



Appeal Decision

Site visit made on 9 May 2025

by G Sylvester BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 JUNE 2025

Appeal Ref: APP/U1430/W/24/3353715

Great Escape, Rye Road, Rye Foreign, East Sussex TN31 7SY

- 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 Ms Carmen Kubisa against the decision of Rother District Council.
 - The application Ref is RR/2024/577/P.
 - The development proposed is the demolition of two residential holiday lets and proposed two new semi detached, 3 bed dwellings with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal site is within the grounds of the Grade II listed building named on the listing description as Rumpels Motel. This building is also referred to as The Oak in some of the appeal documents and drawings. For consistency, I have referred to the listed building as The Oak in this decision.
3. In determining this appeal, I have had regard to my duty under Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ("the Act"), to pay special attention, and have regard to, the desirability of preserving the settings of listed buildings.
4. The Government published the revised National Planning Policy Framework ("the Framework") in December 2024 after the appeal was submitted. In the interests of fairness both main parties have been given the opportunity to comment on the revised document and any made have been taken into account in my decision. All references to the Framework in this decision relate to the revised document

Main Issues

5. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area, with particular regard to its location within the High Weald National Landscape¹ ("the HWNL").
 - Whether the proposed development would preserve the setting of the Grade II listed building known as The Oak.

¹ All designated Areas of Outstanding Natural Beauty in England became National Landscapes in November 2023.

Reasons

Character and appearance, including the HWNL

6. The Oak is a large and prominent Grade II listed building that is set close to Rye Road, and occupies generous grounds that include a car park, gardens and a narrow terrace of low-rise single storey holiday lets. Together with the buildings immediately to its west, it is part of a small collection of buildings in the countryside that are generally surrounded by an undulating rural landscape of open fields and woodlands that are characteristic of the scenic beauty of the HWNL.
7. The appeal site is situated within the grounds of The Oak and comprises largely of open grass covered land and two small end-of-terrace holiday lets. The predominantly spacious and green character of the appeal site merges softly into the adjacent field, through the permeable post and wire boundary fence. It therefore provides a gradual transition between The Oak and the open field to its east, which separates it from the ribbon of dwellings further to the east.
8. The surrounding fields and distant woodlands that are visible across the appeal site and above the holiday let buildings, give the sense that the appeal site is set within the wider rural landscape of the countryside. The appeal site therefore contributes positively to the rural character and appearance of the area, and the landscape and scenic beauty of the HWNL.
9. The holiday lets to be removed are small, low-rise buildings, with modest massing and constructed to simple forms and proportions. The proposed dwellings would be constructed from materials in keeping with the buildings in the area and in a traditional vernacular style. Nonetheless, they would represent a marked step-up in scale when compared to the existing holiday let buildings and would bring a significant increase in the scale and massing of built form on the appeal site.
10. Sited close to the boundary with the adjacent field, the proposed dwellings would increase the spread of built form across the appeal site, eroding its spaciouly green character and appearance, and the soft transition between The Oak and the surrounding fields. It would not constitute the infilling of a gap between buildings. Together with boundary enclosures and the accumulation of domestic paraphernalia, the proposed development would have an urbanising effect that would be considerably more conspicuous than the small holiday let buildings to be removed. It would be seen as a harmful visual intrusion of built development into views across the appeal site of the surrounding fields and woodland.
11. There is limited evidence to demonstrate that retaining the existing trees and hedgerows, together with new planting, would provide anything more than a modest softening of the proposed development. In any case, I am not aware of any mechanism to prevent planting from being thinned or pruned by future occupiers.
12. Consequently, the appeal development would be harmful to the character and appearance of the area, with particular regard to its location with the HWNL. As such, it would conflict with Policies EN1 and EN3 of the Rother Local Plan Core Strategy Adopted September 2014 (the CS), and Policies DEN1 and DEN2 of the Rother District Council Development and Site Allocations Local Plan, Adopted December 2019 ("the DASA"), which seek to ensure, amongst others, that development contributes positively to the character of the site and surroundings,

and conserves and seeks to enhance the landscape and scenic beauty of the NWNL.

Setting of the Grade II listed building known as The Oak

13. Based on the evidence before me, including the listing description, I find that the significance and special interest of the listed building are partly derived from its age, traditional vernacular architecture and historic function as a large roadside motel, and partly from its spacious grounds and rural surroundings. Those spacious grounds afford relatively long-distance views of the listed building, particularly looking west, where it is seen within a wide vista that includes the surrounding rural landscape.
14. In those views, the listed building's architectural and historic interest are clearly appreciable within its setting and contribute to an understanding of its likely historic function. The scale and prominence of the listed building would likely have drawn its historic function to the attention of passing travellers on Rye Road. The setting of the listed building therefore makes a positive contribution to its special interest and significance as a designated heritage asset.
15. The appeal site is an integral part of the spacious grounds of the listed building and appears to have a functional association with its historic use. There is no substantive evidence before me to the contrary. Although partly occupied by holiday let buildings, those buildings are small with low height roofs. The appeal site's general openness contributes positively to the spacious setting of the listed building, within which its architectural and historic interest are appreciated.
16. The appellant has sought to replicate the character of the listed building through the traditional vernacular 'Sussex' design of the proposed dwellings and the use of external materials reflecting the listed building. However, the proposed dwellings would be significantly larger and more prominent than the small holiday let buildings to be removed. The removal of the small holiday let buildings would have a negligible beneficial effect on the listed building's setting.
17. The scale and massing of the proposed dwellings would erode the spaciousness of the appeal site. In views from the road, the proposed dwellings would visibly compete with the scale of the listed building by drawing the eye of the observer away from it, particularly in views towards the west. It would therefore harmfully diminish the listed building's architectural stature and roadside prominence within its spacious surroundings. It would also diminish the historic association between the appeal site and the listed building.
18. In these respects, the appeal development would harmfully intrude into the setting of the listed building and have an adverse effect on how its architectural and historic interest are experienced and understood within its surroundings. It would therefore cause harm to the setting and significance of the listed building as a designated heritage asset.
19. In terms of the Framework, the harm that would be caused to the significance of the listed building would be 'less than substantial'. Nevertheless, I am required by Paragraph 212 to give great weight to the conservation of a designated heritage asset. This is therefore a matter of considerable importance in my decision. Paragraph 215 of the Framework requires me to weigh this harm against the public benefits of the proposal.

20. The proposal would make efficient use of previously developed land and contribute to the supply of housing. It would bring short and long term social and economic benefits during construction and occupation, and some biodiversity enhancement, including through new planting. Removing the existing holiday let buildings would, at best, have a negligible beneficial effect on the setting of the listed building. Given the scale of the proposed development, these public benefits would be modest and insufficient to outweigh the great weight that I attach to the harm to the listed building. They would not amount to clear and convincing justification for the harm that would be caused to the listed building as a designated heritage asset.
21. For these reasons, I conclude on this issue that the proposed development would conflict with Section 66(1) of the Act, and would fail to comply with CS Policy EN2, which seeks to, amongst others, ensure that development preserves and enhances the settings of statutorily protected buildings. There would also be conflict with the conserving and enhancing the historic environment objectives of the Framework.

Other Matters

22. The main parties disagree on whether the holiday lets to be removed are currently viable in the context of CS Policy EC6, and DASA Policies DEC3 and DC01. The effect of their loss on the provision of holiday accommodation in the area is also disputed. However, it is not necessary for me to reach a conclusive finding on these matters as it would not alter my conclusions on the main issues above, or the outcome of the appeal. Even if I was to accept the appellant's best-case scenario that the holiday lets are unviable, and that their loss would have no unacceptable effects on the provision of holiday accommodation in the area, this would not be a benefit weighing in favour of the appeal proposal.
23. I see no reason to disagree with the Council that the appeal site, although located in the countryside for the planning purposes set out in CS Policy OSS2 and DASA Policy DIM2, is within walkable distance of amenities within the settlement of Peasmarsh. The proposed dwellings would provide suitable living conditions for future occupiers and would raise no concerns in relation to the living conditions of nearby occupiers, parking, highway safety, flood risk, biodiversity and protected species. However, an absence of harm in these respects does not weigh in favour or against the development.
24. The social, economic and environmental benefits of the proposed development that I have described above are modest and weigh no more than moderately in its favour. They are insufficient to outweigh the great weight that I attach to the appeal proposal's harmful effects on the landscape and scenic beauty of the HWNL, and the setting of the listed building as a designated heritage asset.
25. The Council cannot currently demonstrate a 5-year supply of housing land. Even if the housing shortfall was acute, Footnote 7 to Framework Paragraph 11.d)i. would apply to the appeal development and in that scenario the conflict with the Framework's policies that seek to protect designated heritage assets and national landscapes provide strong reasons for refusing the development proposed. As such, the appeal development does not benefit from the Framework's presumption in favour of sustainable development.

Conclusion

26. For the reasons given above, the appeal proposal would harm the landscape and scenic beauty of the HWNL, and the setting of the listed building as a designated heritage asset. These harms are important matters that bring the proposed development into conflict with CS Policies EN1, EN2 and EN3, and DASA Policies DEN1 and DEN2, and the development plan as a whole. The conflict with the development plan carries substantial weight against the appeal proposal. The material considerations, including the benefits of the proposal and the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with the development plan. The appeal is dismissed.

G Sylvester

INSPECTOR