



Appeal Decision

Site visit made on 3 March 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 April 2025

Appeal Ref: APP/U1430/W/24/3348484

Gooseley Farm Oast, Main Street, Beckley, Rye TN31 6RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Skinner of Landstrom Group Ltd against the decision of Rother District Council.
 - The application Ref is RR/2023/2322/P.
 - The development proposed is for up to 4 dwellings and associated infrastructure, with all matters except for access reserved for future consideration.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for outline planning permission, and the application form makes clear that approval is also sought at this stage for access but not for appearance, landscaping, layout and scale. Drawings have been submitted showing the proposed access along with a layout plan. I have treated the layout drawing as illustrative.
3. The revised National Planning Policy Framework (the Framework) was published on 12 December 2024 and is a material consideration in planning decisions. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by taking this approach.
4. A Unilateral Undertaking (UU) dated 11 November 2024 has been submitted to secure a financial contribution for affordable housing. The Council has had the opportunity to comment on this additional information. As such, I am satisfied that the evidence does not alter the proposed development to an extent that anyone involved in the appeal would be prejudiced or impacted should I accept the UU. I shall return to the legal agreement later in my decision.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area, including whether the proposal would conserve and enhance landscape and scenic beauty in the High Weald National Landscape.

Reasons

6. The appeal site comprises an area of land fronting Main Street and forms a considerable gap in development between a detached dwelling, known as Pippins, and Beckley Village Centre. The site is within the High Weald National Landscape (HWNL). Paragraph 189 of the Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty in the National Landscape (NL). Section 245 of the Levelling-up and Regeneration Act 2023 places a duty upon me to seek to further the statutory purposes of NLs, which is to conserve and enhance the natural beauty of the area of outstanding natural beauty.
7. The HWNL consists of a mixture of fields, small woodlands and farmsteads connected by historic routeways, tracks and paths. The site is within the Lower Rother Valley Landscape Character Area, which is a largely unspoilt and tranquil rural landscape with few intrusive features. The undulating landscape is dissected by the linear settlement of Beckley, with development primarily straddling Main Street. The built form within Beckley is sporadic in places with gaps in the linear form interrupting the ribbon of development on either side of the road. The gaps are distinctive features that contribute to the rural context of the settlement, providing a break in the otherwise built-up frontages on either side of the road and allowing the countryside and wider landscape to be incorporated into the settlement.
8. The gaps in built form vary in size and frequency and include sections where vegetation partially screens views to the land beyond the frontage. The site comprises a considerable gap and separates a row of dwellings towards Four Oaks from a more substantial ribbon of development towards the centre of the Rectory Lane. While the existing mature hedge forming the front boundary partially conceals the site and landscape beyond, the absence of development is appreciable from the public realm, including in both directions from Main Street. Moreover, the landscape beyond the frontage vegetation is visible from the rising land at the recreation ground and is experienced from the public right of way between the site and Beckley Village Centre. Consequently, the gap in development formed by the site contributes positively to the semi-rural character of this part of Beckley providing relief to the built form and connecting the settlement with the surrounding landscape.
9. The proposal is for up to four dwellings at the site with access taken from two points from Main Street. The proposal would be capable of respecting the prevailing linear form of development and suitable control could be exercised over the design and layout of the proposal through subsequent reserved matters. However, the development would occupy a considerable proportion of the gap in built form and would connect the extensive sections of development on either side of the site. The consolidation of the ribbon of development on this side of Main Street would urbanise the area, harmfully eroding the semi-rural character of the settlement.
10. The indicative plans show that development would largely retain the frontage vegetation, with the dwellings set back from the site frontage. In addition, the proposal would supplement the existing vegetation through additional planting, particularly adjacent to the public right of way. The retained and additional planting would soften the visual effect of development at the site, including from the public

right of way. Nonetheless, it would not be effective in concealing development at the site due to the potential for views from Main Street and the recreation ground. The development would therefore harm the character and appearance of the area and would fail to conserve landscape and scenic beauty in the HWNL.

11. The appellant has drawn my attention to an appeal decision to the side of Aztec House¹. While the details before me are limited, the proposal related to single dwelling in a smaller gap in the built form, which limited the significance of the break in development. In addition, the dwelling would have replaced a caravan at the site. Consequently, the circumstances differ to those before me and, in any event, I have determined the appeal proposal on its own merits.
12. I conclude that the proposal would not conserve landscape and scenic beauty in the NL. The development therefore conflicts with Policies OSS3, OSS4 (iii) EN1, EN3, RA2 and RA3 of the Rother Local Plan Core Strategy 2014 and Policies DEN1 and DEN2 or the Development and Site Allocations Local Plan 2019, which collectively require development to consider the character and qualities of the landscape, respect and contribute positively to the character and appearance of the area and conserve and seek to enhance the landscape and scenic beauty of the NL.

Planning Balance

13. The Council states that it is able to demonstrate a 3.09 year supply of housing land and is therefore currently unable to demonstrate at least a five year supply of housing land that the Framework requires. Paragraph 11 d) of the Framework indicates that permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the Framework details that this includes policies relating to NLs.
14. The proposed development would make a positive contribution to the supply of housing through the efficient use of land. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. In addition, the proposal would deliver social and economic benefits both during construction through the creation of jobs, and following occupation through the use of facilities and services in the surrounding settlements. However, the contribution of four dwellings and the associated benefits is limited by the scale of development proposed.
15. The submitted UU would secure a financial contribution for affordable housing in the District. This would meet the requirements for delivering affordable housing in lieu of site provision for small sites. Given that this is necessary to meet the relevant policy, the weight I can attribute this is limited.
16. The mandatory condition requiring biodiversity net gain of at least 10% is imposed on permissions granted pursuant of a planning application made on or after 12 February 2024 or 2 April 2024 for small developments such as this. Given that the application was made before 12 February 2024, the mandatory requirement does not apply. While the proposal is not required to achieve biodiversity net gain, the development would lead to a 49.63% gain in habitat biodiversity value and an

¹ APP/U1430/W/18/3217744

80.26% gain in respect of hedgerows. The considerable biodiversity net gain that would be delivered represents a benefit to the proposal that attracts moderate weight.

17. Given that the proposal would have a harmful effect on the NL, which the identified benefits would not outweigh, the application of the policies in the Framework provide a strong reason for refusing planning permission for the development proposed. When considered as a whole, the proposal does not conform with the presumption in favour of sustainable development outlined in Paragraph 11 of the Framework.

Conclusion

18. The proposal conflicts with the development plan. The material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR