



Appeal Decision

Site visit made on 15 September 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2025

Appeal Ref: APP/C1435/D/25/3370717

The Oaks, Argos Hill, Rotherfield, East Sussex TN6 3QH

- 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 Mrs Sarah Bluck of Julian Bluck Designs Ltd against the decision of Wealden District Council.
 - The application Ref is WD/2025/0820/F.
 - The development proposed is a two bay garage with garden store and first floor home office and guest bedroom.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has submitted a site plan (drawing number 05) indicating the spread and root protection area (RPA) of trees at the site. I am mindful of the advice in the Planning Inspectorate's 'Procedural Guidance: Planning Appeals England', which makes clear that the appeal process should not be used to evolve a scheme, and that what is considered by the Inspector at the appeal stage should essentially be the same scheme as the proposal that was considered by the Council and interested parties at the application stage.
3. The submitted plan would not evolve or substantially alter the appeal scheme. Nevertheless, the Council has not had the opportunity to comment on the amended plan. On that basis, I find that accepting the drawing would cause unlawful procedural unfairness. Accordingly, I have determined the appeal having regard to the same proposal on which the Council made its decision.

Main Issues

4. The main issues are the effect of the proposed development on:
 - trees;
 - ecology, included protected species; and
 - 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).

Reasons

Trees

5. To the side of the existing dwelling, including to the front of the site are mature Oak trees. The Oak trees are of a considerable height and make a positive contribution to the verdant rural character of the site and the area.
6. The proposed building would be close to the side boundary and between the two large Oak trees. While set away from the base of the Oak trees, there is no substantive evidence before me, including a Tree Survey or Arboricultural Impact Assessment, regarding the potential impact of the proposal on the trees at the site. In the absence of information which demonstrates that the development would not encroach upon the RPAs, I cannot be certain that the trees would not be adversely affected by the proposal or that sufficient measures can be put in place for their protection during construction.
7. Even if I were to have accepted the additional plan indicating the RPAs, the drawing is submitted without a detailed survey and an arboricultural implications assessment. Accordingly, the drawing does not adequately demonstrate that the building would not harm the integrity of the trees at the site.
8. I conclude that it has not been satisfactorily demonstrated that the proposal would not have a harmful effect on trees. The development therefore conflicts with Policy EN12 of the Wealden Local Plan 1998 (LP), which seeks to retain and enhance the contribution of trees.
9. The Council has referred to Policies GD2, EN6, EN27 of the LP, Strategic Planning Objectives SPO1 and SPO13 and Policy WCS14 of the Wealden District Core Strategy Local Plan 2013 (CS). These policies collectively relate to development outside development boundaries, proposals within the National Landscape, 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.

Ecology

10. 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, including roosting features such as the mature trees. 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.
11. 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.
12. I conclude that it has not been satisfactorily demonstrated that the proposal would not have a harmful effect on ecology. The development therefore conflicts with Policy WSC12 of the CS, which seeks to prevent a net loss of biodiversity.

Character and appearance

13. The appeal site comprises a semi-detached two-storey dwelling with an extensive garden to the rear. Development in the area is typically arranged in a linear pattern set back from the road. Existing development in the area includes outbuildings to both the side and front of dwellings. The front boundaries are predominantly formed by hedges and mature trees screening development within Argos Hill and contributing to the verdant character of the area.
14. The site is located within the High Weald NL. Paragraph 189 of the National Planning Policy Framework (the 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 purpose of conserving and enhancing the landscape, scenic and natural beauty of the NL.
15. The proposed building would be positioned to the side of the existing dwelling following the removal of an existing structure. While visible from the highway, the building would be set back to the rear of the existing landscaping to the front of the site, broadly in line with the development on either side. The discreet position of the building would restrict the visual effect of the proposal on the street scene and would reflect the prevailing pattern of development in the area.
16. The building would have a larger footprint and width than that of the existing dwelling but a lower ridge height. In addition, the building would be set back from the front elevation of the dwelling and would appear subservient to the main building. The proposal includes accommodation at first floor level that would be ancillary to that of the dwelling, as well as a garage and garden store at ground floor level. A condition could be included, if I were to allow the appeal, to ensure that the use of the building would remain associated with the use of the existing dwelling.
17. The building would utilise a palette of materials and design features, including the half-hipped roof to the front elevation, that would be sympathetic to the appearance of the existing dwelling. The appropriate design and proposed retention of existing landscape features, in addition to the discreet position of the building would ensure that the development would conserve the natural beauty of the NL.
18. I conclude that the proposal would not harm the character and appearance of the area. The development therefore accords with Policies GD2, EN1, EN6, EN27, DC17 and DC19 of the LP, Spatial Planning Objectives SPO1 and SPO13, and Policy WCS14 of the CS, which amongst other things collectively 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

Other Matter

19. The appellant indicates that a similar building, or an extension to the existing dwelling, could be constructed at the site using permitted development rights without the need for a tree survey or ecological appraisals. Nevertheless, I have not been provided with substantive details, including precise plans or a Lawful

Development Certificate, that would demonstrate that there is a realistic prospect that such development would take place.

Conclusion

20. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR