



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: 09 March 2026

Appeal Ref: APP/C1435/D/25/3376428

Kingsmead, Oak Lane, Blackham, Withyham, East Sussex TN3 9UB

- 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 S Abbiss against the decision of Wealden District Council.
 - The application Ref is WD/2025/2090/F.
 - The development proposed is erection of single storey rear extension and introduction of rear dormer enlargement replacing roof glazing with a rooflight.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey rear extension, introduction of rear dormer enlargement, and replacing roof glazing with a rooflight at Kingsmead, Withyham, Oak Lane TN3 9UB in accordance with the terms of the application, Ref WD/2025/2090/F, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings: Site Location Plan 2520 01, Block Plan 2520 02, Proposed Plans 2520 10 Rev C.
 - 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.

Preliminary Matters

2. Whilst I note the planning history of the site, I have removed the words 'alternative design to approved rear extension granted under reference WD/2024/1004/LDP' from the description of development in the banner heading above, as that is not a form of development.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including the High Weald National Landscape (the NL) and the non-designated heritage asset (NDHA) Kingsmead.

Reasons

4. The appeal site includes a detached dwelling in a sparsely developed rural location. The dwelling itself, Kingsmead, is a converted former Presbyterian chapel erected in the late 19th Century by the owner of nearby Highfields Park in memory of his deceased wife, and to serve the nearby villages of Blackham and Withyham.
5. Though there is little opportunity to appreciate the rear of the building from outside the site, its front and side elevations are visible from the road. The architectural style and detailing of the NDHA are such that its original, spiritual purpose is immediately apparent. Indeed, notwithstanding some later additions, many seemingly original elements of the building are intact and in good order. Its modest scale and simple form show it was intended for little more than to serve the immediate community, indicating its place in local social history. For the purposes of the appeal, these aspects of the NDHA deliver its significance.
6. 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.
7. 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.
8. The NLMP lists the core character components of the NL's natural beauty as including, in respect of settlements, high concentrations of historic buildings in all settlement types, with a form and appearance that reflects historic and socio-cultural functions. Given this, and its characteristics as described above, the NDHA contributes positively to the NL.
9. The proposal is to erect a single storey rear extension with a flat roof enclosed by ornate rails, along with a new rear roof dormer. Much of this would be screened from public view. From the rear, most of the original roof form of the NDHA would remain visible, along with around half of the rear elevation. The use of a flat roof would identify the extension as a modern addition, leaving the original extent of the NDHA reasonably apparent. The proposed fenestration would be quite finely detailed and pleasingly proportioned whilst, in not seeking to replicate those of the host, also maintain the legibility of the extension as a later addition. The Council finds nothing to object to in the proposed dormer addition, and I see no reason to take a different view. The removal of an existing modern UPVC conservatory, as proposed, would be beneficial.
10. At the same time, at just over 6m deep and occupying just over half the width of the rear elevation, the extension would be a significant enough addition to the NDHA, both proportionally and visually, to somewhat impose upon its simple form and modest scale. Both are important features in its significance, and to its contribution to the NL; Indeed, Objective S3 of the NLMP is to protect and preserve the character and setting of heritage assets, including non-designated ones.

11. Weighing up these considerations, and given the great weight the Framework requires me to give to conserving and enhancing landscape and scenic beauty in NLs, I find that the proposed development would have a marginally harmful effect on the character and appearance of the area, including the NL and the NDHA.
12. As such, the scheme conflicts with Policies EN6, EN27, GD2, and DC19 of the Wealden Local Plan (1998), and Policy SPO2 of the Core Strategy Local Plan (2013), where they require development to preserve or enhance the NL and protect the historic environment. 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.

Other Considerations

Fallback

13. The appellant has obtained a certificate of lawfulness for a single storey rear extension¹ (the lawful scheme). Not least as a result of the certificate, I consider the lawful scheme to be a greater than theoretical possibility. I am also mindful of the appellant's ongoing desire to extend the dwelling, as illustrated by an earlier planning application and appeal² and by this appeal.
14. In terms of footprint, the lawful scheme would extend the NDHA by a similar amount as the appeal scheme, resulting in much the same type of harmful effects on the host building and on the NL as I have described above.
15. However, in extending the building rearwards across its whole width, the lawful scheme would interfere with the simple form of the original building to a notably greater degree. It would obscure far more of the rear wall of the NDHA, making it harder to appreciate the extent of the original building. The angle and shape of the pitched roof in the lawful scheme would be at odds with those of the host, jarringly so when the gable ends of the extension were seen alongside those of the NDHA.
16. I find that the lawful scheme would be notably more harmful than the appeal scheme and see little reason to feel that the former is any less likely to be built out than the latter. The avoidance of the lawful scheme would be a significant benefit of the appeal scheme. This attracts enough weight in my determination as to justify allowing the appeal.

Other Matters

17. The site is within the red Impact Risk Zone for great crested newts (GCN). The Circular³ states it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. That said, it also states that developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of their being present and affected by the development.
18. Whilst no survey or similar information has been supplied by the appellant, the Council and Nature Space are content that, given its limited scale and that it would take place on land already built upon, the proposal would not have a negative

¹ Application Ref WD/2024/1004/LDP.

² Application Ref WD/2021/1225/F & Appeal Decision APP/C1435/D/21/3285849.

³ ODPM Circular 06/2005

impact on GCN. In light of this I am content that there is no reasonable likelihood of the species being present and affected by the development.

Conditions

19. To meet legislative requirements, a condition is imposed regarding the period for commencement. Conditions specifying the relevant drawings and requiring agreement over the external materials to be used in the development are necessary to provide certainty and to maintain the character and appearance of the host building and area. The latter will also address concerns aired by the Council, which I share, that relying upon a match with the existing materials in the dwelling is insufficiently precise, given the range of those materials.
20. The Council and Nature Space are content that making the appellant aware that under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence. In light of this, I see no reason to attach a condition relating to GCN.

Conclusion

21. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it.
22. The appeal is allowed.

A Knight

INSPECTOR