



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: 10th June 2025

Appeal Ref: APP/U1430/W/24/3352770

George Inn, High Street, Robertsbridge, East Sussex TN32 5AW

- 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 Roberto Kuligowski of the George PH against the decision of Rother District Council.
 - The application Ref is RR/2024/498/P.
 - The development was originally described on the application form as “retention of outbuilding used for storage purposes and associated works”.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The building to which this appeal relates has been constructed and it appears to accord with the drawings. The Council assessed the building on a retrospective basis, and this is the basis on which I have assessed the appeal.
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. I shall also have regard to my statutory duty under s72(1) of the Act, to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
4. The Government published a revised National Planning Policy Framework (“the Framework”) in December 2024. However, as the policies relevant to the substance of this appeal are not materially different to those in the previous document, I have not deemed it necessary to seek the parties’ views on the revised document.

Main Issues

5. The main issues in this appeal are:
 - Whether the development preserves or enhances the character or appearance of the Robertsbridge Conservation Area (“the CA”), and whether it preserves the setting of the Grade II listed building known as The George (TG).
 - The effect of the development on the living conditions of nearby occupants with particular regard to noise and disturbance.

Reasons

Effects on the CA and the setting of the Grade II listed TG

6. The appeal site lies within the CA, which is focused on the historic core of the village. Based on the evidence before me, including the Robertsbridge & Northbridge Street Conservation Area Appraisal, the CA consists largely of the extent of the village as it existed by the mid sixteenth century.
7. The CA is characterised by buildings of individualistic traditional vernacular styles, constructed from a variety of locally sourced materials, and which have largely retained their historic form and character. The buildings complement one another to form a compact and harmonious grouping of architecturally rich and historic buildings. The significance of the CA insofar as it relates to the appeal is therefore predominantly derived from the architectural integrity and historic legibility of its buildings, within a historic street scene that has remained relatively intact.
8. On the evidence before me, including the listing description, the special interest and significance of TG, insofar as it relates to this appeal, is derived in part from its architectural and historic interest as a prominent and substantial public house of a traditional vernacular architecture. The largest contribution of TG's setting to its significance is experienced from vantage points within its grounds and from the High Street where its front, side and rear elevations are highly visible. As an example of a historic building of individualistic traditional vernacular architecture, TG contributes positively to the significance of the CA.
9. The architectural and historic interest of TG are clearly experienced and appreciated in views across its spacious frontage and across the land behind its rear wall, notwithstanding that a large part of its grounds was developed for housing in the late 2000s. TG's special interest and significance contributes positively to the historic street scene, and the character and appearance of the CA.
10. The appeal building is a large freestanding fridge/freezer that is set on a concrete base close to TG's rear wall and kitchen. The building has a boxy form, smooth textured bright white walls and externally mounted equipment/control units that give it a modern and industrial aesthetic. The timber framed canopy structure on the end of the building and facing TG is of a rudimentary construction and has a jarringly makeshift appearance.
11. The evidence suggests that the appeal development replaced a previous storage shed and has been carried out on land historically used for outdoor storage. However, no details of the now demolished shed are before me in evidence and the quality of the appellant's aerial imagery is insufficient for me to identify the scale and appearance of any previous structures on the appeal site.
12. Although the scale of the appeal building does not rival that of TG, nor dominate its stature, it is nonetheless a sizeable structure sited within its curtilage and close to its rear wall. The appeal building's form, design and materials give it a predominantly modern and industrial appearance that is incongruously out of keeping and unsympathetic to the traditional vernacular architecture and materials of TG, and those of the collection of historic buildings within the CA.
13. The appeal development's visual intrusion into the setting of TG harmfully detracts from its architectural and historic significance, and is harmful to the historic and

architectural significance of the CA. This is apparent in views of the appeal building from within the appeal site, from nearby properties and from the High Street.

14. In views from the High Street, only the upper parts of the building's walls can be seen above the collection of boundary enclosures. At the time of my visit, views of those parts of the building were partly filtered by a green coloured camouflage net that was affixed to it. However, as a listed building TG is safeguarded for its inherent architectural and historic interest, irrespective of whether public views of it can be obtained. The effect of a development on the character and appearance of a conservation area is not based solely on the extent to which it is publicly visible. The relative inability to see the appeal building from the High Street, such as through the construction of further screening devices such as trellis, netting and planting, does not negate its harmful effect on TG and the CA as designated heritage assets.
15. Detailed proposals for the suggested cladding of the appeal building are not before me and I am unable to make any meaningful assessment or assumption as to its potential effects on the appearance of the appeal building, the setting of TG, or the character and appearance of the CA. The appellant has not demonstrated that cladding would make the development's effects on TG and the CA acceptable. Furthermore, it is likely that cladding the building would substantially change its appearance and deferring such details through a planning condition would be deprive interested parties with an opportunity to comment on them, leading to injustice.
16. Taking all of the above into account, I conclude that the appeal development is harmful to the setting of TG and to the character and appearance of the CA, and has harmfully diminished their significance as designated heritage assets. In terms of the Framework, the harm to the significance of TG and the CA would be 'less than substantial'. Nevertheless, I am required by Paragraph 212 to give great weight to the conservation of designated heritage assets, and this is therefore a matter of considerable weight and importance in my decision. Paragraph 215 of the Framework requires me to weigh this harm against the public benefits of the proposal.
17. On the evidence before me the appeal development is likely to be economically beneficial to the operation of TG as a community asset and to contribute positively to its viability as food-led enterprise that generates economic activity, supports jobs in the local economy, and encourages social interaction and community well-being.
18. When compared to the previous arrangement of storing chilled and frozen items in appliances kept in the cellar, the appellant contends that the appeal development, has lowered costs by enabling bulk purchasing and has improved the operating efficiency of TG. The appellant states that the financial benefits of the appeal development to the business should be considered in the context of challenging trading conditions and costs pressures affecting public houses, with significant numbers having recent ceased trading across the country, including 3 within Robertsbridge. It is stated that the enterprise posted a financial loss in the first year and it would struggle financially and would not remain viable without the appeal development.

19. However, there is limited substantive evidence pertaining to the viability of TG, or to the economic contribution made by the appeal development to the business, particularly the cost savings associated with the bulk purchasing of food.
20. TG's cellar is served by a curved brick staircase and appears to be in regular use for storage and several electrical items are kept there. The appellant refers to safety concerns associated with falls on the staircase and items being dropped on the stairs and ruined. However, there is limited substantive evidence to suggest that use of the staircase is dangerous or prohibited, or that any relevant authorities have mandated the removal of fridges or freezers from the cellar, such as on the grounds of health and safety regulations. The evidence relating to the mobility of the current Head Chef is addressed later in this decision.
21. Whilst my site visit was only a snapshot in time, there appeared to be areas within the cellar which could accommodate freestanding fridges and freezers, or where storage of other items could be rationalised. There is limited substantive evidence to the contrary or to indicate that the appellant has explored more regular deliveries of food and drink, thus requiring a lesser amount of chilled and frozen storage within TG, and which might be accommodated elsewhere within the building, such as within the cellar where the evidence suggests it was stored before the appeal development was built.
22. Taken together, these considerations temper the weight that I afford to the public benefits of the appeal development. Having regard to the Framework, the weight that I attribute to the appeal development's 'less than substantial' harm to the significance of the designated heritage assets of TG and the CA, is not outweighed by its public benefits.
23. Consequently, the appeal development conflicts with Sections 66(1) and 72(1) of the Act, and is contrary to Policies EN2, EN3 and RA1 of the Rother Local Plan Core Strategy Adopted September 2014 (the CS), insofar as they seek high quality development that reinforces the special character of the district's historic settlements, and preserves and enhances the historic built environment, including the legibility of locally distinctive vernacular building forms and their settings. It would also conflict with the policies of the Framework that seek to protect the historic environment.
24. The appellant has drawn my attention to Policy EN5 of the Salehurst and Robertsbridge Neighbourhood Development Plan 2016-2018, 'made' in July 2018 ("the NDP"), which requires development to, amongst others, preserve and enhance designated heritage assets, and demonstrate that any harm is both unavoidable and justified based on the public benefits it delivers. For the above reasons, the appeal development conflicts with this Policy

Living conditions of nearby occupiers

25. The appeal development post-dates the establishment of the nearest homes, provided in the late 2000s, by a number of years. Therefore, I am not satisfied that the agent of change principle applies to the appeal development. The evidence before me does not lead me to take a contrary view.
26. The appellant's technical Noise Impact Assessment (NIA) assessed the noise effects of the appeal development at Number 6 George Close and found that it exceeded the Significant Observed Adverse Effect Level (SOAEL), which is the

noise level at which significant adverse effects on an occupier's health and quality of life are likely to occur.

27. Based on the NIA, the Council contends that noise levels at Number 1 George Close might also be unacceptably high, particularly in the outdoor amenity space. However, even taking the appellant's position as the best-case scenario, the NIA demonstrates that the noise effects of the appeal development are harmful to the living conditions of the occupiers of Number 6 George Close. There is limited evidence to suggest that noise from other activities at TG, including from the kitchen ventilation extract, cause noise effects comparable to the appeal development.
28. Whilst guests staying in rooms within TG, which the evidence suggests have a high occupancy rate, have not raised any noise complaints to the appellant, an absence of complaints in this regard does not outweigh the technical evidence in the NIA, nor lead me to depart from its conclusions. I note that nearby residents have complained about noise from the appeal development.
29. The Planning Practice Guidance^{1,2} (PPG), which refers to the Noise Policy Statement for England (NPSE), advises that noise exposure above the SOAEL would be present and disruptive, and expected to cause a material change in behaviour, attitude or other physiological response from the occupiers of the nearest properties, thus diminishing their quality of life. Such noise effects should therefore be avoided through the planning process, or by use of appropriate mitigation such as by altering the design and layout, taking account of the economic and social benefit of the activity causing or affected by the noise.
30. The appellant's NIA suggests that the enclosure of the appeal development would reduce noise levels and avoid a significant adverse impact on nearby residents. It is suggested that such a scheme could be designed and submitted within 6 weeks of any decision on the appeal. However, whilst the NIA contains some broad statements that an enclosure of the appeal building would need to be constructed from materials with a high sound reduction index, such as a steel outer layer lined with an acoustically absorbent material such as dense mineral wool, a detailed design is not before me.
31. Consequently, there is limited technical evidence to demonstrate that a noise mitigation scheme would be effective in reducing noise levels to comply with the NPSE and the PPG at nearby sensitive receptors. The apparent uncertainty over the detailed design of the enclosure, such as whether the entirety of the appeal building would need to be enclosed, or just the plant/equipment, and whether it would maintain adequate ventilation to that equipment, only adds to my concerns over the effectiveness of the suggested mitigation.
32. The Council's suggested planning condition seeks a noise reduction scheme, which could include an enclosure of the appeal building. However, it does not specify a noise level limit and therefore lacks precision for monitoring and enforcement. Furthermore, imposing a planning condition that sets an unachievable noise level limit would nullify the grant of planning permission and be unreasonable.

¹ Paragraph: 004 Reference ID: 30-004-20190722

² Paragraph: 005 Reference ID: 30-005-20190722

33. Consequently, I am not satisfied that a condition securing noise mitigation, which may include the enclosure of the appeal development in part or whole, would be effective in reducing noise to acceptable levels, or that it could meet the tests in the Framework for imposing conditions.
34. Furthermore, I cannot be satisfied on the evidence before me that an enclosure of the appeal building would not result in a building of a materially different scale, form and appearance, for which consultation with interested parties would be necessary. Deferring details of noise mitigation to a condition could therefore deprive interested parties with an opportunity to comment on those details, thus leading to injustice.
35. For these reasons I conclude that the appeal development is significantly harmful to the living conditions of the occupiers of Number 6 George Close, with particular regard to noise and disturbance. I am not satisfied that its noise effects could be satisfactorily mitigated and made acceptable through the imposition of planning conditions. Therefore, such noise effects should be avoided through the planning process in accordance with the NPSE and the PPG.
36. The appeal development is therefore contrary to CS Policy OSS4 and Policy DEN7 of the Rother District Council Development and Site Allocations Local Plan, Adopted December 2019 ("the DASA"). Together, these policies seek to ensure that development does not unreasonably harm the amenities of adjoining properties, and avoid development that has a significant adverse impact on local amenities as a result of noise, having regard to the character of the location and established land uses.

Other Matters

37. Following the final comments stage of the appeal timetable, the appellant submitted further evidence indicating that the business has employed a Head Chef with limited mobility who is unable to easily or safely use the stairs to the cellar on a frequent basis during kitchen service. The appeal development is a short walk from the kitchen along a route that is generally level and devoid of stairs.
38. Reverting to the previous arrangement of keeping fridges and freezers within the cellar would, in the event of the appeal being dismissed, place the Head Chef at a disadvantage when compared to others who are not of limited mobility. The Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010 is therefore engaged and requires decision makers to have due regard to, amongst others, the need to eliminate unlawful discrimination and to advance equality of opportunity between persons who share a relevant protected characteristic, including disability, and persons who do not share it.
39. At the time of my site visit on a weekday afternoon there appeared to be 2 persons operating the kitchen. I have no substantive evidence to suggest that this arrangement is abnormal and there appeared to be other staff working within TG. Therefore, it would appear likely that other members of staff would be available to carry produce between the cellar and the kitchen. Furthermore, I am not satisfied on the evidence before me that the kitchen would not be able to accommodate at least a small fridge and/or freezer unit that could reduce the frequency of trips between it the cellar during a busy service.

40. In having due regard to the PSED, the adverse effects of dismissing this appeal on the Head Chef would, on the basis of the evidence before me, be proportionate in this instance when balanced against the legitimate planning purposes, in accordance with my duties under the Act, of preserving the setting of TG as a listed building, preserving the character or appearance of the CA, and avoiding harmful noise exposure to nearby residents.
41. Pursuing a non-food led business strategy may put the premises in competition with other such venues in the village and may lead to regular live music events and associated noise. However, unlike noise from the appeal development, live music is likely to be intermittent and potentially subject to other legislative controls. There is no substantive evidence to demonstrate that increased competition amongst venues would, as a matter of principle, have unacceptable effects. As such, these factors are of limited relevance and weight to my considerations in this appeal.
42. All buildings are likely to require maintenance. The appeal building appears to be sited in a location conducive to its maintenance. However, the practicalities of maintaining a building that causes the planning harms referred to above, as opposed to one that does not, carries little weight in its favour.
43. The appeal development does not harm the landscape and scenic beauty of the countryside or the High Weald National Landscape. There is no substantive evidence of any harm to ecology or protected species. However, an absence of harm, including in these respects, is a neutral factor that does not weigh in favour or against the appeal development.

Planning Balance

44. Through being economically beneficial to TG, the appeal development would be expected to make a positive contribution to the local economy and to the social well-being of the community. Those economic and social benefits accord with CS Policy EC1 and DASA Policy RA1, which support economic activity and growth, and the needs of villages, including by supporting public houses as part of thriving and viable rural communities. TG is identified in NDP Policy EC4 as an Asset of Community Value (ACV) and benefits from the policy's strong support for development that encourages the improvement of an ACV.
45. However, the policy support in DASA Policy RA1 is subject to a development being of a high-quality design and protecting historic buildings and settings, including the locally distinctive character of villages. NDP Policy EC4 states that proposals that significantly harm the integrity of an ACV will be strongly resisted. For the reasons given above, the appeal development does not achieve these policy objectives and is contrary to DASA Policy RA1 and NDP Policy EC4 when read as a whole.
46. The Framework sets out that sustainable development has economic and social objectives. Planning decisions should create the conditions in which businesses can invest, expand and adapt, and the sustainable growth and expansion of all types of businesses within rural areas, which promote social interaction and community well-being. The appeal development accords with those objectives as a matter of principle.

47. However, the Framework sets an environmental objective of protecting the built and historic environment. Great weight should be given to the conservation of designated heritage assets as irreplaceable resources. Developments should be sympathetic to local character, history and the surrounding built environment, and should achieve a high standard of amenity for existing users. The growth and expansion of rural businesses should be achieved through well designed new buildings.
48. For the reasons given above, the appeal development is not well-designed or sympathetic to local character or the surrounding built environment and is harmful to designated heritage assets. It causes noise effects that give rise to significant adverse impacts on the quality of life of nearby residents, thus failing to achieve a high standard of amenity for existing users. These harms carry significant weight against the appeal development, sufficient to firmly outweigh its benefits.
49. Even if assessed under Framework Paragraph 11.d), the application of the Framework's policies that protect designated heritage assets would provide a strong reason for refusing the development. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

50. For the reasons given above, the appeal development fails to preserve or enhance the character or appearance of the CA, fails to preserve the setting of TG and harms the living conditions of nearby residents. These harms bring the development into conflict with the development plan as a whole. The conflict with the development plan carries significant weight against the grant of planning permission and there are no material considerations of sufficient weight, including the development's benefits and the provisions of the Framework, to outweigh this finding. Consequently, the appeal development is unacceptable and the appeal is dismissed.

G Sylvester

INSPECTOR