



Appeal Decision

Site visit made on 21 May 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1st July 2025

Appeal Ref: APP/U1430/D/25/3359995

13 Stablefield, Westfield, East Sussex TN35 4QW

- 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 B Hardy against the decision of Rother District Council.
 - The application ref is RR/2024/1068/P.
 - The development proposed is erection of a single bay garage at front of dwelling (resubmission of RR/2023/2511/P).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue relevant to the appeal is the effect of the proposed development on the character and appearance of the area, including the effect on the adjacent trees and on the High Weald National Landscape (HWNL).

Reasons

3. The appeal site is situated within Westfield, a settlement located within the HWNL. Section 85 of the Countryside and Rights of Way Act (2000), as amended by section 245 of the Levelling-up and Regeneration Act (2023), requires relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes.
4. The High Weald National Landscape Management Plan (2024 – 2029) (HWNLMP) sets out that the special quality of the landscape, includes historic settlements set within a rural and distinct landscape with prominent expanses of woodland. It describes key characteristics of settlements within the HWNL as being of a verdant character, with substantial soft landscaping which includes grass verges, hedgerows edging front curtilages, and full tree canopies breaking up the built form.
5. Stablefield comprises a cul-de-sac containing detached two storey pitched roof properties, with single storey flat roof attached front garages. Properties are finished in brick, with a predominantly light-coloured cladding providing detail to the properties. Plots within the area follow a consistent building line, with no built form breaking forward of the front garages. Whilst Stablefield is a more modern addition to Westfield, it has a semi-rural character which aligns with the characteristics set out of settlements as set in the HWNLMP. This is achieved through open grass verges fronting the plots, generous vegetation and views of mature trees above and between the gaps of houses.

6. The appeal site relates to a raised area of grass at the end of the cul-de-sac situated to the front of 13 Stablefield (No 13). Next to the appeal site is a row of trees forming a hedge which creates a boundary with the adjacent neighbour. The trees are a prominent feature within the streetscene and positively contribute to the verdant appearance of the area.
7. The introduction of the detached garage ahead of the established building line would appear significantly out of keeping with the established pattern of development and would appear as an incongruous addition to the streetscene. The positive influence the appeal site brings to the character and appearance of the area through its spaciousness and verdant appearance would be substantially diminished as a result of the development. Furthermore, the design of the garage being detached with a steep pitched roof and finished entirely with a dark stained weatherboard finish would be out of keeping with the predominant architectural style of development of Stablefield and would harmfully exacerbate the prominence of the garage in this inappropriate location.
8. The proposal would include the excavation of the site and the laying of foundations directly adjacent to the existing boundary trees. It is not the appellants intention to remove these trees as part of the development. However, I am mindful that given the very close proximity of the proposed development and the invasive nature of the works, direct damage to the trees and its roots would be hard to avoid. I have no convincing evidence to suggest otherwise.
9. The proposal would therefore also harm the verdant character and appearance of the area through damage to these trees. The damage to the trees would also reduce the screening of the proposed development, meaning that the harm I have identified in the preceding paragraphs to the character and appearance of the area could also affect views further down Stablefield and along Cottage Lane.
10. As such, whilst the harm would be localised given the scale of the development, it would nevertheless harm characteristics of the area which positively contribute to the natural beauty of the HWNL, namely through urbanisation of the open grass verge and harm to the adjacent trees which positively contribute to the verdant appearance of the settlement. The appeal proposal would therefore neither conserve or enhance the landscape and scenic beauty of the HWNL.
11. For the preceding reasons the proposal would be harmful to the character and appearance of the area, including to the HWNL, and therefore the proposal would conflict with Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy (2014) (CS) and Policies DHG9, DEN1 and DEN2 of the Development and Site Allocations Local Plan (2019) (DASA). These policies, amongst other criteria, seek to ensure that development is of a high-quality design that contributes positively to the character and appearance of a site, is in keeping with the landscape and settlement pattern of HWNL settlements and ensures the HWNL is conserved and enhanced.

Other Matters

12. I have been presented with the fallback positions that the trees could be removed at any time by the appellant. Similarly, it has been presented that the character of the appeal site could be altered through planting and fencing without the need for planning permission. However, it is not suggested that either would be likely in the

event this appeal was dismissed, nor is it shown that they would be more harmful. On this basis, these matters attract very limited weight.

13. I have also considered whether an appropriately worded landscaping condition could be imposed to replace any damage to the trees. However, without knowing the exact impact the development would have on the adjacent trees and ground conditions, I have insufficient information to ensure a condition would be reasonable, precise and enforceable. It would therefore fail the tests of paragraph 57 of the National Planning Policy Framework (the Framework) and would not satisfactorily make this aspect of the development acceptable.
14. The appellant has also referred to a ministerial statement setting out the objective to make it easier for families to undertake home improvements. Whilst this is a material consideration, it does not diminish the harm that I have found in relation to the main matter.
15. Whilst I note the appellants attached garage was already converted to living accommodation before they purchased the property, this rationale for the proposal would not diminish the harm that I have found on the planning merits of the scheme.

Planning Balance and Conclusion

16. The appellant has referred to there being a lack of relevant adopted policies and that the policies the Council relied upon to refuse the planning application are out of date. However, paragraph 232 of the Framework sets out that due weight should be given to development plan policies according to their consistency with the Framework.
17. In my assessment, I have found that the appeal proposal would be harmful to the character and appearance of the area, including the HWNL. The importance of achieving well-designed development is a key aspect of sustainable development, as set out in section 12 of the Framework, where it is clear at paragraph 139 that development which is not well designed should be refused. Paragraph 189 of the Framework identifies that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Landscapes.
18. Therefore, I find that the Policies OSS4, EN1 and EN3 of the CS and Policies DHG9, DEN1 and DEN2 of the DASA are highly consistent with the Framework, are not out of date, and the conflict with these policies should be given significant weight against the scheme. The appeal proposal would conflict with the development plan taken as a whole.
19. Given my findings, it is not shown that the presumption in favour of sustainable development set out in paragraph 11 of the Framework applies in this case.
20. The development would lead to a small and time limited economic benefit during the construction phase. The proposal would also include energy reduction and conservation features which has environmental benefits and would also improve the living conditions of occupiers of the host property by providing additional floor space. It has also been raised that the appeal proposal would result in an improvement to the local on-street parking provision through the introduction of an additional private space. Given the small scale of the proposal, these matters attract limited weight.

21. 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. Therefore, I conclude that the appeal should be dismissed.

C Housden

INSPECTOR