



Appeal Decision

Site visit made on 20 October 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Appeal Ref: APP/D3830/W/25/3370601

The Garden House, Cuckfield Lane, Warninglid, West Sussex RH17 5SN

- 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 and Mrs T and Z Billington against the decision of Mid Sussex District Council.
 - The application Ref is DN/25/1014.
 - The development proposed is change of use from agricultural land to domestic garden / residential curtilage associated with The Garden House.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the intrinsic character and beauty of the countryside and the High Weald National Landscape (HWNL).

Reasons

3. The appeal site comprises an area of agricultural land to the west of The Garden House which is a detached, two-storey dwelling located to the south of Cuckfield Lane. The proposed development is to change the use of the agricultural land to residential use. I note the appellant is a keen gardener and the intention for the land is to be an extension of the existing garden which would be divided up into distinct zones with landscaping and planting creating a sense of order and coherence. Planning permission has previously been granted to change the use of land to the south of the dwelling into residential use from agricultural.
4. The appeal site lies outside the settlement boundary and within the High Weald National Landscape (HWNL).
5. Policy DP12 of the Mid Sussex District Plan (MSDP) aims to protect the countryside for its intrinsic character and beauty. Development will be permitted in the countryside provided it maintains or where possible enhances the quality of the rural and landscape character of the District and is necessary for the purposes of agriculture; or is supported by a specific policy reference either elsewhere in the Plan, a Development Plan Document or relevant Neighbourhood Plan.
6. The proposal is not necessary for the purposes of agriculture and any domestication of the site would fail to maintain the rural quality and landscape character of the site. Although the appellant has drawn my attention to paragraphs in the National Planning Policy Framework (the Framework) relating to achieving well designed and beautiful places, Policies 1 and 3 of the Slaughtam

Neighbourhood Plan 2014-2031 and Policies DP12, DP16 and DP26 of the MSDP, these do not explicitly permit the change of use of agricultural land to residential and actively seek to protect the rural character, natural beauty and local distinctiveness of the HWNL.

7. The previous application for the extension of the residential curtilage affected land directly to the south of the dwelling and the original residential curtilage. This formed a logical extension of the original residential curtilage and was contained to the east by the site boundary with the neighbouring property and agricultural land provided a buffer between the new residential curtilage and the wider site ownership to the south and west. The revised residential curtilage was similar in size to the adjacent property Coldharbour to which this property most closely relates. It is noted that the residential curtilage of Colwood House on the opposite side of Colwood Lane to the west may be larger, but so is the residential dwelling. The further extension of the residential curtilage at The Garden House would lead to a residential curtilage that would not be commensurate with the existing dwelling and would appear excessive in size.
8. The site is located on the corner of Cuckfield Lane and Colwood Lane and is screened from Cuckfield Lane by a strong hedgerow boundary, however the boundary to Colwood Lane is less dense and allows greater views over the site where the change to domestic use would visually be more noticeable. The existing residential curtilage also marks the end of a small pocket of residential development in a countryside location on the approach to Warninglid. The loss of this agricultural land to residential would lead to a noticeable encroachment of residential use into the countryside.
9. The appellant notes the land has no agricultural value due to its size and relationship with adjacent roads. However, whilst the land is currently turned over to grassland, its undeveloped, informal appearance has a rural and verdant character which positively contributes to its countryside location.
10. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. Section 245 of the Levelling Up and Regeneration Act 2023 (LURA) places a duty on relevant authorities to further the statutory purpose of the National Landscape.
11. The natural beauty of the HWNL is derived from the essentially rural and small-scale landscape character with small irregular fields. Greenness, a sense of tranquillity and dark skies contribute to the perception and scenic qualities people enjoy. The domestication of the site would neither conserve or enhance the rural, tranquil and verdant character of the HWNL.
12. Whilst I have given the appellants' intentions for the site careful consideration, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. For these reasons, I therefore find that the proposed formal planting and structure of the land would domesticate and visibly change the appearance of the site and detract from the rural character and beauty of the countryside and the HWNL contrary to Policies DP12, DP16 and DP26 of the Mid Sussex District Plan and Policy 1 of the Slaughtam Neighbourhood Plan. Together, these policies seek to protect the

countryside for its intrinsic character and beauty and conserve or enhance the HWNL (amongst other considerations).

Other Matters

13. Whilst the proposed planting may encourage wildlife diversity, this would not outweigh the harm caused to the informal, rural, verdant character and appearance of the site that would be lost if the land were brought into use as domestic garden.
14. The presence of the depot to the south of the appeal site is noted, however, each application must be determined on its own merits and the historical use of the depot in the countryside does not justify further encroachment into the countryside from the proposed development. Whilst transporters may park along Cuckfield Lane to offload vehicles to the depot, their presence would be temporary and would not permanently alter the character of the area. It is also not within my remit to consider any unauthorised use of the depot. The presence of the depot has not altered the character of the area sufficiently to justify the proposal.
15. The Council has not raised any concerns regarding the impact of the proposal on the setting of the Grade II listed building to the east, Coldharbour. Based on my site visit and assessment of the case I have no reason to take a different view.

Conclusion

16. For the reasons given above the appeal should be dismissed.

C Coles

INSPECTOR