

Appeal Ref: APP/C1435/W/23/3335625
LPA Ref: WD/2022/3222/MAO

**Land South of the A271 and east of
the A22, Lower Horsebridge,
Hailsham, East Sussex BN27 4DN**

Heritage Rebuttal Evidence

For the appellant: Hertfordshire Holdings
Ltd

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1. Purpose of rebuttal evidence

- 1.1. My rebuttal evidence responds to certain matters covered in the Proof of Evidence [PoE] on heritage matters prepared by the heritage officer, Heather Hall, on behalf of Wealden District Council [WDC].
- 1.2. The focus of this rebuttal remains the two general points of disagreement between the parties, specifically the assessment of less than substantial harm to the significance of the Boship Farm Hotel and the extent of harm within the less than substantial harm category to the significance of Brook House.
- 1.3. I have found it necessary to highlight several areas in which the methodology and assessments provided by Ms Hall are questionable, inconsistent or could benefit from clarification. In addition, I have also highlighted some aspects of her evidence which support the assessment in my main PoE. For convenience, I have divided the various observations into thematic sections. Where paragraph and page references are given, they refer to Ms Hall's PoE unless otherwise stated.
- 1.4. Where I use the unqualified term 'the PoE', it is to be understood as referring to Ms Hall's PoE unless otherwise stated. Where I refer to my heritage PoE, I use the term 'my main PoE'. Other abbreviations, such as 'DBHA' for the original desk-based heritage assessment and 'DBHA Addendum' etc, remain as set out in my main PoE (CD13.16, 1.10, pp. 3-4).
- 1.5. Whilst I have endeavoured to be comprehensive, it should be noted that this rebuttal evidence does not necessarily represent an exhaustive analysis of all points of disagreement with the PoE.
- 1.6. As in my main PoE, this rebuttal evidence is provided in accordance with the professional standards and Code of Conduct of the Institute of Historic Building Conservation [IHBC] and I confirm that the opinions expressed are my true and professional opinions.

2. Assessment methodology

Historic development

- 2.1. Approximately half the PoE (section 3, pp. 14-30) is given over to a detailed assessment of the historic development of the Boship Farm Hotel and Brook House sites, prefaced by references to Domesday Book, historical manorial tenures, geology and local industry (3.3-3.8). These elements, though interesting, are largely superfluous and do not add materially to the understanding of the site already demonstrated through the contextual history and map regression provided in the DBHA.
- 2.2. The purpose of the lengthy historical excursus in the PoE seems to be to evidence the historical connection between the appeal site and the historical landholdings of Boship Farm, which forms a significant element within WDC's assertion for harm. However, the historical association between the Boship Farm Hotel and the appeal site was already made in the DBHA (CD1.16, 5.14, p. 14) and is repeated in my main PoE (CD13.16, 4.47, p. 25). The latter also deals with the negligible implications of this historical association in terms of

contributory setting.

- 2.3. Ms Hall's historical research also sheds helpful light on some points made in my main PoE. In the latter, I had posited that the Boship Farm Hotel had been a hotel since at least 1966, the date of listing (CD13.16, 3.44, p. 17). However, Ms Hall's evidence helpfully confirms that 'its status had diminished by 1938 when Kelly's Directory indicates a change from farming to that of Boship Farm Guest House' and that the tenant, a Mr Pratt, 'had given up dairying and put his herd of cattle at Boship Farm up for sale in 1925' (3.43, p. 28). Furthermore, 'a tearoom at Boship Farm is hinted at in newspapers as early as 1930' (3.42, p. 28).
- 2.4. Ms Hall's research also discovered that a Buckinghamshire newspaper from 1937 was advertising the site for 'holidays and residential stays' and the contemporary remodelling of the access and grounds to accommodate these new uses (3.44, p. 29).
- 2.5. On the basis of this evidence, for which Ms Hall also provides useful references, the core historical function of the site as a farmhouse had ceased at least 29 years before the building was listed and possibly as many as 41 years before.
- 2.6. In addition, Ms Hall has confirmed that the appeal site 'was separated from Boship Farm in 1970', meaning that it has not formed part of the hotel's holdings for more than half a century and, indeed, for by far the greater part of the time that the building has been listed (3.46, p. 30).
- 2.7. Although the stated concept of the 'eroded' rural character (my main PoE *passim*) identified in the determination of WDC's own application at Knight's Farm is notable by its absence in the PoE,¹ Ms Hall's assessment of the area's historic development cannot avoid identifying it *de facto*. For example, the PoE states that
 - by c. 1908, Brooklands Terrace in Lower Horsebridge had been constructed, 'in effect extending Lower Horsebridge closer to Brook House' (3.18, p. 19);
 - 'interwar and later development has intensified the built form and consolidated the pre-existing ribbon development straddling the turnpike road' (3.18, pp. 19-20);
 - 'by 1937 the Ministry of Transport had approved plans and expenditure for construction of the dual carriageway...including a new concrete bridge over the Cuckmere River' (3.20, p. 20);
 - 'the route [of the dual carriageway] bisected Boship Farm fields' (3.20, p. 20);
 - 'the service station was constructed in the mid-1980s in place of the small outfarm (3.20, p. 20);
 - by 1937, 'the turnpike road to the north [of Boship Farm Hotel] had

