



Appeal Decision

Site visit made on 30 July 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2025

Appeal Ref: APP/C1435/W/25/3364724

Dyffryn, Horsewalk, Wartling, East Sussex, BN27 1RY

- 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 Lundin against the decision of Wealden District Council.
 - The application Ref is WD/2025/0331/F.
 - The development proposed is described as 'change of use of part of the agricultural land to residential use and retrospective application for 2 timber garden sheds on the same area of land.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The residential use of the land in this appeal appears to have commenced. I have determined the appeal on the basis of the submitted drawings.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The host property comprises a detached dwelling that is at the eastern end of a small grouping of buildings. The property benefits from a good-sized curtilage to its rear and side, which is in keeping with the spacious character of the area.
5. The proposal is to extend the curtilage further to the east of its existing boundaries. The land is located within the countryside beyond any defined settlement boundary in the development plan.
6. Policies GD2 and EN8 of the Wealden Local Plan 1998 (Local Plan) are therefore relevant. Taken together, and amongst other matters, these policies restrict development within the countryside in order to protect character and the landscape. More specifically, Policy DC19 indicates that in the countryside the expansion of residential curtilages can adversely affect the rural character unless the visual impact is satisfactorily addressed.
7. This approach is broadly consistent with some of the overarching objectives in the National Planning Policy Framework (the Framework) which seek to protect and enhance the natural environment.
8. The appeal site would not only have originally formed part of the rural landscape but also provided a buffer to the built form and residential uses to the west. As

such, it would have contributed positively to the strong rural character and attractive landscape setting of the area. Therefore, changing the use of such a large area of land to residential curtilage, with the attendant paraphernalia and activity would be out of keeping with, and detract from, the positive rural character of the area, causing a moderate degree of harm.

9. When passing along Horsewalk towards and beyond the appeal site, the proposed outbuildings would not be highly visible. This is principally due to the mature planting along the site's boundary. However, it might be possible to glean the residential nature of the land through small gaps in the planting. Similarly, in longer range views from the east, while the extended curtilage might be discernible, the outbuildings would not be conspicuous given their siting, size and the adjacent hedgerows and trees, which would help to screen them.
10. Therefore, while I do not find the proposed outbuildings to be highly prominent within the landscape, I am nonetheless mindful that, if permitted, they would be used as accommodation in connection with the host dwelling. This would contribute to the more intensive use of the garden area and the placement of domestic paraphernalia generally.
11. It would be possible to remove permitted development rights for any additional outbuildings on the extended curtilage. However, this would not prevent occupiers from using the enlarged garden for such things as outdoor seating, play equipment and other domestic paraphernalia associated with residential occupation and use of the land. Given its extent and position, together with the use of the outbuildings, the proposal would very obviously extend a residential use and activity into an area where openness and countryside would generally prevail.
12. I therefore find that the proposal would cause harm to the character and appearance of the area. As such, the proposal would be contrary to Policies GD2, EN8, EN27 and DC19 of the Local Plan; Spatial Objective SPO13 and Policy WCS14 of the Core Strategy Local Plan 2013. These, amongst other things, seek to protect the countryside from inappropriate development and ensure that the existing character of the landscape is protected.
13. The proposal would also be contrary to the Framework's objectives of ensuring developments are sympathetic to local character, including landscape setting.

Other Matters

14. The appellant's appeal statement suggests that the purpose of the appeal is to facilitate negotiation and consider amendments to the scheme. I am unable to do this, as my task is to make a decision on what was considered by the Council. As the Procedural Guide: Planning Appeals – England 2025 makes clear, the appeal process is not the forum to evolve a scheme. It is open to the appellant to submit a new proposal to the Council for consideration but that would be outside the remit of this appeal.
15. Similarly, the appellant is unhappy with how the Council handled the initial planning application, setting out their concerns with regard to communication and lack of engagement during the planning application process. There are, however, other courses of action open to the appellant in relation to such concerns. My decision is unable to address these matters and must focus on the planning merits of the scheme in regard to the main issue of the case.

Conclusion

16. The development conflicts with the development plan as a whole and the material considerations before me do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR