



Appeal Decision

Site visit made on 28 August 2025

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2025

Appeal Ref: APP/C1435/W/25/3364801

Kinketchem, Peelings Lane, Westham, East Sussex BN24 5AD

- 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 Thomas Joseph against the decision of Wealden District Council.
 - The application Ref is WD/2024/2594/F.
 - The development proposed is demolition of the existing house and replacing it with a self build family dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is situated on the edge of Westham, where it forms part of a row of detached dwellings set above the level of the road and backing onto the countryside. The proposal is to replace the existing bungalow with a two storey dwelling set into the ground, with a retaining wall at the rear and a second driveway at the front.
4. Peelings Lane has many of the characteristics of a country lane, possessing a narrow carriageway, minimal street lighting and no pavement. Because the houses opposite the appeal site are not accessed from Peelings Lane, there is a continuous screen of trees and hedges on that side of the road. On the side where the appeal site is located, sufficient mature trees and remnants of hedgerows remain to identity Peelings Lane as a rural lane. Kinketchem is set back further from the road than many of the other houses and retains a banked verge and natural screening at the front.
5. It is common ground between the parties that there is no in-principle objection to replacing the bungalow, and I consider that the design of the proposed dwelling would be in keeping with other properties in the road. Moreover, although having a larger footprint than the existing bungalow, the proposal would be located in approximately the same position and would retain sufficient separation distances to the site boundaries. However, although the proposed dwelling would not be significantly higher than the existing bungalow, this would be achieved by lowering its floor level, which would result in the removal of the bank at the front of the site along with the trees and vegetation growing on the bank. In their place would be constructed a hard surfaced forecourt, second driveway and front boundary wall.

6. I saw on my site visit that other dwellings in Peelings Lane have elements of hard landscaping to the front, but for the most part they retain their characteristic banked, vegetated frontages. An exception is Aspen House, located adjacent to the appeal site, which sits at approximately the same level as Peelings Lane and is characterised by a wide driveway, front boundary wall and laurel hedge. I have not been supplied with the planning background to Aspen House, but as the appeal site is significantly wider than Aspen House, I consider that cumulatively with Aspen House the proposal would urbanise Peelings Lane to an unacceptable degree. As a consequence, the proposal would significantly and harmfully change the appearance of the site and detract from the rural character of Peelings Lane.

7. The Council's Delegated Report identifies the site as being within the Low Weald landscape character area, but the reason for refusal does not refer to the Low Weald. It is not clear to me from the evidence provided whether the site is within the Low Weald landscape character area and therefore whether it benefits from the protection afforded by Policy SPO1 of the WDCS and Policy EN8 of the WLP. This does not however alter my conclusion regarding the harm which would result from the proposal.

8. The appellant has offered to be bound by a condition that the mature hedgerows and trees at the front of the site be retained, and alternative front boundary proposals be submitted, including a full landscaping plan. However, such an approach would not overcome my concern that the entire banked verge at the front would be lost and replaced by hard landscaping. These changes would significantly alter the character of the area, irrespective of any landscaping which is subsequently undertaken. Such a condition would not address my concerns with the proposal.

9. I therefore conclude that the proposal would harm the character and appearance of the area, contrary to Policy WCS14 of the WDCS and policies GD2, EN27 and DC18 of the WLP, which together guide that new development, including replacement dwellings, should respect the character of adjoining development and promote local distinctiveness. The proposal would also conflict with the guidance in the National Planning Policy Framework (the Framework) that proposals should be sympathetic to local character, including the surrounding built environment and landscape setting.

10. Because it is unclear on the evidence before me whether the appeal site is within the Low Weald landscape character area, I have not concluded that the proposal is contrary to Policy SPO1 of the WDCS or Policy EN8 of the WLP, which together seek to protect the distinct landscapes of the District, including the Low Weald. Policy HG10 of the WLP deals with extensions and alterations to existing dwelling within development boundaries, so is not directly relevant to this main issue.

Other Matters

11. The proposal is for a self build dwelling, the benefits of which are set out in the Framework. However, as the proposal is for a replacement dwelling only, and moreover as an appropriate mechanism to secure the development as self build has not been provided, I accord limited weight to this aspect of the proposal. I note the reasons why the appellant wants a larger house, but little weight can be attached to such personal circumstances.

12. The Council has raised no concern in relation to living conditions for future occupiers or the effect of the proposal on the living conditions of neighbouring occupiers. On the evidence before me, I see no reason to disagree. However, an absence of harm in this regard is a neutral factor.

13. The safety of the existing access has been raised, but since the proposal is for a replacement dwelling, the use of the access would not intensify to any degree. The potential for flooding has been also raised, but as the appeal site is not in an identified area of flood risk, and as the site already contains a dwelling, I do not consider that the proposal is likely to give rise to an increased risk of flooding. Were I minded to allow the appeal, it would have been open to me to attach a condition requiring details of foul and surface water drainage to be approved.

14. It has been come to my attention that the site is within the zone of influence of the Pevensey Levels Special Area of Protection (SAC) and Ramsar site, which are designated for their wetland features and consequently rely on high quality, stable water levels. A significant effect on the integrity of these sites would be likely to occur from the proposed development alone or in combination with other projects, where increased foul or surface water drainage and eutrophication pose a risk to water quality. As the competent authority it would ordinarily be necessary for me to undertake appropriate assessment with regard to the SAC and Ramsar site. However, as I am dismissing the appeal, there is no need for me to consider this matter any further.

Conclusion

15. The proposal would conflict with the development plan as a whole, and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

J Heppell

INSPECTOR