



Appeal Decision

Site visit made on 1 October 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21st October 2025

Appeal Ref: APP/C1435/W/25/3369758

**Matellows Cottage, Middle Lane, Rushlake Green, Warbleton, East Sussex
TN21 9QY**

- 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 M Lower and Ms E Prior against the decision of Wealden District Council.
 - The application Ref is WD/2025/0803/F.
 - The development proposed is the demolition of existing dwelling, garage and outbuildings (sheds 2, 3 & 4) and erection of a self-build dwelling and garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In 2023, designated Areas of Outstanding Natural Beauty in England and Wales became “National Landscapes”. The appeal site falls within the High Weald Area of Outstanding Natural Beauty (the AONB) which has become the High Weald National Landscape (HWNL).
3. Section 245 of the Levelling Up and Regeneration Act 2023 (LURA) amended the duty on relevant authorities in respect of their interactions with statutory purposes of National Landscapes, as set out in Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (CRWA). In so far as it relates to this appeal, the amendment now requires relevant authorities “in exercising or performing any function in relation to or so as to affect land in an AONB... to seek to further the purpose of conserving and enhancing the natural beauty of the AONB”. As such, it is incumbent on me to evidence consideration of ways to further the purpose of conserving and enhancing the natural beauty of the HWNL.

Main Issue

4. The main issue is the effect of the appeal proposal on the character and appearance of the area with particular regard to the landscape, scenic and natural beauty of the HWNL.

Reasons

5. Planning Practice Guidance (PPG) refers to the relevance of management plans for National Landscapes for assessing planning applications. Whilst these do not form part of the development plan, they help to set out the strategic context for development and provide evidence of the value and special qualities of these areas. In this case, there is a management plan, The High Weald AONB

Management Plan 2024-2029 (Management Plan), which is therefore a material consideration. The Management Plan finds that the HWNL in this area is characterised by an historic irregular field pattern, surrounded by hedges and areas of dense woodland. Its outstanding beauty derives from its essentially rural and small-scale landscape character, high proportion of natural surfaces, tranquillity and dark skies. Paragraph 189 of the National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty of these areas.

6. The appeal site is set back from Middle Lane and comprises a single storey dwelling with numerous outbuildings, set within substantial grounds. The land slopes away from the road, down to a watercourse, then rises steeply to the south-east. The surroundings are rural, with a terrace of former farmworkers cottages (Pleydell's Cottages) lining the street immediately adjacent to the appeal site. The Management Plan refers to key characteristics in settlements in the High Weald, including pockets of small wayside cottages interspersed with fields. Pleydell's Cottages are an example of this type of settlement pattern, with Middle Lane being classified as an historic routeway.
7. Due to the topography and the screening provided by the large hedge along Middle Lane, the existing dwelling is not readily visible in street views. The collection of buildings does not read as a single dwelling but rather a collection of adjoining timber and metal clad single storey structures. The dwelling and outbuildings are of no particular architectural merit and the principle of the replacement of the dwelling is not a matter in dispute.
8. The replacement dwelling would take the form of a 1.5 storey chalet style dwelling with rear and side projections and dormer windows within the front and rear roof slopes. It would be located on the existing footprint of the dwelling and adjoining outbuildings. The proposed dwelling would be of a significantly larger scale than existing. Its height would be akin to a 2-storey building and its footprint would also be significantly larger than the existing dwelling (without the outbuildings). Its proportions would be overly horizontal compared to the more vertical emphasis of the adjacent cottages. It would be highly visible from the street and in views from surrounding fields and dwellings. It would not successfully relate to Pleydell's Cottages and, taken together, its scale, position within the site and visual prominence would detract from the historic settlement pattern.
9. Whilst the use of detailed design features including barn hips, cat slides and dormers would reference the local vernacular, this would not mitigate the significant scale of the dwelling. The proposed front and rear dormers would have the effect of creating a cluttered and prominent roofscape. Although I note there are dormers in the cottages adjacent, these are restricted to the rear elevations. In terms of their detail, the rear dormers are large, and do not appear to follow a window hierarchy. This would conflict with the advice contained in section 7 of the Wealden Design Guide Supplementary Planning Guidance (2008) with regard to the size and proportion of dormers relative to the building and surrounding streetscape.
10. Policy DC18 of the Wealden Local Plan 1998 (Local Plan) states that replacement dwellings will be permitted subject to fulfilling several criteria. Of particular relevance to the appeal scheme is that the criteria that the replacement dwelling is of a comparable size and massing to the existing building, and that it is in keeping

with the character of the locality having regard to the appearance and general design of the original building.

11. The appellant considers the outbuildings to be part of the existing dwelling and therefore comprise habitable floorspace. The Council states the single storey dwelling's use was confirmed under a certificate of lawful existing use (reference WD/2023/0136/LDE). Whilst the Council considers that the lawfulness of the operational development relating to the outbuildings has been established (reference WD/2024/2786/LDE), the certificate did not confirm the lawful use of the buildings and whether they are incidental to the dwelling. I have not been provided with evidence to the contrary.
12. It is not for me, under a section 78 appeal, to determine whether the use of the outbuildings is for residential purposes in connection with the dwellinghouse. It is open to the appellant to apply to the Council for a separate determination under sections 191/192 of the Act regardless of the outcome of the appeal. Given the uncertainty regarding the authorised use of the outbuildings, my reasoning relates solely to the original dwelling as referred to by the Council. On this basis, the appeal scheme would involve a significant increase in the scale and massing over and above the existing building, such that the proposal would conflict with the expectations of Local Plan Policy DC18(1).
13. Even if I were to agree that the outbuildings formed part of the dwelling and the consequent uplift in floorspace was in line with the expectations of DC18(1), the proposal would nevertheless be harmful to the character and appearance of the area with particular regard to the HWNL, through its detailed design and prominence in the landscape.
14. Although the visual impacts of the proposal would be localised, nonetheless, it would neither conserve nor enhance the landscape, scenic and natural beauty of the HWNL. Hence, it would fail to accord with Section 85 of the CRWA, as amended by LURA; the aims regarding the built and natural environment of the district, particularly to the HWNL, as expressed in Spatial Planning Objective SPO1 of the Wealden District Core Strategy Local Plan 2013 (Core Strategy) and Framework paragraph 189.
15. The proposal would also conflict with Local Plan Policies GD2, DC18 and EN27 and Core Strategy Policy WCS14. Taken together and amongst other things, these policies reflect the presumption in favour of sustainable development, restrict development outside development boundaries, require replacement dwellings to be of a comparable size and massing to the existing building, and require proposals to respect existing character and promote local distinctiveness.

Other Matters

16. My attention has been drawn to 2 planning permissions which were granted by the Council in 2023 (reference WD/2023/0416/F – Furnace Lane, Warbleton) and 2024 (reference WD/2024/0677/F – Best Beech Hill, Wadhurst) for replacement dwellings in the countryside, where the appellant considers there had been a significant increase in floorspace over and above the existing dwellings.
17. The approved scheme at Best Beech Hill allowed a single storey building to be replaced with a 2-storey building, though the officer's report indicates that the increased floorspace was not considered excessive. Similarly, the drawings for the

scheme at Furnace Lane show a larger replacement building. Whilst both these schemes have resulted in larger dwellings than the originals, considerations would necessarily be site-specific. From the details available to me, it does not appear that either example would be similar to the appeal scheme in terms of the surrounding context, existing dwellings or detailed design. Whilst relevant insofar as the schemes involve replacement dwellings in the countryside, I do not consider the examples referred to indicate that I should reach a different conclusion on the appeal scheme. I have necessarily assessed the appeal on its own merits.

Planning Balance and Conclusion

18. The appeal scheme is said to be a self-build dwelling, for which there is particular support within the Framework. I have however attached limited weight to this benefit as no mechanism for guaranteeing self-build has been put forward. The scheme would also offer benefits through providing a dwelling offering a good standard of accommodation and a layout suitable for the needs of the appellant's family. There would also be environmental benefits in the form of solar panels, a bat box and planting of native species. I attach moderate weight to these benefits given the small scale of the proposal.
19. The Council considers the scheme acceptable with regard to the proposal's effect on the living conditions of nearby residents, the design of the garage and cycle storage, as well as matters including ecology and highway safety. I have no reason to conclude otherwise, though these matters are neutral in the planning balance.
20. I have identified harm to the character and appearance of the area, as well as to the HWNL. The Framework sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Landscapes. I therefore attach great weight to the harm I have identified to the landscape, scenic and natural beauty of the HWNL and this outweighs the benefits identified above.
21. The material considerations in this case, including the Framework, do not indicate that the decision should be taken otherwise than in accordance with the development plan. The appeal should therefore be dismissed.

L Francis

INSPECTOR