



Appeal Decision

Site visit made on 4 November 2025

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2025

Appeal Ref: APP/C1435/W/25/3371103

Land adjacent to Granary Cottage, London Road, Forest Row RH18 5EE

- 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 Miss T Waters and Mr G Vidgeon against the decision of Wealden District Council.
 - The application Ref is WD/2024/2885/F.
 - The development proposed is 1 self-build detached dwelling and associated infrastructure.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. To address the Council's second reason for refusal, the appellant has submitted a completed unilateral undertaking (UU), pursuant to section 106 of the Town and Country Planning Act 1990, to provide the relevant SAMMs and SANGS contributions and secure the self-build nature of the proposal.

Main Issues

3. The main issues are therefore:
 - whether the proposal is appropriate in the countryside having regard to the Council's spatial strategy; and;
 - the effect of the proposal on the character and appearance of the area, having particular regard to the effect on the High Weald National Landscape (NL).

Reasons

Spatial Strategy

4. The appeal site is located outside of a settlement boundary and is therefore in the countryside as defined in the Wealden Local Plan 1998 (Local Plan). Policies GD2 and DC17 of the Local Plan resist development and housing outside of settlement boundaries unless it accords with other policies in the Local Plan.
5. Reference is made to examples of self-build dwellings within the district that have been granted planning permission or allowed at appeal¹. While these examples appear to be located outside defined settlements and within the NL, the specific

¹ WD/2024/0785/F, WD/2023/2490/O3342914, WD/2023/1473/F, WD/2022/2960/F, WD/2022/1958/O, WD/2021/1661/F, WD/2019/0209/F and WD/2020/0019/F

planning and policy considerations behind those decisions are unknown. Moreover, only one example (WD/2024/0597/F) lies outside Forest Row, like the appeal scheme, but it occupies a less prominent position, situated in front of the access lane and at a lower land level, and would be smaller than the proposed dwelling. Consequently, these examples are not wholly comparable to the development before me and do not justify granting planning permission.

6. For the above reasons, the proposal would be contrary to policies EN1, GD2 and DC17 of the Local Plan and Policy WCS14 of the Wealden Core Strategy Local Plan 2013. These policies amongst other things seek to pursue sustainable development and resist development and housing outside of settlement boundaries.

Character and Appearance and NL

7. The appeal site comprises a sloping field located at the end of an access road from London Road, within the NL. The site slopes upwards away from the access which splits into two directions and wraps around the site. Nearby properties are mainly arranged in front of the two arms of the access road. The rear of the site adjoins an open field that continues the upward slope beyond the appeal site.
8. The amended duty on relevant authorities in respect of their interactions with statutory purposes of National Landscapes, requires relevant authorities in exercising or performing any functions in relation to National Landscapes, to seek to further the purpose of conserving and enhancing the natural beauty of these areas. This aligns with saved Policy EN6 of the Local Plan which requires proposals to conserve or enhance the natural beauty and character of the landscape.
9. The proposal would introduce substantial built form on an undeveloped and highly prominent plot. Although part of the rear section would be subterranean, the overall five-bedroom scale, elevated siting, and extensive gravel driveway would create an overtly urbanised appearance. The proposal would therefore fail to conserve or enhance the rural character and natural beauty of the surrounding landscape, particularly when experienced from the access point.
10. The submitted Landscape and Visual Appraisal (LVA) describes the site as discreetly located and enclosed on three sides by existing planting and built form. It concludes that viewpoints 1 and 2 are largely screened by topography and mature hedgerow and tree planting, except at the junction where the access road forks. However, this is not experienced on site. Direct views into the site are available through the deer fencing from the adjoining field, at the road fork, and along the entire length of the access road adjacent to Granary Cottage. While these views would primarily be experienced by those accessing the six nearby properties, the LVA assesses their effect as negligible to minor adverse at completion, requiring up to 15 years of planting growth to mitigate. This extended period of visual impact would neither conserve nor enhance the landscape character and therefore conflicts with the aims of Policy EN6 of the Local Plan.
11. While viewpoints 4 and 5 would be limited to the north-western end of the development, which is proposed as garden space, this does not mean that these views would remain unaffected. Given the elevated land levels, garden paraphernalia typically associated with a dwelling could be highly visible from these viewpoints. Such visibility would introduce domestic elements into an

otherwise rural setting, resulting in a noticeable change to the character and natural beauty of the surrounding landscape.

12. Although the use of local materials, discreet terraces and existing and additional planting (including reinforcement of historic field boundaries, introduction of species rich grassland and biodiversity enhancement) would offer some mitigation, these measures would not overcome the harm arising from the dwelling's considerable scale and massing, which would exceed that of nearby properties. This impact would be compounded by its siting towards the rear of the plot at the highest point of the land, resulting in an imposing and visually intrusive presence.
13. Reference has been made to three further appeal decisions² in which housing within the NL was permitted. While these decisions show housing has been allowed in the NL due to a pressing need, the circumstances of the cases are not directly comparable to the appeal scheme. This is because each involved the erection of multiple dwellings on sites located in different parts of the district.
14. In addition, in the decisions relating to Criss Cross and land adjacent to Crooks Corner Day Centre, the Inspectors found that, although the sites were rural, they were perceived within the context of existing residential development. While the current appeal site lies close to existing properties, it does not share that context; rather, it relates more closely to the adjoining open field. This is because, unlike the appeal site, most of the nearby dwellings are positioned in front of the access road, which acts to separate built form from the agricultural fields that lie beyond it.
15. Furthermore, in respect of land at Erleigh, the Inspector concluded that the adverse effects of the proposal would be limited and outweighed by its benefits. That conclusion was reached based on the specific circumstances of that case, which are not before me, and the weight attributed to matters in the planning balance was for that decision maker. Given these distinctions, the cited appeals are not sufficiently similar to the appeal scheme to outweigh the harm I have identified.
16. For the reasons above, the proposal would be contrary to Policies EN6, and EN27 of the Local Plan. These policies seek to conserve or enhance the natural beauty and character of the landscape and require the scale and form of proposals to respect the character of adjoining development and promote local distinctiveness.
17. The decision notice refers to Policy EN19 of the Local Plan (Conservation Areas) and Policy WCS13 of the Wealden Core Strategy Local Plan 2013 (Green Infrastructure). These policies are not cited in the officer's report or the Council's appeal statement. Neither party has indicated that the site lies within a Conservation Area, and no justification has been provided for the relevance of Policy EN27. Accordingly, these policies have not been taken into account in this appeal.

Other Matters

18. The site is located within 7km of the Ashdown Forest Special Protection Area. The Council has determined that, due to the proximity of the proposed development, either alone or in combination with other plans and projects there would be a

² APP/C1435/W/3341984- Land at Erleigh, APP/C1435/W/23/3333025- Criss Cross and APP/C1435/W/22/3298263-Land adjacent to Crooks Corner Day Centre

significant effect on the interest features of the site from the proposed residential development.

19. Had I been minded to allow the appeal I would have carried out an appropriate assessment (AA) of the effect of the proposal on the integrity of the SPA. This would have included whether these adverse effects could be mitigated through the submitted UU. However, as the proposed development is unacceptable for other reasons, an AA is unnecessary as doing so would not change the outcome of the appeal.
20. The proposed development comprises a self-build dwelling. The Council's self-build register confirms an identified need for such dwellings, and a UU has been submitted to secure the self-build nature of the proposal. As highlighted in appeal decision APP/G2435/W/25/3360649, the provision of a self-build dwelling that addresses a local self-build housing deficit should be afforded weight in the planning balance. This matter will be considered further within the overall planning balance.
21. In reaching my decision, I have had regard to the principles established in *Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estates Partnership LLP v Cheshire East Borough Council* [2017] UKSC 37, *Hallam Land Management Ltd v Secretary of State for Communities and Local Government* [2018] EWCA Civ 1808 and *North Wiltshire District Council v SSE* (1993) 65 P&CR 137 & *R (Davison) v Elmbridge BC* [2019] EWHC 1409 (Admin).
22. In applying these principles, I have had regard to the need for consistency in decision-making, the National Planning Policy Framework's (the Framework) objective to significantly boost the supply of housing, and the caution expressed in case law against applying environmental and amenity policies with full rigour where this would frustrate that objective. I have also considered that the weight to be given to housing development in circumstances where there is a shortfall in housing land supply will depend on several factors, including the scale of the shortfall, the steps being taken to address it, its likely duration, and the extent to which the proposed development would contribute to meeting that shortfall.
23. I further note that the application had support from the Parish Council, although no reasoning was provided and therefore, I attribute this limited weight.

Planning Balance and Conclusion

24. The proposed development is not appropriate within the countryside when considered against the Council's adopted spatial strategy. The conflict with this policy weighs against the scheme. However, the degree of harm arising from this conflict is limited. This is because the housing requirement policies within the development plan only reflect identified need up to 2004 and, the site benefits from reasonable connectivity to the service centre of Forest Row.
25. Notwithstanding this, the proposal would fail to conserve or enhance the natural beauty of the NL, great weight must be given to this harm. As a result, the proposal conflicts with the development plan when taken as a whole, and substantial weight is afforded to this conflict.
26. The Council does not have an up to date five-year Housing Land Supply. Notwithstanding the respective positions of the main parties on this matter, the

Framework indicates that the presumption in favour of sustainable development does not apply where the application of policies that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. National Landscapes are an example of such areas/assets, and the proposal is contrary to the relevant policies in the Local Plan and Framework regarding the NL.

27. The proposed development is that of a self-build dwelling in a district whereby there is an identified need for a local self-build housing. Given the self-build nature of the proposal could be secured through the submitted UU, I attach significant weight to this matter.
28. The proposal would deliver one additional dwelling in the Borough, contributing to the objective of significantly boosting the supply of housing as set out in paragraphs 61 and 73 of the Framework. This is particularly relevant given the Council's acknowledged shortfall, with a current five-year housing land supply of 3.44 years. However, due to the small scale of the development, this benefit would be modest.
29. Whilst the proposal would incorporate sustainable technologies, including solar panels, such features are now common in new-build properties. Accordingly, I attach very limited weight to these benefits.
30. Taking all of the above into account, I consider that the harm identified in relation to compliance with the spatial strategy and the impact on the NL, clearly outweighs the benefits of the scheme. The proposal therefore conflicts with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it.
31. For the reasons given above the appeal is dismissed.

V Goldberg

INSPECTOR