



Appeal Decision

Site visit made on 2 December 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/C1435/W/25/3372391

Carewell House, Chalvington Road, Golden Cross, Chiddingly, East Sussex BN27 3SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr E Bunn against the decision of Wealden District Council.
 - The application Ref is WD/2024/2364/FR.
 - The development is retrospective application for 2 x mobile homes for ancillary residential use together with change of use of land to residential land.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application forms confirm that the development (2 x mobile homes for ancillary residential use) had both started and been completed before the date of the application. I shall therefore treat the application as one for retrospective planning permission for development as already carried out, namely 2 x mobile homes for ancillary residential use.
3. The Council has raised that the red line plan submitted with the application includes a parcel of land to the north of the residential dwelling and its immediate garden which extends beyond the previously recognised extent of domestic curtilage, based on and consistent with previously approved applications. The Council has therefore extended the description of development to include for change of use of land to residential land and the Appellant in the appeal statement has confirmed that the amendment was undertaken with his agreement. I have therefore used the Council's description of development as set out on the refusal notice in the header above.
4. However, there appears to be some ambiguity in terms of the land under consideration and there is no clear agreement between the Appellant and the Council regarding the extent of the parcel of land, for example, by reference to an agreed plan. I have therefore, in the absence of any other information before me, considered it to relate to the parcel of land to the immediate north of the terraced area including an outside swimming pool, to the north of the residential dwelling, shown within the red line plan.

Main Issue

5. The main issue in this appeal is the effect of the development on the character and appearance of the local rural area.

Reasons

6. The appeal site, in respect of the submitted red line plan, primarily comprises Carewell House, a large residential dwelling on the west side of Chalvington Road, together with largely undeveloped land to the north and the two mobile homes the subject of this appeal to the west. The surrounding land, primarily to the west, is in equestrian use, under the same ownership. There are a small number of dwellings on both sides of the road in the immediate vicinity, but they all lie outside of a settlement boundary, and the site lies within the open countryside and within the Low Weald landscape character area.
7. The land to the west of the dwelling and within the same ownership is in equestrian use with open paddocks and some associated buildings and structures, with an open outlook. The equestrian area is served by a separate access to the north with an access track that curves round the rear of the dwelling and leads into the equestrian area. The residential dwelling is separated from the equestrian area by a fence and wall line, as well as by the access track which runs along the rear of the dwelling. There is a rear gate from the residential part which leads out to the land to the rear.
8. There are two separate mobile homes the subject of this appeal. They both lie to the west of the residential dwelling and outside of the residential curtilage and beyond the access track. The Appellant has advised that after a serious car accident he requires permanent care and specialist rehabilitation and physical training. The northernmost mobile home provides space for specialist training equipment and for use with the physiotherapist together with provision for respite space. The southernmost mobile home is used to house a permanent resident carer.
9. Outbuildings which are ancillary or incidental to the residential occupation of a residential dwelling and within the defined residential curtilage may be acceptable, and some such structures may benefit from permitted development rights. However, the two mobile homes the subject of this appeal are noticeably beyond the residential curtilage and divorced from it by the access track which serves the equestrian area. Although the red line plan includes for a link to the indicated residential curtilage, this would be contrived because of the clear separation between the residential curtilage and the equestrian area, which is strongly demarcated by the access road to serve the equestrian uses and paddocks.
10. The site is within a rural area and some distance from any settlement boundary. Whilst I have taken into account that there are other structures and buildings around the paddocks, they appear to be associated with the equestrian use of this land. By contrast, the mobile homes, which are domestic in both their character and appearance appear visually discordant and intrusive with the more open paddocks where they are situated. Both mobile homes have some domestic style fencing attached and the southernmost mobile home, in particular, has fencing erected to suggest a defined garden area with evidence of domestic paraphernalia such as a washing line at the rear. This further accentuates the residential character and appearance of the mobile homes in stark contrast to the more open character and appearance of the paddocks.
11. I have taken full account of the specific care needs of the Appellant, but there is no information before me as to why these needs require to be met in the form set out

and utilising these two mobile homes, and could not be met in an alternative manner which would be more closely related to the main dwelling.

12. I therefore conclude that the development and particularly the two mobile homes does harm the character and appearance of the local rural area. It conflicts with Policies GD2, EN8, EN27 and DC19 of the Wealden Local Plan 1998 and Policies SPO1 and WCS14 of the Wealden Core Strategy Local Plan 2013, as well as the National Planning Policy Framework and in particular Section 15 all of which, amongst other things, seek to protect the intrinsic character and beauty of the countryside.
13. In respect of the land to the immediate north of the residential dwelling and as shown within the red line, this appears to be an area of largely unused land contained by trees along the western, northern and eastern (roadside) edges and a fence line along the northern and western sides. There is then and beyond the red line, an open area of grassed land between the fence line and the access track to the north which is served by the northernmost access and leading to the equestrian area. The land within the fence and tree lines is fully enclosed and separated from the equestrian activities and paddocks by the track. The land would relate well to the adjacent residential dwelling. The current curtilage, on the basis of the plans submitted by the Council, would appear quite constrained to serve a dwelling of this size and the addition of this parcel of land would be well connected with the residential dwelling and would be proportionate in size to the dwelling it would serve.
14. Taken on its own, and given its enclosed form, this additional land to serve the residential dwelling as extended residential curtilage would not unacceptably intrude into the open countryside but would be contained and would respect the character and appearance of the local area. There would be no conflict with the development plan and the National Planning Policy Framework as set out above. However, given the lack of clearly agreed plans between the Appellant and the Council, and for the avoidance of doubt and in the interests of good planning, I consider that this matter requires to be progressed separately, if desired by the Appellant, and subject to clearly defined plans to delineate the area under consideration and to form part of the residential curtilage.

Other Considerations

15. My attention has been drawn to other developments which have been undertaken in the local area, although no details of these have been provided. However, I understand from the further information provided by the Council that some of these references may be to developments involving the conversion of existing built forms or re-use of previously developed land, which are not comparable with the development before me. Each development proposal must be considered on its individual merits and that has been the basis of my consideration.
16. Reference has been made in the Appellant's statement to the temporary use of this accommodation, but the application has not been made on this basis and there is no further information before me to indicate that this is a temporary solution to meet the Appellant's needs. There are also references to including personal conditions to any permission granted, but for the reasons set out above I have concluded that the two mobile homes which forms this appeal results in harm to the character and

appearance of the local rural area and the inclusion of a personal condition would not overcome that harm.

17. The Appellant has referred to the possible need for future applications relating to the more commercial use of the equestrian facilities, but my decision can only be based on the development before me.
18. The Appellant has raised the issue of human rights, although not referenced any specific rights. However, there is no suggestion that there should not be a solution to provide for the care needs of the Appellant, but that solution requires to balance his objectives and needs with protecting the character and appearance of this rural area. I am therefore satisfied that in refusing planning permission, there would be no violation of the Appellant's and his family's human rights.

Conclusion

19. For the reasons given above and having regard to all other matters raised, including the personal circumstances of the Appellant, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR