



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: 14 October 2025

Appeal Ref: APP/C1435/W/25/3362366

Bellhurst Farm, Tilley Lane, Boreham Street, Wartling, East Sussex, BN27 4UT

- 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 David Collins (Speclay Ltd) against the decision of Wealden District Council.
 - The application Ref is WD/2024/1916/FR.
 - The development proposed is a retrospective application for the retention of 5 porta-cabins; 3 storage containers and 1 store. Temporary consent for the use of the site for offices for five years.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. I have had regard to the new National Planning Policy Framework (the Framework) which was revised in December 2024. I am satisfied that no parties have been prejudiced in this case; and I have made my determination against the updated national policy context.
3. For clarity, I have used the description of development given on the Council's decision notice.
4. For certainty, while both entrances to the appeal site were in operation at the time of my site visit, although it provides an alternative access to the site, the right-hand entrance to Bellhurst Farm when viewed from the road does not form part of the appeal 'redline' area.
5. At my site inspection I noticed, in addition to the appeal porta-cabins, containers and store, that there were 5 yellow porta-cabins/containers behind the main barn on the site. These porta-cabins/containers have not formed part of my determination.

Main Issues

6. The main issues in this appeal are the effect of the proposal on:
 - ancient woodland
 - the character and appearance of the area; and,
 - highway safety.

Reasons

Ancient Woodland

7. Bellhurst Farm is a yard set down from Tilley Lane which is being used for the storage of fibre optic cables that is located adjacent to ancient semi-natural woodland (AW). The appeal site has an entrance to either side of the hedged front boundary.
8. The appeal is for a retrospective 5-year temporary permission, which in addition to the porta-cabins, containers and store on the appeal site, includes the hard standings that lead from left-hand entrance.
9. Natural England's guidance on AW advises that proposals for development should have a buffer zone of at least 15 metres from the boundary of the woodland. In this case, most of the appeal storage lies on hardstanding directly adjacent to the AW behind close boarded timber and wired-panel type fencing. Paragraph 193 (c) of the Framework is clear that AW is an irreplaceable habitat, and that development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
10. At the site inspection there were large areas of turned earth adjacent to the AW. The wider appeal site was scattered with signage, piles of scrap metal/radiators, broken tarmac, used tyres, concrete slabs, pallets, ladders as well as vehicles and other equipment. There also appeared to be oil/fuel type discharge on the surface of the yard.
11. Notwithstanding the short-term nature of the temporary permission sought, the activities associated with the use of the containers described above are in close proximity to the AW. Consequently, the turned earth and sloping topography of the site towards the AW would exacerbate any leeching of the soil by contaminated run-off created by the clutter and spillage on site. In addition, the increased day-to-day use of the site associated with the containers is likely to include lighting, air and noise pollution related to the coming and goings of heavy vehicles and equipment which service the business. In combination, these activities would lead to the direct or indirect deterioration of the surrounding woodland and harm its long-term well-being.
12. Therefore, as I give limited weight to the benefits of the provision of new fibre optic services in the relatively local area, and there are no exceptional reasons for the proposal or an adequate mitigation scheme before me when measured against the harm to the AW I have found above, I conclude that the scheme represents substantial harm to the adjacent AW.
13. It follows then that the proposal would be contrary to saved Policy EN13 of the Wealden Local Plan (1998) (WLP), WCS12 and WCS13 of the Wealden District Council Core Strategy Local Plan (2013) (WDCS) and the Framework, which say, amongst other things, that the Council will resist development that would prejudice the ecology of Ancient Semi-Natural Woodlands.

Character and appearance

14. Even though the Council has previously concluded¹ that a full planning permission for a vehicular access to the left-hand side of Bellhurst Farm to replace an existing agricultural-type gateway would be needed, the Council has brought to my attention that the access has already been constructed. It is also noted that the access is crossed by a footpath via a timber stile from the adjacent agricultural type fields and pastureland.
15. For planning purposes the appeal site lies in the countryside, which is typified in the nearby surrounding area by fields and scattered woodland that is accessed from the tree and hedge lined lane by simple, agricultural-type gates. Whereas the new vehicular access includes a large industrial-type gate with an extensive and sloping hardstanding that leads to the yard below. Moreover, notwithstanding the existing commercial use of the site, as the vegetation in this specific location is relatively scanty or appears to have been removed, the width and breadth of the new entrance means that the activities and metal structures of the appeal site can be seen more easily from the lane. Indeed, the engineered entrance is in stark contrast to the nearby agricultural access gates. Furthermore, in comparison to the surrounding historic field pattern and the verdant backdrop of the AW, the scale of the access creates a jarring view of the site for walkers using the footpath and those travelling along the rural-type lane. I conclude therefore, that the scheme is a highly prominent, visible intrusion in this location and incongruous with the surrounding countryside and woodland.
16. Consequently, the scheme harms the character and appearance of the area and is therefore, contrary to Policies EN6 and EN27 of the WLP, which are clear that the scale, form, site coverage, density and design of the development and the use of materials and landscaping should respect the character of adjoining development and where appropriate promote local distinctiveness, and Paragraph 135 (c) of the Framework, which says that developments should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Highway safety

17. The appellant concedes that the site lines available from the left-hand entrance to the site do not meet the required highway standards. Nonetheless, he argues use of the entrance is similar to that of the previous agricultural gateway. Moreover, that there is adequate space for turning and parking and a stopping area away from the main highway in this location. Furthermore, that any vehicular activity associated with the site is contained to the working day. However, the appellant has not submitted visibility splay drawings or activity data related to the use of the site by larger vehicles. Therefore, without a substantiated response from the Council's Highway Department, I cannot be certain if the revised left-hand entrance is adequate or safe on this relatively well used, narrow single-track lane.
18. Therefore, taking a precautionary approach, I conclude that the scheme would harm highway safety and is therefore, contrary to saved Policy TR3 and TR10 of the adopted WLP, which says that development should provide a satisfactory means of access.

¹ WD/2023/7034/AD

Other Matters

19. I acknowledge that some of the containers found on the appeal site are for the storage of tools in the interests of site security. This is noted but does not outweigh the substantial harm I have found above.
20. The appellant has relied on Policies DC6 and DC7 of the WLP in support of his case. However, these Policies are related to the conversion of rural buildings and are therefore, not relevant to the scheme before me.

Conclusions

21. For the reasons set out above and having considered all matters raised, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR