



Appeal Decision

Site visit made on 17 September 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2024

Appeal Ref: APP/U1430/W/24/3341060

Field View, School Lane, Peasmarch, TN31 6UT

- 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 M Wells against the decision of Rother District Council.
 - The application Ref is RR/2023/2566/PIP.
 - The development proposed is formation of building plot for bungalow to be served by shared vehicular access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 2 stages: the first stage (or principle in permission stage) establishes whether a site is suitable and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The PPG also states that the scope of the considerations for permission in principle is limited to location, land use, and the amount of development¹. 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.
4. I have been provided with a site plan, which shows the proposed siting of a bungalow along with some other details, including landscaping, and parking and turning arrangements. As the proposal is for permission in principle, I have treated these plans as indicative. The Council considered the application on the basis that a maximum of one dwelling is proposed, and I have taken the same approach with the appeal.
5. Since the application was determined, the Peasmarch Neighbourhood Development Plan 2021-2028 (January 2024) (NP) has been formally made.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

The parties have commented on the implications of the NP as part of the appeal process, and I have had regard to the comments made.

6. The Council has consulted on the emerging Rother Local Plan 2024-2029 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The emerging plan is at an early stage of preparation and is subject to change. This limits the weight that can be afforded to it. Consequently, I have considered the appeal against the policies in the statutory development plan.
7. The decision notice did not refer to Policy DIM2 of the Development and Site Allocations Local Plan (Adopted 16 December 2019) (DASA). However, the policy is referred to in the evidence from both parties and I have been provided with a copy of the policy. I have therefore had regard to Policy DIM2 in my consideration of the appeal.
8. On 30 July 2024, the Government published a consultation on “proposed reforms to the NPPF and other changes to the planning system” and the “National Planning Policy Framework: draft text for consultation”. A Written Ministerial Statement (WMS) entitled “Building the homes we need” was also published. Whilst a direction of travel has been outlined within the WMS, the changes to the Framework can only carry limited weight at this stage because the document has not been finalised. The proposed reforms are not pertinent to the main issues in this appeal therefore I have not invited further comments from the parties.
9. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled as National Landscapes (NL). The legal designation and policy status of the landscapes are, however, unchanged. The references to AONBs in this decision are to reflect the wording in the National Planning Policy Framework (the Framework) and the development plan.

Main Issue

10. The main issue is whether the site is suitable for residential development, having regard to its location, land use, and the amount of development proposed, and with particular consideration to (a) the effect of the development on the character and appearance of the area including the High Weald NL, (b) the spatial strategy set out in the development plan, and (c) whether the development would provide an adequate standard of accommodation for future occupiers with respect to daylight and sunlight.

Reasons

Character and appearance

11. The prevailing character on School Lane is of linear development fronting the street. Field View and Berrynarbor are anomalous in that context in that they are set well back from the road behind existing properties. The proposed building plot lies within the garden of Field View, adjacent to school grounds and the open fields that lie to the south of the village.
12. The topography of the surrounding land slopes upwards away from the site towards woodland. Elevated, panoramic views across the site and the wider

landscape are available from footpath PSM/22/1, which is identified within the NP as a locally significant viewpoint. The site and the surrounding area lie within the High Weald NL.

13. The AONB Management Plan (2024-2029 Edition) (MP) identifies the High Weald NL as one of the best-preserved medieval landscapes in northwest Europe. Its special qualities are derived from its rural landscape character, which includes rolling pastures, woodlands, and dispersed historic settlements. The MP notes that pressure from new development is eroding the historic settlement pattern of the High Weald and the rurality and tranquillity of the landscape.
14. The detailed design of the development has not yet been determined. However, in any potential iteration of the proposal, the bungalow would add substantial bulk and mass to a site that is currently devoid of large buildings. Moreover, due to the site's location beyond the rear building line of Field View, the dwelling would lead to the encroachment of development beyond the established built edge of Peasmarsch. Consequently, notwithstanding its position within an existing residential curtilage, it would have an urbanising effect on the landscape setting to the south of the village.
15. Peasmarsch village is visible from footpath PSM/22/1. However, most buildings are well-screened by pockets of woodland and trees, such that the village has a relatively discrete appearance in the context of the wider landscape. Along with a small number of other properties, Field View departs from this character because it is exposed to the landscape to the south and west and is therefore a prominent structure when observed from the footpath. Due to the proposed siting of the bungalow beyond the built edge of Peasmarsch, the development would cause further visual disruption to the views from the footpath across this part of the High Weald. It would therefore detract from the ability of Rights of Way users to enjoy and appreciate the natural beauty and rural grandeur of the surrounding nationally designated landscape from this locally significant viewpoint.
16. It is clearly the appellant's intention to retain the existing trees on the site's eastern boundary, which could be supplemented through additional landscaping along the southern edge of the site. This, along with other appropriate design measures, could soften the appearance of the dwelling to some degree. However, these measures would not be sufficient to mitigate its physical intrusion onto land that is largely absent of built form, and which would alter the landscape setting of the village. Consequently, the development would be an unsympathetic addition that would have a deleterious effect on the rural character and scenic beauty of the NL.
17. On my site visit, I observed that the site is not visible from the field behind the Church of St Peter and St Paul due to intervening woodland. However, this does not alter my view as to the harm to local character that I have already identified.
18. Overall, the proposal would cause harm to the character and appearance of the area including the High Weald NL. There would be conflict with Policy EN1 of the Rother Local Plan Core Strategy (Adopted 29 September 2014) (CS), Policies DEN1 and DEN2 of the DASA, and the Framework, which taken together seek to conserve and enhance landscape

character, settlement patterns, and the scenic beauty in AONBs. Further conflict would arise with Policy L1 of the NP which seeks to safeguard and mitigate any detrimental impacts on locally significant views.

Spatial strategy

19. The overall spatial development strategy set out in Policy OSS1 of the CS seeks to focus new development at larger settlements, whilst allowing for the more limited growth of villages to meet local housing and other needs. Amongst other things, Policy OSS1 expects the growth of villages to be compatible with the character and setting of the village, and for all identified sites for development to give particular attention to public enjoyment and the intrinsic value of the countryside.
20. Whilst the indicative access route falls within the defined area of Peasmarsh, most of the proposed building plot lies outside of the settlement boundary where development is generally more restricted. The proposal does not form part of an identified housing site, and it is not being advanced as one that has a demonstrable need for a countryside location or that would meet the criteria for countryside development listed in Policy RA3 of the CS or Policy S2 of the NP. Therefore, there is conflict with the spatial strategy set out in the development plan.
21. Given its proximity to Peasmarsh, future occupants of the dwelling would be able to access the facilities and services in the village on foot or by bike, including its supermarket, primary school, and public houses. There is also connectivity by bus to higher order settlements, including Rye, Hastings, and Northiam. The property would therefore be located in a reasonably sustainable location where the vitality of rural communities could be maintained or enhanced without complete reliance on the private car for journeys. It would therefore accord with the locational requirements for rural housing in the Framework.
22. Nonetheless, it is clearly a fundamental aim of the adopted spatial development strategy to ensure that new development does not cause harm to local character, village settings, and the qualities of the landscape and countryside. I have already found the proposal would introduce housing outside of the settlement boundary in a way which would cause harm to the landscape setting of Peasmarsh. Therefore, notwithstanding the site's connectivity and physical closeness to the village, it would harmfully undermine the spatial strategy for the distribution of housing set out in the development plan, in conflict with Policies OSS1, OSS2, OSS3, OSS4, and RA3 of the CS, Policy DIM2 of the DASA, and Policy S2 of the NP.

Standard of accommodation

23. Notwithstanding the presence of trees on the site's eastern boundary, there are numerous ways in which the development could potentially be designed and orientated to maximise daylight and sunlight levels within the internal accommodation. This would be a matter for consideration at the technical details consent stage if the appeal were to be allowed.
24. Consequently, in respect of this proposal for permission in principle, I have no reason to conclude the standard of accommodation proposed would be

inadequate with respect to daylight and sunlight. It follows that there would be no conflict with Policy OSS4 of the CS insofar as it expects development to meet the needs of future occupiers.

Planning Balance

25. Although I have not found harm in relation to the standard of the proposed accommodation, the development conflicts with the aforementioned policies of the development plan and therefore with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.
26. In that regard, the Council concedes that it cannot demonstrate a five-year supply of deliverable housing sites. The current supply is, at best, 3.09 years, which is a significant shortfall. Paragraph 11(d) of the Framework is therefore engaged, which states that the policies that are most important for determining the application are deemed to be out-of-date.
27. There would be social and economic benefits arising from the proposal, including the delivery of an additional home to meet local housing needs. Jobs would also be created during the construction period, and new residents would increase local tax revenues. Future occupants would also increase spending on local services and facilities, thus contributing to the vitality of the rural community. These matters weigh in favour of the proposal. However, the contribution that would be made by a single additional dwelling would be modest, and therefore the benefits carry moderate weight.
28. I acknowledge that the proposed dwelling could provide suitable accommodation to meet the personal needs of the appellant. However, there is limited evidence before me to indicate there are exceptional personal needs that could only be met by the proposed development and not by other, potentially less harmful, means. Consequently, I attach limited weight to this matter.
29. Notwithstanding the benefits of the proposal, I have found there would be harm caused to the landscape character and scenic beauty of the High Weald NL, which provides a clear reason for refusing the development proposed under the provisions of paragraph 11(d)(i) of the Framework. Consequently, the balance in favour of granting planning permission given by paragraph 11(d) of the Framework does not apply.

Conclusion

30. Overall, I conclude that the site is not suitable for residential development, having regard to its location, land use, and the amount of development proposed. The proposal conflicts with the development plan and the material considerations, including the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be dismissed.

E Catchside

INSPECTOR