



Appeal Decision

Site visit made on 4 February 2026

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2026

Appeal Ref: APP/C1435/W/25/3375283

Arnolds, Nursery Lane, Fairwarp, East Sussex TN22 3BD

- 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 Paul Griffiths against the decision of Wealden District Council.
 - The application Ref is WD/2024/2758/FR.
 - The development proposed is demolition of an existing outbuilding and the erection of two replacement domestic outbuildings accommodating a pool house / gym and private vehicle storage facilities (part-subterranean), together with other associated works and change of use of land to residential.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed the term 'retrospective' from the description of development in the banner heading above, as that is not a form of development.
3. The reasons for refusal included inadequate mitigation for potential harm to great crested newts. The appellant has since engaged with the District Level Licensing Scheme, and the Council confirms that its objections have been overcome. Based on the submissions I see no reason to view matters any differently.
4. The appellant has supplied an addendum to the landscape and visual assessment, and also a landscape strategy. Neither was before the Council when it determined the application.
5. I am content that the former comprises a response to the reasons for refusal of the application rather than an evolution of the proposed development scheme, and that the latter is no more than an illustration of what may result from the use of normal planning conditions.
6. As I do not see that either contains anything the Council did not know or could not have reasonably anticipated when reaching its decision, I am content that both can be considered in the appeal without causing a substantial difference or fundamental change to the application, or any procedural unfairness.
7. I shall address the implications of a new biodiversity net gain strategy provided by Urban Edge Consultants, dated July 2025, within my determination below.

Main Issues

8. The main issues are the effects of the proposed development on:
- the character and appearance of the area, including the High Weald National Landscape (the NL); and
 - biodiversity

Reasons

Character and appearance

9. The appeal site includes a large house in a sparsely developed countryside location, accessed from a track over which exists a public right of way (the PRow). The site boundary alongside the PRow is mainly comprised of trees and bushes, but the entrance is marked by imposing brick walls. The curved shape of these leads the eye inwards, across the site as it dips away and on to the arresting sight of a wooded escarpment in the distance. This forms the backdrop to the site, as viewed from the PRow.
10. It is apparent from the PRow that the house, and a large garage building in front of it, are to the left of the entrance. Part of the extensive terracing to the rear of the house is also visible, indicating further domestic development in that direction. To the right of the entrance is a modest outbuilding (hereafter, the stables, based on the description used in the submissions rather than any evident current or former use). The pitched, tiled roof of the stables, visible over the boundary wall, gives it a traditional appearance. Its modest size is evident in these views.
11. To the south of the stables is an informally hardsurfaced area. This has a separate point of access from the lane (the secondary access) which punctures the boundary hedge. This allows further glimpses of the distant backdrop, both in slight gaps around the gates and over the top of them. It also allows an appreciation that there are no buildings on the southwestern corner of the site, save for the stables.
12. Further south along the lane are other dwellings, Summerford and Rockwood. This, however, does very little to impose any residential character on the area. Instead, the significant separation distances and intervening tree coverage between these properties, the size and largely undeveloped nature of each plot, and the rustic and enclosed nature of the lane, all combine to ensure the area feels overwhelmingly rural and secluded.
13. It is proposed to develop on the stables and hardsurface section of the site. In addition to allowing partial eastwards views from the PRow, this section also contributes towards a locally characteristic degree of separation between buildings at Arnolds and Summerford. The general openness of the section contrasts noticeably with the more developed environment around the house, such that the domestic, residential element of Arnolds appears contained to the area left of the entrance, rather than spread across the site. Given all of this, the section currently plays a positive role in the character of the area.
14. The site is in the NL. As such, Section 85 of the Countryside and Rights of Way Act 2000 (as amended) requires me to seek to further the purpose of conserving and enhancing the natural beauty of the NL. In addition, the National Planning

Policy Framework (the Framework) requires that I give great weight to conserving and enhancing landscape and scenic beauty in NLs, which have the highest status of protection in relation to these issues.

