



Appeal Decision

Site visit made on 19 March 2025

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 April 2025

Appeal Ref: APP/U1430/W/25/3359349

Saffreys, High Street, Ticehurst TN5 7HT

- 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 Andrew Murphy against the decision of Rother District Council.
 - The application Ref is RR/2024/1131/P.
 - The development proposed is demolition of part of side extension, new access and erection of 3 dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are the effects of the proposal on the:
 - character and appearance of the surrounding area, including on the wider High Weald National Landscape; and
 - biodiversity interests of the site and surrounding area.

Reasons

Character and appearance

3. The appeal site is formed by part of the rear garden of the dormer bungalow-style dwelling known as Saffreys which is situated on the south side of the High Street in Ticehurst. The appeal site sits at a lower elevation than the host dwelling and is laid to lawn, enclosed by trees and has some ornamental trees and shrubs within it. The proposal is to demolish a garage adjoining the host dwelling to provide access to the side of the plot, and construct three dwellings in a cul-de-sac arrangement at the rear.
4. In a wider context, the site falls within the High Weald National Landscape (NL), formerly Area of Outstanding Natural Beauty. Though not particularly individually distinctive or prominent, the appeal site contributes positively to the NL in a modest way through its undeveloped nature, enclosure by high quality trees and other vegetation, running down into an area of Ancient Woodland.
5. The nearby dwellings within High Street vary widely in terms of scale and design, although most are detached. The residential cul-de-sacs that extend off the High Street and adjoining streets contain more semi-detached and terrace forms of generally modestly scaled two storey properties. A recently completed development adjoins the site to the south-east, in which a variety of predominantly two storey dwellings feature.

6. The dwellings proposed would be the same footprint size and broad form, each with four bedrooms, with Plot 3 being a handed version of Plots 1 and 2. Each would appear as a large two storey dwelling from the front elevation, with the flat roof dormer at the rear revealing the accommodation at roof level. The dwellings would be laid out diagonally from north-west to south-east and Plot 3 would have an acceptable relationship with the closest dwelling on the recently completed Hillbury Fields development. The area to the front of the dwellings would contain some small areas of lawn but would be largely hardsurfaced to allow for vehicular movements. Some retaining wall features would also be necessary given the level differences across the site.
7. I have visited areas around Ticehurst to understand the wider built context and note that some houses are indeed two storeys with dormers and roof level accommodation, or a full three storeys. Contrary to the Council's suggestion, I also note that there are many cul-de-sac arrangements as well. However, it is clear that where cul-de-sac developments have occurred in recent years, effort has been directed towards designing a variety of house types with differences in detailing to create a high quality, layered form of development which has a sense of having evolved more organically. Many building forms within these developments, particularly the larger houses, take the more usual main rectangular form with a plain pitch roof.
8. The three broadly identical, large house types with crown roofs within a single cul-de-sac development would fail to respect the finer urban grain of the surrounding area and wider High Weald NL. Though some dwellings on the adjacent scheme are marginally higher to the ridge than the proposed dwellings, they have slenderer proportions overall and do not appear as dominant as the proposed dwellings would. Here, the larger, squarer, repetitive building forms, the rigidity of their layout and minor differences in their elevational treatments and materiality would result in an overly blocky and unsympathetic form of development. Though the scheme would incorporate some traditional features such as gables and materials, some of its more contemporary aspects would also pull away from the prevailing character of surrounding buildings, such as solid to void ratio and depth of detailing.
9. Though I consider that the soft transition between urban and rural contexts in the adjacent Hillbury Fields development and other areas south of the settlement have been overstated, the proposed scheme would result in a further step change. The aspects such as the extent of hardsurfacing would appear a lesser compromise given that the site would sit within a more established, verdant setting, but even if additional landscaping could be secured by condition, it would not be likely to adequately soften the more intensively hard and blocky edge that would be created by the proposal, where a more considered scheme could achieve a better transition.
10. Much of the evidence details that the scheme would be set low and be seen in context with neighbouring buildings, thus limiting its effects on the wider NL. Whilst public views would be relatively limited, my view is that the scheme would still have an erosive effect on the overall coherence and quality of a wider landscape designation. Though my attention has been drawn to some appeal decisions for other schemes¹ which reach alternative conclusions, I have considered the scheme on its own particular merits. For similar reasons, the comparison to the extra care

¹ Including APP/U1430/W/21/3285269

apartments which lie closer to the High Street does not alter my view in this regard either.

11. For the foregoing reasons, I conclude that the proposal would harm the character and appearance of the surrounding area, including the wider High Weald National Landscape. As such, it could conflict with, in particular, Policy H5 of the Ticehurst Neighbourhood Plan (NP) (2019), Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy (Core Strategy) (adopted 2014) and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (DASA) (2019). Amongst other things, these policies set out the overarching strategy for the countryside is to generally conserve the locally distinctive rural character, and all development within the NL shall conserve and seek to enhance its landscape and scenic beauty. For similar reasons, the proposal would fail to adhere to advice in the High Weald Housing Design Guide (2019) which seeks to avoid clusters of large, detached dwellings of similar scale, massing, footprint and spacing which are uncharacteristic of the High Weald. It would also fail to adhere to guidance in the High Weald AONB Management Plan 2024-2029, in particular policy DG5 in relation to building form and design.
12. In coming to the above conclusions, I have sought to further the purposes of conserving and enhancing the natural beauty of the NL in accordance with Section 85 of the Countryside and Rights of Way Act 2000².

Biodiversity Interests

13. The appeal application was submitted with a Preliminary Ecological Appraisal³, Biodiversity Net Gain Assessment⁴, Biodiversity Metric Calculator and Bat Emergence Survey Report. The appeal was also submitted with an Ecological Response Letter⁵ and updated Biodiversity Net Gain Assessment Metric. The latterly submitted information outlines more detail in connection with the Biodiversity Net Gain metric calculations and long-term management details, along with protected species and landscape enhancements that would be secured.
14. From my assessment, those aspects which were unsatisfactory prior to submission of the appeal have been adequately addressed subject to the imposition of suitably worded conditions. Similarly, a comprehensive Biodiversity Method Statement can be secured by way of planning condition. Therefore, subject to planning conditions, the scheme would protect the biodiversity interests of the site and surrounding area in compliance with Policy R5 of the NP, Policy EN5 of the Core Strategy and Policy DEN4 of the DASA. These Policies collectively seek to ensure that proposals maintain and enhance existing on-site biodiversity assets and should seek to deliver an overall net gain.
15. Whilst the Council has indicated that taking the Ecological Response Letter and updated Biodiversity Net Gain Metric into account is tantamount to materially evolving the scheme, I do not consider that this is the case given the nature of the details advanced relative to the information submitted at the application stage.

² As amended by the Levelling-up and Regeneration Act 2023

³ Tom Haley Ecology, Reference 240107 Rev 2

⁴ Tom Haley Ecology, Reference 240107.02 Rev V2

⁵ Tom Haley Ecology, dated January 2025

Other Matters

16. The site lies adjacent to the development boundary for the settlement of Ticehurst. The issue of the location of the site outside of the development boundary did not form a reason for refusal and does not appear to be an issue of principle between the parties. Thus, I do not reach an alternative view in relation to the site being sustainably located for the scale and nature of the development proposed.
17. It is common ground between the main parties that the Council is unable to demonstrate the necessary minimum five year housing land supply with appropriate buffer as required by the National Planning Policy Framework (the Framework). Whilst the Council's Statement details a supply of around 3.09 years, the appellant's Statement has sought to bring this up to date following the publication of the 2024 Framework and indicates that the position is now at around 2.63 years. In the absence of evidence to the contrary, I have taken the appellant's figure and calculate the shortfall in housing land to be in the order of over 2,000 dwellings. I also note the suggestion of a poor rate of delivery in the last monitoring year as alleged by the appellant. I return to these points below.

Planning balance and conclusion

18. Whilst the use of conditions would avoid harms to biodiversity, the scheme would be harmful to the character and appearance of the area, including the wider NL, and therefore, it would conflict with the development plan when taken as a whole.
19. The Council can only demonstrate a 2.63 year supply of deliverable housing land. However, the Framework makes it clear that the creation of high-quality places is fundamental to what the planning process should achieve, and great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes. In this case, the identified harm to the NL provides a strong reason for refusing the development proposed. Consequently, through of the provisions of footnote 7, the presumption in favour of sustainable development set out in the Framework is not engaged.
20. The scheme, whilst modest in terms of overall numbers of houses, would help address the considerable shortfall in deliverable housing land supply. It would do so through the delivery of family-sized dwellings on a windfall site well located for facilities and which could no doubt be delivered relatively quickly. These factors attract significant weight in favour of the scheme. There would also be economic benefits associated with the construction of the dwellings and an increase in the local population would support local businesses which also attract modest additional weight. The absence of other harms weighs neither for nor against the proposal.
21. However, even taken collectively, the benefits do not form a consideration of such weight that they outweigh the conflict with the development plan such as to indicate that a decision should be taken other than in accordance therewith.
22. For the foregoing reasons, the appeal is dismissed.

H Nicholls

INSPECTOR