



Appeal Decision

Site visit made on 22 September 2025

by **C Coles MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th November 2025

Appeal Ref: APP/U1430/W/25/3366199

Earls Croft, Earls Down, Dallington, East Sussex TN21 9JE

- 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 B Quanstrom against the decision of Rother District Council.
 - The application Ref is RR/2024/2041/P.
 - The development proposed is demolition of existing stable block and new self-build, live work dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant makes reference to the term Very Special Circumstances (VSC) in their evidence. These words have a specific meaning in the National Planning Policy Framework (the Framework) in the context of development in the Green Belt. For the avoidance of doubt the site does not lie within the Green Belt and I have dealt with the appeal on this basis.
3. The appellants evidence makes reference to earlier versions of the Framework which have now been superseded. I have determined the appeal on the basis of the current version of the Framework which was adopted on 12 December 2024 and amended on 7 February 2025.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, having particular regard to the location of the site within the High Weald National Landscape (HWNL); and,
 - whether the proposal would be sustainably located with respect to accessibility to essential services and facilities required for day-to-day living; and

Reasons

5. Earls Croft is a large, detached character house located on the north side of the B2096. The appeal site is the parcel of land adjacent to Earls Croft which contains paddock area with a menage and stable buildings. The site includes previously developed land (PDL), although it should be noted that not all the land within the site boundary is PDL.

6. The appeal site lies outside a settlement boundary, within a countryside location and within the HWNL which is legally designated as an Area of Outstanding Natural Beauty (AONB).

Character and Appearance

7. Paragraph 189 of the Framework requires great weight to be given to conserving and enhancing the landscape and scenic beauty of National Landscapes, which have the highest status of protection in relation to these issues. The natural beauty of the HWNL is based on the rural and small-scale landscape character created by historic agricultural and forestry practices. The appellant has submitted a Landscape Visual Impact Assessment (LVIA) to address the effect of the proposal on the HWNL and I have considered the contents in coming to my decision.
8. Section 245 of the Levelling-Up and Regeneration Act 2023 amended several statutes concerned with the purposes of conserving and enhancing the natural beauty of AONBs and requires that authorities must 'seek to further' these statutory purposes.
9. The site has an open, undeveloped appearance and its current use is as pasture with menage and stabling which are now unused. The stabling lies across the boundary with Earls Croft and the appeal site which is located on rising land and the surrounding landscape comprises a patchwork of open fields, many of which remain largely undeveloped and are bordered by dense vegetation. The field, stables and menage make a positive contribution to the rural character of the landscape and scenic beauty of the HWNL.
10. The menage and modest, single-storey stabling are low key development, typical of what you would expect to find in a countryside location and they are exceptionally difficult to see from the road. The appellant could bring the stabling and menage back into use without requiring planning permission and this would be in keeping with a countryside location.
11. The proposed live/work unit, associated access, parking and driveway would occupy a significant proportion of the site, extending beyond the PDL of the stabling and menage, incorporating at least an area of grass/lawn which would undoubtedly feature domestic paraphernalia in association with the use of the dwelling. As the proposed development would be a large house with at least four bedrooms it would result in more paraphernalia than the modest stables currently on the site. The live/work unit would be located on the highest part of the site on the former menage and the overall effect of the proposal would be to domesticate the site and lessen its rural feel.
12. The proposed new access point to serve the live/work unit would require the cutting back of the existing managed Beech hedge along the road frontage which would open up the site from the main road (Battle Road) making it more visible in public views of the landscape. The impact of the proposal from users of Battle Road has been identified in the LVIA as minor-adverse prior to mitigation to which I agree.
13. The appellant proposes mitigation in the form of the planting of an orchard and reinforcing and establishing new hedgerow. However, the role of landscaping is not to make unacceptable development acceptable, or to hide development but to improve and enhance appropriate development. None of the proposed mitigation

would screen the proposed development which would remain visible to some extent from adjacent fields and from the access, especially in the winter months when the screening effect of deciduous trees is absent. The scheme would represent an urbanising form of development and create a sense of enclosure in the HWNL which should be conserved for its own intrinsic value, its openness and undeveloped quality. Whilst the mitigation would lessen the effect of the proposal on the HWNL, it would not take away the fact irreversible harm would still occur to the relationship of the site with the surrounding fields and landscape.

14. The proposal is for an L-shaped detached dwelling on the site of the existing menage. The LVIA has identified the overall effects on the landscape character of the existing field where the proposed dwelling would be constructed as significant-adverse. Due to the scale of the proposal, I agree with the findings of the LVIA in this respect.
15. The proposal would be clad in vertical charred timber with a slate tile or corrugated roof with Photovoltaic panels on the south and east elevation. Full height windows with vertical louvres would be located on the principal elevation of the dwelling.
16. The proposal has been designed to reflect agricultural forms and not local dwellings, using a barn-like structure and natural materials such as charred timber to give it a contemporary appearance. Whilst there is disagreement between the parties over the extent to which the proposal responds to the principles set out in the High Weald Design Guide (2019), the contemporary approach to an agricultural barn is supported in principle by the Design Guide.
17. However, the proportions and L-shaped footprint of the proposed building would not reflect that of a traditional Sussex barn and the large amount of full height glazing and the use of box windows is not considered to be a successful contemporary interpretation of an agricultural barn. The proposed box windows would project forwards and proud of the roof plane which would result in a crude caricature of a traditional Sussex barn.
18. The use of such a large expanse of glazing within the design has also not been justified and is not considered appropriate for its setting. The glazing would increase reflectivity from the building and light spill would make it more apparent in the landscape. The installation of solar panels would also increase the amount of reflection. The LVIA acknowledges that increased use of glazing could in some conditions increase reflectivity from the site and make it more apparent in the landscape.
19. Mitigation is proposed in the form of louvres and specialised glazing, however, closing the louvres to prevent light spill could not be controlled by condition as such a condition would be unreasonable. The cumulative overall effect of the glazing and solar panels would therefore be harmful to the dark night skies of the HWNL.
20. I do not consider the proposal with accommodation over two floors to have a mass and scale that could be considered to sit subserviently within the site. Its proposed location away from the road and set into the site on the menage is noted, however, the overall building mass would be substantial and completely different to the stabling being replaced which is single storey, low key, anticipated within a countryside location and in any event, difficult to see.

21. In conclusion, whilst the LVIA finds that the overall effects on the character of the landscape would largely be no change, for the reasons given above, the introduction of a large dwelling with significant amounts of glazing, associated access, parking and formal driveway would have a harmful effect on the rural character and scenic beauty of the HWNL. The scale and domesticity of the proposal along with more structured planting would undermine the intrinsic rural qualities of the area. The proposal would therefore be contrary to Policies OSS4, EN1 and EN3 of the Rother Local Plan Core Strategy (2014) (LPCS) and Policies DEN1 and DEN2 of the Development and Site Allocations Local Plan (2019) (DASA) which together, seek to encourage high quality design and manage and enhance the landscape character and scenic beauty of the HWNL. The proposal would not further the purposes of conserving and enhancing the natural beauty of the HWNL.

Sustainable location

22. Policy RA2 of the LPCS explains that new development in the countryside would be strictly limited to that which supports local agricultural, economic or tourism needs and maintains and improves the rural character. The exceptions when new dwellings will be allowed in the countryside are identified in Policy RA3.
23. Policy RA3 of the LPCS permits the creation of new dwellings in the countryside in extremely limited circumstances, including: (a) dwellings to support farming and other land based industries; (b) the conversion of traditional historic farm buildings; (c) the one-to-one replacement of an existing dwelling of similar landscape impact; or (d) as a 'rural exception site' to meet an identified local affordable housing need. None of these criteria are met by the proposal.
24. Paragraph 84 of the Framework seeks to avoid isolated homes within the countryside unless specific circumstances apply. Although the proposal would have a countryside location, it would not be isolated by virtue of its proximity to other buildings. In any event, the proposal would not fulfil any of the criteria listed within paragraph 84 that would justify a new dwelling in this location.
25. The proposal would be located partially on PDL. Paragraph 89 of the Framework recognises that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements and the use of PDL should be encouraged where suitable opportunities exist. Whilst the proposal is for a live/work unit, I have not been provided with sufficient evidence to demonstrate that the proposal would meet a local business and community need that would not be able to be met within a settlement.
26. The proposal would be for a new dwelling with work space which would allow the appellant to provide a purpose-built environment for children within the care of him and his spouse as foster carers and to work from home. Whilst the benefits of fostering are noted, it has not been sufficiently demonstrated that the needs of foster families are sufficiently different to those of a nuclear family so as to justify a rural location.
27. Policy TR3 of the LPCS requires new development to minimise the need to travel and support good access to employment, services and facilities as well as ensure adequate, safe access arrangements. The foster children would need access to educational facilities as well as other day-to-day facilities and to engage in social activities, all of which would generate additional trips to and from the site.

28. Due to the lack of a footpath running along the main road outside the site, the speed of the road and the lack of access to reliable, frequent public transport, the occupiers of the proposal would be heavily reliant on the private motor vehicle for the majority of their everyday needs.
29. I note the existence of the Flexibus service but this would generally not be considered an alternative to the private car for daily activities like the school run for primary aged children. I also share the Councils concern that the future funding for this service is not guaranteed and note the other constraints in terms of operational hours. If the service were withdrawn the occupiers would be almost totally reliant on the private motor car for transport to and from the site.
30. I also note that there is mention of safe walking routes to the primary school and post office in Dallington along public footpaths. However, I have not been provided with any information as to where these footpaths are or how long this would take in order to confirm they would be realistic and viable alternatives to the private motor car.
31. In conclusion, the proposal would not be sustainably located with respect to accessibility to essential services and facilities required for day-to-day living and the proposed occupiers would be heavily reliant on the motor car. The proposal would therefore be contrary to Policies PC1, OSS2, OSS3, RA3 (iii) and TR3 of the LPCS. These policies, amongst other considerations, seek to limit the circumstances upon which new dwellings in the countryside would be allowed and direct development to sustainable locations with consideration to minimising the need to travel and the character and qualities of the landscape.

Other Matters

32. I have been directed towards applications RR/2024/473/P, RR/2022/1219/P and RR/2025/223/P. These applications were granted for the conversion of existing commercial buildings or buildings associated with a business/commercial use into either live-work units or a residential dwelling. These permissions are within the same administrative and planning policy boundaries as the appeal site. However, they are materially different to the appeal proposal as they are for the conversion of existing barns which had a former commercial/business use, residential use or associated business use. The proposals also had smaller residential curtilages. As a result, these decisions are a consideration of only limited weight in favour of the appeal.
33. Appeal decisions APP/C1435/W/20/3260796, APP/D3125/W/19/3235474, APP/X1355/W/20/3253276 and APP/T2350/W/24/339770 have also been cited in support of the appeal. However, they are not directly comparable to the appeal proposal as they are located within different local planning authority areas with different policy constraints, types of permission, scales of development and proximity to settlements and existing residential development. Consequently, reference to these decisions has not altered my findings in relation to the main issues in this appeal.
34. Whilst I have given the appellants personal circumstances careful consideration and I acknowledge the benefits of fostering, I am mindful of the advice contained in Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be relevant. I have not

been provided with sufficient and convincing evidence that the appellants requirements are any different from a nuclear family. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm that would be caused contrary to the development plan.

35. The Council have addressed the difference between the purpose of an EIA screening opinion and the planning merits of the proposal in relation to effect on the landscape and I have no reason to take a different view. There is the potential for the enhancement of biodiversity if the appeal proposal went ahead. Given the limited size of the appeal site, I attach limited weight to this matter in favour of the scheme.
36. The appellant invites me to attach significant weight to the benefits of delivering a self-build dwelling. They cite evidence to demonstrate the Council is not meeting its targets under the Self-Build and Custom Housebuilding Act 2015. Whether or not the Council is meeting its obligations the self-build dwelling has not been properly secured. This is because the draft Unilateral Undertaking (UU) has not been properly completed and so does not have legal effect. In light of this, there is no guarantee that the proposed dwelling would be delivered as a self-build dwelling. Accordingly, I attach limited weight to its potential benefit of helping to meet the demand for self-build housing.

Planning Balance and Conclusion

37. For the reasons I have set out earlier, the proposal would harm the character and appearance of the HWNL and would not be sustainably located contrary to the development plan. The appellant contends the proposal would comply with Policies PC1, OSS3, OSS2, RA3, TR3, OSS4, EN1, EN3 of the LPCS and DEN1, DEN2, DEN 6 and DEN 7 of the DASA, however, for the reasons set out previously, I do not agree and find that the proposal would be in conflict with the development plan as a whole.
38. The Framework though is an important material consideration. At present with only a 2.63 year supply of deliverable housing land the Council has a significant shortfall and cannot demonstrate the five year housing land supply sought by the Framework. In such circumstances, the Framework advises that the policies that are most important for determining applications are out of date and that planning permission should be granted.
39. However, the Framework advises that this approach does not apply where the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development.
40. In this case, the proposed development would harm the rural character and scenic beauty of the HWNL. National Landscapes are given the highest level of protection by the Framework and in accordance with the Framework, I attach great weight to the conserving and enhancing the HWNL's landscape and scenic beauty. As this policy of the Framework protects assets of particular importance it provides a clear reason for refusing the development proposed, which, for the reasons given below, is not outweighed by the benefits of the scheme.
41. The other considerations put forward in favour of the proposal, including the other matters discussed above, the contribution of the proposal to addressing the shortfall in housing land supply, its effective use of land, the scheme's

environmental credentials due to its construction to Passivhaus standards and the economic benefits of construction, are notable. However, they are insufficient to outweigh the harm that would be caused and non-compliance with the development plan. Material considerations therefore do not indicate that the proposal should be determined other than in accordance with the development plan.

42. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

C Coles

INSPECTOR