
Appeal Decision

Site visit made on 17 June 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Appeal Ref: APP/D3830/W/24/3354390

The Old Lodge, Ditton Place, Brantridge Lane, Balcombe, West Sussex RH17 6JR

- 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 Lynch against the decision of Mid Sussex District Council.
 - The application Ref is DM/24/1549.
 - The development proposed is 'Change of use of paddock to garden land. Erection of a residential outbuilding'.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Areas of Outstanding Natural Beauty (AONB) are now referred to as 'National Landscapes' and I have referred to the High Weald National Landscape (HWNL) in this decision. However, this does not change the legal status of this AONB, relevant local or national policy, or statutory requirements for consideration of the effect of proposed development on the designated landscape.

Main Issues

3. The main issues are:
 - whether the proposed development would be suitably located having regard to development plan policies concerning development in the countryside,
 - the effect of the proposed development on the character and appearance of the area, with particular regard to whether it would conserve and enhance the natural beauty of the High Weald National Landscape (HWNL), and
 - the benefits of the proposed development with reference to the particular needs of a member of the appellant's family having regard to the Human Rights Act 1998 and the Equality Act 2010.

Reasons

Location

4. The appeal site is located in the countryside as defined in the Mid Sussex District Plan adopted in 2018 (MSDP). Policy DP12 of the MSDP states that the countryside will be protected in recognition of its intrinsic character and beauty. Some forms of development are supported, subject to the effect on rural and landscape character, but they are limited to development which is necessary for

the purposes of agriculture or other development which is supported by a specific policy reference in the development plan.

5. The proposed development involves erection of a detached building on land adjacent to the garden of The Old Lodge. There is no dispute that this land is not currently within the residential curtilage, being an adjacent paddock. The application encompasses both change of use from paddock to garden land and erection of the proposed building within the additional garden area.
6. None of the development plan policies brought to my attention specifically support changes of use to garden land, or the erection of a building for domestic purposes on land not currently in residential use. The appellant highlights that Policy DP15 of the MSDP allows for new homes in the countryside where special justification exists. Those forms of justification are defined in the policy, and detached annexes are subject to the same criteria. However, although the evidence identifies scope for adaptation of the building to provide a residential annexe in future, that is not the use shown on the plans in the first instance. Nor would the proposal be of exceptional design quality or otherwise justified by the criteria in Policy DP15.
7. Policy DP16 sets out requirements for development within the HWNL and includes support for small-scale proposals to support the social well-being of the National Landscape. While the enlargement of a private garden and/or erection of a domestic outbuilding would generally be solely of private benefit, the HWNL is a populated landscape, with a dispersed settlement pattern including sporadic housing in rural areas. There may be circumstances in which the social well-being of the wider area is deemed to be supported by improvements to that existing housing stock, such as to meet the housing needs of different groups. However, that aspect of Policy DP16 is subject to the proviso that such proposals should be compatible with the conservation and enhancement of natural beauty. For the reasons which follow, even if the principle of the proposed development were judged to be within the scope of Policy DP16, it would not satisfy that requirement.
8. Therefore, based on the specific proposal before me, I conclude that the proposed development would not be suitably located having regard to development plan policies concerning development in the countryside. In particular, it would conflict with relevant aspects of Policies DP12 and DP16 of the MSDP, which identify forms of development which may be supported in principle within the countryside.

Character and appearance

9. The existing dwelling on the appeal site stands at the junction of Brantridge Lane and the access road to Ditton Place; a large historic building converted to flats with additional dwellings in the grounds. The Ditton Place access is also a public right of way (PROW). Currently, the garden is mainly to the front and one side of the dwelling, with a larger paddock to the west and south. Part of the paddock is included in the appeal site, defining the area of the proposed garden extension and incorporating the site of the proposed building. The land slopes upwards behind the dwelling and the line of mature trees along the paddock boundary is elevated above the adjacent access road.
10. The HWNL is characterised by a medieval landscape of rolling hills, woodland, ancient route ways and farmsteads. A mosaic of woodland, small fields and hedgerows combines to form an enclosed and intimate landscape, often connected by narrow, twisting lanes. The dispersed settlement pattern includes

farmsteads, individual dwellings and hamlets strung out sporadically along the lanes. These characteristics are evident around the appeal site, with both Brantridge Lane and the Ditton Place access being narrow routes, enclosed by woodland and hedgerows. The area feels deeply rural, even remote, despite the scattered dwellings. Although the dwelling is quite prominent at the junction, the paddock and boundary trees at the rear have a more leafy, open character which contributes positively to the landscape at a local level.

11. Although the Council appears to have assumed that the building would be at the elevated level of the paddock, the planning statement confirms that it would be at the same level as the dwelling. It would be single storey, unlike the dwelling, which has quite extensive accommodation in the roofspace, so it would appear relatively subservient in terms of its height. Nevertheless, it would have a substantial footprint and there would be a marked encroachment of built form into the more open, leafy part of the site.
12. The plans do not detail how the change in ground levels would be handled. The additional garden area would have rectilinear boundaries, drawn relatively tightly around the building, implying that some form of retaining structure may be necessary. Additional hard surfaces are indicated, to extend the vehicular access. The boundary trees may be vulnerable to damage from root disturbance, particularly as they are growing at the higher ground level, alongside the proposed store and driveway, where excavation would be necessary. No details of root protection areas or other tree protection measures are provided.
13. Since most of the additional garden area would be occupied by the building, there would be limited space for additional paraphernalia such as garden furniture or other domestic accoutrements. I also recognise that the Council did not raise any specific concerns about the altered landform, other than the effect on the trees, since they assessed the building on the basis of the existing ground levels. Nevertheless, in the absence of any clear detail to the contrary, the plans imply that there would be changes to the landform, including hard and engineered surfaces within much of the new garden area. In addition to the new building, those associated changes would be exposed to view from the PROW, even if the trees could be retained, and would be even more exposed if the boundary screening is damaged. Consequently, the proposed change of use would undermine the open, green outlook from the PROW, which contributes positively to the local landscape.
14. Turning to the proposed building, the intended external materials are not intrinsically unsuitable, taking account of the materials found on vernacular buildings in the locality. However, the plans offer little evidence of the high-quality detailing alluded to in the application. While reference is made to traditional Sussex barns, the building would have neither the purpose nor the proportions of those traditional vernacular buildings. Nor do the elevation drawings satisfactorily demonstrate that the external detailing would have a similar quality. The parallel sloping roofs, each with a different width and pitch, would be a particularly awkward feature, for which no rationale has been advanced.
15. While conditions could be used to secure some elements of external materials, detailing and landscaping, the plans fall some way short of confirming that a quality of detailing appropriate to the site's location within a nationally designated landscape is intended. Furthermore, even if it had been clearly established that the

existing boundary trees could be retained or reinforced, any new building in such a prominent position should have sufficient design integrity to conserve the landscape without reliance on screen planting, which can be eroded by a variety of natural causes in the longer term.

16. There are other dwellings with outbuildings nearby and the proposal would relate more closely to the existing dwelling than the field shelter which was refused under a separate application¹. Since the existing dwelling already includes some substantial window openings on the south-facing elevations, the level of glazing would not materially increase light pollution. Nevertheless, for the reasons given above, the proposal would undermine the character and appearance of the area. It would more particularly erode landscape features which are characteristic of the HWNL and fail to demonstrate a suitable quality of detailing, thereby failing to either conserve or enhance the natural beauty of the National Landscape.
17. For the reasons given, I conclude that the proposed development would be harmful to the character and appearance of the area and would fail to conserve and enhance the natural beauty of the HWNL. It would be contrary to Policies DP12 and DP16 of the MSDP, as summarised above, as well as Policy DP26 which requires amongst other things that development should be sensitive to the countryside, be of high-quality design and layout and protect open spaces and trees that contribute to the character of the area. There would also be conflict with Policy AS3 of the Ansty, Staplefield & Brook Street Neighbourhood Plan 2017, which includes that development proposals must conserve and enhance the natural beauty of the HWNL.
18. Furthermore, based on the evidence provided, the detailing would not meet the standards articulated in the Mid Sussex Design Guide 2020 and that would, in turn, be contrary to the advice in the Framework that applications should provide sufficient information to demonstrate that design expectations in local policy would be met.

Benefits of Proposed Development

19. The development is proposed in response to the needs of a young family member who is expected to require lifetime care due to diagnosed disability and developmental issues. With that in mind, I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Disability and age are relevant protected characteristics to which the PSED applies. I have had particular regard to the aim of advancing equality of opportunity for people with disabilities, which includes removing or minimising disadvantages connected with disability and taking steps to meet needs which differ from people that do not share that characteristic. I recognise that it is not sufficient to consider those issues in generic terms and I have had specific regard to the particular circumstances set out in the appeal evidence.
20. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home. Where the Article 8 rights are those of children, they must be seen in the context of Article 3 of the United Nations Convention on the Rights of the Child, which requires a child's best interests to be a primary consideration. These rights are engaged in reaching my decision and I have kept these interests at the forefront of my mind. However, they are qualified rights, and interference

¹ Application ref DM/24/0164

may be justified where that is in the public interest. The concept of proportionality is applicable.

21. The proposed building would provide a sensory and therapy space, separate from but very close to the dwelling. The application is supported by a range of professionals with knowledge of the family circumstances, who collectively detail how that would be of both immediate and longer-term benefit. The immediate benefits include provision of a low distraction environment to reduce sensory overload, regulate behaviour and support learning. The siting and layout would also reduce specific risks arising from the existing vehicular access. In the longer term, the building would be adaptable to changing needs, to provide continuity of care in a familiar, family setting.
22. The low level of stimulation arising from the quiet, rural surroundings is beneficial, and the development would enable the family to avoid any need for a disruptive move to a different environment. Creation of a dedicated facility would also help to support the needs of other siblings within the overall home environment.
23. The restriction in the deeds which prevents erection of any outbuilding on land in front of and to the side of the dwelling is not directly a planning matter. However, it does offer a practical explanation for the proposed siting. The appellant indicates that efforts to challenge the restriction legally have failed. To that extent, both the proposed sensory and therapy space and the associated enlargement of the garden are a consequence of the needs outlined above. However, the inclusion of a separate storage room akin to a garage, which introduces the awkwardly double pitched roof, is not clearly explained.
24. I accept that provision of a sensory and therapy space, separate from the main dwelling, would advance equality of opportunity for the individual concerned. A rationale has also been provided for why that would necessitate a limited enlargement of the garden. These aspects of the proposal would help to minimise current disadvantages arising from that individual's disability and be a positive step towards meeting their needs. Furthermore, since those needs will continue to evolve, it cannot be presumed that maintaining the status quo would be sufficient to meet either their needs or those of their siblings. As such, based on the evidence provided, the best interests of the children involved would be supported by the proposed development.
25. Having regard to the above, the personal circumstances of the family and particularly the best interests of the children are matters that attract significant weight.

Other Matters

26. Ditton Place is a Grade II* listed building with other Grade II listed buildings in the grounds. There are various other modern dwellings and outbuildings around the listed building, some of which are significantly closer to the designated heritage assets. Based on the distance involved, the Council concluded that the proposal would not affect the setting of Ditton Place. Having viewed the site and the relationship with the designated heritage assets, based on the evidence before me, I am likewise satisfied that the proposal would have no adverse effect on the significance of the designated heritage assets.

27. No harm has been alleged to living conditions for occupiers of neighbouring properties or the ecological value of the site. However, those are neutral considerations which weigh neither for nor against the proposal.

Planning Balance

28. While the development plan is the starting point for consideration of a planning application, that does not imply that its policies should be rigidly adhered to. Other material considerations are also to be taken into account².
29. For the reasons given above, the proposal would conflict with the development plan as a whole, taking into account the adverse effect on the character and appearance of the area and the harm to the HWNL.
30. Given the scale of the proposed development, the harm to the natural beauty of the HWNL would be at a localised level. Nevertheless, as set out in paragraph 189 of the Framework, that harm is, in principle, a matter carrying great weight. The proposed development would also be contrary to the statutory duty in s85 of the Countryside and Rights of Way Act 2000 that decision-makers must seek to further the purpose of conserving and enhancing National Landscapes. There would also be conflict with policies in both the development plan and the Framework which require a high quality of design.
31. Furthermore, even if it is accepted that there are restrictions on outbuildings within the existing garden, comparable benefits could realistically be secured through a more appropriate and convincing design approach. While the appellant expresses openness to changing the design, the design issues could not be adequately addressed by the imposition of conditions, so any such changes are beyond the scope of this appeal.
32. The extent to which the proposal would support the best interests of the children concerned and advance equality of opportunity for a disabled person are considerations weighing significantly in its favour. Nevertheless, in the circumstances of this particular case, and having had regard to the Human Rights Act 1998 and the Equality Act 2010, I conclude that the benefits with reference to the particular needs of a member of the appellant's family are not sufficient to outweigh the harm which would arise from the development.

Conclusion

33. The proposal would conflict with the development plan. Even when taking full account of the benefits, the other material considerations do not indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, it is both proportionate and necessary to dismiss the appeal.

Jane Smith

INSPECTOR

² s38(6) Planning and Compulsory Purchase Act 2004