



Appeal Decision

Site visit made on 19 June 2024

by Stewart Glassar BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 July 2024

Appeal Ref: APP/U1430/W/23/3330675

Land adjacent to Broad Street, Icklesham, East Sussex TN36 4AT

- 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 & Mrs D Wootton against the decision of Rother District Council.
 - The application Ref is RR/2023/157/P.
 - The development proposed is the erection of a split-level two bedroom dwelling with associated parking area and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In November 2023 all designated Areas of Outstanding Natural Beauty became National Landscapes and so will be referred to as such in this decision.

Main Issues

3. The main issues are a) whether the site is an appropriate location for the proposed development having regard to local policies for the distribution of housing; and b) the effect of the proposed development on the character and appearance of the area.

Reasons

Location

4. Policy OSS2 of the Rother Local Plan Core Strategy 2014 (Core Strategy) and Policy DIM2 of the Rother Development and Site Allocations Local Plan (DaSA) set out the Council's spatial strategy. Generally, new development should be focused within the defined settlement boundaries.
5. Policy DIM2 of the DaSA explains that in the countryside (those areas outside of defined settlement development boundaries) development will normally be limited to that which accords with specific Local Plan policies or that for which a countryside location is demonstrated to be necessary. Policy RA3 of the Core Strategy sets out the limited circumstances when new dwellings in the countryside might be allowed.
6. The proposal would be located outside any defined settlement and on land which for planning purposes is countryside. The proposed dwelling would not fall within any of the allowances for a new dwelling in the countryside as

identified in Policy RA3 of the Core Strategy, nor has it been demonstrated that a countryside location would be necessary for this particular scheme.

7. The proposal would therefore conflict with the policies which define the location of housing across the district. In particular, there would be conflict with Policies OSS2 and RA3 of the Core Strategy and Policy DIM2 of the DaSA which, amongst other things, seek to ensure new dwellings are located within settlements and that the countryside is generally protected from such development.

Character and Appearance

8. The site is an undeveloped area of land and forms part of the open countryside to the north of Icklesham. The site lies within the High Weald National Landscape (HWNL) which is characterised by rolling countryside of a pastoral nature, punctuated by small areas of woodland, small towns, villages and hamlets. The landscape in and around the appeal site has many of these characteristics.
9. The National Planning Policy Framework (the Framework) requires that great weight be given to conserving and enhancing landscape and scenic beauty within National Landscapes, which have the highest status of protection in relation to these issues.
10. I accept that the site is relatively contained within the landscape, such that it would not have a significant effect on broad vistas or notable landscape features within the HWNL. Nevertheless, the appeal site makes a positive contribution to the landscape and scenic beauty of the HWNL primarily through its rural character and natural surface; but also its relationship with the surrounding patchwork of fields and woodland and its relative tranquillity.
11. The proposal would therefore introduce built development to a presently undeveloped site. Although its scale and height above ground would be limited, the proposal as a whole would nevertheless be at odds with the prevailing rural character of the site and its immediate vicinity.
12. Although I visited the site in daylight, it is in a rural location with limited surrounding development. The adjacent road is not lit and so at night the site would be within a naturally dark area. This contributes to the natural beauty of this part of the HWNL. The proposed rooflights, together with the glazing to the living and dining spaces, as well as glazing and lighting around the entrance would, during periods of darkness, have the potential to create light spillage that could have an adverse effect on the area.
13. Even if I were to conclude that the light emitted from the proposal would not be harmful or that it could be controlled through the submission of a lighting scheme, this would not lessen the harm I have already identified to the HWNL.
14. For the above reasons, I conclude the proposed development would have a significantly harmful effect on the landscape and scenic beauty of the HWNL. This is contrary to Policies OSS4, RA2 and EN1 of the Core Strategy and Policies DEN1 and DEN2 of the DaSA. These policies require development to respect and reinforce local character; conserve the intrinsic value and locally distinctive rural character of the countryside; and conserve and enhance the HWNL.

15. It is also contrary to paragraph 182 of the Framework, which gives great weight to the conservation and enhancement of National Landscapes.

Other Matters

16. I note that the proposal represents a reduction in the size of dwelling from that previously proposed for the site. Furthermore, the current proposal has been designed to have a low visual impact and would utilise a green roof and materials that are said to complement the area. However, these factors do not alter the site being outside of the settlement, nor do they prevent harm arising from a new dwelling being sited within the HWNL.

Planning Balance

17. The Council is unable to demonstrate a 5-year supply of deliverable housing sites. Accordingly, paragraph 11 d) of the Framework is engaged.
18. Paragraph 11 d) i) states that permission should be granted unless the application of policies in the Framework that protect areas of particular importance provide a clear reason for refusing the development. Footnote 7 of Paragraph 11 identifies National Landscapes as one such protected area.
19. I have concluded that the proposal would give rise to significant harm to the HWNL. This harm alone therefore provides a clear reason for dismissing the appeal. There is accordingly no need for me to undertake the test set out in Paragraph 11 d) ii). The presumption in favour of sustainable development does not apply.

Conclusion

20. There would be some beneficial aspects arising from the scheme, but it would result in the construction of an additional dwelling in the countryside, contrary to the aims of the Council's spatial strategy. It would also cause harm to the HWNL, a nationally designated landscape which has the highest status of protection.
21. The development would therefore cause harms which would conflict with the development plan when taken as a whole. There are no other material considerations, including the Framework, which lead me to determine the appeal other than in accordance with the development plan.
22. Therefore, the appeal is dismissed.

Stewart Glassar

INSPECTOR