



Appeal Decision

Site visit made on 13 August 2025

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th August 2025

Appeal Ref: APP/U1430/W/25/3361201

Partridge Farm, Starvecrow Lane, Peasmarsh, Rye, East Sussex TN31 6XN

- 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 Andrew David Thomas against the decision of Rother District Council.
 - The application Ref is RR/2024/1397/P.
 - The development proposed is the change of use of building and land from holiday let accommodation to permanent dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of building and land from holiday let accommodation to permanent dwelling at Partridge Farm, Starvecrow Lane, Peasmarsh, Rye, East Sussex TN31 6XN in accordance with the terms of the application Ref RR/2024/1397/P, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - the effect of the proposed development on holiday accommodation provision in the district; and
 - whether the site is a suitable location for housing having particular regard to the accessibility of services and facilities.

Reasons

Provision of holiday accommodation

3. Policy EC6(iv) of the Rother Local Plan Core Strategy (CS) seeks to avoid the loss of holiday accommodation in the district, unless there is no prospect of its continued use.
4. Policy DC01 of the Development and Site Allocations Local Plan (LP) sets out that proposals that involve the loss or diminution of sites of social or economic value (which specifically includes tourist accommodation), including those last in such use, must demonstrate that there is no reasonable prospect of a continued use. The policy goes further in explaining what is expected to meet this requirement. That includes (i) evidence of a comprehensive and sustained marketing campaign which clearly indicates a lack of demand for the existing use. This should be based on marketing that offers the land for sale, or rental, at a realistic valuation of the site/premises for that use. This should normally be for a period of at least 18

- months. In addition, (ii) evidence should be provided that clearly demonstrates that the unit is not or is not capable of being financially viable.
5. The appellant has provided evidence to support the lack of demand for holiday accommodation at the site. In particular, low levels of occupancy of 27.67% were recorded between 2023 and 2024, despite advertising and during a time where no COVID movement restrictions were in place. In reviewing the submitted evidence, and given the reasonably large scale of the property, there is no reason for me to dispute that the appeal property is not financially viable as holiday accommodation, or that the situation would improve significantly should measures to improve the viability of the business ('efficiencies') be implemented. Be that as it may, LP Policy DC01 requires that both criterion (i) *and* (ii) are met. They are not to be read in isolation.
 6. The appellant sets out that the property has been marketed for letting on sites such as *Open Rent*, *Airbnb* and *cottages.com*, which I do not doubt. However, this is not the same as marketing the 'land for sale, or rental, at a realistic valuation of the site/premises for that use' or for an alternative commercial or community use. The policy wording, as I interpret it, relates to the marketing of the property itself to outside parties. There is no substantive evidence before me that demonstrates the provisions under (i) have been satisfactorily undertaken. From that perspective, the proposed development conflicts with LP Policy DC01.
 7. Notwithstanding the above, the appellant has provided evidence to demonstrate the provision of a significant volume of alternative holiday accommodation across the district. Although I have only limited detail of these individual examples, and cannot determine if they have all been implemented, it is clear that there is a considerable pipeline supply of holiday accommodation in the district, with evidence of planning activity over several years. The loss of a single holiday let, which would be the outcome if I were to allow the appeal, would unlikely have a significant impact on the provision of accommodation across the district, or the local economy overall. I afford this matter moderate weight.
 8. I also acknowledge the appellant's statement that the property is no longer a holiday let (ceasing in 2024) and that there is no intention to restart that function. Moreover, it has been brought to my attention that the original planning permission contains a legal agreement which restricts the use of the barn to holiday accommodation only and its occupation to a maximum of 56 days. I accept that this presents a particular challenge in trying to market the barn as required under LP Policy DC01, particularly in respect of seeking alternative commercial or community uses. With no prospect of a continued holiday accommodation use, it would be reasonable to conclude that the use has already been lost, risking the future sustainability of the building itself. This is a matter I give considerable weight.
 9. Overall, I conclude that while the proposed development would be contrary to the relevant provisions of LP Policy DC01 and CS Policy EC6, which seek to protect visitor accommodation, this harm is outweighed by other material considerations in this particular instance. LP Policy DEC3 has also been referenced in the decision notice. However, this relates to existing employment sites and premises. As there is no evidence before me that the site technically employs anyone, despite being a tourism use, I do not consider this policy to be relevant to this main issue.

