



Appeal Decision

Site visit made on 15 September 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2025

Appeal Ref: APP/C1435/W/25/3367989

Camellia Cottage, Chillies Lane, High Hurstwood, Buxted, East Sussex TN22 4AB

- 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 T Hall against the decision of Wealden District Council.
 - The application Ref is WD/2025/0409/F.
 - The development proposed is the erection of new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A signed Unilateral Undertaking dated 11 September 2025 has been submitted during the appeal process. This would secure a financial contribution to mitigate the effect of the development on the Ashdown Forest Special Protection Area (SPA). The Council considers the legal agreement addresses its sixth reason for refusal and has advised that this reason for refusal is no longer contested. The appeal will be determined on this basis, and I shall return to the legal agreement later in my decision.

Main Issues

3. The main issues are:
 - whether the site is a suitable location for the proposed development, having regard to development plan policy and accessibility to services and facilities;
 - the effect of the proposed development on the character and appearance of the area, including whether the proposal would conserve and enhance the landscape, scenic and natural beauty of the High Weald National Landscape (NL);
 - the effect of the proposed development on the significance of the non-designated heritage asset (NDHA);
 - the effect of the proposed development on highway safety;
 - the effect of the proposed development on ecology, with regard to protected species; and
 - the effect of the proposed development on the living conditions of the occupants of Camellia Cottage and Quercus, with regard to outlook.

Reasons

Suitable location

4. The appeal site forms part of the garden of the existing dwelling at Camellia Cottage, including a detached car barn. The site is within a dispersed cluster of development on either side of Chillies Lane. The parties agree that the site is outside of any of the defined development boundaries, as defined in the Wealden District Core Strategy Local Plan 2013 (CS). Accordingly, the site is in the countryside for the purposes of planning policy.
5. Policies GD2 and DC17 of the Wealden Local Plan 1998 (LP) and Policy WCS6 of the CS seek to restrict housing outside of the defined development boundaries. While strict adherence to the defined development boundaries may not deliver growth, the CS sets out a number of spatial planning objectives, including SPO7, that seek to reduce the need to travel by car by concentrating development where it can most closely relate to public transport opportunities.
6. The site is close to the primary school and church but is otherwise detached from the limited facilities and services in High Hurstwood, including the public house and post office. Although there is a footway to the side of Chillies Lane, it lacks street lighting and, with the undulating terrain, it is likely that future occupants would be discouraged from walking and cycling to access the limited facilities and services, particularly outside of daytime hours and during inclement weather conditions. Moreover, the site is distant from bus stops in High Hurstwood where the services available are infrequent. While the appellant has indicated that a flexi-bus service can pick up passengers from the end of Chillies Lane, the service is not regular and would not offer a realistic alternative means of transport for future occupants of the dwelling.
7. The National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, Paragraph 83 states that housing should be located where it will enhance or maintain the vitality of rural communities. Given the distance of the site from the nearest settlement and the unsuitable walking and cycling route, it is likely that future occupiers of the development would be highly reliant on private vehicles to access facilities and services in larger settlements.
8. I conclude that the site would not be a suitable location for the proposal having regard to development plan policy and accessibility to services and facilities. The development would therefore conflict with Policies GD2, EN1, and DC17 of the LP, and Policies WCS6 and WCS14 of the CS, which, collectively restrict development outside development boundaries and focus new development within a sustainable pattern of development and settlement hierarchy, encourage a reduction in travel by private car, and generally secure sustainable development in line with national policy.

Character and appearance

9. The appeal site is located within a primarily rural area and is in the High Weald NL. Paragraph 189 of Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in the NL. I am also mindful of the statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of the NL.

10. The NL is partly typified by the undulating landscape interspersed with large, wooded areas. Development in the area is varied and includes dwellings arranged in a dispersed pattern with mature trees and wooded areas giving a verdant character to the area. The site consists of an open area of rising land enclosed by mature trees and hedges that visually contain the site from views within the wider landscape and limiting the contribution that the site makes to the NL. However, the largely undeveloped nature of the site makes a small but positive contribution to the rural character of the area.
11. The considerable built form of the dwelling and the intensification of the residential use would urbanise the site and would erode the rural character of the area. While the existing trees and hedges would be largely retained, the dwelling and associated parking area would diminish the verdant, undeveloped nature of the site and its immediate surroundings.
12. Nonetheless, the effect of the development on the wider NL would be limited due to the discreet positioning of the dwelling and the visual containment provided by the presence of mature trees and landscaping. Moreover, the siting of a dwelling would not be discordant with the scattered pattern of development in the area. While the harm would be limited, the proposal would nevertheless not conserve and enhance the natural beauty of the NL.
13. I conclude that the proposal would harm the character and appearance of the area and would not conserve and enhance landscape and scenic beauty in the NL. The development therefore conflicts with Policies GD2, EN6, EN27 and DC17 of the LP and Spatial Planning Objectives SPO1 and SPO7, and Policies WCS6, WCS12 and WCS14 of the CS, which amongst other things seek to restrict development outside development boundaries, require proposals to conserve or enhance the natural beauty and character of the landscape, and seek the development of high quality, attractive living environments which promote local distinctiveness.

Non-designated heritage asset

14. The appeal site forms part of the garden of Camellia Cottage, a detached dwelling within a discreet position. The existing dwelling has extensive grounds with the land rising up to the rear. Camellia Cottage is not included on a local heritage list, but the Council has identified it as a non-designated heritage asset (NDHA) during the planning application process. The appellant refers to Historic England Advice Note 7, which provides guidance on the management of NDHAs and the process to locally list an asset. However, the Planning Practice Guidance states that in some cases, local planning authorities may also identify NDHAs as part of the decision-making process.
15. Paragraph 216 of the Framework states that the effect of an application on the significance of a NDHA should be taken into account and that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. In addition, the Framework defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. Setting is not fixed and may change as the asset, and its surroundings, evolve.

16. The evidence submitted in respect of the existing building is limited, but indicates that the building has a degree of significance by virtue of its age and vernacular style. The appellant indicates that the exterior dates from the 19th Century with the internal timber frame pre-dating this. The existing dwelling has a half-hipped roof with an off-centre stack, and a mix of tile hanging, painted stone and brick work with weatherboarding. The building appears to have undergone several phases of change but it retains its simple rectangular form and has a pleasing aesthetic. The alterations to the building and the changes to the surroundings, including the car barn at the site, have eroded its historic and architectural value. Nonetheless, the verdant and spacious character of the land at the site positively contributes to the significance of Camellia Cottage.
17. The proposal would considerably reduce the spaciousness at the site whilst the scale and elevated position would create a poor relationship with the existing dwelling. The architecture of the dwelling comprises a mix of styles and a variety of features, including dormer windows, gables and catslide roofs. While the features would assist in breaking up the overall mass of the building, the pastiche design would be incongruous with the simpler form and architecture of the existing building. The unsympathetic scale and position of the proposed dwelling would result in harm to Camellia Cottage. However, based on the limited evidence of the significance of Camellia Cottage before me, the level of harm would consequently be restricted.
18. I conclude that the proposal would harm the significance of Camellia Cottage. The development therefore conflicts with Spatial Planning Objective SPO2 and SPO13 of the CS, which collectively require that the intrinsic quality of the historic environment is protected and the promoting of local distinctiveness through good design in all new development.

Highway safety

19. The proposed dwelling would utilise the existing access from Chillies Lane, which serves Camellia Cottage and a neighbouring dwelling. Chillies Lane is a two-way road with a pedestrian footway on the opposite side of the carriageway. The lane is subject to a 30 miles per hour speed restriction. The access from Chillies Lane is between a hedge and a further hedge atop a high bank.
20. The proposal would intensify the use of the access above existing levels. The submitted plans do not indicate the visibility splays achievable at the access. Visibility in both directions is restricted by the proximity of the grass bank and hedges to the front boundary of the neighbouring properties, which are not indicated to be within the ownership of the appellant. Given the geometry of the road and the features on either side of the access, I cannot be certain that suitable visibility can be achieved to facilitate safe egress from the existing access to Chillies Lane for future occupants of the dwelling.
21. I conclude that it has not been demonstrated that the proposal would not have an unacceptable impact on highway safety. The development therefore conflicts with Policy TR3 of the LP and Spatial Planning Objective SPO13 of the CS, which collectively require that a satisfactory means of access (vehicular, cycle and pedestrian) is provided and that development of safe environments will be encouraged.

Protected species

22. The site is within a rural location where there are natural elements including mature trees and hedgerows that may provide suitable habitat for protected species. The mature trees close to the site boundaries may provide suitable roosting features. In this context, it would be expected that a formal ecological or habitat assessment would be undertaken to determine the presence or not of protected species at the site or in the immediate area.
23. There is no convincing evidence, including a preliminary ecological appraisal, before me which clarifies whether there are protected species present on the site or in the near vicinity and how the proposal would affect them. Consequently, I cannot be certain that the proposal would not harm protected species at the site.
24. I conclude that it has not been satisfactorily demonstrated that the proposal would not have a harmful effect on ecology with regard to protected species. The development therefore conflicts with Policy WSC12 of the CS, which seeks to prevent a net loss of biodiversity.
25. The Council has referred to Policies GD2, EN6, EN27 of the LP, Spatial Planning Objectives SPO1 and SPO13 and Policy WCS14 of the CS. These policies collectively relate to development outside development boundaries, proposals within the National Landscape, retaining and enhancing the contribution of trees, proposals within Conservation Areas, layout and design criteria, managing countryside resources and the development of the rural economy, and the presumption in favour of sustainable development and are therefore not directly relevant to this main issue.

Living conditions

26. The proposed dwelling would be located centrally within the site, set in from the boundaries. The proposal would introduce a substantial two-storey building on elevated land above the level of Camellia Cottage. Consequently, the dwelling would be highly visible from the existing dwelling. Nonetheless, the dwelling would be positioned away from Camellia Cottage, and with the provision of boundary planting to further limit the intervisibility, the development would not appear overbearing or materially harmful to the outlook of occupants of the existing dwelling.
27. The dwelling would be set in from the boundary shared with the neighbouring dwelling at Quercus. The extensive side elevation would present a largely blank façade towards Quercus. However, the positioning of the dwelling away from the boundary would limit the visual intrusion, which would be further restricted through the retention of the boundary planting. Accordingly, the proposal would not result in a harmful sense of enclosure and would not harm the outlook of the occupants of Quercus.
28. I conclude that the proposal would not harm the living conditions of the occupants of Camellia Cottage and Quercus, with regard to outlook. The development therefore accords with Policy EN27 of the LP, which requires that the proposed development should not create an unacceptable adverse impact on the amenities of adjoining developments and the neighbourhood by reason of scale, height, form, noise and traffic movements.

29. The Council has referred to Policies GD1, EN6 and HG10 of the LP, Spatial Planning Objectives SPO1 and SPO13 and Policy WCS14 of the CS. These policies collectively relate to new development within the development boundaries, development in the NL, the extension and alteration of existing dwellings, managing countryside resources and the development of the rural economy, and the presumption in favour of sustainable development and are therefore not directly relevant to this main issue.

Planning Balance

30. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal conflicts with the aforementioned policies of the development plan, with the associated conflict reflecting that the site is not a suitable location and the harm to the character and appearance of the area, the NDHA, highway safety and ecology. The development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
31. There is no dispute that the Council is currently unable to demonstrate at least a five year supply of housing land that the Framework requires. The parties agree that the Council is able to demonstrate a 3.68 year supply, which is substantially below the required level of five years. Paragraph 11 d) of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
32. The proposal would deliver a single dwelling that would provide a boost to the supply of housing through the efficient use of land. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. In addition, the proposal would deliver social and economic benefits both during construction through the creation of jobs, and following occupation through the use of facilities and services in the surrounding settlements. However, the contribution of a single dwelling and the associated benefits are limited by the scale of development proposed.
33. The appellant states that the dwelling would contribute to meeting the Council's requirements in respect of self-build and custom housing. Nonetheless, there is no substantive evidence before me that demonstrates that the Council is not meeting its requirements in this regard. Moreover, there is no mechanism before me, including a planning obligation, that would ensure that the proposed dwelling would contribute to the delivery of self-build and custom housing, or in respect of affordable housing.
34. In the particular circumstances of this case, I have concluded that the site is not a suitable location for housing, the proposal would harm the character and appearance of the area, the significance of the NDHA, highway safety and ecology, and would conflict with the relevant policies of the development plan and the Framework to which I apportion significant weight. The adverse impacts would

therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Ashdown Forest SPA

35. The site lies within the 7 kilometres of the Ashdown Forest SPA. The information before me indicates that the development proposed, either alone or in combination with other developments, would be likely to have a significant effect on the European designated sites through recreational disturbance.
36. The appellant has submitted a UU providing for a financial contribution towards Suitable Alternative Natural Greenspaces and Strategic Access Management and Monitoring in line with the tariffs in the Council's Ashdown Forest Mitigation Zone Background Paper. However, given the harm that I have identified and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter further and in light of the provisions of the Conservation of Habitats and Species Regulations 2017 (as amended) as it could not alter my decision.

Conclusion

37. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR