



Appeal Decision

Site visit made on 28 January 2025

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 February 2025

Appeal Ref: APP/U1430/D/24/3353443

Rabett's Farm, Battle Road, Dallington, East Sussex TN21 9JX

- 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 and Mrs Kalid-Islam against the decision of Rother District Council.
 - The application Ref is RR/2024/1114/P.
 - The development proposed is described as alterations and additions to provide additional accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024. There are no changes that are material to the scheme before me, thus no further comments were sought by parties. Consequently, I have determined the appeal having regard to the revised Framework, and any references are to this version.

Main Issue

3. The main issue is the effect of the development on the High Weald National Landscape (NL), with particular regard to (i) the dark skies of the area, and (ii) the scale, form, proportions and design of the proposal.

Reasons

4. Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and NLs which has the highest status of protection in relation to these issues. Furthermore paragraph 198.c) of the Framework requires decisions to limit the impact of light pollution from artificial light on local amenity and intrinsically dark landscapes and nature conservation. The need to protect and promote the special qualities of the NL such as tranquillity and dark skies is also recognised in the High Weald AONB Management Plan.
5. Policies DEN1 and DEN2 of the Rother District Council Development and Site Allocations Local Plan (RLP), adopted December 2019 also seek to conserve and enhance the High Weald NL, stating proposals should not have a significant adverse impact on its setting, whilst also seeking to maintain and reinforce the natural and built landscape, with particular care taken to maintain dark skies.
6. The appeal site is located in an extensively rural location within the High Weald NL, amongst a small cluster of buildings and farmstead structures known as

Rabett's Farm. The rural setting is linked by footpaths with views across the open and verdant landscape. The appeal site is a two-story single family dwellinghouse occupying a small parcel of land at the southern end of Rabett's Farm. The host property is a modest 3-bedroomed dwelling with a traditionally designed appearance. The proposal seeks to extend the host property, through the provision of a ground and first floor side extension to create additional living space for the occupiers, along with a full width rear balcony and a new porch at the front.

7. Whilst located within the small cluster of agricultural buildings, the appeal site occupies a prominent and focal position within the vicinity, particularly when one approaches the site along the footpath from the open countryside to the south. The south elevation has been specifically designed with six sets of full height openings at the ground and first floor levels, which face onto the open and scenic views of the surrounding countryside. Whilst there are already existing windows and openings on the rear elevation of the host property, these are considerably smaller than those proposed and more proportional to the existing dwelling.
8. There is a significant increase in the size, scale and proportion of glazing proposed at the site. In particular, the rear of the proposal provides a spread of glazed openings across almost the full width of the south elevation, at both ground and first floor levels of the proposed dwelling. All the scheme's openings would emit light from the proposal throughout the year, which would result in a change to the appearance of the area in the evening and at night in terms of light spill. I have been presented with little information in respect to any mitigation measures proposed by the appellant to limit any light spill resulting from the proposal. As such, the increase in the size, proportion and scale of the openings on the proposal has the potential for the dark skies of the High Weald NL to be adversely affected from an increase in light spill, contrary to the provisions of the development plan and requirements of the Framework.
9. With regard to the form and design of the proposal, the scheme would provide an interesting and more contemporary architectural composition within the existing cluster of traditional agricultural buildings. Taken in isolation, the proposal could provide an attractive building that would make an appropriate and suitable modern interpretation of local styles and character. However, the proposal would be distinctly more visible due to the increased scale and bulk of the building, compared with the existing more modest sized dwelling.
10. It is acknowledged that the proposal would be viewed in the context of the existing cluster of buildings, nevertheless it is considered that the scale, proportions and extensive glazing at the property would not assimilate well within the surrounding open countryside. Nor has it been sufficiently demonstrated that the proposal would limit light pollution on the intrinsically dark landscape thus ensuring that the High Weald NL dark skies are protected. Consequently, the proposal would not conserve the landscape and natural scenic beauty, visual qualities and essential characteristics of the High Weald NL, or the character and appearance of the surrounding countryside.
11. As such, the proposal would conflict with RLP policies DEN1, DEN2 and DHG9 and the relevant sections of policies OSS4, RA3 and EN1 of the Rother District Council Local Plan Core Strategy (RCS), adopted September 2014, which collectively require development to respect and not detract from the character and appearance of the locality, and within the High Weald NL, conserve or enhance its

natural beauty and character of its landscape, amongst other things. The proposal is also contrary to the provisions of Paragraph 189 and 198.c) of the Framework.

Other matters

12. Old Rabetts Farmhouse located at the entrance to the site, is designated as a Grade II listed building¹ as such the appeal site is located within its setting. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest.
13. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 212 of the Framework states that 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
14. The significance of Old Rabetts Farmhouse is derived from its historic fabric, including its weatherboarded and tile-hung finish with hipped slate roof. The appeal site is set away some distance from the Grade II listed building, and therefore forms part of its surrounding from which it is experienced. The proposed separation distance is akin to the existing, and there is significant boundary screening and intervening structures between the proposal and the listed building. Consequently, the proposal would not feature prominently within the setting of this listed building and there would be no harm to significance of this designated heritage asset as a result of the proposal.

Conclusion

15. Protecting the status of the High Weald NL is a matter of considerable national significance to which I attribute great weight. In this regard, I am not satisfied that it has been adequately demonstrated what the extent of light spill from the development would be, or whether there are any suitable mitigation measures that could control light to a level that would not materially harm the dark skies of the High Weald NL. As a result, the proposal does not accord with the development plan or relevant provisions of the Framework.
16. For the reasons given above, the proposal is not consistent with the policies of the development plan as a whole and there are no material considerations that would lead me to a different conclusion. I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR

¹ List Entry Number: 1233369