



Appeal Decision

Site visit made on 7 April 2026

by C Housden BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th May 2026

Appeal Ref: APP/C1435/W/25/3377076

Land East of Tanyard Cottage, Newick Lane, Heathfield, East Sussex TN21 8PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Paul Ferguson against the decision of Wealden District Council.
 - The application ref is WD/2025/2308/PIP.
 - The development proposed is the siting of five to nine dwellings with a combined floor space less than 1,000m².
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Paul Ferguson against Wealden District Council. This application is the subject of a separate decision.

Preliminary Matters

3. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing led development. The permission in principle consent route has two stages: the first stage (permission in principle stage) establishes whether a site is suitable in principle and the second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
5. A Heritage Impact Assessment (HIA)¹ was submitted alongside the appeal. This amounts to material to supplement the appeal rather than evolve the proposal or fundamentally change it from what was originally under consideration by the Council. Furthermore, the Council has had the opportunity to comment upon this document as part of the appeal. I am therefore satisfied that there are no procedural or substantive reasons not to accept this information. I have made my decision on this basis.

¹ By HCUK Group Dated June 2024

Main Issues

6. The main issues are whether the location, land use and amount of the proposed development is acceptable, having regard to the:
- siting of the development outside a defined settlement boundary;
 - effect on the character and appearance of the area, including whether it would conserve and enhance the natural beauty of the High Weald National Landscape (HWNL) and preserve the setting of the Grade II listed building North Down; and
 - accessibility to services and facilities for future occupants of the development.

Reasons

Siting

7. Policies GD2 and DC17 of the Wealden Local Plan (1998) (LP) sets out that outside of the development boundaries as defined on the accompanying policy map, development/housing will be resisted unless it is in accordance with other policies of the plan.
8. The evidence shows that the site is situated outside of the defined settlement boundary of Heathfield. The location of development would therefore conflict with Policies GD2 and DC17 of the WLP which defines the evidence based spatial strategy and plan-led approach to development within the district.
9. Policy WCS2 of the Wealden Core Strategy Local Plan (2013) (CS) has also been referred to by the Council in its associated reason for refusal. This policy sets out the apportionment of land to be allocated for housing by settlements to meet the housing provision outlined within the CS. Broad locations for development, but not specific allocations, are made by the policy. However, for Heathfield and Waldron, the number of new dwellings is stated to be determined in a subsequent development plan document. The Council has confirmed that no such document has been produced. The policy does not show the strategy for Heathfield and Waldron and therefore the appeal scheme would not conflict with this policy.

Character and appearance

10. The appeal site is situated within the HWNL. Section 85 of the Countryside and Rights of Way Act (2000), as amended by section 245 of the Levelling-up and Regeneration Act (2023), requires relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes.
11. Based on the evidence before me and my observations on site, the special qualities and natural beauty of the HWNL derive from its tranquil and rolling rural landscape that features a patchwork of fields bound by hedgerows and woodland. The natural beauty derives from the rural and small-scale landscape character.
12. The area around the appeal site has been subject to recent development at Rother View² and opposite the site at Heatherlea³. On the ground along Newick Lane,

² Granted under LPA ref WD/2015/2425

³ Granted under LPA ref WD/2017/2957, now known as Rolling Fields View

these appear as separate, distinct and discrete smaller-scale developments, that whilst bringing a presence of development to the area, do not appear overly intrusive. As such, the immediate area around the appeal site has a low density, and distinctly rural and tranquil character and appearance.

13. The appeal site is broadly situated between these two developments. It comprises an open undulating green field bound on multiple boundaries with well-established vegetation. Part of the access track to Rother View is set on its edge. From Newick Lane the site allows for extensive positive long-range views into the wider HWNL which re-enforces the perception of the rural and tranquil character and appearance of the area and wider rolling rural landscape the site forms a part of. Therefore, the appeal site contributes positively to the natural beauty of the HWNL. The appeal site and nearby developments do not visually appear on the ground as a functioning boundary of Heathfield.
14. The proposal would introduce a residential use at the appeal site for a development of between five and nine dwellings. The principle of introducing such a development at the site would undoubtedly result in the harmful urbanisation and domestication of an undeveloped green field which would considerably detract from the tranquil and rolling rural landscape it currently positively contributes towards in both the localised streetscene and wider landscape views.
15. In addition, the appeal site forms a green buffer between the developments at Rother View and Heatherlea, ensuring the area appears low density. The principle of introducing five to nine dwellings would urbanise this separating element which would have the visual appearance of bridging these developments together. This would result in a sprawling appearance of development which would be distinctly harmful and out of keeping with both the local streetscene and wider HWNL.
16. Therefore, the principle of the residential use of the land for five to nine dwellings within this location would be considerably harmful to the character and appearance of the area and would not conserve or enhance the natural beauty of the HWNL.
17. The appellant contends that the development would not comprise major development within the National Landscape, and therefore should not be refused on this basis, in accordance with paragraph 190 of the Framework. This is not a position pursued by the Council, and based on the modest scale of the development I have no reason to consider the proposal to be major development within the HWNL. Nevertheless, the harm I have described above would still occur despite the proposal not being a major development.
18. The appeal site is also situated within the setting of North Down, a Grade II listed building. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting.
19. The submitted HIA sets out that the special interest and significance of this asset lies in both its architectural detailing and appearance along with its historical connections to the landscape as a surviving example of a Sussex Farmhouse that provides a physical connection to people who lived at a remote time in the past. In this regard, the immediate setting including its garden and Newick Lane form an important part of the significance, whilst further away, the appeal site also contributes to this significance owing to being once part of its extensive former agricultural grounds and part of the rural landscape. However, the HIA identifies

that the connection between the appeal site and the asset has loosened over time given there are now no designed elements of intervisibility between it and the asset and the development of Rother View has now introduced physical separation between them.

20. Based on my observations on site, I note it is the access road to Rother View that has resulted in the loosening of the connection to the heritage asset rather than the buildings themselves. However, I otherwise agree with this assessment of the significance of the heritage asset and its setting which I have had special regard to.
21. Whilst there is limited intervisibility between the heritage asset and appeal site, and the access to Rother View has introduced built form, the appeal site nevertheless still forms a positive part of the wider rural and agricultural landscape that the appeal property is historically and was functionally connected to. This is particularly the case when travelling along Newick Lane where the appeal site still positively provides attractive rural countryside surroundings in which the asset is experienced.
22. The introduction of a residential development of five to nine dwellings at the appeal site would result in the loss of a field to the rear of the asset which once formed part of its historical grounds. It would sever North Down from the wider rural agricultural landscape, resulting in the asset being contained to the rear by development rather than experienced in the context of rural and agricultural surroundings.
23. Therefore, the principle of a development of five to nine dwellings would detract from and would fail to preserve the setting of North Down, and therefore harm the significance of the designated heritage asset. In the context of paragraph 215 of the Framework, the harm would be less than substantial, and within the lower-middle part of the spectrum. This is a matter which I attribute considerable importance and weight. In addition, paragraph 212 of the Framework states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
24. Paragraph 215 of the Framework also requires that less than substantial harm to the significance of a designated heritage asset is to be weighed against the public benefits of the proposal, which I shall return to in my heritage balance.

Conclusion on character and appearance

25. The principle of a residential development of five to nine dwellings at the appeal site would result in significant harms to the character and appearance of the area. It would neither conserve or enhance the natural beauty of the HWNL nor would it preserve the setting of the Grade II heritage asset North Down. In these circumstances, the proposal would conflict with Policy EN6 of the LP and Policies SPO1, SPO2 and SPO13 of the CS. These policies, amongst other matters, seek to ensure development within the HWNL be only permitted if it conserves or enhances the natural beauty and character of the landscape, ensure that the intrinsic quality of the historic environment is protected and ensure development is high quality.

Accessibility

26. The dispute regarding accessibility relates to the pedestrian connectivity of the site to the facilities and services of Heathfield. In particular the Council has concern over the predominantly motorised and unlit nature of Newick Lane with no pavement. Potential solutions have been suggested including utilising a private pedestrian connection situated within Rother View and installing a pedestrian footpath along Newick Lane.
27. The details and specifics of such measures would be secured at the technical details stage, however the Council has raised concerns over land ownership which goes to the principle of whether such improvements and connections are possible.
28. With regard to the potential for a footpath along Newick Lane, under a previous application⁴, such a connection was proposed. However, in this case for a full application, the evidence shows that there was insufficient information at this stage and it was determined it would require third party land to achieve. In the case of the footpath from Rother View this is private land so would require agreement with the landowner.
29. Whilst I note this previous application, the specific evidence before me regarding third party land ownership is very limited. I have no evidence showing who owns which parcels of land and to what extent. As such, it follows that, on balance, there is insufficient evidence to demonstrate that such improvements and connections for the site are completely unachievable in principle. Therefore, based on the evidence before me the location of development in relation to accessibility and connectivity is not unacceptable in principle and would be subject to further consideration at the technical details consent stage.
30. The development for permission in principle would therefore comply with Policy EN1 of the LP and Policy SPO13 of the CS. These policies, amongst other matters seek to ensure that the location of development is considered in pursuing sustainable development and ensure that places are sustainable to address climate change and the needs of the districts ageing population.

Other Matters

31. The appellant has raised concerns regarding consistency in decision making, highlighting the Council granted planning permission at both Rother View and Heatherlea for housing developments. The evidence before me shows that in both cases there was existing development on these sites before planning permission was granted, meaning they are not directly comparable with the appeal site.
32. An appeal decision at Oaklands Farm and the comments made by this Inspector in relation to the development at Heatherlea has been referred to by the appellant. I have not been provided with a copy of this decision and the appeal reference given for this decision letter relates to an unrelated appeal⁵. I therefore cannot be certain of the content or context of the comments made by this Inspector.
33. In any case, each proposal should be assessed on its individual merits, and I have duly considered the existence of both these developments on my site visit and when making my assessment on the proposal before me.

⁴ LPA ref WD/2024/1360/F

⁵ APP/C1435/W/25/3363127

Heritage Balance

34. The proposal would provide between five to nine dwellings, near a service centre within a district which the evidence shows only has a housing land supply of 3.44 years. It is the Government's objective to significantly boost the supply of housing, including through small and medium schemes which the proposal would do and contribute to the Council's housing land supply. It would lead to a small and time limited economic benefits during the construction phase, as well as some limited social and economic benefits from the spend of future occupiers of the development. However, given the overall modest scale of the development these public benefits would only carry moderate positive weight at most. Therefore, the public benefits would not outweigh the identified less than substantial harm to the setting of North Down, which is a matter of considerable importance and weight.

Overall Planning Balance

35. The development is not in accordance with the aforementioned policies of the WLP and CS, by virtue of the location of development and harm to the character and appearance of the area, including to the setting of North Down and to the natural beauty of the HWNL.
36. As mentioned, the evidence shows the Council cannot demonstrate a five year housing land supply. In these circumstances, paragraph 11d) of the Framework is engaged and footnote 8 confirms that the policies which are most important for determining the application are deemed to be out-of-date. Paragraph 232 of the Framework confirms due weight should be given to policies, according to their consistency with the Framework.
37. In relation to the location of development situated outside of a defined settlement boundary, the Council's adopted strategy is not meeting the local housing needs of the area through its development plan. It is therefore failing to meet paragraph 61 of the Framework which sets out the Government's objective of significantly boosting the supply of homes and ensuring a sufficient amount of land can come forward. As such, conflict with Policies GD2 and DC17 of the WLP carries very limited weight against the proposal.
38. Policy SPO2 is broadly consistent with the Framework, namely paragraph 212 which attributes great weight to the conservation of designated heritage assets. On this basis, and the extent of the harm identified to the setting of North Down, conflict with this policy carries significant weight against the proposal.
39. LP Policy EN6 and Policies SPO1 and SPO13 of the CS in relation to the effect on the character and appearance of the area, including the effect on the HWNL are also broadly consistent with the Framework. This includes paragraphs 135 and 139 which seek to ensure development adds to the overall quality of the area and paragraph 189 which provides great weight to conserving and enhancing the landscape and scenic beauty in National Landscapes. On this basis, and the harm identified, the conflict with these policies carry significant weight against the development.
40. As a result, the development would conflict with the development plan as a whole and the abovementioned paragraphs of the Framework.

41. Paragraph 11d)i) of the Framework indicates that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 confirms that this includes policies relating to both designated heritage assets and National Landscapes. The level of harm I have identified in principle to both the HWNL and the setting of North Down is sufficient to reach this threshold.
42. As such, the abovementioned policies of the Framework relating to heritage assets and National Landscapes provide a strong reason for refusing the development proposed. The presumption in favour of sustainable development would therefore not apply. Conflict with Policy WCS14 would therefore also arise, which broadly reflects paragraph 11 of the Framework.
43. The other material considerations, which I have previously identified in my public benefits balance, carry at most moderate positive weight in favour of the proposed development for the reasons that I have given and would not outweigh these harms.

Conclusion

44. 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. Therefore, I conclude for the reasons given above, the appeal should be dismissed.

C Housden

INSPECTOR