



Appeal Decision

Site visit made on 7 May 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2025

Appeal Ref: APP/C1435/W/24/3355108

Meadow View, Annexe, Gardner Street, Herstmonceux, East Sussex BN27 4LA

- 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 and Mrs A. Blacker against the decision of Wealden District Council.
 - The application Ref is WD/2024/1306/F.
 - The development proposed is conversion from annex to independent dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site (the site) includes a 1-bedroom residential annex (the annex). It is next to a three-bedroom dwelling, which is within the appellants ownership (the host dwelling). There is no permission for the annex, though both main parties describe how the building and its use for purposes ancillary to the host dwelling may be longstanding. Establishing the actual lawful use of the appeal site is not a task before me; I have made my determination on the merits of the proposed development as described in the banner heading above.
3. Since the determination of this application a revised National Planning Policy Framework (The Framework) has been published. The main parties have been given the opportunity to comment on any implications for the appeal.

Main Issue

4. The main issues are:
 - Whether the proposed development would result in acceptable living conditions for occupiers of the host dwelling, and;
 - The effect of the proposed development on the character and appearance of the area, including the setting of the High Weald National Landscape and the Grade II listed buildings known as The Sundial Restaurant and Elm Tree House.

Reasons

Living Conditions

5. The site is at the base of a small valley and is accessed by way of a steeply sloping drive. The annex and the host dwelling sit close to each other on the western side, with the former positioned behind the latter. The ground in front of

both buildings is predominantly laid to hardsurface, and slopes to follow the contours of the land.

6. A window in the southernmost end of the annex faces directly towards the courtyard garden and rear glazing of the host dwelling. As this window serves a bathroom, a condition could be imposed to ensure it is retained in obscure-glazing, with openings arranged to allow ventilation but prevent overlooking. I am content that the window need not result in lost privacy.
7. I saw that a close-boarded timber fence and gates of standard height and design had been erected to separate the host dwelling and the annex, and between the access drive and the annex forecourt. This is not shown on the plans, and I note the appellants assertion that the ultimate position and design of any boundary treatment is as yet undecided. Even so, the appeal scheme would plainly require a means of enclosure around the annex, most likely somewhere near the line of the existing fence.
8. It was apparent in my visit that the existing fence did not prevent intervisibility over a relatively short distance between windows at the host dwelling and the annex forecourt. I have no evidence that the north facing windows in the host dwelling do not serve habitable rooms. Given this, if the appeal scheme were to rely on a means of enclosure comparable to the existing fence, then a significant erosion of privacy would result. In the absence of a detailed, alternative design it is not clear to me that a different enclosure, which ensures privacy without harmfully restricting light, could be provided.
9. The host dwelling has a courtyard garden to the rear. It is enclosed by the existing fencing. A brick wall previously served a similar purpose, albeit without wholly segregating the two buildings. Whilst I have not been made aware of any adopted space standards for residential gardens, the courtyard garden is inadequate to provide a secure play space for children, space for drying clothes, and to also permit general leisure and recreation. An external space which can accommodate all of these is a reasonable expectation for a three-bedroom dwelling. The courtyard also suffers from limited outlook.
10. At present, occupiers of the host dwelling also have the use of the appeal site and of an open, lawned area of garden to the northeast of it (the garden area). A gate may be closed across the access drive so that the wider plot is secured and can function as one entity containing ample amenity space.
11. The appeal scheme would retain the courtyard and the garden area for the host dwelling. The size of these two areas combined would be adequate for the host dwelling, and the garden area would provide pleasant views. Even so, the scheme would effectively segregate the garden area from the host dwelling. This would discourage easy and frequent movement between the two. Given the access would be open to the occupiers of a separate, unrelated dwelling, new, tall enclosures would be required to ensure privacy and security in the garden area. Such enclosures would, however, prevent intervisibility between the dwelling and the garden; Given both would face onto the access, this would likely require that the door to the dwelling be locked when one used the garden area, and that the garden be locked when one left it. This level of inconvenience would discourage use of the garden further.

12. Overall, the proposed layout would leave occupiers of the host dwelling largely dependent upon the courtyard which, as described above, is too small. Given this, and the absence of evidence that privacy within the host dwelling could be maintained, the appeal scheme would, overall, result in unacceptable living conditions contrary to Policies 12 and 13 of the Herstmonceux Neighbourhood Plan 2019 where they require the protection of neighbouring amenity.

Character and appearance

13. The site, the host dwelling, and the garden area are in a secluded location, out of sight of the road. Either side of this wider plot are gardens of neighbouring properties. Beyond are open fields, rising up to the ridge of a hill. It is a secluded, quiet spot, characteristic of the edge of a rural village.
14. The Council accepts that the appeal scheme entails minimal physical alterations to the plot but cites the increased residential activity and layout as harmful. The annex has one bedroom. It is indicated that it has housed an elderly relative of the appellants, though given its facilities and the apparent absence of any conditions controlling occupancy, I have no reason to think it could not house two people, subject to remaining an annex. As such, the appeal scheme would not evidently lead to more people occupying the annex or the wider plot. I see no reason why occupants of the existing annex would be less likely to own cars than occupiers of an independent dwelling, or make any less noise. In these respects, the proposed change in the nature of occupation would not obviously lead to new or greater impacts.
15. The appeal scheme would require a means of enclosure to separate the annex from the host dwelling. Such an enclosure may highlight the subdivision of the wider plot. However, it is already divided by the existing fence, and I have no evidence that this is unlawful. The extent of domestic paraphernalia on the wider plot would likely increase as a result of the appeal scheme, though given the size of the annex, these increases would be modest. I have no evidence that the appeal site is anything other than part of the curtilage of the host dwelling. As such, it appears to already be a location where domestic paraphernalia could be placed. Overall, the appeal scheme would not harmfully alter the character of the wider plot.
16. The site is alongside the High Weald National Landscape (the NL). The border is open, and allows direct intervisibility. The site is in the setting of the NL, therefore. 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, and that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts. The site is in the Low Weald Character landscape, where Saved Policy EN8 of the Wealden Local Plan (1998) requires development to conserve the low rolling agricultural character of the landscape.
17. As set out above, the appeal scheme involves minimal physical alterations to the site. For the same reasons I have found that the appeal scheme would not harmfully alter the character of the site, so too would it avoid adverse impacts upon the NL and conserve the character of the Low Weald Character landscape.

18. The site is near two Grade II listed buildings known as The Sundial Restaurant¹ and Elm Tree House². Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
19. The two listed buildings are on either side of the appeal site. The list entries highlight the traditional architectural detailing, materials, and age of both buildings. The undeveloped nature of much of the land around the eastern reaches of Herstmonceux indicates that both buildings have long been set in semi-rural surroundings at the edge of the village.
20. For the purposes of this appeal, the significance of the buildings is in their age and traditional architectural detailing. The setting of each includes the largely open, picturesque land to the north, which allows the buildings to be appreciated in their traditional, historic context. The appeal site is part of this setting, and contributes to it in that it is at the edge of the village and bordered by open land beyond. In addition, the fact the site is only modestly developed and on lower ground means it does not compete for attention with the listed buildings.
21. For the same reasons I have found that the appeal scheme would not harmfully alter the character of the site, so too would it preserve the setting of both listed buildings.
22. The proposed development would not harm the character and appearance of the area, including the setting of the High Weald National Landscape and the Grade II listed buildings known as The Sundial Restaurant and Elm Tree House. As such, it would comply with Policies SPO2, SPO13, and SPO14 of the Wealden Core Strategy 2013, and Policies 1, 12, and 13 of the Herstmonceux Neighbourhood Plan 2019.

Other Matters

23. I note the appellant's concerns over the Council's decision-making process. That is not a matter before me and has not affected my determination.
24. The decision notice cites conflict with Saved Policies EN1 and EN6 of the Wealden Local Plan 1998, and Policies SPO7 and SPO8 of the Wealden Core Strategy 2013. These refer to sustainability, development within the High Weald Area of Outstanding Natural Beauty (now the NL), reducing the need for travel, and the growth of villages. As such, they are not relevant to the main issues or the reasons for refusal as articulated in the decision notice.

Planning Balance

25. The Council cannot demonstrate a five-year supply of housing land. The appeal scheme would result in an additional dwelling that could be made available very quickly, helping towards undersupply locally, and supporting the wider

¹ List Entry Number:1043181

² List Entry Number:1181022

Governmental aim of significantly boosting housing supply. It would provide a good quality of accommodation, with sufficient outdoor amenity space. Temporary and lasting economic benefits would arise during the construction phase and from residential occupation. These benefits attract positive weight in my determination in and of themselves, and that weight is increased in this instance by the local housing land supply position.

26. Whilst the Council notes the site is beyond the development boundary set out in the Wealden Local Plan (1998), it also acknowledges the need for that boundary to be breached. There is no suggestion in the reason for refusal that the location is unsustainable. I consider the site to be in a sustainable location and the appeal scheme to make effective use of land. The appeal scheme accords strongly to the aims of the Framework in these regards.
27. However, the Framework also considers the creation of high-quality buildings and places to be fundamental to the planning and development process, an aim including the creation of places which promote health and well-being, with a high standard of amenity for existing and future users. Overall, the harm the appeal scheme would cause to the living conditions for neighbouring occupiers significantly and demonstrably outweigh the benefits identified above.

Conclusion

28. Whilst I have found the appeal scheme would not harm the character and appearance of the area, it nevertheless conflicts with the development plan overall, and the material considerations do not indicate the appeal should be decided other than in accordance with it.
29. The appeal is dismissed.

A Knight

INSPECTOR