



Appeal Decision

Site visit made on 20 May 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 JUNE 2025

Appeal Ref: APP/C1435/D/25/3360263

Rotherhurst Bungalow, Cottage Hill, Rotherfield, East Sussex TN6 3JJ

- 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 Damion Thompson against the decision of Wealden District Council.
 - The application Ref is WD/2024/2795/FR.
 - The development proposed is application for erection of garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Planning permission was granted for a garage on the site under Council Reference: WD/2019/0777F. Development was not carried out in accordance with the approved plans and therefore the appellant sought to regularise the situation through the submission of a further planning application. This application was refused and dismissed on appeal¹. The latest planning application seeks amendments to the design of the garage to address the concerns of the previous Inspector. I have dealt with the appeal as a proposal on the basis that the existing unauthorised structure would be altered in accordance with the plans before me. I have amended the description of development in the banner heading to delete the word retrospective which is not an act of development.

Main Issue

3. The effect of the development on the character and appearance of the host dwelling with particular regard to scale, massing, form and design, and on the wider area with particular regard to the impacts on the High Weald National Landscape's historic routeways.

Reasons

4. The appeal site comprises a semi-detached dwelling, garden, parking area and an unauthorised garage, alterations to which are the subject of this appeal (the proposal). The site is located in countryside outside of Rotherfield's defined development boundary and within the High Weald National Landscape (HWNL). There is also a Public Right of Way (PRoW) running to the southwest of the site. The proposal has been erected on the northern part of the site on higher ground to the host property, and fronts onto the parking area. Vehicular access to the parking area and the proposal is through double gates from Cottage Hill.

¹ APP/C1435/D/24/3345161 (3345161)

5. Paragraph 189 of the National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. Section 245 of the Levelling Up and Regeneration Act 2023 (LURA) places a duty on relevant authorities to further the statutory purpose of the National Landscape. Policy EN6 of the Wealden Local Plan 1998 (WLP) seeks to both conserve and enhance the natural beauty of the HWNL.
6. Policy DC19 of the WLP states that ancillary residential outbuildings in the countryside should not be intrusive in the landscape, be an appropriate size and character relative to the original dwelling and should not visually dominate or otherwise adversely change the character of the existing building. Policy DC19 also requires that proposals should comply with Policy HG10 of the WLP, which states that extensions and alterations to dwellings will be permitted where the scale, style, design and materials are appropriate and sympathetic to existing buildings. Policy EN27 of the WLP addresses general design principles setting out that development and materials should respect the character of adjoining development. The Wealden Design Guide Supplementary Planning Document 2008 (SPD) advises that residential outbuildings should be modest in scale, appropriate to the main dwelling and roof spaces should not be used for accommodation purposes as this often requires increased ridge and/or eaves height.
7. Planning permission Ref: WD/2019/0777F was granted for a new garage on the site. A garage was built but not in accordance with the plans. The garage built had a similar width and footprint to the garage that was approved, but has gable ends rather than hipped, two dormer windows on the front elevation, an external staircase providing access to the first floor, a higher roof and glazing to the southerly elevation. Planning permission was subsequently refused (Ref: WD/2024/0666/FR) and dismissed on appeal for the as built garage.
8. The proposal differs from WD/2024/0666/FR by omitting the dormer windows and replacing them with rooflights and removing the external staircase. The roof space of the building is shown as vacant with no first floor. The main difference between the proposal and that granted permission under Ref: WD/2019/0777F is that the roof ends are gabled rather than hipped, the roof is higher, there is glazing to the southern elevation and rooflights are shown in the front elevation.
9. The footprint and width of the development is very similar to that previously approved and considered acceptable by the Inspector in appeal. I have no reason to take a different view. The appeal was dismissed as the Inspector concluded the development appeared overly large and domestic at the first floor due to its glazed southerly elevation, height and dormer windows resulting in the development appearing overly large and top heavy and therefore unsympathetic to the host dwelling.

10. Whilst the appellant has removed the dormer windows and the external staircase providing access to the first floor, by virtue of the gable ends, additional height and glazing on the southerly elevation to serve a first floor, the proposal remains overly large and domestic at first floor level, albeit the first floor is no longer shown on the plans or with any access. The proposal appears incongruous and competing with the host dwelling contrary to Policies DC19 and HG10 of the WLP and the SPD which require ancillary development to be appropriate in size and character relative to the original dwelling.
11. I concur with the previous Inspector that although the location of the proposal is the same as previously permitted, the permitted garage was lower in height and appeared subservient and ancillary to the main dwelling. The appellant contends the separation distance between the dwelling and the proposal avoids competition. However, in my view the separation distance causes a dislocation between the host dwelling and the proposal. Furthermore, the height and bulk of the proposal combined with the glazing and raised location in comparison to the host dwelling gives the proposal an unduly prominent appearance which could be mistaken for a small dwelling when viewed from outside the site, rather than an ancillary outbuilding.
12. The appellant contends that Cottage Hill is interspersed with residential dwellings and the proposal would be read in this context and therefore would not be out of character with the area or detract from it. However, the proposal is for an ancillary outbuilding and not a residential dwelling and therefore should not be read as such. Residential properties visible from Cottage Hill and the PRoW running to the southwest of the site are a feature of the character of the area, however, ancillary outbuildings would be expected to appear subservient to the host dwelling and not as independent dwellings. Given, the separation distance from the host dwelling, the difference in site levels and the incongruous scale and appearance at first floor, the proposal would appear overly prominent when viewed from Cottage Hill and the PRoW. Both Cottage Hill and the PRoW are identified as historic routeways by the High Weald Management Plan. The proposal would therefore be visually intrusive and harmful to the rural character of the area, detract from the historic routeways and does not further the purpose of conserving and enhancing the landscape and scenic beauty of the HWNL.
13. To conclude, the proposals dislocation from the main dwelling, height and bulk at first floor level and the overly domestic glazing on the southern elevation would not be sympathetic to the character and appearance of the host dwelling or further the purpose of conserving and enhancing the landscape and scenic beauty of the HWNL, with particular reference to the historic routeways. I therefore find conflict with Policies DC19, HG10, EN6 and EN27 of the WLP and Policies SPO1 and SPO13 of the Wealden Core Strategy Local Plan 2013. The proposal is also not consistent with the advice contained within the SPD or the Framework which, amongst other things seek to ensure that ancillary residential outbuildings in the countryside should not be intrusive in the landscape or visually dominate or otherwise adversely change the character of the existing building but should be an appropriate size and character relative to the original dwelling.

Other Matters

14. I am aware interested parties raised concerns that the proposal seems to be little changed from the last application which was refused. In respect of concerns regarding overshadowing and overlooking of the neighbouring property, Rotherhurst Cottage, the Council did not include a reason for refusal relating to these matters. The Officers Report also references that had the proposal been acceptable, the southern elevation could have been subject to a condition requiring obscure glazing to minimise impact on the adjoining neighbour. However, as I have found the development to be unacceptable for other reasons I do not need to consider this, and the other matters raised further in this decision.
15. The use of high quality materials in the proposal is noted, however, this does not overcome the conflicts with the development plan identified above.

Conclusion

16. For the reasons given above the appeal should be dismissed.

C Coles

INSPECTOR