Suitability of the site for housing

10. The appeal site comprises a parcel of land to the south side of Starvecrow Lane. The surrounding area is rural in character. It largely comprises open fields and areas of woodland alongside narrow, rural lanes. Occasional residential properties exist in the immediately surrounding area, including to the immediate north and west. In that context the site cannot reasonably be described as 'isolated' within the terms of the National Planning Policy Framework (the Framework). Nevertheless, the appeal site undisputedly falls within the open countryside and could reasonably be described as being remote from nearby services and facilities.
11. I have no doubt that the occupants of the building, if used as an independent dwelling, would rely on the use of a private car to access most day-to-day services and facilities. There is no convincing evidence before me that demonstrates that realistic alternative means of sustainable transport exist, such as convenient or safe access to services by foot or public transport. The footpaths and cycle route referred to includes, in part, uneven terrains and reasonably long distances. They would not be sufficient to rely upon, particularly after dusk or during inclement weather. I acknowledge the reference to a bookable bus service, however I have limited information before me to convince me that such a service could be relied on.
12. Although the property has, for some time, been in use as a holiday let, which would be the subject of vehicular trips by visitors, the full time use of the property as a private dwelling is likely to consist of more intensive trips when considering the occupants, visitors and deliveries.
13. Overall, I conclude that the proposed development would form a dwelling in an unsustainable, out-of-settlement location, contrary to the relevant provisions of CS Policies OSS2, OSS3 and TR3 and LP Policy DIM2. These policies, in summary and when taken together, seek to ensure development takes place in the right locations and minimise the need to travel.

Other Matters

14. The appeal site is located within the wider surrounding of Grade II listed building, Partridge Farm. Mindful of the statutory duty set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving its setting. The verdant surroundings of this building, of which the appeal site forms part, positively contribute to its significance. Nevertheless, given the location and extent of the proposed development, I consider that it would preserve the setting of the listed building and the contribution it makes to its significance. I note the Council had no concerns in this regard either.
15. I acknowledge that the proposed development would meet a number of other planning objectives, including in respect of living conditions and highway safety. However, as there is no dispute in these regards, these matters are effectively neutral in my determination of the appeal, rather than matters that weigh in favour of the scheme. There would be no harm in respect of character and appearance due to the lack of proposed alterations.
16. I note the appellant's frustration with the Council in its assessment of the evidence provided. Nevertheless, this matter has not altered my conclusions. Any dispute around unreasonable behaviour would be best dealt with via a costs application.

17. The Council has a lack of a five-year supply of housing land. This is a matter I return to subsequently.

Planning balance

18. My attention has been drawn to the Council's lack of a five-year supply of housing land, standing at 2.63 years. This is undisputed and equates to a considerable district undersupply. As such, Framework paragraph 11.d is engaged.
19. Given the weak housing land supply position, and mindful of the government's objective of significantly increasing the number of homes, the provision of an additional home here, albeit limited, is a matter to which I give significant weight.
20. I am aware of appeal reference APP/U1430/W/20/3250900, where the addition of a single dwelling was not afforded the same level of weight. Nevertheless, that decision dates from some five years ago and I have no evidence before me of the precise housing supply figure at that time. I am also aware of the previous appeal at this site. I am not bound by the conclusions of that Inspector, particularly as that decision dates back to 2023. It is evident that the housing land supply position has worsened since that time, illustrated by the figures provided in the Council's officer report and appeal statement. Therefore, those other decisions, and the planning balance there, are not directly comparable to the case before me.
21. There would also be some other economic and social benefits from the scheme including an increase in local spend as a result of permanent occupation. This is likely to be relatively limited by reason of the extent of the development and its location. I afford this consideration some, limited weight in favour of the appeal.
22. I have identified harm in respect of the location of the proposed development. The Framework, at paragraph 110, sets out that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. With this in mind, I afford this harm moderate weight.
23. Overall, taking all of the above into consideration, I find that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Accordingly, there are material considerations, in this particular instance, which indicate that a decision should be made other than in accordance with the development plan.

Conditions

24. In addition to the standard time limit condition, I have imposed a condition requiring compliance with the relevant plans. This is imposed in the interest of certainty. I have not imposed a suggested condition removing permitted development rights as there is insufficient justification before me as to why this is reasonable in this case.

Conclusion

25. Due to the particular circumstances of this case, material considerations indicate that a decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is allowed.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers:
 - Site and Block Plans
 - Elevations (1906/WD2 Rev A)
 - Ground and First Floor Plans (1906/WD1 Rev A)