
Appeal Decision

Site visit made on 2 October 2025

by **J E Jolly BA (Hons) MA MSc MCIH MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 October 2025

Appeal Ref: APP/C1435/W/25/3368425

Swan Hill, Swansbrook Lane, Horam, East Sussex, TN21 0LD

- 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 Mansi against the decision of Wealden District Council.
 - The application Ref is WD/2025/1009/F.
 - The development proposed is for a self-build replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 February 2024, the provisions of the Environment Act 2021 relating to biodiversity net gain (BNG) came into force for major developments, and on 2 April 2024 this was extended to include smaller sites. Notwithstanding that the Council has raised no objections to a BNG exemption for the self-build development under Article 7(1A) of the Town and Country Planning (Development Management Procedure) Order 2015, the appellant would be willing to introduce bird and bats to support biodiversity on the site. This is noted and I have proceeded accordingly.
3. Amongst other Policies, the Council's decision notice included Policy DC18 of the Wealden Local Plan (1998) (WLP). Despite the appellant's concerns as to the relative age of the Policy, I concur with the Council that as a saved Policy of the WLP it remains extant and relevant to the replacement dwelling proposal before me.

Main Issue

4. The main issue in this appeal is whether the proposal would be an appropriate replacement for the existing dwelling known as 'Swan Hill'.

Reasons

5. 'Swan Hill' is a single-story, concrete slab bungalow with a corrugated metal roof above, which is accessed via a gated track on Swansbrook Lane. The dwelling is set on a generous garden plot with parking and is surrounded by protected woodland and other garden trees.
6. The proposal is to demolish 'Swan Hill' and to construct a two storey, 3-bedroom, brick and tile house with parking on a plot that would be located forward of the existing property footprint.

7. The principle of a replacement dwelling on the plot is accepted. Policy DC18 of the WLP is clear that replacement of an existing dwelling by another dwelling in the same curtilage will be permitted if certain criteria are met.
8. As such, in this case the proposal would be accessed along the existing track, be sited adjacent to the established bungalow plot and would not result in the loss of a property of valuable local character. In addition, the concrete slab dwelling is of some vintage and would need some significant works to bring it up to contemporary standards; in comparison the proposed development would be a well-insulated, modern family dwelling. Moreover, the proposed development would be located further away from the protected mature trees to the rear¹.
9. However, the proposal would be a substantial two-storey dwelling that would be of some bulk and height with a GIA that would be more than double that of the existing building. Therefore, while it is noted that the proposal has undergone revisions to the roofscape following a previous application² to the Council for a similar replacement dwelling on the site that was withdrawn, the fact remains that the proposed development would still be far in excess of the scale, mass and height of the modest, single storey bungalow currently found at 'Swan Hill'. Furthermore, as the design of the replacement building would include a porch, extensive fenestration and patio doors to the rear, it would be more akin to an urban/suburban type development than a simple woodland dwelling.
10. I conclude therefore, that the massing and design of the bulky proposal would not represent an appropriate replacement for the dwelling known as 'Swan Hill'.
11. Consequently, the proposal would be contrary to saved Policies DC18, GD2, and EN27 of the WLP and Policies SPO1 and WCS14 of the Wealden Core Strategy Local Plan (2013), as supported by the Wealden District Council Residential alterations and extensions SPD, which say amongst other things, that outside development boundaries development will be resisted unless it is in accordance with specific policies and criteria set out in the WLP.

Other Matters

12. I acknowledge a number of design examples of nearby dwellings submitted by the appellant in support of her case. However, I have limited details of those schemes before me and cannot be certain if they were replacement buildings and/or submitted under the same development plan or not; some of which appear to be road facing properties rather than woodland dwellings. Therefore, I have considered the proposal on its own planning merits.

Conclusions

13. For the reasons given above, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR

¹ Tree Preservation Order (TPO) Hellingly) No 25, 2005

² WD/2024/2275/F