



Appeal Decision

Hearing (virtual) held on 5 August 2025

Site visit made on 6 August 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th September 2025

Appeal Ref: APP/C1435/W/25/3364393

Ten Acres, Halland Park Farm, Eastbourne Road, Halland, East Sussex BN8 6RB

- 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 Will Pope against the decision of Wealden District Council.
 - The application Ref is WD/2024/2303/F.
 - The development proposed is erection of a temporary mobile home for rural workers to support and manage the Ten Ponds fishery business with associated works including erection of retaining wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In response to my Pre Hearing Note, the Council provided a copy of a previous appeal decision¹ on the site to which both parties had referred in their evidence (the 2024 appeal), along with a plan showing the routes of nearby Public Rights of Way. An updated Great Crested Newt District Licensing Scheme Certificate was also provided by the appellant before the hearing, with the Council having received a copy. I have taken the above evidence into account and am satisfied that no prejudice would arise to any party as a result of my having done so.
3. It was confirmed by both parties at the hearing that the proposed position of the mobile home would be as shown on the Proposed Site Layout labelled Drawing 3, having been amended while the application was in progress. I have considered the appeal on that basis.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area,
 - whether there is an essential need for a rural worker to live on the site, and
 - whether the statutory requirement for biodiversity net gain is capable of being successfully discharged.

¹ Appeal Ref: APP/C1435/W/23/3330488

Reasons

Character and appearance

5. Ten Acres is a parcel of land in the countryside, accessed by means of a private track which also serves a handful of dwellings and several agricultural buildings, some converted to business use. An open, grassy area slopes down from the track towards several ponds in a more enclosed, wooded glade. Nine are in a linear arrangement, descending towards the tenth and largest pond. There are also some modest storage buildings, a summerhouse and timber platform next to the large pond, and a hardstanding just inside the access.
6. From the Public Right of Way (PROW) to the northeast, there are clear views across the adjacent field towards the appeal site. The open, grassy area is visible beyond the boundary hedges and between the scattered trees. However, the existing buildings, hardstanding and equipment are largely screened by the more wooded parts of the site, and the site integrates well with the low rolling agricultural character of the Wealden landscape.
7. The mobile home would be in the most open area and detached from the buildings along the access track. It would be dug into the slope, with a retaining wall around the rear and would avoid breaching a 3m height limit contained in the title deeds. A modern form of chalet is proposed, with subdued timber elevations and very few openings facing the access track. Nevertheless, the proposed elevations show that a significant proportion of the mobile home would project above the surrounding ground level. That would introduce an isolated and incongruous new feature, in a visually exposed position.
8. Although the converted farm buildings, farmhouse and other dwellings no longer form a coherent farmstead, they retain something of that character. Consequently, notwithstanding their scale, the existing buildings are better integrated into the pastoral landscape. While the proposed siting differs slightly from that considered in the 2024 appeal, and the ground levels have been clarified, the Inspector's conclusion that the development would appear incongruous and out of keeping with the surrounding area remains valid. Neither the existing boundary hedge nor the proposed hedge planting would adequately mitigate the additional intrusion into the landscape, including the effect on views from the PROW.
9. For the above reasons, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. As such, it would not accord with Spatial Planning Objective SPO1 in the Core Strategy² or Policy EN8 of the Wealden Local Plan 1998 (WLP) which require amongst other things that the distinct landscapes of the District, including the low rolling agricultural character of the Low Weald, are protected.
10. It would also conflict with paragraph 135 of the National Planning Policy Framework (the Framework), which includes that development should be sympathetic to local character, including landscape setting. To a more limited extent, the proposal would conflict with the design requirements in Spatial Planning Objective SPO13 and WLP Policy EN27, although both are less clearly focussed on rural landscape character.

² Wealden District (Incorporating Part of the South Downs National Park) Core Strategy Local Plan, 2013

Essential need

11. In the WLP, Policy DC2 allows for new dwellings outside development boundaries for those employed in agriculture, forestry or another enterprise where a countryside location is necessary, subject to several criteria being satisfied. The Framework also allows for isolated new homes in the countryside where there is an essential need for a rural worker to live permanently at or near their place of work. Planning Practice Guidance (PPG) elaborates on the relevant considerations, which include providing on-site attention 24-hours a day to avoid risks to animal health or from crime and to deal quickly with emergencies.
12. In the case of new enterprises, both Policy DC2 and the PPG allow for the possibility of a temporary dwelling, for a trial period. In those circumstances, Policy DC2 requires that there is a clearly established functional need and no other suitable accommodation, along with clear evidence of a firm intention and ability to develop the enterprise and that it has been planned on a sound financial basis. Policy DC2 also requires that the dwelling, whether permanent or temporary, would not be intrusive in the landscape.

Existing fishery and proposed business plan

13. Historic maps indicate a pond system at the site dating back over 100 years and a fishery was operated around 35 to 40 years ago by a previous resident, with the land having been disposed of separately on his retirement. According to the appellants, the site was subsequently neglected. Since acquiring the land around six years ago, they have undertaken substantial repair and maintenance of the ponds and landscaping of the site, with a view to returning it to a viable and sustainable fishery.
14. Currently the holding is operated principally on a small scale, hobby basis alongside the appellant's pond restoration business. A minority of the ponds have been actively stocked. An aspiration to build up the scale of the operation, and establish a commercial fishery, including a hatchery supplying young fish to angling clubs and private landowners, is articulated in the appeal evidence and was further explained at the hearing. Although a business plan had been prepared in advance of the 2024 appeal, it was not available to the Inspector. However, that business plan, along with an addendum dated February 2025 were included in the evidence for this appeal.
15. The appellants acknowledge that the fishery as described in the business plan would be a new enterprise, which would function alongside their existing pond restoration business, with sales of aquatic plants also providing an income stream. It is not argued that pond restoration or plant sales would contribute to the need for a dwelling on site. However, it is argued that the proposed mobile home would enable the transition to operating the fishery on a commercial basis, with breeding and selling fish becoming an increasingly dominant element of the business.
16. Against that background, a trial period is proposed, corresponding with the three year period of the business plan. The appellants' own capital would fund initial set-up costs, and they would continue to draw on income from pond restoration, particularly in the first year. However, a profit is projected in the third year.
17. It was evident at the hearing that the appellants have relevant knowledge and experience of the practicalities of operating a fishery. Evidence has been provided

of contacts with Angling Clubs, private landowners and the Environment Agency, providing a potential client base. Ten Acres has historically been used as a fishery, and the ponds are well designed to accommodate a range of species and fish at different stages of growth. As such, there is evidence that the holding provides a suitable setting in principle for the proposed business.

18. However, the figures in the business plan are high level with limited underlying justification. Costs are outlined, but in little detail. While there are letters of support from interested customers, they lack any indication of the scale of orders they are likely to place, whether those would be one-off or regular orders, or whether the projected pricing for various sizes of fish is realistic. The sales projections anticipate moving from the current position, where income is entirely from other business activities, to around 90% of income from the fishery by the third year, which appears an ambitious and rapid level of projected growth.
19. The projected sales of 60-70,000 fish in the second year and up to 120,000 in the third year were described by the appellants' specialist agent as realistic, taking into account that fish would be sold at a small size and in quantities measured in hundreds or thousands. Nevertheless, the business plan does not set out any quantitative basis for those figures, based on the scale of the local market or anticipated orders. As such, it has not been clearly established that the projected level of growth could or would be secured within the proposed trial period, to establish a viable basis for an ongoing business. Based on the minimum wage for a full-time worker, as quoted by the Council's agricultural consultant, it is also far from clear that the forecast profit would adequately support two people.
20. Even allowing for the fact that a trial period is proposed, the business plan does not convincingly establish that the business has been planned on a sound financial basis. Nor does the evidence before me provide sufficient confidence that the enterprise would remain viable for the foreseeable future, as set out in the PPG.

Functional need

21. A wide range of daily tasks is described in the evidence, such as feeding and routine monitoring of water quality and fish health, grading and moving fish, and maintenance of the ponds and equipment. There would be some degree of early morning and late-night working, depending on the tasks at hand. The current workload would increase if all the ponds are stocked and customer orders need to be met. Since the appellants intend, at least initially, to undertake all the work themselves, that would be less demanding if they did not need to travel to and from the site daily. Nevertheless, many of the tasks described could continue to be undertaken from the appellants' current home, a relatively short travel distance away, as they are at present.
22. On the basis that breeding would be a significantly increased component of the enterprise, the additional demands of monitoring and managing the breeding process would be a change in circumstances since the previous appeal was considered. That could involve staying late into the night at times, to tackle problems as they arise and protect vulnerable eggs and hatchlings. While eggs are hatching, they could need checking through the night. However, since the spawning season is finite, it is less clear that this would justify 24-hour presence throughout the year.

23. More generally, a rapid response can be necessary in an emergency to avoid significant losses, and the consequences of a delayed response would be more severe if larger stocks, including young fish, are held. However, since some of the ponds are already stocked, and they form a single, interlinked system, it is less clear that the frequency or severity of such incidents would increase to an extent that would justify a permanent on-site presence. The specific pollution incident described appears to have been a one-off, with the farmer now being more aware of the risks of fertilizer run-off from the adjacent fields. Alarm systems and aerators, which can be operated remotely, are not currently fitted. While that would require investment, as factored into the business plan, their use could mitigate the level of risk in an emergency, weighing against the evidence that a more commercial operation would increase the need to attend more frequently or rapidly than can be achieved from the appellants' current home.
24. The site is remote and not closely overlooked by the neighbouring buildings, so the proposed mobile home would increase natural surveillance, reducing the risk of fish theft, or other security issues, once the fishery is more actively advertised. However, while predators may also be deterred by the presence of people on site, the appellants acknowledge that the greatest risk of predation is at the largest pond, in which case it is unlikely that predators would be deterred by activity at the mobile home, some distance away.
25. The alternative housing mentioned by the Council's agricultural consultant would be only slightly closer than the appellant's existing dwelling. As such, I accept that would not be a materially more suitable option in the event of an emergency requiring a rapid response. Nevertheless, while the welfare and security considerations would be more acute than at present, the evidence is not convincing that a need for overnight attendance or a rapid emergency response would be sufficiently regular or frequent to justify a dwelling on the site.
26. Based on the evidence before me, I conclude that an essential need has not been demonstrated for a rural worker to live on the site. As such, the proposed development would conflict with relevant requirements in Policy DC2 and with paragraph 84 of the Framework, when read alongside the associated considerations set out in the PPG. It would more specifically conflict with the applicable criteria in Policy DC2 where a new enterprise is not yet established, which include that there is an existing functional requirement for a dwelling, that the business has been planned on a sound financial basis and that the dwelling would be suitably located avoiding landscape intrusion. Consequently, it would also conflict with WLP Policies GD2 and DC17, which restrict the provision of new housing outside development boundaries.

Biodiversity Net Gain (BNG)

27. Although an exemption was initially claimed, the application form was amended to confirm the appellants' agreement that the application is subject to the statutory requirement for 10% BNG. A BNG matrix has been provided, showing that just over 13% BNG could be achieved through enhancement of an existing area of grassland outside the appeal site, but within the wider holding. The required land is edged in blue on the application drawings, confirming that it is under the appellants' control and there is no dispute that BNG meeting the minimum requirement can be achieved by that means.

28. Since the land required to deliver BNG is outside the appeal site, it is classified as off-site BNG in national guidance³. That guidance includes an expectation that a legal agreement will be required to secure off-site gains, including where they are on the developer's own land, and no such agreement has been provided.
29. However, the mechanism for securing BNG is submission to, and approval by the local planning authority of, a Biodiversity Gain Plan (BGP) prior to development commencing. While the PPG encourages the submission of draft heads of terms for any legal agreement at planning application stage, the agreement itself, or any alternative mechanism, would be finalised when a BGP is considered. Despite arguing that the required measures could be secured in this case by a planning condition, the appellants have also indicated that a legal agreement would be entered into if necessary.
30. On that basis, I conclude that the statutory requirement for BNG is capable of being successfully discharged. The proposal does not, therefore, conflict with relevant requirements in Core Strategy WCS12, which include that the Council will maximise opportunities to achieve a net gain in biodiversity, or WLP Policy EN1 which sets out the Council's policy of pursuing sustainable development, having regard to the effects of development proposals on the environment. Nor would it conflict with the approach in the Framework to BNG, or Policy 5 of the East Hoathly with Halland Neighbourhood Plan (EHHNP), which includes a requirement for a minimum 10% BNG, allowing for suitable off-site provision where necessary.

Other Considerations

31. There are four listed buildings along the access track: the Barn at Halland Park Farm (Grade II*), the 18th century Halland Park Farmhouse and 16th century ruins of Halland House in its grounds (both Grade II) and Godfreys, a 17th century dwelling further to the east (also Grade II). The significance and setting of these designated heritage assets were described in the 2024 appeal decision. Having reviewed that decision, along with the heritage evidence for this appeal and my own observations of the listed buildings and their relationship with the appeal site, I concur with that description. While I agree that the appeal site is within the wider rural setting of the listed buildings, the position, scale and nature of the proposed development, together with the limited intervisibility between the appeal site and the heritage assets would mean that the aspects of that wider setting which contribute to the significance of the listed buildings would be undisturbed.
32. In light of the 2024 appeal decision, neither party alleges that there would be any harm to designated heritage assets. Based on the evidence before me, I am likewise satisfied that the settings of the listed buildings, and the contribution they make to their significance, would be preserved.
33. The proposed fishery enterprise would contribute to the rural economy, supporting suppliers of feed, materials and equipment, veterinary practices, and aquatic specialists, such as ecologists, environmental consultants and landscape designers. Ongoing management of the site and the supply of fish to other landowners would also have biodiversity benefits, by supporting the health of rivers and ponds.

³ Department for Environment, Food and Rural Affairs "Make Off-site Biodiversity Gains as a Developer", updated 8 May 2024

34. Paragraphs 88 and 89 of the Framework support the sustainable growth and expansion of businesses in rural areas, including land-based businesses. Nevertheless, where new dwellings for rural workers are proposed, that support is to be read alongside the relevant provisions of Framework paragraph 84 and the PPG. Policy 8 of the EHHNP supports business development in principle but is mainly focused on employment sites in villages and includes a general requirement that development to enhance business uses does not have a detrimental impact on the landscape. Similarly, while the Core Strategy recognises the value of rural businesses within the local economy, including in SPO1 and SPO6, those objectives also encompass protection for the distinct landscapes of the District.
35. The Parish Council expressed support and there were no objections from interested parties. If the appellants were living on site, there would be a reduced need to travel there on a daily basis. However, they would need to travel further to access local shops and services. As such, there is no substantive evidence of a meaningful reduction in carbon emissions. Since the nearby dwellings are all set well back from the access track, there is also limited evidence that eliminating journeys to and from the site at unsocial hours would be of significant benefit to the living conditions of nearby occupiers.

Planning Balance

36. There is no dispute that the Council lacks a five year housing land supply and the Council indicated that the supply stood at around 3.7 years at the time of the hearing. That being the case, paragraph 11d of the Framework is applicable.
37. Although there would be no conflict with relevant policies regarding BNG, the proposal would conflict with the development plan as a whole by reason of the inadequate justification for a dwelling for those employed in a rural enterprise and the harm to the character and appearance of the area. Those aspects of the development plan are consistent with the approach in the Framework and PPG to isolated homes in the countryside and achieving well-designed places. As such, the harm arising from the proposal carries significant weight.
38. The weight which can be attributed to the rural economic benefits or biodiversity is tempered by the lack of convincing evidence that a viable business would be established. The contribution to the housing land supply would also be inherently very limited, since only a single, temporary dwelling is proposed. Even in the context of the significant shortfall in housing land supply, the benefits carry no more than modest weight.
39. That being the case, the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations and securing well-designed places. Therefore, the proposal does not benefit from the presumption in favour of sustainable development, as articulated in paragraph 11d of the Framework and Policy WCS14 of the Core Strategy.

Conclusion

40. The proposal would conflict with the development plan. No material considerations indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Robert Gifford von Schiller, GvS Raven Estate Ltd	Appellant's Agent
Will Pope	Appellant
Julie Pope	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Battams	Senior Planning Officer
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