



Appeal Decision

Site visit made on 19 August 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2025

Appeal Ref: APP/U1430/W/25/3364314

The Old Vineyard, Whitebread Lane, Beckley TN31 6TY

- 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 & Mrs M & J Horton against the decision of Rother District Council.
- The application Ref is RR/2024/1177/P.
- The development proposed is the erection of one detached house served by a new vehicular access.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issues

3. The main issues are:
 - whether the proposed development would be in a suitable location for new housing with regard to the local development strategy;
 - the effect of the proposed development on the character and appearance of the surrounding area, including the High Weald National Landscape; and
 - whether the proposed development can deliver mandatory biodiversity net gain.

Reasons

Location

4. The appeal site is a section of a larger site, The Old Vineyard, an open and undeveloped field, occupied by grassland interspersed with a number of trees with hedging along the boundaries. The appeal site is located in the corner of this wider site, adjacent to an existing row of properties on Whitebread Lane. The site is outside the development/settlement boundary and therefore is located within the countryside.

5. Policy OSS2 of the Rother Local Plan Core Strategy 2014 (the CS) states that development boundaries around settlements will continue to differentiate between areas where most forms of new development would be acceptable and where they would not. Policy RA3 (iii) of the CS states that proposals for development in the countryside will be determined on the basis of allowing the creation of new dwellings in extremely limited circumstances. The proposed development would not fall under any of the listed exceptions within this policy. Therefore, the proposed development would not be considered acceptable and would conflict with these two policies of the CS which relate to the local development strategy.
6. Policy DIM2 of the Rother District Council Development and Site Allocations Local Plan 2019 (the LP) states that new development shall be focused within defined settlement boundaries and that in the countryside (that is, outside of defined settlement boundaries), development shall be normally limited to that which accords with specific Local Plan policies or that for which a countryside location is demonstrated to be necessary. No evidence has been provided to suggest that the proposal would accord with specific Local Plan policies in relation to its location or that the countryside location is necessary and, as the appeal site is within the countryside, it would therefore conflict with this policy of the LP.
7. Therefore, the proposed development would not be a suitable location for housing with regard to the local development strategy as it would conflict with Policies OSS2 and RA3 of the CS and Policy DIM2 of the LP outlined above.

Character and Appearance

8. The appeal site is an edge of settlement location where residential development within Four Oaks adjoins the wider countryside, made up of parcels of open and undeveloped land along with wooded areas. Nearby development is largely comprised of relatively large residential dwellings with varied designs, set back from the road in a linear fashion along Whitebread Lane.
9. The appeal site, and the adjoining land making up The Old Vineyard, is a large, spacious site with a verdant appearance and no built form. Whilst there are other residential properties adjacent and opposite the site, it is set in open and undeveloped surrounds, providing a rural character in keeping with its countryside location and contributing positively to the overall character and appearance of the area, particularly on this edge of settlement location.
10. The proposed dwelling would be in line with the adjacent properties, and its scale and design would be generally in keeping with other dwellings in the immediate area, with a narrower flank elevation facing the road which is intended to reduce its impact upon the streetscene. The site would also be screened by new hedging along the front boundary with an offset access to limit the direct visibility of the proposed dwelling. However, even though at a slightly lower ground level than the neighbouring property, due to its two-storey height and proximity to the road, the proposal would still be a highly visible addition to the site and not visually contained. This would be exacerbated by the open nature of the remainder of The Old Vineyard, making the proposed dwelling a highly prominent addition compared to its undeveloped surrounds.
11. The presence of a relatively large residential building on the appeal site, including the addition of a large, albeit gravelled, driveway and the associated domestic

paraphernalia, results in an urbanisation of the site which is detrimental to the rural surrounds and the existing character and appearance of the area.

12. Although positioned adjacent to the existing built form on this side of Whitebread Lane and only occupying a small portion of the wider site, the proposed development would still encroach onto open and undeveloped land which would impact upon the character and appearance of the entire site. As a standalone development in an otherwise open field, only enclosed on one side by other built development, it would also appear as an incongruous addition to both The Old Vineyard site and the overall streetscene.
13. Furthermore, although a replacement hedge is proposed to the front of the appeal site, the existing larger and more established hedgerow would be lost. This existing hedgerow contributes positively to the rural character of this section of the road when travelling from the built up confines of the settlement into the wider countryside surrounding it. The replacement hedge would be smaller and set back from the road, to provide visibility splays for the proposed access. This would add to the domestic appearance of the appeal site and loss of its rural character when viewed from the road.
14. The appeal site is also located within the High Weald National Landscape, previously known as the High Weald Area of Outstanding Natural Beauty (AONB). The spacious and verdant nature of the appeal site and lack of development sits comfortably within the rural surrounds of the National Landscape and contributes positively to it.
15. The statutory purpose of National Landscapes is conserving and enhancing the natural beauty of the area of outstanding natural beauty. Section 245 (Protected landscapes) of the Levelling-up and Regeneration Act 2023 amends the duty on relevant authorities in respect of their functions, which affect National Landscapes. Relevant authorities must seek to further the statutory purposes of Protected Landscapes, which includes National Landscapes. Paragraph 189 of the Framework also states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues.
16. As, for the reasons outlined above, the proposed development would result in the urbanisation of the appeal site, to the detriment of the open and rural character of the area, it would also be harmful to the wider High Weald National Landscape and, for this reason, would not further its statutory purpose of conserving and enhancing the natural beauty of the area.
17. Therefore, for the reasons above, the proposed development would harm the character and appearance of the surrounding area, including the High Weald National Landscape, for which the conservation of is given great weight, and would conflict with Policies OSS4, RA2, EN1 and EN3 of the CS and Policies DEN1 and DEN2 of the LP.
18. These policies collectively seek to ensure that development respects, contributes positively to and does not detract from the character and appearance of the site and surroundings and generally conserves the intrinsic value, locally distinctive rural character and landscape features of the countryside, with the siting, layout and design of development maintaining and reinforcing the natural and built landscape character of the area. Along with ensuring all development within the

High Weald National Landscape is conserving and seeking to enhance its landscape and scenic beauty and ensuring the protection of its distinctive identified landscape character and settlement pattern.

Biodiversity Net Gain (BNG)

19. The statutory framework for BNG involves the discharge of the biodiversity gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development. The determination of the Biodiversity Gain Plan under this condition is the mechanism to confirm whether the development meets the biodiversity gain objective. Development may not be begun until the Biodiversity Gain Plan is approved.
20. The Council have stated that they expect the mandatory 10% BNG to be delivered on the proposed site plot and the field adjoining to it. They conclude that as the applicant is not the sole owner of the site, a Biodiversity Gain Plan should have been provided with the application. However, the appellant has confirmed that they do own the entirety of the appeal site and surrounding land, known as The Old Vineyard, but do not own the roadside verge.
21. Planning Practice Guidance outlines that given the way in which the biodiversity net gain objective is met, it would generally be inappropriate for decision makers, when determining a planning application for a development which is subject to BNG, to refuse it on ground that the biodiversity gain objective would not be met. However, it goes on to state that decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged.
22. From the evidence provided, I see no reason as to why the mandatory 10% BNG could not be delivered as outlined within the submitted BNG assessment, on the wider site or through the purchase of the units from a habitat bank. No other concerns have been raised by the Council in relation to ecology or biodiversity. Therefore, subject to the submission of a Biodiversity Gain Plan and the discharge of the biodiversity gain condition, I am satisfied that the proposed development would not cause unacceptable harm to biodiversity.
23. Therefore, subject to these requirements, the proposal would not conflict with Policies EN5 of the CS and DEN4 of the LP which seek to ensure that development proposals support the conservation of biodiversity and retain, protect and enhance habitats of ecological interest.

Planning Balance

24. The development would add to the overall housing land supply and make a contribution to the Government's objectives of significantly boosting the supply of homes, with the addition of a single dwelling in what the appellant considers is a sustainable location with regard to accessibility to services and facilities. The Council have confirmed that they cannot achieve a five year supply of deliverable housing, demonstrating a 2.63 year supply of land for housing, a significant shortfall. As such, due to the provisions of footnote 8, paragraph 11(d) of the Framework should be applied.
25. However, while the framework advocates granting planning permission where there are no relevant development plan policies, this is unless, in accordance with

paragraph 11(d)(i), the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. The significant harm to the National Landscape identified is such that the policies in the Framework relating to the National Landscape provide that strong reason for refusing the development. As a result, the presumption in favour of sustainable development does not apply and does not weigh in favour of the proposal.

26. The appellant has outlined the benefits of the proposed development, including economic benefits such as employment during construction and the needs of the future occupiers and environmental benefits such as the required biodiversity net gain and sustainable design features of the proposal. However, due to the scale of the development, as a single dwelling, these benefits would be limited and therefore would not outweigh the harm identified.

Other Matters

27. The appellant has brought a number of other development sites to my attention which have been granted planning permission for similar proposals. These include the construction of a single dwelling on a site opposite the appeal site, which was granted planning permission¹ even though it is also located outside of the settlement boundary. However, for this development the Council found no harm to the character and appearance of the area or the High Weald National Landscape, due to the enclosed nature of this neighbouring site. Therefore, it is not directly comparable to the appeal before me which forms part of a much larger, open site and where I have found harm to the character and appearance of the area, including the National Landscape, for which the conservation of is given great weight.
28. A number of developments which were granted planning permission at appeal have also been highlighted. Three examples² provided in the Rother District demonstrate where harm has been found to have been outweighed due to the significant lack of housing land supply in the area. However, as outlined above, this is not the case for the appeal proposal before me and therefore these examples do not set a precedent in relation to paragraph 11(d) of the Framework.
29. The appellant has drawn my attention to a fourth development which was granted planning permission at appeal³, stating that it is similar to the appeal proposal given its distance from the centre of an urban area and the potential impact on the High Weald National Landscape. However, in this example, the Inspector found that the development would conserve the landscape and scenic beauty of the National Landscape, previously AONB, as it would be enclosed by existing built form on two of its sides. This is distinctly different from the appeal site which only has built form to one side and therefore, this development is not directly comparable to the appeal proposal.

Conclusion

30. Whilst it is likely that the proposed development could deliver the mandatory requirement for biodiversity net gain, I have found that it would harm the character and appearance of the area including the National Landscape.

¹ RR/2022/3016/P (Land adjacent to Broadlawns, Whitebread Lane, Beckley, TN31 6TY)

² APP/U1430/W/24/3336599, APP/U1430/W/21/3285269 and APP/U1430/W/23/3323506

³ APP/C1435/W/22/3298263

31. Therefore, for the reasons given above and having had regard to all other matters raised, the development would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR