



Appeal Decision

Site visit made on 6 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 10 October 2025

Appeal Ref: APP/C1435/W/25/3361128

Woodside, North Hall Lane, Splaynes Green, Fletching, East Sussex, TN22 3TJ

- 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 & Mrs W Keeley against the decision of Wealden District Council.
- The application Ref is WD/2024/2539/FR.
- The development proposed is a retrospective application for a change of use to a parcel of land from agricultural to residential. Retrospective application to retain secure store for bicycles and garden machinery.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on:
 - the character and appearance of the area, including the setting of the host dwelling; and,
 - ancient and semi natural woodland and deciduous woodland priority habitat.

Reasons

Character and appearance

3. The appeal site is located in the countryside, which is characterised in the immediate surrounding area by scattered woodland and agricultural type fields with loose knit, road facing dwellings, including the host dwelling of 'Woodside', which is a two-storey residential property with a garage style building to the right-hand side when viewed from North Hall Lane.
4. The landscaped rear garden of 'Woodside' has a gravel path which slopes down to a gated timber post and rail fence that opens on to the grazing type land beyond. When viewed from the gate, the partially completed appeal store can be seen to the left-hand side of the garden on a parcel of agricultural land. The land, which has two mature Oak trees on it that are identified as T1 and T2 in the submitted arboricultural report¹ (AR), is situated in recorded ancient woodland (AW) and semi natural woodland, as well as deciduous woodland priority habitat which frames the store building to the rear.

¹ 'Arborsense' – Arboricultural Report, 11 October 2024

5. At the time of the site inspection the store was partially tiled and had a concrete foundation which has been laid on polyethylene sheeting. There were also brick plinths and a set of concrete steps the front and rear. The proposed timber elevations and doors for the development are yet to be installed.
6. The proposal is for the change of use to the parcel of agricultural land to residential use in order to complete the development for the secure storage of bicycles and garden machinery.
7. The main parties agree that the host dwelling and its garage type structure are located on a brownfield site. Moreover, it is not a matter of dispute that the appeal site has previously been used to accommodate storage containers, the parking of vehicles and other machinery associated with a landscaping business. Furthermore, even though the planting of a native-type hedge required by the permission² for 'Woodside' is yet to be completed, the appellant argues that he has tidied the appearance of the site and moved felled logs, to which I attribute some limited weight.
8. Nevertheless, while coniferous type hedging that once separated 'Woodside' and a farm track from the AW has been removed, there can be no doubt that an unfettered parcel of agricultural land would create a natural-type buffer zone that would soften the built form in this location and help with the gentle transition to the wider countryside beyond.
9. Indeed, in comparison to a natural verdant buffer, the hard surfaces and straight lines of the completed proposal would be a prominent and bulky addition to the agricultural land. Moreover, the store would be a permanent structure of some scale and mass that would not only be in the AW but also highly visible in both directions when travelling or walking along North Hall Lane, particularly at times of the year when leaf coverage is less dense. While the proposed 5-year timetable of inspection for the existing trees in the AR is noted, 12 immature Oak whips would not be adequate mitigation.
10. Therefore, as there are no exceptional reasons for the proposal as required by Paragraph 193 (c) of The National Planning Policy Framework (the Framework) and no suitable compensation strategy exists within the AR, I conclude, that the completed proposal would result in the loss or deterioration of the AW and harm the character and appearance of the area and the woodland setting of the host dwelling in this rural-type woodland location.
11. It follows then, in respect of the character and appearance of the area and the setting of the host dwelling, the proposal would be contrary to saved policies GD2, DC19, EN8, EN12, EN13, EN14 and EN27 of the adopted Wealden Local Plan (1998) (WLP), Spatial Planning Objectives SPO1 and SPO13 and Policies WCS12 and WCS14 of the adopted Wealden Core Strategy Local Plan (2013)(WCSLP), as supported by the Wealden Design Guide (2008) (WDG) and the Framework, which say, amongst other things, that proposals should not be intrusive in the landscape or detrimental to the rural setting.

² WD/2020/1383/FR

Ancient Woodland

12. Natural England's (NE) guidance on AW advises that proposals for development should have a buffer zone of at least 15 metres from the boundary of the woodland. Buffer zones not only help to protect the Root Protection Areas (RPAs) of trees but also other habitat and any species living within the woodland. The completed development would be located directly below the canopy of the surrounding trees in the AW.
13. However, the appellant contends, as there was a previous hardstanding on the site and the ground has been compacted by historic commercial uses, that the appeal site is brownfield land. Moreover, given the trees on the site are in good health, removal of the new hardstanding would be of greater detriment to their RPAs and long-term well-being. In addition, given the previous uses on the site, that the store building would have no increased impact on the AW.
14. However, I find to the contrary. While I noticed at the site inspection that the ground surrounding the store had small areas of broken concrete type material, I cannot be certain if it had ever been a laid hardstanding in the precise location of the appeal site or not. Furthermore, the AF records that the proposal encroaches at least some of the RPAs of the nearest trees, including T1. Therefore, as the proposal would erode any meaningful buffer at the edge of the woodland, there can be no certainty that the trees will remain in good vigour over time.
15. Use of the store would also have the potential to introduce domestic activities into this specific AW location that would harm habitat and species. For example, as a consequence of additional noise, air and light pollution, and notwithstanding the polyethylene sheeting beneath the new hardstanding; the leaching of oil, fuel and other chemicals into the soil associated with the maintenance and use of cycles and garden machinery. This would cause direct or indirect harm and deterioration of the surrounding woodland. Furthermore, while dry at the time of the site inspection, the proximity of the adjacent stream and pond would be likely to exacerbate the extent of this harm.
16. In any event, while noting the historic use of the site, NE and Forestry Commission guidance is clear that where a proposal involves the loss or deterioration of ancient woodland or ancient or veteran trees, its existing condition is not a reason to give permission for development. Indeed, I concur with the Council, that an unfettered woodland buffer would have the potential to fully regenerate over time.
17. Overall, taking a precautionary approach, the development would lead to the loss or deterioration of ancient woodland. Consequently, insofar as they seek to protect ancient woodland, the proposal would be contrary to saved policies GD2, DC19, EN8, EN12, EN13, EN14 and EN27 of the WLP and Spatial Planning Objectives SPO1 and SPO13 and Policies WCS12 and WCS14, of the WCSLP, as supported by the WDG and the Framework, which are clear that the Council will seek to retain and enhance the contribution of trees and woodland areas.
18. For the reasons set out above and having considered all matters raised, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR