



Appeal Decisions

Site visit made on 5 May 2026

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 22 May 2026

Appeal A: Ref APP/C1435/C/24/3358235

Wyck Stable, Wyck Lane, Woods Green, Wadhurst, East Sussex TN5 6QS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Tamsin Samartin against an enforcement notice issued by Wealden District Council on 28 November 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a brick boundary wall and pillars in excess of 1 metre in height adjacent to the highway ("the Wall"), in the approximate position shown by a green line on the attached plan.
 - The requirements of the notice are to: EITHER (i) Demolish, dismantle and remove the Wall and all pillars along the road frontage from the Land (ii) Break up and remove any foundations of the Wall and pillars from the Land (iii) Cover with top soil and seed with grass seed the area from where the wall, pillars and any foundations have been removed, to marry in with the contours of adjacent undisturbed ground (iv) Remove from the Land all materials, rubble, rubbish, debris, tools, equipment and safety paraphernalia arising from compliance with the above requirements OR (v) Reduce the height of the Wall and all pillars along the road frontage to a height not exceeding 1 metre at any point along the length of the Wall and pillars (vi) Remove from the Land all materials, rubble, rubbish, debris, tools, equipment and safety paraphernalia arising from compliance with requirement (v) above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (f) (g) of the Town and Country Planning Act 1990 as amended (the Act).
-

Appeal B: Ref APP/C1435/D/25/3359290

Wyck Stable, Wyck Lane, Woods Green, Wadhurst, East Sussex TN5 6QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Tamsin Samartin against the decision of Wealden District Council.
 - The application Ref WD/2024/2571/FR, dated 7 November 2024, was refused by notice dated 14 January 2025.
 - The development is reduction of existing brick walls with removal of pier caps and planting of RSPB approved hedge.
-

Decisions

1. Appeal A is dismissed and the enforcement notice is upheld.
2. Appeal B is dismissed.

Costs application (Appeal A)

3. An application for an award of costs was made by Mrs Tamsin Samartin against Wealden District Council. That application is the subject of a separate Decision.

Appeal A

Ground (f)

4. For an appeal to succeed on this ground, I must be satisfied that the requirements of the notice are excessive.
5. The appellant's case is that the breach of planning control or injury to amenity caused by the Wall could be remedied by completing either of 2 schemes for which she has been refused permission by the Council (Refs WD/2024/1822/FR and WD/2024/2571/FR). However, I do not agree as I am dismissing Appeal B (as regards WD/2024/2571/FR) due to harm to the High Weald National Landscape - and Inspector Francis dismissed Appeal APP/C1435/D/24/3353494 (as regards WD/2024/1822/FR) on 29 April 2025 for the same reasons.
6. Accordingly, ground (f) does not succeed.

Ground (g)

7. For success on this ground, I must be satisfied that the 3 month compliance period of the notice falls short of reasonable.
8. The appellant says that the compliance period is too short, but does not really provide any substantive explanation of why that is considered to be the case. Nor is an alternative period suggested which might be argued to be reasonable other than the period provided in the notice.
9. It seems to me, in the absence of any alternative basis for finding to the contrary, that 3 months is a reasonable time in which to carry out either of the alternative remedies required by the notice (essentially either total removal of the Wall and restoration of the land, or a reduction of the Wall to no more than 1m in height). Now that the appeals on both planning refusals cited above have been dismissed, there can be no argument that those decisions are awaited before works to comply with the notice can begin.
10. For these reasons, ground (g) does not succeed.

Appeal B

Main Issue

11. The main issue in the appeal is the effect of the proposal on the character and appearance of the area and upon the High Weald National Landscape (HWNL).

Reasons

12. On 29 April 2025, Inspector Francis dismissed a separate appeal in which the appellant had sought consent for a scheme of alteration to the 2m brick boundary treatment now subject to enforcement (APP/C1435/D/24/3353494). That scheme was for a low-level brick wall with a close boarded fence above, set between brick piers, and with a line of trees planted on the verge. The proposal before me is for a 2m brick wall, dropping to 1m for the section running to the north of the house as shown on drawing ref 2052 P.10 Rev C. Pier caps are to be removed and a hedge planted between the wall and Wyck Lane of a type approved by the Royal Society for the Protection of Birds (RSPB).