15. The Planning Practice Guidance sets out the relevance of management plans for NLs; Whilst not part of the development plan, they help set out the strategic context for development and provide evidence of the value and special qualities of these areas. The High Weald AONB Management Plan (2024-29) (the NLMP) is therefore a material consideration.
16. The NLMP sets out the core character components of the NL's natural beauty as including its aesthetic and perceptual qualities. Key characteristics of this include a sense of intimacy, enclosure and remoteness connected to the heavily treed landscape; a deep sense of rurality unusual in South East England; unexpected panoramic and long views, and; the idea of the High Weald as a 'quintessential English pastoral landscape'.
17. The PRow is, in the main, an intimate and enclosed space due to the degree of tree coverage around it. It offers a route through the countryside between and beyond the settlements of Fairwarp and Uckfield, such that its users may experience a sense of remoteness. The eastward views across the appeal site are somewhat unexpected in this context, and indicate the deeply rural and quintessentially English, pastoral landscape beyond. In these ways, the site both adheres and contributes positively to the natural beauty of the NL as defined by the NLMP.
18. It is proposed to erect two outbuildings, one for use as a poolhouse, the other for vehicle storage. The poolhouse would replace the stables, the vehicle store would occupy much of the informal hardsurface area. A basement level would link both buildings below the ground, whilst a terrace would connect them above it. A driveway between the buildings would connect to the secondary access.
19. The upper parts of the buildings would be visible from a range of positions along the PRow, including views over the brick wall near the site entrance, over the secondary access gates, and in gaps between the boundary planting. They would be significantly taller than the existing stables and, taken together, occupy a far larger area. Whereas, when viewed from the PRow, the top of the stables lines up approximately with the ridgeline of the wooded backdrop to the east, the proposed buildings would reach upwards beyond that point, emphasising their presence. The vehicle store would be positioned significantly closer to the PRow than the line of the existing stables. Overall, whilst the existing boundary planting would offer partial screening, the buildings would be prominent.
20. Though the use of pitched roofs, angled with the valleys running on a broadly east-west axis, would mitigate the bulk of the buildings to a degree, it would not alter and therefore do little to offset or overcome, the significant effect of their height, width, and proximity to the PRow.
21. The proposed external materials would be suggestive of practical rural buildings and, in that way, display some subordination to the main house. At the same time, they would be built to modern standards as part of what appears a significant investment in a comprehensively designed scheme. As such, it is reasonable to expect the buildings would display a preciseness, consistency, and neatness of finish not generally found in working agricultural buildings. Given this, even if

lighting were restricted using planning conditions the buildings would have more of a contemporary residential appearance than a traditional rural one. This would add to their conspicuousness.

22. Whilst the buildings would not altogether block eastward views, they would erode and harmfully alter them, introducing significant built development to the foreground. The buildings would visibly spread tall development southwards, harmfully undermining the benefits drawn from the current openness of the stables and hardsurface area, as described above.
23. The NLMP identifies the erosion of NL character through the cumulative effects of suburbanisation, including through the extension of residential curtilage boundaries and additional outbuildings, as an issue faced by the NL. Objective R1 of the NLMP includes to avoid harming the character of routeways with urbanising features. In these respects, the proposed development would embody a form of development cited as harmful to the NL.
24. The submissions include a Landscape and Visual Assessment (LVA) and subsequent addendum (2024 and 2025, respectively) prepared by Jon Etchells Consulting. The LVA considers the operative area of the site to be of no more than medium landscape quality given its constituent elements, and to not make a positive contribution to the NL. Whilst it considers the landscape value of the site and immediate surrounds to be medium to high, largely as a result of the PRoW, in respect of landscape sensitivity the site is said to be of low susceptibility to the proposal. This is on the basis that the change would be relatively low key and small scale, with the buildings not generally apparent other than in some views from a short section of the PRoW and their not, in any event, being discordant to the house and gardens.
25. As I have set out above, I see these matters differently. To my mind, the PRoW and the eastward views from it over the site adhere and contribute positively to the natural beauty of the NL, as expressly defined in the NLMP. The proposed development would be prominent, would have harmful effects resulting from its height and extent, and would signify a spread in domestic development across land currently valuable for its openness.
26. I see little in the LVA that acknowledges or addresses the eastwards views over the site from the PRoW, or their relationship to the features of the NL set out in the NLMP. Furthermore, there is little in the LVA regarding the express identification in the NLMP of the erosive cumulative effects of suburbanisation through the extension of residential curtilage boundaries and additional outbuildings, or the stated objective to avoid harming the character of routeways with urbanising features.
27. The LVA addresses the proposed landscape strategy, which would include new planting inside both the existing boundary hedge and the brick wall south of the main entrance. This would be maintained at some 3.5-4m high, and solid timber gates would be used at the secondary access. I acknowledge that these measures would screen the proposed development to a greater degree than the current boundary planting.
28. However, even if I could be sure that the proposed new planting would remain healthy and kept at the envisaged height, and also that it could be planted at such a height as to become effective quickly, the development would still be apparent in

