



Appeal Decision

Site visit made on 19 March 2026

by A Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2026

Appeal Ref: APP/C1435/W/26/3377668

12 Parklands, Maresfield, East Sussex TN22 2HR

- 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 Rhys Malins against the decision of Wealden District Council.
 - The application Ref is WD/2025/1681/F.
 - The development proposed is erection of 2 bed chalet bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the development on the character and appearance of the area;
 - ii) whether the proposal would provide satisfactory living conditions for its future occupiers in respect of their privacy; and
 - iii) whether the development is required to provide a contribution to the Ashdown Forest Special Protection Area (SPA).

Reasons

Character and appearance

3. The site is located in a residential area. There is some variety in the form of the dwellings insofar as some houses are detached, such as no. 18; some are semi-detached, such as nos. 14 and 16; and some are flats, such as at nos. 13 and 15. However all these buildings are two storeys plus a roof. This visual consistency is a strong characteristic of the area.
4. The proposed chalet bungalow would be a storey shorter than all the neighbouring houses. It would therefore appear incongruous in the street scene and disrupt the consistent appearance.
5. In addition, the majority of the houses nearby have long verdant rear gardens. The plot would be substantially shorter than all the neighbouring plots providing only a very shallow rear garden. This would be seen from neighbouring properties and in the street scene when seen above the fences on its side boundaries. Even the properties at nos. 12 and 12a, which have their rear gardens facing Batts Bridge Road, have rear gardens deeper than that which would be provided at the appeal site. Although the garden may not be insufficiently small to serve the needs of the

future occupiers of the proposed dwelling, it would be incongruously small when seen in its context.

6. Overall, the development would harm the character and appearance of the area. It would therefore be contrary to policy EN27 of the Wealden Local Plan (1998) (the 'Local Plan'), which aims to ensure that the form, site coverage and design of the development should respect the character of adjoining development, and objective SPO13 of the Wealden Core Strategy Local Plan (2013) (the 'WCSLP') which generally encourages good design.

Living conditions

7. The appeal site is located between the front elevation of nos. 12 and 12a and the side elevation of the building containing nos. 13 and 15. There are first floor windows on the facing elevations of these neighbouring houses, as well as dormer windows at second floor level at no.12. These would all allow a view down into the rear garden of the proposed bungalow. Indeed, no part of the rear garden would not be overlooked directly and at close range by the facing windows in these neighbouring properties. This would result in the future occupiers of the development failing to have any privacy when in their rear garden.
8. The Wealden Design Guide (2008) refers to back-to-back distances of 21m between houses. However, in this case, the perpendicular arrangement of the development compared to the houses at nos. 12 and 12a means that that standard is of little relevance. The Guide advises flexible approaches should be used, but even so, the minimal distance between the neighbouring houses and the rear garden at the site is such that adverse overlooking would be unavoidable.
9. Furthermore, this overlooking effect, combined with the fact that all the neighbouring properties are a storey taller, would combine to create a sense of enclosure for the future residents of the development.
10. The proposal may meet the requirements of the Nationally Described Space Standards, and may not suffer from excessive overshadowing, but this does not mitigate for the overbearing effect of neighbouring built form or the loss of privacy that would occur at the site.
11. In summary, the development would fail to provide satisfactory living conditions for its future occupiers. For this reason too, the proposal would conflict with policy EN27 which says development should ensure a satisfactory environment for the future occupants including in terms of privacy.

SPA

12. I am advised that the site is within 7km of the Ashdown Forest SPA. The qualifying features for the SPA are the Dartford Warbler and European nightjar, and the conservation objectives are to ensure that the integrity of the habitat is maintained so that it continues to support the populations of the qualifying species.
13. The Council advise that recreational disturbance can threaten the habitat by trampling and erosion, as well as by dogs. As the site is within a short distance of the SPA, additional residents could result in additional recreational disturbance. Therefore the development would be likely to have a significant effect on the integrity of the SPA.

14. To mitigate that effect, the Council advise a financial contribution towards Suitable Alternative Natural Greenspace, and Strategic Access Management and Monitoring, would be necessary to encourage a displacement of recreational use away from the SPA. A planning obligation to secure the contribution was submitted at a late stage in the appeal process, but such obligations should be submitted at the start of the appeal. I see no exceptional circumstances to justify why the obligation could not have been submitted with the appeal, so there is no reason for me to accept this late evidence. I have therefore not taken it into account.
15. On that basis, there is no mechanism for securing the contribution and so I must conclude that the adverse effect on the SPA would not be mitigated. Therefore the proposal would result in a significant adverse effect on the integrity of the SPA.
16. The development would therefore conflict with Local Plan policy EN15 and WCSLP policy WCS12 which both seek to safeguard designated nature conservation sites.
17. The site is also within proximity of the Ashdown Forest Special Area of Conservation. However the Council consider there would be no adverse effect on that and I have no reason to consider otherwise.

Other Matters

18. The Council accept they cannot demonstrate a five year supply of housing, stating that the supply is 3.68 years, which is a significant shortfall. In such circumstances paragraph 11 d) of the National Planning Policy Framework (the 'Framework') states that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason to refuse the development. It adds that habitat sites (which include SPAs) are areas of particular importance. Policies WCS14 of the WCSLP and EN1 of the Local Plan are consistent with this.
19. Paragraph 193 of the Framework advises that if significant harm to biodiversity cannot be avoided or mitigated, then planning permission should be refused, and paragraph 195 states that the presumption in favour of sustainable development does not apply where the project is likely to have a significant effect on a habitat site. As set out above, as no mitigation has been provided, I cannot conclude that the proposal would not have a significant effect on the SPA. The policies in the Framework therefore provide a strong reason to refuse the development. Consequently, the proposal would conflict with policies WCS14 and EN1 as set out above.
20. Even if I had accepted the obligation to mitigate the harm to the SPA, I would then need to consider part ii. of paragraph 11 d) which states that development should be permitted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. The appellant advises there is a need for two-bedroom units, but I have no substantive evidence to support that. Nonetheless, the provision of an additional dwelling is a benefit supported by paragraph 61 of the Framework, though it only carries limited weight as it is only one dwelling. In contrast the failure to be sympathetic to local character and the failure to provide a high standard of amenity for the future occupiers would conflict with paragraph 135, and I give significant weight to that conflict. Therefore the adverse impacts would significantly and demonstrably outweigh the benefits.

Conclusion

21. The proposal would conflict with the development plan taken as a whole. There are no other considerations which indicate a decision other than in accordance with the development plan. Therefore, for the reasons given above, the appeal is dismissed.

Andrew Owen

INSPECTOR