



Appeal Decision

Site visit made on 16 April 2025

by **Stewart Glassar BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 MAY 2025

Appeal Ref: APP/C1435/W/24/3352263

10 The Paddock, Maresfield, East Sussex TN22 2HQ

- 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 J Brann against the decision of Wealden District Council.
 - The application Ref is WD/2024/0096/F.
 - The development proposed is residential development for one additional dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for residential development for one additional dwelling at 10 The Paddock, Maresfield, East Sussex TN22 2HQ in accordance with the terms of the application, Ref WD/2024/0096/F, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the Ashdown Forest Special Protection Area.

Reasons

Character and Appearance

3. The appeal site comprises an existing bungalow within a cul-du-sac of one and two storey dwellings. These properties are set back from the road and sit within well sized plots. This all positively contributes to a pleasant and spacious character.
4. Being a corner property at the end of the cul-du-sac, the appeal site benefits from a particularly large rear garden. The appeal submission has demonstrated that the existing garden is of sufficient size to allow both the host dwelling and proposed bungalow to benefit from gardens which would both be larger in size than some neighbouring properties in The Paddock.
5. The resulting gardens would not be as regularly shaped as some others in The Paddock. However, their size and layouts would still provide garden areas that future occupants would be able to use and enjoy.
6. Being located to the rear of the existing dwelling, the new building and its garden would be largely hidden from wider view. From The Paddock, the new access would not appear intrusive or particularly out of character given the areas of hardstanding at the front of most neighbouring properties. Furthermore, the open nature of the front gardens and tapered frontages ensure that the prevailing

environment is able to accommodate the new access without undue harm to the established character of the cul-du-sac.

7. When viewed in the context of the nearest properties in Robian Close, which back onto the site, the proposed dwelling would sit within a larger garden than those properties. The new dwelling would also be set a similar distance to the shared boundary as those existing properties. Both the neighbouring properties and the proposed dwelling would be single storey and so the established character of built form and sense of spaciousness would remain.
8. Clearly the addition of a new dwelling would reduce the overall openness of the plot and would alter the established layout of housing and gardens. However, having regard to all of the above factors, I do not find that the proposed changes would be harmful to the prevailing character of the area.
9. Consequently, the proposal would accord with Policy EN27 of the Wealden Local Plan 1998 (Local Plan) and Objective SPO13 of the adopted Wealden Core Strategy Local Plan 2013 (Core Strategy) which, amongst other things, require the scale, form and design of development to respect the character of adjoining development and provide high quality environments for communities. It would also accord with Policy WCS14 of the Core Strategy, which reflects the presumption in favour of sustainable development. For similar reasons to all of the above, I have not found the proposal to conflict with the principles of the Wealden Design Guide.
10. The proposal would also accord with the National Planning Policy Framework which, amongst other things, seeks to ensure developments are sympathetic to local character and create a high standard of amenity for existing and future users that do not undermine quality of life.

Ashdown Forest Special Protection Area

11. The Ashdown Forest Special Protection Area (SPA) is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Such 'Habitats Sites' are easily disturbed by activity arising from residents of new housing development within a 7km Zone of Influence.
12. The Council has a tariff-based system for new housing development which enables mitigation and avoidance measures to be employed, such as the management and monitoring of the sites or the provision of alternative green spaces. This approach is supported by Natural England.
13. The Council has indicated that the submitted Unilateral Undertaking (UU) would secure the delivery of the mitigation measures and so avoid an adverse impact to the integrity of the SPA. I consider that the mitigation is necessary to make the development acceptable and that it would be appropriately secured through the UU. The proposal would therefore satisfy the requirements of the Habitats Regulations.
14. Having undertaken an appropriate assessment I find that the proposal would comply with Local Plan Policies EN7 and EN15, and Core Strategy Policy WCS12, which together safeguard designated nature conservation sites by resisting development which would be likely to adversely affect their nature conservation value or harm the character to Ashdown Forest as well as seeking to reduce the recreational impact of visitors resulting from new housing development. In addition,

in this regard, the proposal would satisfy Local Plan Policy EN1 which requires proposals to pursue sustainable development.

Other Matters

15. The Council note that the site is outside of a settlement boundary but acknowledge that these boundaries will need to be breached if sufficient housing supply is to be provided. Furthermore, the Council recognise that the site is within a residential area with some access to facilities. Accordingly, the site's location was not a reason for refusal and so is not a matter I need to address in this decision.
16. The Council has not raised any concerns as to the design or appearance of the proposed dwelling and I have no reason to reach a different conclusion. Parts of the building might be visible to nearby residents, but the Council has not identified any harm in terms of neighbours' living conditions. From the information before me and my own observations I have no reason to disagree. The access would pass the sun lounge at No.11 The Paddock but a fence or similar would overcome any potential disturbance from car headlights. This could be addressed through a planning condition.
17. I note the concerns of local residents with regard to access and parking issues. However, there is no objection from the Highway Authority and the new dwelling would provide sufficient on-site parking to meet the Council's requirements. The parking provision for the existing dwelling would be unaffected. There may be some disruption from construction traffic, but this would be for a temporary period.
18. There is no substantive evidence before me to demonstrate that drainage or ground stability would be inadequate or prevent a new dwelling from being built. Such matters would be considered at the Building Regulations stage. Similarly, there is no substantive evidence of the development affecting any protected trees. The submitted Preliminary Ecological Assessment (PEA) sets out biodiversity enhancements for the site and these can be secured through a planning condition.
19. I have not had further regard in this decision to concerns over how the Council handled the application as this is an administrative matter to be taken up directly with them. I have focused on the planning merits of the scheme in regard to the main issues of the case.

Conditions

20. In addition to the standard time limit, a condition setting out the approved plans is necessary in the interests of certainty.
21. A condition requiring the submission of details of external materials is necessary in the interests of the character and appearance of the area. Conditions requiring the details of the means of enclosure and car parking to be agreed with the Council and implemented prior to occupation are necessary to protect the living conditions of neighbouring occupiers.
22. A condition requiring the recommendations of the PEA and the landscaping scheme to be implemented is reasonable and necessary to ensure the development functions as intended.

23. I have amended the suggested condition relating to the solar panels so that the requirements more closely mirror those of the General Permitted Development Order.

Conclusion

24. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Stewart Glassar

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings and documents:

Proposed Site Location & Block Plan	- 2023-68-09 Rev A
Proposed New Dwelling Elevations	- 2023-68-05
Proposed New Dwelling Floor & Roof Plans	- 2023-68-06
Proposed New Dwelling Elevations	- 2023-68-07 Rev A
Soft & Hard Landscaping Details	- 2023-68-08 Rev A
The Ecology Partnership Preliminary Ecological Appraisal (March 2024)	
- 3) No development above ground level shall take place until samples of all external facing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved sample details.
- 4) No development above ground level shall take place until details of the car parking and turning area serving the development have been submitted to and approved in writing by the local planning authority. The dwelling hereby permitted shall not be occupied until the approved car parking and turning areas have been constructed in accordance with the approved details.
- 5) No development above ground level shall take place until details of the means of enclosure serving the development have been submitted to and approved in writing by the local planning authority. The dwelling hereby permitted shall not be occupied until the means of enclosure have been constructed in accordance with the approved details, which shall be thereafter retained.
- 6) The development hereby permitted shall be carried out in strict accordance with the Preliminary Ecological Appraisal, dated March 2024, produced by The Ecology Partnership, including the implementation of the detailed habitat enhancement measures, which shall be thereafter retained.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) The solar panels as shown on the approved drawings shall be fitted as flush to the roof plane as possible but shall not protrude more than 0.2 metres beyond the plane of the roofslope when measured from the perpendicular with the external surface of the wall or roof slope, and shall be removed as soon as reasonably practicable when no longer needed.

END OF SCHEDULE