13. If Inspectors reach significantly different conclusions about obviously similar cases, with no good reason, then this can undermine confidence in the appeal process. Consistency in the planning system is therefore important for appellants, local planning authorities and the public. The courts have established that like cases should be decided in a like manner.
14. I thereby place strong weight upon, and in any case agree with, the following findings of Inspector Francis due to the similarity of issues in the appeals:

"Wyck Lane is a single-track no through road. It is very rural in character, lined with trees and hedgerows, with the few dwellings interspersed with fields. Generally, the boundary treatments along the lane are left open, or comprise hedgerows or low-level fencing, which reinforces the rural character of the immediate area and allows views across the landscape. Whilst the lane is isolated, the appeal site is not hidden from public vantage points given the presence of a Public Right of Way (PRoW) which runs along Wyck Lane and into the open countryside beyond"

"The appeal site is a dwelling with a boundary of significant length running alongside Wyck Lane. Due to the steep slope of the land away from the road at this point, there are first-floor bedroom windows which are positioned slightly below the road"

"The solidity and height of the proposed wall and fence would be at odds with the rural landscape in the immediate area as it would introduce a visually prominent, suburban-style solid boundary treatment which would extend a considerable distance. It would be at odds with the typical boundary treatments in the immediate area which, as set out above, are generally lower or comprise hedgerows and trees"

[Given that the appeal proposal before me retains a 2m brick wall for much of its length, notwithstanding the reduced section, I find that the sense of solidity and height would be greater than in the partially fenced scheme. Further, I am not satisfied that a hedge of sufficient screening and softening effects could be established on the verge - which is notably narrow in places]

"There is little evidence before me to indicate whether any other examples of higher boundary treatments in the area are authorised. In any event, the presence of these boundary treatments is not characteristic of the locality or the HWNL and do not in themselves provide justification for the height and extent of wall and fence before me"

[The same applies to the examples provided in this appeal, and they also do not provide justification for the unacceptable and imposing wall]

"I understand the appellant's need for privacy and security to the bedroom windows facing the road and I note the leylandii trees formerly lining the boundary were removed as they were dead and did not provide effective screening. The proposal would provide a boundary treatment of sufficient height and solidity to provide the desired level of privacy and security. This is a matter to which I attach moderate weight in the overall planning balance. However, I do not consider that the appeal proposal would represent the only option available to achieve a suitable level of privacy and security"

[The proposal before me would also provide privacy and security (and would also screen an unsightly oil tank), and I also assign moderate weight to those benefits. I also agree that there are other options to secure privacy- as suggested for instance in the email of 9 January 2025 from the Council)]

15. To the appellant's points, the unacceptability of the boundary treatment arises from its visually intrusive characteristics at odds with local context, and not the obscuration of views of the valley beyond (which are limited due to the effects of the house and nearby trees). The weathering of the wall would not make it acceptable since it is its scale, extent and solid 'hard' appearance which makes it unsympathetic and detrimental to its setting. I do not agree that the wall is more attractive than the house.
16. For all of the above reasons, the appeal proposal would cause significant harm to the character and appearance of the area and the HWNL. As such it is in conflict with Saved Policies EN6 and EN27 of the Wealden Local Plan (1998), as supported by the Wealden Design Guide Supplementary Planning Document (2008), which together seek to ensure good design and conserve or enhance the natural beauty and character of the HWNL. For the same reasons, the proposed development conflicts with paragraphs 135 and 187 of the National Planning Policy Framework (the Framework).

Planning Balance and Conclusion on Appeal B

17. The Framework (at paragraph 189) gives great weight to conserving and enhancing landscape and scenic beauty in National Landscapes and I therefore attach great weight to the harm to the HWNL. The total harm the development would cause is not outweighed by the other identified considerations of moderate weight.
18. The proposal does not accord with the development plan as a whole, and other considerations do not outweigh that finding. There are no conditions I could reasonably impose that would make the development acceptable. Therefore, I shall not grant planning permission.

Andrew Walker

INSPECTOR