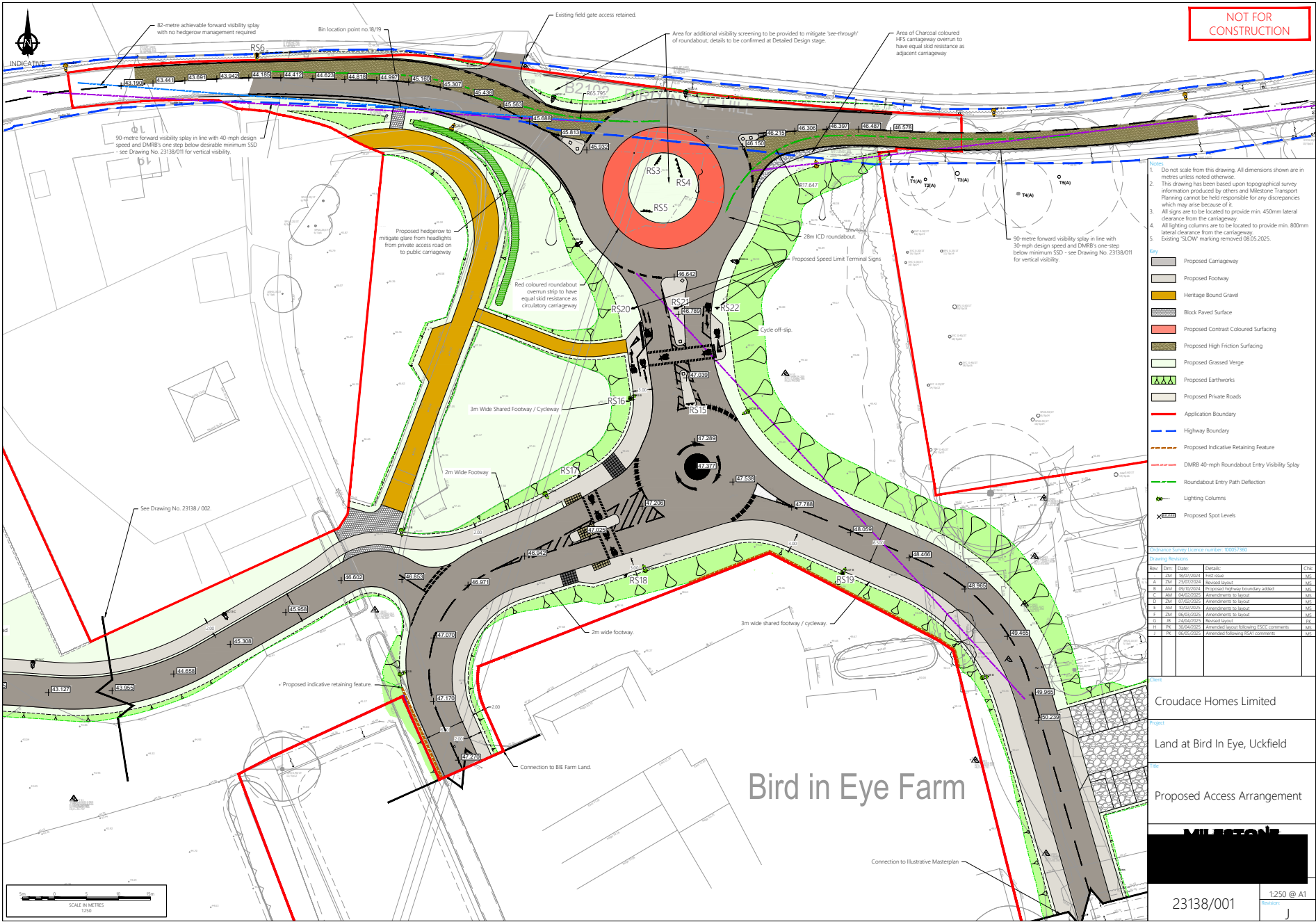


Figure 6.1 Highways Plan (Source: Milestone Transport Planning)

³ The full lighting strategy is included at **Appendix 13.0**. I have considered it solely in terms of how the proposed lighting may affect the setting of the listed building. It also discusses other technical matters that are outside of the scope of my evidence.

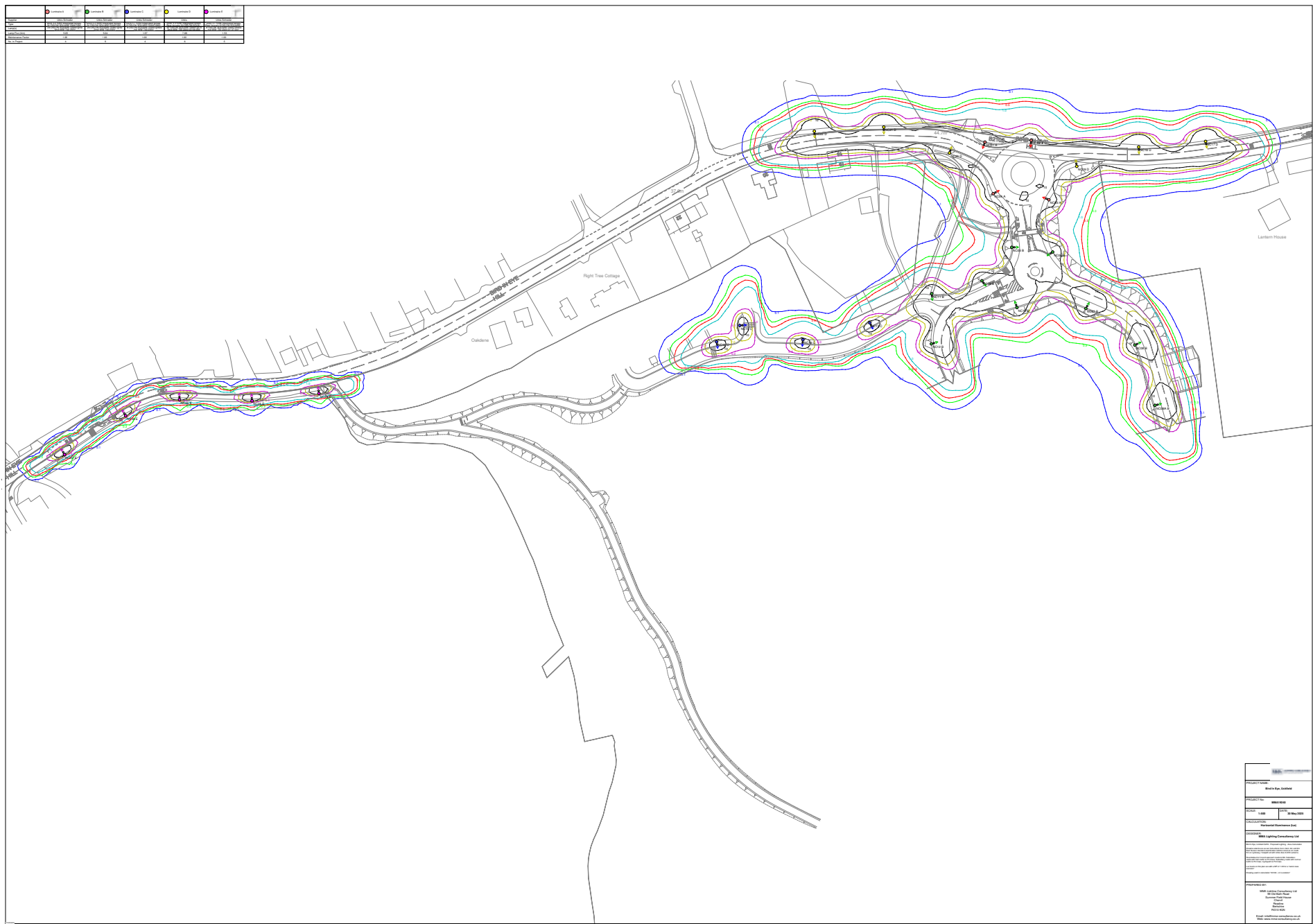


Figure 6.2 Lighting Contours (Source: MMA Lighting Consultancy)

- 6.4 One does not have any real appreciation of the oasthouse from this side, on entering, because the listed building is set back. Although the cowl is visible, (i) prominent in these views are views of the adjacent unmitigated and utilitarian farm/commercial buildings, (ii) there is no view of substantial agricultural/pasture land, so from this direction there is no meaningful appreciation of the oast in its former agricultural setting. Accordingly, I do not think additional vehicle movements will have any material impact on the appreciation or experience of the listed building.
- 6.5 The proposals provide a new public footpath that will run from the northwest corner of the site into the development to the south of the farm, through an area of landscaped open space. There are no existing public rights of way across this land and there are opportunities to introduce historic interpretation.
- 6.6 The submitted Design and Access Statement (at pages 12 and 13) includes images with examples of existing housing in the local area to understand local character and inform the scheme design. The indicative design for the proposed housing uses red brick and other locally distinctive materials.
- 6.7 The masterplan focuses residential development to the south and east of Bird in Eye Farm, with 10 dwellings along the northwestern boundary. These dwellings back onto a line of houses facing the road and which are built in different periods. Their garden boundaries face the site.
- 6.8 The new houses proposed here would be visible from the immediate setting of the oasthouse, off to one side and not intruding into the open space.
- 6.9 The illustrative masterplan indicates a scale of one and a half and, two storeys for these 10 houses and the DAS explains (at page 20) that they have been designed to have a more rural style with simple pitched roofs over a linear range building footprint reflecting the old "Hopper Hut" forms.

- 6.10 My colleague Mr Kessler-Lyne advises that the Council during the pre-application meeting suggested housing with a more rural style and appearance as being more suitable to the agricultural origins of the oast. The DAS also states that parking is located within cobbled courtyards with garages under 2 bedroom loft style apartments.
- 6.11 The boundary between the housing and the retained land west of the listed building will be managed and landscape will over time filter views of the buildings. These will be more visible than the existing houses. Detailed design is a reserved matter, but the proposals for this location can reflect the area's vernacular architecture and materials. In assessing the proposals, I give weight to the number, scale and location of these dwellings and to the potential for landscape to reduce their visual impact.
- 6.12 To the south and east of the farm, there are 180 dwellings arranged in eight blocks. Detached, semi-detached and terraced housing types are provided. They are predominantly two storeys in height. Their position to the south of the retained open land, set away from the oast house ensures they will not erode or intrude upon the experience of the oast or reduce an understanding of its agricultural and rural origins.
- 6.13 The boundary with the retained open land is an access road, and no parking is shown. Again, the boundary design and management can over time filter views of these buildings.
- 6.14 The blocks are connected by a single spine road, leading south from the new site access roundabout, and secondary perimeter lanes and accessways. Each road type would be associated with a different form of development as follows:

6.14.1 Main streets would accommodate a higher density with taller buildings of up to three storeys at road intersections or corners. This denser housing is located away from the retained land to achieve an acceptable (and not harmful) impact;

- 6.14.2 Access ways would be characterized by semidetached or terraced forms with a medium density, with landscaped squares for parking; and
- 6.14.3 Perimeter lanes would have a looser form with more generous plots and detached and semidetached housing.
- 6.15 Dwellings have been arranged to be outward facing with off street parking and garages.
- LANDSCAPE
- 6.16 The Proposed Development area comprises a significant area of landscape. I am advised that 75% of the Site will be given over to publicly accessible open space. This would be secured, I am also advised, through the grant of a consent and the land managed for recreational and amenity value through a Landscape masterplan or strategy to be agreed through a condition and delivered through a planning obligation.
- 6.17 The extent of open land reflects the advice I gave during the pre-app process.
- 6.18 The character of this land will of course change, from its present use as paddock with grassland for hay to amenity landscape.
- 6.19 The management regime for this land is, in my opinion, important to achieving an appropriate and acceptable setting for the oasthouse, a point I raised with the Appellant and the design team.
- 6.20 I am advised that the intended maintenance regime will not be intensive: it would be planted with wildflowers, trees, and an orchard. The planting would be managed to maintain views of the oasthouse from the west and views from the oasthouse to the west. Neither the existing paddock use nor the proposed one is for arable crops, which is likely to have been the case when it was built. So, I do not think the proposals are any less appropriate than the use of the land for ponies and hay cutting. The landscape would in my opinion be more attractive than the current one.

- 6.21 An existing area of hard standing to the immediate west of the oasthouse would be replaced with soft and hard landscaping, including grass and hedging.
- 6.22 An area of the Site to the east of the residential development is dedicated to Suitable Alternative Natural Greenspace (SANG), comprising primary and secondary walking routes, play space and a variety of planting.
- 6.23 There would be enhanced planting and pedestrian access around the full perimeter of the Site.
- 6.24 The lighting of this space was another matter discussed during the design revision. It is for conditions to specify, but I am advised that if any scheme of lighting is required for the new path then it does not need to comprise tall standards. At detailed stage, a solution involving low timber posts with focused path lighting, for example, would remove light spill. This relates to the overall amenity of the development, and it happens to be appropriate to the setting of the listed building. Any lighting of internal streets will cause very limited light spill, and nothing that would impact the oasthouse adversely. As has been noted above, the oasthouse is currently not visible at night and the new lighting will not change that.
- 6.25 Furthermore, my instructions are that the current overhead lines will be moved underground as part of the development, which benefits the visual amenity enjoyed from the setting of the listed building.
- 6.26 The exact levels of the new footpath will be worked out at reserved matters stage. The indicative masterplan shows a sinuous path which in places is cut into the slope and in others set marginally above it. These changes are to achieve, I am told, an acceptable gradient.



Photograph 4 View from within Parcel A looking south east

Figure 6.3 LVIA View 4 (CSA Environmental)

- 6.27 I think the eventual line should be set to allow views up towards the ridge at certain points to allow views of the oasthouse. The LVIA views – for example, view 4 – show that from within the land the topography limits views of the whole building. It will be possible to formulate a design that provides good ones and is useful for recreation.
- 6.28 The housing will likewise be peripheral to views from the west, from within the housing development and hospital car park, and the retained open land will continue to provide a foreground setting for the asset, whose role as a ‘local landmark’ will therefore be maintained.
- 6.29 This setting will not be one free from an awareness of development, but it will be one which retains a considerable area of open land running up the slope to the old farm and the oast. In my opinion, it would preserve the appreciation one has today, standing at the foot of the listed building on the west side, of a broad open area of land sloping down the hill towards the settlement. Accordingly, through the height and positioning of development , I conclude that the retained land preserves a sufficiently large expanse of open land to maintain an appreciation of the present context reflecting an earlier rural one.

- 6.30 The appreciation of the assets significance can also be enhanced by providing new publicly accessible views form the retained land.
- 6.31 The land itself can be managed in an informal way which is potentially more attractive than the present arrangement. Whilst I appreciate the oasthouse served an ordinary farm, it no longer serves that function, and landscape of the kind proposed is in my opinion more conducive to the enjoyment of an historic building of this nature.
- 6.32 The reason for listing – the technical design of the asset – is not affected and neither is any of its physical attributes relating to its intrinsic architectural or historic interest.
- 6.33 I have reviewed the conclusions of our heritage impact assessment, at pages 21 and 23. There we concluded no harm and some enhancement. My findings presented here, on the basis of a fresh assessment, are the same.

THE CONTRAST WITH THE REFUSED SCHEME

- 6.34 I exhibit here, as **Figures 6.4 and 6.5**, the refused scheme alongside the presently presented one, again for convenience.



Figure 6.4 Appeal Scheme, April 2023 (Croudace Homes/Paul Brown)



Figure 6.5 2025 Appeal Scheme (Croudace Homes/tor&co)

- 6.35 The previous Appeal scheme proposed up to 290 dwellings, which enclosed Bird in Eye Farm to the east, south and west. To the west of the listed building, and within its setting, this masterplan included a near continuous stretch of residential development, with the exception of an area of a relatively small open space, running east-west between the oasthouse in the east and the bottom of the valley in the west. An estate road was proposed across this space, connecting two areas of housing. A structured play area was proposed between the housing areas. This area of open space was intended to provide a buffer zone between the oasthouse and the development; however, the Inspector found that this was insufficient to maintain the open character of the agricultural field and the historic setting relationship between the oasthouse and the field. I agree.
- 6.36 The then proposed open land would have been heavily used with a managed character, contrasting with the more informal character now proposed.
- 6.37 The most obvious and important change to the new masterplan is the reduction in the number of dwellings proposed (reduced to up to 190 dwellings) and the removal of a large area of housing to the west of the oasthouse, replacing it with an area of open green space. This change directly addresses the identified impact of the Proposed Development on the setting of the listed building by retaining open land and therefore maintaining the rural open setting of the oasthouse to the west (approximately 3.5 ha of open land is retained in this location).
- 6.38 I think it is fair to say that the impact of the present scheme is very considerably less than the 2023 Appeal Scheme. It follows that if there is a finding of harm (which is not my finding), the nature and extent of such harm is also very considerably less.

SUMMARY OF ATTRIBUTES OF A DEVELOPMENT AFFECTING SETTING WITH REFERENCE TO THE HISTORIC ENGLAND GPA3 CHECKLIST

- 6.39 I draw together my observations with reference to the checklist on page 13 of HE’s setting guidance. See my **Appendix 3.0**.
- 6.40 The proposed housing is located away from the proximity of the listed building retaining a significant amount of open green space to the west of the heritage asset. It is also set further down the sloping land to the west of the listed building, ensuring the heritage asset and its silhouette remains prominent at the highest level of the land. These aspects of the proposed scheme facilitate wide views from and to the listed building across the open setting created by the proposals. The placement of the housing also ensures that the development does not unacceptably compete with or dominate the listed building.
- 6.41 Reserved matters applications would be submitted to agree the detailed design of the proposed housing but the indicative information provided with the submission demonstrates that the anticipated facing materials and architectural detailing will reflect local vernacular architecture and distinctiveness.
- 6.42 The proposed link road will introduce additional traffic movements, but the road has been positioned away from the retained open setting to the west of the listed building. Highway lighting is proposed to the new roundabout and its approaches. Both housing on Bird in Eye Hill and existing modern barns on the site provide interposing development between the highway works and the listed building. For these reasons I do not consider that the proposed highways works or additional vehicle movements will have any material impact on the appreciation or experience of the listed building.

- 6.43 The proposed development will remove existing car parking activity within the immediate setting of the listed building and replace the parking with green landscaping, better revealing its significance.
- 6.44 SANG is proposed to be created within the open space to the west of the listed building. Increased public access will provide opportunities for historic interpretation relating to the building and its historical and technical interest.

CONCLUSION

- 6.45 Therefore, I agree with the findings of the heritage statement which concluded that the ability to appreciate and experience the significance of the asset would not be harmed and, depending on one’s judgment, could be said to be enhanced, improving the appreciation and/or experience of the asset.
- 6.46 On that basis, I find compliance with paragraph 212 of the Framework and Policy SPO2 of Wealden’s spatial planning objectives.
- 6.47 Accordingly, should the Inspector find there is no harm, and allow the Appeal, there would be no conflict with the terms of section 66 (1).

7.0

COMMENTS ON THE CONSULTATION RESPONSES

LAND AT BIRD-IN-EYE FARM

COMMENTS ON THE CONSULTATION RESPONSES

- 7.1 The Council’s Statement of Case reflects, I am advised, the opinion of its conservation officer.
- 7.2 The Council analysis is as follows:

7.2.1 *The removal of an area of hardstanding to the west of the oast is a positive change and reintroduces the historic boundary to the farmyard area where this has been eroded in the later part of the 20th century.*

7.2.2 *There will still be harm to the setting of the oast through the proposed built development forward of the westerly farmyard line and the works to create a designed SANG with associated infrastructure. Both of the westerly elements of built development will be apparent in views of the oast from the hospital side, housing, public areas etc, and also in views from the oast itself, particularly that to the south-southwest.*

7.2.3 *There is also, the Council state, a failure to understand the elevated views from the external stair of the oast and the upper element of the building.*

7.2.4 *In relation to the proposed built development to the northwest, whilst there is currently a length of leylandii screening around the riding area, the longevity of this planting has to be questioned. Without this, the isolated island of linear development at the back of existing development on Bird in Eye Hill would be prominent.*

- 7.2.5 *The Council is firmly of the view that the Appellants have still not looked at the site in the ‘round’, being very myopic in predominantly considering setting from the oast only, not how it is perceived within the wider rural landscape and how the farmstead is perceived on the ridge. The tranquil rural setting would not be safeguarded. This applies to the areas of built development outlined above and the SANG, which would add to the cumulative impact of change and artificiality of the landscape character created.*
- 7.2.6 *The experience at arrival to the farm, the Council states, retains a rural character, along a narrow route, moving between fenced paddocks, with the oast building visible to the south. The proposed roundabout will introduce an overly urbanising effect on the approach to the farm with all the resulting infrastructure, including signage and lighting and will also necessitate artificial changes to levels to create the road design proposed. This will permanently remove the rural character of the farmstead entrance and result in loss of the wider rural setting of the oasthouse.*
- 7.2.7 *The harm identified to the significance of the oasthouse through development in its setting would be ‘less than substantial’, at the moderate level, given that the significance of the building in terms of its technical rarity would be unharmed by the development.*
- 7.2.8 *The Statement of Case identifies a moderate level of less than substantial harm to the listed building.*
- 7.3 My comments on the Council analysis summarised above are:

7.3.1 I don’t accept the criticism ‘myopic’, which I take to mean having a too narrow or limited view of the impact. I do not think this is a fair criticism. The HIA considered, and so have I in this evidence, the setting of the oast house in the round. I do not understand how the SANG relates to this issue.

- 7.3.2 I think the experience of the asset has been urbanised to some extent by virtue of the housing development to the west and the commercial activity on the Site, as well as the line of houses to the north.
- 7.3.3 My assessment of the proposed built development to the northwest does not rely on any leylandii screening.
- 7.3.4 As has been demonstrated above, my analysis from the outset included wider setting considerations and the previous inspector’s conclusion around the local landmark quality of the listed building. The setting to the west of the heritage asset is not divorced from the wider settlement and the presence of housing at its edges is discernible when one is within the site.
- 7.3.5 At present there is a grass bank on the southern side of Bird in Eye Hill at the entrance to the Site. The road level is lower than the bank. The proposed roundabout would be at the same level as the road. Existing buildings are present located between the proposed roundabout and the oasthouse, including a large barn. For these reasons I do not consider that the proposed roundabout would have any material impact on the appreciation or experience of the listed building. The proposed street lighting plan shown in **Figure 6.2** indicates that the lighting is set away from the oasthouse and I am advised that measures will be introduced so that there will be no light spillage within the setting of the oast.



Figure 7.1 View from external staircase to oast house

- 7.4 On the 'elevated' views from the stair I have the following observations. First, this area is not one where you linger to admire a view. It is limited in extent and the stair is a functional feature. I do not agree that this view attracts any particular weight. The important views are the ones from around the building. The view from here shows more of Uckfield than from the foot of the building, giving a greater perception of the listed building's urban context.. The housing is, third, set away to the periphery of views.
- 7.5 For these reasons I do not agree with the Council.
- 7.6 Two additional consultation responses have been received from Town Legal on behalf of an objector to the Proposed Development.

- 7.7 The Town Legal analysis is as follows:
- 7.7.1 *Although compared to the previous appeal scheme fewer houses are proposed nonetheless, they and their associated infrastructure will still intrude into the rural scene and result in a real loss of the rural character and sense of tranquillity to the setting of the LB.*
- 7.7.2 *Added to this diminution in the rural character of the setting is the introduction of significant highway infrastructure including street lighting, which will further harm the setting of the LB.*
- 7.7.3 *The removal of parked vehicles from within the redline would not be a heritage benefit because these vehicles will simply park more closely around the LB itself within the retained commercial yard.*
- 7.7.4 *The setting of the Grade II Listed Oast House will clearly be harmed and result in significant "less than substantial harm" being caused that would not be outweighed by the scheme benefits.*
- 7.8 In relation to sub paragraph 7.7.3 above, I don't think there is merit in their observation; the parties accept the oast's significant setting interaction is with open land to the west, not the east, where the setting is much changed and there is car parking now. I have addressed their comments elsewhere in my proof.
- 7.9 Consultation responses have also been received from Uckfield Town Council and Framfield Parish Council.
- 7.10 Uckfield considers that at present views of the oast show it within its traditional farm setting, and that the landscape has changed very little since the 1800s. It raises concerns about the proposed development encroaching on the setting of the oast, and also with regard to key views of the oast including from private dwellings.

- 7.11 Private views are not covered by regulation and the proposed new publicly accessible footpath/cycleway and proposed historic interpretation have the potential to increase the appreciation of the oast and better reveal the significance of the heritage asset in circumstances where the appeal site is not publicly accessible at the present time.
- 7.12 I have concluded in this proof of evidence that the open condition of the land to the west of the oast and its position relative to the listed building does contribute to an appreciation of its historic interest, reflecting the historic condition of the land. A considerable area of the open land is retained under the proposal and in my opinion the retained land preserves a sufficiently large expanse of open land to maintain an appreciation of the present context which is redolent of an earlier rural one. I have also highlighted that the land immediately around the listed building has been developed for agricultural and commercial uses, including car parking. The proposed removal of the car parking will enhance the setting of the listed building.
- 7.13 Framfield sets out that it believes the heritage asset will be visually diminished and hemmed in, and that the open space retained to the west of the oast is a token gesture.
- 7.14 I consider that the comment referring to a token gesture is unfair because a token gesture is something which is small intending to be significant but without having impact. The previous appeal scheme proposed up to 290 dwellings and the current scheme proposes up to 190 dwellings, a reduction of 100 dwellings. The retained land to the west of the oasthouse is considerable in extent and comprises approximately 3.5ha as can be seen on plan and certainly larger than the previous scheme.
- 7.15 Other neighbour consultation responses also refer to the setting of the listed building and I believe I have addressed this matter within my proof of evidence.

8.0

AFFIRMATION

LAND AT BIRD-IN-EYE FARM

AFFIRMATION

- 8.1 I confirm that, insofar as the facts stated in my Proof of Evidence are within my own knowledge, I have made clear which they are and that I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.
- 8.2 I understand that my duty as an expert is to the Inspector and to the Secretary of State on matters within my expertise.
- 8.3 I confirm that my Proof of Evidence includes all facts which I regard as being relevant to the opinions that I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.
- 8.4 I confirm that my duty to the Inspector and the Secretary of State as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- 8.5 I confirm that I am neither instructed, nor paid, under any conditional fee arrangement by the Applicant.
- 8.6 I confirm that I have no conflicts of interest of any kind other than any already disclosed in my Proof of Evidence.
- 8.7 I confirm that my Proof of Evidence complies with the requirements of the Planning Inspectorate, as set down in the *Procedural Guide: Planning appeals – England* (updated 17 September 2024) (see section 15 at: <https://www.gov.uk/government/publications/planning-appeals-procedural-guide/f90d5f21-de2c-43cd-b743-6c81b9a1b70f#expert-evidence>)

- 8.8 If, after I have produced this Proof, my views should change on any material (for example, on the basis of new information or in the event an omission is drawn to my attention), I will communicate that to all parties without delay and when appropriate to the Inspector.

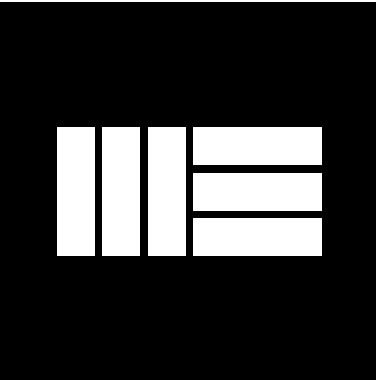
Signed:

Name: Dr Chris Miele IHBC MRTPI, Senior Partner,
Montagu Evans LLP

Registered Address:

Date: 17 June 2025

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