



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: 15th October 2025

Appeal Ref: APP/C1435/W/25/3367805

High Hurstwood Lodge, Chillies Lane, High Hurstwood, Buxted, East Sussex, TN22 4AD

- 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 Nick Oliver against the decision of Wealden District Council.
 - The application Ref is WD/2024/2477/FR.
 - The development proposed is a retrospective application for the conversion of roof-space to 1 No flat.
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Decision

1. The appeal is allowed, and planning permission is granted for the conversion of roof-space to 1 No flat at High Hurstwood Lodge, Buxted TN22 4AD, in accordance with the terms of the application Ref WD/2024/2477/FR, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby approved shall be carried out in accordance with the following approved plans:
 - Drawing - 7312/246 - Location Plan, dated September 2024
 - Drawing - 7312/243 – Existing first floor plans & elevations as existing, dated September 2024
 - Drawing - 7312/245 - Block plan, dated September 2024
 - Drawing - 7312/244 – Pre-existing first floor plans & elevations Pre-existing, dated September 2024
 - 2) No floodlighting, security lighting or other external means of illumination of the site shall be provided, installed or operated in the development, except in accordance with a detailed scheme which shall provide for lighting that is low level, hooded and directional, and has been submitted to and approved in writing by the Council.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A-E of Part 1 of Schedule 2 to the Order shall be undertaken.

Preliminary Matters

2. The new National Planning Policy Framework (the Framework) was revised in December 2024. I am satisfied no parties have been prejudiced in this case and have made my determination against the updated national policy context.
3. The public consultation for a new Wealden Local Plan for the period to 2040 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations (2012) has commenced. As the new plan is yet to be adopted, the Council has relied on policies in the Wealden Local Plan (1998) (WLP) in their decision notice. I have proceeded accordingly.

Background and Main Issue

4. The scheme lies within 7km of the Ashdown Forest Special Protection Area (SPA and SAC). As such, the Council had concerns that the dwelling would have an adverse impact upon the SPA and SAC.
5. However, the Council has accepted a signed Unilateral Undertaking (UU) from the appellant in mitigation. Nonetheless, while noting that Natural England (NE) has not objected to the scheme and that the Council no longer wish to contest this as a main issue, it remains my responsibility as a Competent Authority (CA) to undertake a proportionate Appropriate Assessment (AA) of the implications of the scheme on the integrity of the European site. I will return to this later in my decision under other matters.
6. Therefore, the main issue in this appeal is whether the dwelling is located in a suitable location.

Reasons

7. The appeal site is located to one side of Chillies Lane and forms part of the brick and tile hung development known as High Hurstwood Lodge, that is found in the settlement of High Hurstwood which has a primary school, a public house/restaurant, church, post office, and a village hall. The settlements of Buxted, Maresfield, Uckfield, Crowborough and the larger town of Tunbridge Wells are all found within a 12-mile radius of the appeal site.
8. The scheme is retrospective for a self-contained one-bedroom dwelling to nationally prescribed space standards which is found in the roof space of the host dwelling. The property is accessed from a parking area via a set of external steps. There are no external changes to the host roof space, other than the addition of doors to a small amenity/patio area to the front.
9. The proposed dwelling is located in the countryside outside a settlement boundary. As such, the Council contends that there are no exceptional reasons for the development as the property is not a subdivision of the main dwelling or essential for agriculture or forestry needs.
10. The Council also argues that the dwelling is not in a suitable location as any occupier/s would be dependent on a private motor vehicle to access the services and facilities of the surrounding towns and villages.

11. Indeed, where footways along the highway to other locations exist along Chillies Lane, they are mostly unlit. Therefore, as journeys by foot to nearby facilities such as the nearest public house/restaurant and its adjacent bus stop are at some distance from the appeal site, and the fact that public transport is relatively infrequent, walking is unlikely to be an attractive option to occupiers of the dwelling at certain times of the day and the colder months of the year. Cycling on the narrow and winding single-track lane to shops and services is also likely to be undesirable to some.
12. As a consequence, there can be no doubt that it would be more attractive for the occupiers of the dwelling to access the more comprehensive range of day-to-day services and facilities such as, but not limited to, large supermarkets, health services and travel hubs for commuting to places of work in the larger settlements nearby by using a private motor vehicle.
13. However, whether the appeal dwelling is a subdivision of the host property or not, the occupier/s of the one bedroomed dwelling and their visitors are likely to generate no more than a modest increase in car journeys in this specific location when considered against those already generated by the substantial properties along Chillies Lane.
14. Moreover, the patronage of local services and shops in nearby settlements created by the occupation of the dwelling offers some small scale local economic and social benefits. There has also been a contribution to the Council's housing land supply shortfall, which is likely, either now or in the future, to benefit smaller households looking for rented accommodation in the area; to which I give some weight.
15. I conclude therefore, that the proposal would meet the aims of saved Policies GD2, EN1, DC17 and DC20 of the WLP; SPO7, SPO8, WCS6 and WCS14 of the Wealden District Council (incorporating part of the South Downs National Park) Joint Core Strategy Local Plan 2013, and the Framework when read as a whole, which say, amongst other things, that housing should be located where it will enhance or maintain the vitality of rural communities.

Other Matters

16. Notwithstanding my findings above, it is my responsibility as a CA to undertake an AA to assess the extent of any potential harm to the SPA and SAC arising from the residential scheme.
17. The attractive location would be very likely to encourage occupiers of the residential dwelling and their visitors to visit and walk within the SPA. Therefore, even if it is not currently the case and as the occupation of the dwelling will change over time, the potential exists for the walking of dogs in the surrounding woodland. Indeed, NE identify recreational pressure as a principal threat to the SPA. The SPA designation relates to the protection of vulnerable ground nesting bird species, particularly the protection of Dartford Warblers or European Nightjars during the breeding season. Therefore, human and canine activity, for example, but not limited to; the trampling of plants, disposal of rubbish including cigarettes, picnics, canine nest damage and the chemical changes associated with dog soiling is a threat not only to ground nesting birds but also flora and other fauna in the SPA.

18. Furthermore, the added vehicle movements of the one-bedroom dwelling in combination with the existing host dwelling is likely to have increased air pollution and nitrogen levels in the SAC. This has the potential to harm not only heathland plants such as mosses and lichens, but also the presence of protected great crested newts in the SAC.
19. However, even if the occupiers of the dwelling and their visitors visit the SPA and SAC on a regular basis, the scale of vehicular activity is likely to have a relatively limited impact on the SPA and SAC.
20. Moreover, while it is accepted that on-site mitigation would not be possible, the appellant has signed a UU to secure a financial contribution towards Suitable Alternative Natural Greenspaces (SANG) and Strategic Access Management and Monitoring (SAMM) in line with agreed tariffs which was found to be acceptable by the council. Consequently, the conservation objectives for the SPA and SAC have been met. Therefore, in this specific case, even though the dwelling is within the SPA, it is not a reason to dismiss the appeal.

Conditions

21. I have considered Paragraph 56 of the Framework, and the national Planning Practice Guidance (PPG) and imposed the following conditions. For certainty and the avoidance of doubt, a condition requiring that the development is carried out in accordance with the approved plans and the materials shown on them. In the interests of the living conditions of neighbouring occupiers, there is a condition related to lighting.
22. The Framework states that planning conditions should not be used to restrict national permitted development (PD) rights unless there is clear justification to do so. In this case, I find it reasonable and necessary to include a condition under Article 3, Schedule 2 and Part 1 of the GPDO to prevent future development that might harm the SPA.
23. As the scheme has already been completed there is no necessity for a time limited condition.

Conclusions

24. The appeal is allowed, and planning permission is granted, subject to the conditions set out above.

J E Jolly

INSPECTOR