



Appeal Decision

Site visit made on 22 September 2025

by **C Housden BSc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 NOVEMBER 2025

Appeal Ref: APP/D3830/W/25/3368572

The Croft, Holtye Road, East Grinstead, West Sussex RH19 3QF

- 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 Jeremy Miles against the decision of Mid Sussex District Council.
 - The application ref is DM/24/0553.
 - The development proposed is removal of existing garage and erection of self-build detached house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect on the character and appearance of the area, including whether the development would conserve and enhance the natural beauty of the High Weald National Landscape (HWNL) and whether the proposal would preserve the setting of the Grade II listed building Fairlight Farmhouse;
 - the location of the development situated outside of a defined settlement boundary; and
 - the accessibility to services and facilities for future occupiers of the development;

Reasons

Character and appearance

3. The appeal site is situated within the HWNL. Section 85 of the Countryside and Rights of Way Act (2000), as amended by section 245 of the Levelling-up and Regeneration Act (2023), requires relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes.
4. The HWNL Management Plan (2024) describes that the natural beauty of the HWNL is derived from an essentially rural and small-scale landscape character which is rich in wildlife and cultural features. The core components of this natural beauty include the notion of a quintessential English pastoral landscape comprising small, irregular and productive fields, bound by hedgerows and woods, typically used for livestock grazing and a land-based economy. The landscape is influenced by rural living which has visibly and culturally shaped it.

5. The appeal site forms part of the curtilage of The Croft and contains a detached garage which appears subservient to the host property. The appeal site positively contributes to the natural beauty of the area by providing a sense of rural living through forming part of an informal and spacious cluster of detached dwellings and agricultural buildings set within the rural landscape of rolling fields bound by hedgerows and mature trees.
6. The appeal site is also situated within the setting of Fairlight Farmhouse, a Grade II listed building. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting.
7. The evidence shows the significance of Fairlight Farmhouse lies in its architectural and historical merits as an example of a sixteenth-century Sussex farmhouse. Whilst there appears to be some modern additions to the building and wider plot, the assets appearance, with timber beams, white render and orange roof tiles is distinctive and allows the historical and architectural merits of the property as a historic farmhouse to be readily perceptible.
8. Whilst the host property, The Croft, and intervening vegetation separates the appeal site from Fairlight Farmhouse, it is nevertheless situated within close proximity, and forms part of the surroundings in which the asset is experienced. In particular, the appeal site forms part of a low-density cluster of rural development, which positively contributes to the open rural surroundings of how the asset is experienced as a historic farmhouse. This contribution of the appeal site to the setting is particularly prevalent on the approach to Fairlight Farmhouse. Whilst the appeal site contains a detached garage, it is not so intrusive to undermine this open and low-density appearance. As such, the appeal site positively contributes to the setting of the listed building.
9. The proposed development would subdivide the plot and replace the existing garage with a large two storey dwelling which includes a modern asymmetric double gable design, a slate roof and extensive glazing. The proposed design, including roof materials and glazing, would fail to take cues from the surrounding rural development. Instead, the modern urban design and significant bulk, scale and mass of the development would be distinctly out of keeping with the character and appearance of the informal low-density cluster of rural development and would appear highly prominent and intrusive within the area. Furthermore, the rigid subdivision of the plot and formation of formalised frontage parking for both the host dwelling and proposed dwelling would undermine the informal rural appearance of the plot and wider area.
10. The proposed development would therefore cause significant harm to the character and appearance of the area and would neither conserve nor enhance the natural beauty of the HWNL.
11. For the reasons given above, the proposal would also detract from the rural surroundings in which Fairlight Farmhouse is experienced and therefore would not preserve the setting of the heritage asset. In the context of paragraph 215 of the National Planning Policy Framework (the Framework), the level of harm identified would be less than substantial and would lie within the middle of the spectrum due to the overall scale of the proposal.

12. Paragraph 212 of the Framework states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 215 of the Framework requires less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal.
13. Whilst I have not been provided with an exact figure, the evidence before me confirms that the Council cannot demonstrate a five-year housing land supply. It is the Government's objective to significantly boost the supply of housing, including through small and medium schemes and the proposal would contribute an additional dwelling to the Council's housing land supply. Furthermore, the evidence shows that there are currently 28 individuals on the Mid Sussex self and custom build register, including the appellant, and this proposal would help to meet this demand by providing a self-build dwelling. The proposal would also lead to a small and time limited economic benefit during the construction phase, as well as some limited social and economic benefits resulting from future occupiers. The development would also utilise technologies to reduce the future occupiers carbon footprint. Given the small scale of the development, these public benefits would only carry limited weight in favour of the proposal which is insufficient to outweigh the harm to the setting of the designated heritage asset which to which I attach considerable importance and weight.
14. The proposal therefore would conflict with Policies DP12, DP16, DP26 and DP34 of the Mid Sussex District Plan (2018) (MSDP) and Policies EG1 and EG3 of the East Grinstead Neighbourhood Plan (2016) (EGNP). These policies, amongst other matters, seek to protect listed buildings and their settings, whilst ensuring that development is of a high-quality design that conserves and enhances the natural beauty of the HWNL.

Location of development

15. The evidence shows that the appeal site is situated outside of a defined settlement boundary and within the countryside. Policy DP12 describes that development outside of the built-up area boundaries will be permitted provided it maintains or where possible enhances the quality of the rural and landscape character of the District and is supported by a specific policy elsewhere in the development plan.
16. Policy DP15 of the MSDP sets out that new homes in the countryside are supported provided special justification exists and that there is no conflict with Policy DP12 of the MSDP.
17. The appellant sets out that the special justification for the proposal relates to the delivery of a self-build home which the Council are required to provide and is not limited to providing these types of homes on sites within settlement boundaries. However, in the context of Policy DP15 it is clear that special justification is limited to the closed list contained within the policy itself. The provision of a self-build dwelling would not amount to special justification in the context of Policy DP15 and the development would not meet any of the other criteria contained within the list. Furthermore, the proposal would not maintain the quality of the rural and landscape character of the district and would conflict with Policy DP12 for the reasons previously given.
18. The location of the development being situated outside of a defined settlement boundary would therefore conflict with Policies DP12 and DP15 of the MSDP

which sets out the plan-led approach to dealing with development outside of the defined settlement boundaries.

Accessibility to services and facilities

19. The evidence before me suggests that the nearest settlement, East Grinstead, is situated within 2km of the appeal site. Furthermore, a bus stop situated along Holtye Road would be within 1km of the appeal site. However, to access both the services and facilities within East Grinstead and the bus stop situated on Holtye Road, future occupiers would be required to travel along unlit public rights of way. This makes accessing these services and facilities impractical and undesirable for future residents, particularly in the evenings and nighttime or within the winter when the hours of daylight are fewer. For this reason, it is very unlikely that future occupiers would use a mode of transport other than a private motor car to meet their daily needs.
20. The proposed development would therefore conflict with Policy DP21 of the MSDP. This policy, amongst other matters, seeks to ensure that development is sustainably located to minimise the need for travel.

Other Matters

21. The evidence shows that the appeal site is situated within the 7km zone of influence of the Ashdown Forest Special Area of Conservation and Special Protection Area.
22. A unilateral undertaking has accompanied the appeal which secures financial contributions towards the Ashdown Forest Strategic Access Management and Monitoring Strategy and the Sustainable Alternative Natural Green Space Strategy. The Council has confirmed in its evidence that the unilateral undertaking would secure sufficient mitigation to address the second reason for refusal.
23. However, as I am dismissing the appeal on other grounds it is not necessary to consider this matter further and carry out an appropriate assessment, as doing so would not lead me to a different conclusion on the outcome of the appeal.

Planning Balance

24. As mentioned above, the Council cannot demonstrate a five-year housing land supply meaning the provisions of paragraph 11d) of the Framework are engaged. Footnote 8 confirms in these circumstances the policies which are most important for determining the application are deemed to be out-of-date. Owing to the age of the EGNP the provisions of paragraph 14 of the Framework would not be engaged.
25. Paragraph 232 of the Framework confirms due weight should be given to policies, according to their consistency with the Framework.
26. Conflict with Policies DP12, DP16 and DP26 of the MSDP and Policies EG1 and EG3 of the EGNP in relation to the effect on the character and appearance of the area, including the effect on the HWNL is given significant weight against the proposal. This is due to their consistency with the Framework, namely paragraphs 135 and 139 which seeks to ensure development adds to the overall quality of the area and sets out that development, which is not well designed should be refused,

and paragraph 189 which provides great weight to conserving and enhancing landscape and scenic beauty in National Landscapes.

27. Conflict with Policy DP34 of the MSDP also carries significant weight owing to its consistency with the Framework, namely paragraph 212 which attributes great weight to the conservation of designated heritage assets.
28. The Council is not meeting the local housing needs of the area through its development plan. It is therefore failing to meet paragraph 61 of the Framework which sets out the Government's objective of significantly boosting the supply of homes and ensuring sufficient amount of land can come forward. As such, conflict with Policies DP12, DP15 and DP21 of the MSDP in so far as they relate to the restriction of the creation of new dwellings owing to the location of the development and access to services and facilities would carry moderate weight against the proposal.
29. The development would result in a conflict with the development plan as a whole and the abovementioned paragraphs of the Framework.
30. Paragraph 11d) of the Framework indicates that planning permission should be granted unless, the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 confirms that this includes policies relating to both designated heritage assets and National Landscapes.
31. As such, the abovementioned policies of the Framework relating to heritage assets and National Landscapes provide a strong reason for refusing the development proposed. The presumption in favour of sustainable development would therefore not apply.
32. The other material considerations, which I have previously identified in my public benefits balance, carry limited weight in favour of the proposed development for the reasons that I have given and would not outweigh the harms that I have identified.

Conclusion

33. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude for the reasons given above, the appeal should be dismissed.

C Housden

INSPECTOR