¹ And in WDC's other application and appeal documentation relating to this site, see my main PoE, 4.19 (p. 20)

been widened considerably, claiming some of the forstall to the north of Boship' (3.45, p. 29); and

- 'substantive changes have occurred at Boship in the post-war period as development of the Boship Farm Hotel' [*sic*] (3.47, p. 30).

2.8. Though for the benefit of WDC's case the PoE is understandably seeking to minimise any notion of the erosion of rural character – for this application, at least – Ms Hall's evidence is nonetheless useful in confirming the processes by which it has in fact occurred and thus adds to the general conclusions in my main PoE (e.g. CD13.16, 4.18-4.20, p. 20; 4.39-4.40, p. 24) and those of the Knight's Farm application.

Understanding cumulative harm

2.9. In my main PoE (CD13.16, 2.28-2.29, p.10), I highlighted the concept of cumulative harm and how it can be used erroneously as a tool of last resort to refuse development. By this I meant that a local planning authority, say, selects an/any application for a given scheme in a historic environment already eroded by consented schemes and makes a decision that it is now 'the one' which suddenly takes the erosion too far. Ms Hall's assessment appears to demonstrate this practice.

2.10. In the PoE, and whilst discussing the appeal scheme in the context of the Knight's Farm application, Ms Hall notes that the 'adverse impacts of the consented development [i.e. Knight's Farm] together with the proposed development would give rise to cumulative harm to Brook House, resulting from change in character to the farmland historically associated with it and loss of the open rural outlook to the south' (4.18, p. 34).

2.11. If cumulative harm functioned in the way that Ms Hall employs it, then it is all the more illustrative that the concept is not mentioned at all in the Knight's Farm HS or the Knight's Farm OR in relation to heritage impacts. There is no published set of comments from a conservation officer on the Knight's Farm application and the Case Officer's reference to a 'discussion' with the Senior Heritage Officer yield no consideration of cumulative harm (CD11.1, p. 37).

2.12. My main PoE (*passim*) emphasises WDC's acceptance of the eroded rural character of the area owing to the extent of modern residential and infrastructure growth, and yet the insertion into this milieu of a 'sports hub', complete with numerous external sports courts, fencing and lighting, was not identified as a cumulatively harmful addition. Rather – and I would suggest rightly – the eroded character of the area was taken as the baseline setting against which to assess the contribution of setting and any harm arising from the development, which is the same approach that I adopted in my main PoE.

2.13. In my main PoE, I submitted that the approach to cumulative change should be to assess whether incremental change has already lessened or removed a particular contribution of setting, which then informs an assessment of harm. This means that, where the remnant setting no longer provides any contributory function to significance, then no harm can arise and the concept of further detracting cannot apply.

2.14. There is a brief mention in the PoE of the Knight's Farm application, which was submitted and approved by WDC. The PoE identifies that it will 'reduce

the rural surroundings to the north and to a lesser extent to the east [of Brook House] (4.17, p. 34). The same section also acknowledges that 'some infrastructure is likely to be visible, along with a level of activity and lighting, both from Brook House itself and the wider surroundings' and the fact that 'acoustic fencing is to be installed to the north and east boundaries of Brook House' (*ibid*). This summarises the reasons for which I took the Knight's Farm scheme as part of the baseline in assessing setting and harm for the appeal scheme (CD13.16, 4.8-4.9, pp. 18-19).

3. Criticism of DBHA

- 3.1. Ms Hall's PoE contains a number of criticisms of the DBHA, to which I respond briefly here.
- 3.2. At 3.1 (p. 14), the PoE refers to the DBHA being 'somewhat limited in terms of understanding the historic context and setting of the listed buildings'. This point was not made in CO1, where Ms Hall found in agreement with the report's 'analysis that the site contributes positively to the significance of Brook House through its setting' and with the finding of less than substantial harm.
- 3.3. In Ms Hall's reasoning, the 'limited' understanding of the DBHA is presumably connected with her statement regarding 'the Appellant's failure to appropriately assess the heritage resource' (6.4, p. 40). This alleged failure, in Ms Hall's view, means that 'opportunities to enhance or better reveal significance and/or mitigate harm have not been acknowledged or realised' (*ibid*).
- 3.4. The suggestion that the DBHA fails to appropriately assess the heritage resource is a serious one and so I find it confusing as to why it was not made in CO1 or at any other point during the application.
- 3.5. In fact that such comments are unsubstantiated and the result of a muddled articulation of the issues at hand, as Ms Hall's partial agreement with the supposedly deficient DBHA assessment itself attests. Whilst Ms Hall may not agree with all the conclusions within the DBHA, the latter competently, comprehensively and objectively discharges the requirements within the NPPF for applicants to assess the significance of heritage assets potentially affected by proposals, including any contribution made by their setting. In addition, the DBHA informs that assessment with historical sources, including the HER, and provides it in a proportionate form, all as per NPPF para. 200.
- 3.6. In 4.4 (p. 31) of the PoE, Ms Hall argues that the DBHA Addendum 'underplays the contribution that the rural character of the setting plays in terms of the historic interests of [Brook House]' by emphasising its architectural interest. Ms Hall was perhaps unaware of WDC's assessments in the Knight's Farm application, in which the Knight's Farm OR concluded that the architectural interest of Brook House was 'moderate' and the historic interest was 'low' (CD11.1, pp. 37-38). By WDC's own assessments on a recent and related application, the architectural interest of Brook House was therefore held to be more significant than its historic interest.
- 3.7. In 4.6 (p. 32) of the PoE, Ms Hall states that the DBHA Addendum demonstrates 'only some understanding of the *public* experience of Brook

House [her emphasis], but fails to consider impacts from the listed building and its curtilage, which are also key experiences'. Again, Ms Hall may have been forgetful of the DBHA itself, which identified the 'direct views *from* the house' [my emphasis], the visual relationship with the field to the south (CD1.16, 5.16-5.17) and the impact of development (before amendment) on this aspect (CD1.16, 6.3). The DBHA Addendum clearly does not need to repeat every point made and acknowledged in the DBHA.

- 3.8. In all, I consider Ms Hall's criticism of the DBHA/DBHA Addendum to be profoundly lacking in basis.

4. Understanding the significance and setting of the Boship Farm Hotel

- 4.1. On the internal areas of the hotel, Ms Hall makes a useful comment in the context of the supposition in my main PoE. In the latter, I had surmised – based on long experience dealing with historic buildings converted to non-domestic uses – that the ground-floor areas were likely those which had changed significantly (CD13.16, 3.41, p. 16). Ms Hall helpfully confirms that the ground floor provides 'offices and communal spaces associated with the hotel' (5.6, p. 35). This seems to confirm a significant degree of change to those areas and supports the analysis in my main PoE as to historic interest.
- 4.2. In my main PoE, I found that the various changes to the external areas of the hotel and, likely, the interior have diminished both its architectural and historic interest (e.g. CD13.16, 3.35, p. 15; 3.40, p. 16; 4.35-4.37, pp. 23-24). Ms Hall appears to note the same diminishment, but reaches the opposite conclusions.
- 4.3. For example, Ms Hall states that 'the immediate curtilage of the hotel has seen fairly considerable modern interventions in the form of replacement outbuildings, garden structures, statuary, menagerie, and some unsympathetic alterations (uPVC windows) and surfacing materials' (5.7, pp. 35-36). This generally agrees with my assessment (CD13.16, 4.36, p. 23), though notably underplays the scale and extent of the extensions (see my main PoE, figure 7 for an aerial view).
- 4.4. However, with these extensive alterations to the Boship Farm Hotel site described in the PoE, I am surprised to see some particularly egregious assertions, namely
- that 'all of these features generally have a high level of reversibility' (thus limiting harm etc) (5.7, p. 36); and
 - that the modern outbuildings...follow the general pattern of historic structures within the farmstead, and are generally of a scale and form that reads [*sic*] as agricultural buildings...' (5.8, p. 36).
- 4.5. Whilst the insertion of a detached garden building may qualify as a reversible addition to the setting of heritage asset, insofar as such an addition will not result in any damage or alteration to the fabric of the building and it could be removed without any physical trace of having existed, the same surely cannot be true for a suite of extensions to the Boship Farm Hotel, which will have

involved at least considerable groundworks, wall junctions, knocking-through, replacement of materials etc. To say that such alterations and interventions are 'reversible' stretches that concept well beyond rationality – one might as soon argue that demolition of a building is 'reversible' as it can be rebuilt!

- 4.6. The PoE also makes questionable assertions regarding the 'rural edge' experience of the Boship Farm Hotel and its ostensibly legible farmyard qualities (5.8-5.9, p. 36). Yet even within her own evidence, Ms Hall is forced to qualify these assertions with:
- 'notwithstanding the road, infrastructure, noise and movement...';
 - 'It is acknowledged that the A22/A267, Boship Roundabout, associated infrastructure and heavy traffic use patterns has adversely impacted on the setting...reducing the qualitative attributes of the rural surroundings'; and
 - 'Despite the roundabout and tree screening of the A22/A267...'
- 4.7. The implication of Ms Hall's PoE seems to be that the rural qualities of Boship Farm Hotel and its setting survive, but only if one discounts the extensive list of self-evident elements which very obviously erode it.
- 4.8. In addition, I noted above how the purpose of the lengthy historical piece in the PoE was to strengthen the case – already accepted by the Appellant in the DBHA – for a historical association with the appeal site. However, I also note that the PoE acknowledges that this too is actually limited insofar as the changes in historical ownership 'may undermine the functional associations [with the appeal site]' (5.10, p. 36).
- 4.9. The PoE goes on to identify the way in which some views of the building are experienced and here too I find some points which stretch credibility. For example:
- A view from the end of Lower Horsebridge near the end of the footpath 'allows for a visual appreciation of the farmstead in something like its historic setting' (5.13, pp. 36-37), despite the fact that the view is distant, glimpsed, oblique, interrupted by vegetation and the traffic of Lower Horsebridge and the A22.
 - 'The modern service station is more visible in the winter months, but generally occupies a low position screened by vegetation and is not visually intrusive except for signage on the A22' – whilst the tree line along the A22 will be thicker in summer months, the simple truth is that the presence of the services is a significant factor in eroding both the rural character of the area and any credibility to the argument that it remains; the presence of the services is obvious on the western approach to the Boship roundabout in all seasons'.
 - 'In all of these views of the heritage asset [i.e. from Lower Horsebridge and the northwest end of the footpath and from the A22 to the west], the modern "outbuildings" are generally discernible as large tiled roofscapes with Sussex barn hips...and tend to reinforce the farmstead character'. Again, I consider that any views from Lower

Horsebridge are so partial as to be *de minimis* – certainly roofs of the subsumed farm buildings are not discernible – and that the approach from the west along the A22 does not signal a historic farmstead in any intelligible way. The looming modern gateway, presence of services and main road signage, and the treeless space noticeable around the building suggest rather an amenity building with copious amounts of external car-parking; a venue perhaps, but certainly not a historic farmstead.

- 4.10. My main PoE identified how the A22 dual carriageway and the lesser single carriageway roads around Boship were highlighted as notable agents of separation within the locality in the Knight's Farm application, divorcing land from land, buildings from buildings and, ultimately, WDC's proposed development from negative effects. However the treatment of roads is generally muddled in Ms Hall's PoE, which is torn between having to describe what is unavoidably obvious and having to maintain the argument for a connection between Boship Farm Hotel and the appeal site.
- 4.11. The PoE therefore contains numerous references to the traffic and negative effect of the roads (see above, 4.6), but also states – not without paradox – that 'the visual impact of the A22 is softened in the summer months when the trees are in leaf and during quieter periods when there is less traffic noise and movement' (5.13, p. 37). I contend instead that the presence of the A22 dual carriageway will be very noticeable at all times of year and it, along with the busy A271, stands as a permanent dent in the argument for the rural character of the appeal site.
- 4.12. On the matter of the road noise and traffic, I note another helpful inclusion in Ms Hall's PoE. Specifically, this relates to East Sussex County Council's intention to upgrade the Boship roundabout, which went to public consultation in 2021. The PoE describes how this would 'increase the number of lanes, add traffic lights to the roundabout and provide pedestrian crossings on the southern arm, together with other infrastructure' (5.24, p. 39).
- 4.13. In my main PoE I noted how the existing development of the area, together with Knight's Farm and the strategic employment allocation, give a clear indication of WDC's long-term vision for growth around the Boship roundabout area (CD13.16, 4.13, p. 19). It seems that the proposed road upgrades serve not only to strengthen this vision, but also to lend more evidence to the eroded rural character of the area.

5. Understanding impacts on the significance of Brook House

- 5.1. The PoE states that Brook House 'retained an agricultural function and approximately 26 acres of land from the 18th century through to the early 20th century' and notes that this is 'contrary to the suggestion in the DBHA' (4.2, p. 31). However, the PoE advances no suggestion that the appeal site formed part of Brook House's agricultural function, which is noted by both parties to have been part of the Boship Farm Hotel's historical holdings.
- 5.2. I have dealt above with the PoE's assertion that no consideration was offered in the DBHA/DBHA Addendum to views from Brook House (see above, 3,7)

and this element of impact need not be repeated here.

- 5.3. The PoE draws on distant views of Brook House from the south side of Cuckmere River (4.11, p. 33; appendix B, photo 11), from where Ms Hall states that it is 'still read in much of its historic rural setting'. This is, of course, apart from the accepted erosion caused by the expansion of Lower Horsebridge, the traffic noise of the A22 and the passing traffic along the A271 itself in front of Brook House and with the by now familiar qualification that this is 'despite' the loss of internal field boundaries and the addition of modern utilities.
- 5.4. Much as the point made in the DBHA and the DBHA Addendum, a partial loss of the open field across from Brook House and the associated partial diminishment of the remaining historic open setting is acknowledged as resulting in less than substantial harm.
- 5.5. My main PoE takes a finely gradated approach to understanding a) how the extant setting contributes to significance; and b) how the proposed development harms this contribution and so it is made clear that the nature and extent of harm on this contribution is low. However, Ms Hall's PoE is not clear as to why the impact on the selected views serves to demonstrate and substantiate her assessment of moderate/medium level of harm, which remained unaltered in response to a reduction in developed area.
- 5.6. Furthermore, I do not understand why the 'more appropriate green landscape outlook' referred to in the DBHA Addendum (CD8.3, 4.11) is considered by Ms Hall to be 'largely meaningless in terms of views out or in towards it' (4.12, p. 33). Perhaps this statement requires clarification, especially when Ms Hall elsewhere criticises our submissions for failing to consider views *out* of Brook House and how these are 'key experiences'.

6. Conclusion

- 6.1. In this brief rebuttal, I have drawn attention to some inconsistent, questionable and egregious assertions in Ms Hall's PoE, whilst also noting the areas in which her assessment reinforces the points made in my main PoE.
- 6.2. This is especially in relation to the eroded rural character of the area: whilst understandably Ms Hall's evidence must speak of 'rural edge' and 'rural surroundings' etc, I note these cannot be propounded without qualifications, restrictions, notwithstanding and despites, to the point that the original assertion is stripped of credibility. On that point, I have noted again how – unlike the assessments in WDC's own application at Knight's Farm – WDC have taken an inconsistent approach to this aspect in this application and appeal.
- 6.3. I have noted how East Sussex CC's intentions to expand and upgrade the roads and signals at Boship roundabout, described in the PoE, adds further weight to understanding their and WDC's long-term vision for growth in the Boship area.
- 6.4. I have drawn attention to the fact that, though the historical research which comprises half the PoE is interesting, it adds little to the understanding of the

appeal site or the significance of the affected assets. It does, however, serve to highlight the cessation of farmhouse use at Boship Farm hotel earlier than thought and confirms the separation of the appeal site from the farm in 1970.

- 6.5. I have taken issue with Ms Hall's serious criticism of the DBHA and DBHA Addendum. I noted that it is unsubstantiated, was not expressed at any other point in the application and is belied by Ms Hall's own partial agreement with the original findings.
- 6.6. I have highlighted Ms Hall's highly questionable reading of the current state of the Boship Farm Hotel site, in which she has downplayed the extent, impact and reversibility of the extensions and overplayed the extant legibility of any farmstead use.
- 6.7. The PoE's assessment of impacts on Brook House have not made it clear why a) the harm is medium/moderate on the notional spectrum (and the harm has not been expressed or articulated in any more forensic way); and b) Ms Hall has continued to assess the harm at this level, despite the clear improvement arising from the reduction in development.