



Appeal Decision

Site visit made on 11 March 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th of March 2025

Appeal Ref: APP/C1435/D/24/3350015

Ferns, Cansiron Lane, Holtye, Cowden, East Sussex TN8 7EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr C Sherwin against the decision of Wealden District Council.
 - The application Ref is WD/2024/0463/F.
 - The development proposed is described as existing garage with storage over to be converted to habitable accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development set out above is taken from the application form. However, it is clear from the plans and accompanying details that the proposal also comprises a replacement staircase and new balcony. The Council has considered these elements on its assessment and so shall I.
3. The appellant has provided a set of plans with the appeal which show that the proposal would be constructed in wood and there would be a log store underneath the balcony. The plans also show the position of a door that the appellant intends to install in the future. The planning appeals procedural guidance¹, confirms that, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
4. However, in this case, the additional details provided within the plans are minor in nature, and I am satisfied that no prejudice would occur to any party as a result of my consideration of their content. As such, I have considered the plans provided by the appellant on their submission in my decision.
5. A revised National Planning Policy Framework (the Framework) was published in December 2024 and further updated in February 2025. In this instance, the issues most relevant to the appeal are unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by this.

¹ Procedural Guide: Planning appeals – England.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the host bungalow and on the natural beauty and character of the High Weald National Landscape (NL).

Reasons

7. Ferns is a large plot comprising a detached garage with loft accommodation and modest external staircase. This outbuilding is located near a detached bungalow. The garage is of a considerable scale with a greater roof height than the host bungalow, and its non-subservient nature is apparent upon entering the site. There are level changes within the area and both buildings sit on higher ground than the lane. The site's front boundary treatment with Cansiron Lane includes mature trees and hedging. For these reasons, the existing buildings are not particularly prominent within the street scene.
8. Cansiron Lane is a simple routeway largely bounded by trees and hedges. Development in the lane comprises dwellings of varying architectural designs and sizes normally accommodated in large plots. Agricultural fields lie on the opposite side of the lane.
9. The proposal includes a balcony accessed via an external staircase. Due to its width and depth, the balcony would be large, and the staircase would considerably protrude beyond the side elevation of the outbuilding. Consequently, the proposal would result in a substantial addition to the outbuilding. This in turn would increase the visual dominance of this ancillary outbuilding and further exacerbate its lack of subservience in relation to its host bungalow. As such, the proposal would harm the character of the bungalow. The use of wood materials and provision of a log store underneath the balcony would not overcome this harm.
10. The site lies within the High Weald NL. Section 245 of the Levelling-up and Regeneration Act 2023 places a duty upon me to seek to further the statutory purpose of the NLs, which is to conserve and enhance the natural beauty of the area of outstanding natural beauty. The special qualities of the NL in this location include open, agricultural land interspersed with belts of woodland, with scattered hamlets, and sense of tranquillity.
11. The surrounding area has a rural and verdant appearance and feel but is not devoid of dwellings and associated domestic uses and paraphernalia. As such, the proposal would not harm the natural beauty of the NL in which the appeal site lies within. It would therefore accord with the Spatial Planning Objective SPO1 of the Core Strategy Local Plan 2013 (CS) and with Policy EN6 of the Wealden Local Plan 1998 (LP), which seek to protect the natural beauty and character of the landscape.
12. However, the proposal would have a harmful effect on the character and appearance of the host bungalow. It would conflict with LP Policies GD2, EN1, EN27, DC17 and DC19, and with CS Spatial Planning Objective SPO13 and Policy WCS14, insofar as these policies support high quality development that is of an appropriate size and character relative to the original dwelling that would not visually dominate or otherwise adversely change the character of the existing building.

Other Matters

13. The proposed development includes converting part of the existing garage into habitable accommodation, which the Council considers acceptable. Based on the information before me, I see no reason to disagree with the Council's view on this matter.

Conclusion

14. I note the appellant's wishes to extend the bungalow in the future, which may alter the perspectives of the relative sizing between the bungalow and the outbuilding. However, no such proposal is before me, so I have assessed the appeal considering the existing situation on site.
15. The proposal would improve the functionality and use of the property, and its siting would protect the privacy of the residents within the bungalow. Further, the appellant would be able to live in the converted garage during any future works in the main house. However, I am not persuaded that the scheme before me is the sole means to secure these aspirations.
16. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR