



Appeal Decision

Site visit made on 19 March 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 APRIL 2025

Appeal Ref: APP/C1435/D/24/3353494

Wyck Stable, Wyck Lane, Woods Green, Wadhurst, East Sussex TN5 6QS

- 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 Mrs T Samartin against the decision of Wealden District Council.
 - The application Ref is 2024/1822/FR.
 - The development proposed is the “reduction of existing brick walls with insertion of timber fence and planting of trees”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In 2023, designated Areas of Outstanding Natural Beauty in England and Wales became “National Landscapes”. The appeal site falls within the High Weald Area of Outstanding Natural Beauty (the AONB) which has become the High Weald National Landscape (HWNL).
3. Section 245 of the Levelling Up and Regeneration Act 2023 (LURA) amended the duty on relevant authorities in respect of their interactions with statutory purposes of National Landscapes, as set out in Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (CRWA). In so far as it relates to this appeal, the amendment now requires relevant authorities “in exercising or performing any function in relation to or so as to affect land in an AONB... to seek to further the purpose of conserving and enhancing the natural beauty of the AONB”. As such, it is incumbent on me to evidence consideration of ways to further the purpose of conserving and enhancing the natural beauty of the HWNL.
4. At the time of my site visit, the boundary of the appeal site along Wyck Lane comprised a brick wall. The Council indicates that this is unauthorised. There are two further appeals currently being determined at this site, one is in relation to an Enforcement Notice (ref APP/C1435/C/24/3358235) and the other is an alternative boundary treatment (ref APP/C1435/D/25/3359290). Each appeal is considered on its own merits.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to whether the proposal would conserve and enhance the landscape, scenic and natural beauty of the HWNL.

Reasons

6. The HWNL in this area comprises an undulating landscape, characterised by a historic irregular field pattern, surrounded by hedges and areas of dense woodland. Its outstanding beauty derives from its essentially rural and human scale character, high proportion of natural surfaces, tranquillity and dark skies.
7. Wyck Lane is a single-track no through road. It is very rural in character, lined with trees and hedgerows, with the few dwellings interspersed with fields. Generally, the boundary treatments along the lane are left open, or comprise hedgerows or low-level fencing, which reinforces the rural character of the immediate area and allows views across the landscape. Whilst the lane is isolated, the appeal site is not hidden from public vantage points given the presence of a Public Right of Way (PRoW) which runs along Wyck Lane and into the open countryside beyond.
8. The appeal site is a dwelling with a boundary of significant length running alongside Wyck Lane. Due to the steep slope of the land away from the road at this point, there are first-floor bedroom windows which are positioned slightly below the road.
9. The proposal includes a low-level brick wall with a close boarded fence above, set between brick piers. Taken from the Wyck Lane side, the drawings show the boundary treatment would be up to 1.8m in height. A line of ornamental trees would be planted on the verge between the wall and the carriageway.
10. The Wealden Design Guide Supplementary Planning Document (2008) advises that close boarded fencing in rural areas will normally be resisted, setting out that hedges of mixed native planting are appropriate. The solidity and height of the proposed wall and fence would be at odds with the rural landscape in the immediate area as it would introduce a visually prominent, suburban-style solid boundary treatment which would extend a considerable distance. It would be at odds with the typical boundary treatments in the immediate area which, as set out above, are generally lower or comprise hedgerows and trees.
11. I note the appellant's evidence indicates that the trees are intended to provide additional screening to the boundary. The plans before me indicate the trees would be 'ornamental' and would not comprise a native hedgerow characteristic of the HWNL, the type of planting proposed would do little to soften the effect of the height and extent of the wall and fence.
12. There is little evidence before me to indicate whether any other examples of higher boundary treatments in the area are authorised. In any event, the presence of these boundary treatments is not characteristic of the locality or the HWNL and do not in themselves provide justification for the height and extent of wall and fence before me.
13. Despite its localised effect, the appeal proposal when considered as a whole in terms of its height, length and materials, would appear as a visually intrusive boundary treatment that would neither conserve nor enhance the landscape, scenic and natural beauty of the HWNL. Hence, it would fail to accord with Section 85 of the CRWA, as amended by LURA; the aims regarding the built and natural environment of the Borough, particularly to the HWNL, as expressed in Wealden Local Plan (1998) Policy EN6; and Framework paragraph 189.

14. The proposal would also conflict with Local Plan Policies EN27 and DC19 insofar as they seek to achieve a high standard of design, where the scale, form and use of materials should respect the character of adjoining development and for alterations to dwellings outside development boundaries, the proposal should not be intrusive in the landscape or detrimental to the rural setting.
15. The Wadhurst Neighbourhood Plan Design Code 2022 includes a section on boundary walls and fences, advising close boarded timber fencing should not be used. However, the guidance here appears to relate to the town of Wadhurst rather than surrounding rural areas. As such I do not consider it directly relevant in the determination of the appeal.

Other Matters

16. I note the appellant's views regarding communication with the Council including the pre-application advice received and other issues. However, this is a matter between the main parties and has no bearing on my consideration of the appeal.

Planning Balance and Conclusion

17. I understand the appellant's need for privacy and security to the bedroom windows facing the road and I note the leylandii trees formerly lining the boundary were removed as they were dead and did not provide effective screening. The proposal would provide a boundary treatment of sufficient height and solidity to provide the desired level of privacy and security. This is a matter to which I attach moderate weight in the overall planning balance. However, I do not consider that the appeal proposal would represent the only option available to achieve a suitable level of privacy and security.
18. The Framework gives great weight to conserving and enhancing landscape and scenic beauty in National Landscapes and I therefore attach great weight to the harm to the HWNL.
19. The harm I have identified to the character and appearance of the area with particular regard to the HWNL outweighs the identified privacy and security benefits and draws the proposal into conflict with the development plan read as a whole. The material considerations in this case do not indicate that the decision should be taken otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

L Francis

INSPECTOR