the gap over the secondary access gates, and immediately to the south of the main entrance gates, where a proposed footpath behind the poolhouse would prevent planting.

29. Moreover, and notwithstanding the gaps described above, I have little to assure me that if planting to the north and west of the poolhouse were tall enough to screen the development from view, it would not also impinge upon eastward views to the middle distance, which I have identified as part of the beauty of the NL. It seems likely to me that at least some such impingement would transpire, as the act of screening the development would necessarily involve restricting what can be seen in that direction. Taking all of this into consideration, and whilst I do not doubt that the new planting would be pleasant in itself, it is not apparent that it would ultimately result in slight and localised beneficial landscape effects.
30. Overall, I have found the site baseline circumstances and the effects of the appeal proposal to be different to those provided in the LVA and, as a result, come to a different conclusion.
31. Two possible fallback positions are cited. The first relates to a planning permission granted in 2010¹ but said to be extant. This was to replace the stables with a poolhouse. The second relates to the possible use of permitted development (PD) rights. Even if I accept both of these to be greater than theoretical possibilities, the 2010 scheme would involve far less development than the appeal proposal, and would also be more closely related to the existing stables in respect of height, footprint, and appearance. It would not have the same harmful effects as the appeal proposal, and its avoidance would not be a benefit. I have very little reason to believe that a development relying upon PD could have comparable effects to those of the appeal proposal. These two fallback positions therefore carry little weight in my determination.
32. The 2010 scheme was approved at appeal, with the previous Inspector describing the site as very well concealed from open views, the stables as only just visible from the PRoW due to dense vegetation, and the building proposed at that time as having a very modest visual impact on the character and appearance of the area. I have already set out above that the 2010 scheme would be less impactful than the current appeal proposal and need not return to that point. I recognise, however, that my assessment of site conditions does not match that of the previous Inspector. I also note the appellants assertion that little has changed at the site in the intervening 16 years or so.
33. It is not clear to me that the site has, in fact, remained unchanged. I found that the entire northern gable end and western roofslope of the stables were directly visible from the PRoW, with space enough to either side for the backdrop to be visible as well. These are not evidently the same circumstances described by the previous Inspector who, it seems to me, appears in any event to have been describing the site in the context of a smaller, shorter, less expansive proposal which did not require them to consider the view over the secondary access gate. Overall, I attach little weight to the previous Inspectors assessment of the site, particularly when set against that which I have seen for myself far more recently.

¹ Application Ref WD/2010/0198/F; Appeal Ref APP/C1435/D/10/2129675

34. I recognise that there are outbuildings near the PRow associated with Summerford, and that the appeal scheme would continue this existing form of development to a degree. However, it would also erode the separation gap between buildings, and have a suburbanising effect by creating a more continuous line of development along the side of the PRow. I therefore attach little weight to the relationship with neighbouring outbuildings.
35. I also recognise that, given the existing stables, secondary access, and hardsurface, the relevant section of the site is already developed. However, those features comprise far less development than is proposed in the appeal scheme, particularly in respect of height and prominence from the PRow. In addition, the stables is a somewhat humble, weathered, and traditional building. The stables and hardsurface have notably less visual presence than the appeal scheme would and therefore weigh only moderately against the harms identified above.
36. My attention has been drawn to three previous appeal decisions² concerning outbuildings which, whilst large, were nevertheless found proportionate to their host dwellings and plots, and appropriate in size for their intended domestic uses. These carry little weight in my determination as I have not found the appeal proposal disproportionate to the appeal site plot or dwelling, or larger than reasonably required for the intended domestic purpose. Had the proposal displayed one or both of these characteristics then it may well have been more harmful as a result, but that does not make their avoidance a scheme benefit; That the proposed development would be proportionate in size to the site and proposed uses would do little to alter the harm it would cause.
37. I note discussion between the main parties as to the extent of residential curtilage at the site. My observations of the stables and hardsurface section of the site are not related to whether some or all of it is within that curtilage, as that is not a matter which affects its character and appearance for the purposes of the appeal.
38. Taking all of these matters into account, I find that the proposed development would have a harmful effect on the character and appearance of the area, including the High Weald National Landscape. As such, the scheme conflicts with Policies EN6, EN27, and DC19 of the Wealden Local Plan (1998), and Policies SPO1, SPO13, and WCS14 of the Core Strategy (2013) where they require development to conserve or enhance the natural beauty of the landscape and promote local distinctiveness, that ancillary buildings not be intrusive in the landscape or detrimental to the rural setting, and adherence to the National Planning Policy Framework. The proposal would not conserve or enhance landscape and scenic beauty in the NL and would not further the purposes of conserving and enhancing the natural beauty of the NL.
39. I have been made aware of the purported content of Draft Policies HO18 and HO19 from an emerging draft local plan. On the evidence before me, regardless of what weight I might give to either emerging policy, they would affect my determination as set out above as they do not evidently introduce materially different policy tests for the purposes of the appeal. I have not found the scheme contrary to Local Plan Policy EN29 as I have been provided little reason to feel the effects of lighting could not be successfully addressed through a planning condition.

² Appeal refs APP/T0355/X/16/3145610; APP/A1530/X/22/3291073; APP/M2270/C/12/2183057

Biodiversity

40. The reasons for refusal cited insufficient information to show the mandatory 10% biodiversity net gain (BNG) would be achievable. I have, however, been provided with little to demonstrate that this matter could not be addressed using a planning condition if I were to allow the appeal. Indeed, if it were to transpire that the appellant could not ultimately achieve the requisite gains then the development could not proceed.
41. Given this, and as the Council has not contested that the site baseline provided by the appellant is accurate, I see no reason why the requirement for a BNG of 10% could not be addressed using planning conditions. I find no evident conflict with Policies EN1 of the Local Plan, and SP01 and WCS12 of the Core Strategy in respect of BNG, nor with relevant regulatory requirements.

Other Matters

42. I recognise third party support for the proposal but have made my determination on the merits of the scheme as I have found them to be in light of the relevant policies, as set out above.

Other Considerations

43. A 10% BNG gain is an expectation of development rather than a scheme benefit. As such, it is not capable of affecting the planning balance so as to overcome the harm to character and appearance, including to the NL, that I have identified above. However, the new biodiversity net gain strategy provided by the appellant would purportedly result in a net gain of +0.32 habitat units, equivalent to +49.85%, and a net gain of +0.17 hedgerow units, equivalent to +42.63%. Where they exceed the statutory %10 BNG requirement, these gains would be scheme benefits.
44. Even if these benefits could be secured, however, I must weigh them against the fact that the Countryside and Rights of Way Act 2000 (as amended) requires me to seek to further the purpose of conserving and enhancing the natural beauty of the NL, and that the Framework requires me to give great weight to conserving and enhancing its landscape and scenic beauty, which have the highest status of protection in relation to these issues. In that context, and given the modest scale of the BNG gains when taken as a whole rather than as expressed relative to that currently found at the site, I find that the benefits, even if they could be delivered, would not outweigh the identified harms.

Conclusion

45. 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.
46. The appeal is dismissed.

A Knight

INSPECTOR