



Appeal Decision

Site visit made on 4 November 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2025

Appeal Ref: APP/U1430/W/25/3369952

Roarks View, Coastguard Lane, Fairlight, East Sussex TN35 4AB

- 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 Robert Gamgee against the decision of Rother District Council.
 - The application Ref is RR/2025/715/P.
 - The development proposed is a 3-bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would be suitably located having regard to relevant development plan policies concerning the provision of housing in the district; and
 - the effect of the proposal on the character and appearance of the area, and whether it would conserve and enhance the landscape and scenic beauty of the High Weald National Landscape.

Reasons

Suitable location

3. The site lies outside the defined settlement boundary and is classed as countryside under the development plan. Policies OSS2, RA2 and RA3 of the Rother Local Plan Core Strategy and Policy DIM2 of the Development and Site Allocations Local Plan (the 'DaSA') establish a spatial strategy that directs new housing growth to within established settlement boundaries and strictly limits new residential development in the countryside unless falling within specific exceptions.
4. Assessed against these policies, the proposal does not fall within any of the categories of development supported in countryside locations. It would not be essential for agriculture or land-based businesses, it would not be a replacement dwelling, and it would not consist of a conversion of an existing building. It would therefore introduce additional new-build residential development in a location where the Local Plan expects strong restraint. The development would comprise built form outside of a settlement boundary in conflict with the plan-led distribution of growth.

5. There are no basic amenities or facilities nearby. Whilst there is a café on Coastguard Lane and a Church nearby, there is no supermarket, primary school or a range of shops, services and facilities within the village, and employment opportunities are very limited. I note there is a bus stop within walking distance of the appeal site. The lane connecting to the bus stop is unlit, narrow and does not have a footpath. It is nevertheless useable as this is not unusual in rural areas. A bus service connects Fairlight Cove to Hastings which has a wide range of facilities, but the service is relatively infrequent. There is no consistent roadside footway along Fairlight Road linking the two settlements, meaning this route would be unsafe for pedestrians and of limited practicality for routine needs, such as carrying groceries, given the distance involved. Even to reach the nearest supermarket in Hastings would require a walk of around 40 minutes each way.
6. As such, whilst the settlement is not wholly isolated, everyday needs and access to employment or shops would still rely predominantly on private motorised vehicles. This reliance would be compounded by the site's location beyond a defined settlement boundary. The proposal would therefore run counter to the National Planning Policy Framework (the 'Framework') and the Local Plan's spatial objective of steering housing growth to more sustainable locations and policies that seek to promote accessibility and reduce reliance on the private motorised vehicle.
7. The appeal site is also located within an area designated as a protected Strategic Gap under Policy DEN3 of the DaSA. The land between Hastings and Fairlight Cove is identified as performing a vital role in maintaining the openness of the countryside and preventing settlement coalescence. The land south of Battery Hill and Hill Road, and east of Coastguard Lane, is noted as being especially vulnerable to incremental infill development. In light of this, the proposal would comprise an intrusive addition within the protected strategic gap.
8. Furthermore, it is contended that the proposal would be a logical form of infill development within an established cluster of dwellings. However, the appeal site does not appear as a gap in a continuous frontage that would naturally accommodate additional development. It reads as part of a large rear garden that contributes to the openness and rural qualities of the area. Presenting the proposal as infill does not alter the fact that it would constitute additional built form on what is countryside land where the spatial strategy seeks to resist such encroachment.
9. For these reasons, I find the proposal would not be suitably located having regard to relevant development plan policies concerning the provision of housing in the district. It would not adhere to the Council's housing strategy, resulting in significant harm. It would conflict with Policies OSS1, OSS2, OSS3, OSS4, RA2, RA3, SRM1 and TR3 of the Core Strategy, and Policies DIM2 and DEN3 of the DaSA insofar as they seek to limit new development in the countryside outside settlement boundaries, and ensure that new housing adheres to the spatial development strategy, has access to existing services, and promotes sustainable travel patterns.

Character and appearance

10. The appeal site forms part of the large rear garden of Roarks View, extending along its eastern boundary. It occupies a position between the properties on Coastguard Lane and those fronting Hill Road, and at present contributes to a

clear sense of openness that separates these dwellings. Access would be formed off Hill Road, which is a narrow rural lane characterised by green verges and soft landscaping. To the north of the site lie the grounds and cemetery of St Andrew's Church, an established and visually prominent feature that provides an open and pleasant setting.

11. The surrounding area is characterised by detached dwellings set within generous plots, with substantial rear gardens. This creates a distinctly low-density, spacious and verdant environment. This pattern of development, with large expanses of open garden land between and behind properties, contributes strongly to the semi-rural character of the area.
12. The appeal site is also within the setting of the High Weald National Landscape (HWNL), formerly known as the High Weald Area of Outstanding Natural Beauty (AONB). The boundary lies on the opposite side of Hill Road. The Framework requires great weight to be given to conserving and enhancing the landscape and scenic beauty in these areas, which is the statutory purpose of such landscapes. I am mindful of my duties to further the purpose of conserving and enhancing the natural beauty of National Landscapes.
13. The High Weald AONB Management Plan¹ outlines the special qualities of the HWNL which has been designated in part because of the natural beauty of the landscape consisting of a tapestry of fields, hedgerows, small ancient woodlands, ponds, farmsteads and late-Medieval settlements. The High Weald occupies the ridged and faulted sandstone core of an area known from Saxon times as the Weald. It is an area of ancient countryside and one of the best surviving medieval landscapes in Northern Europe. The mosaic of small mixed farms and woodlands is considered to represent a quintessentially English landscape.
14. The proposal would introduce a detached two-storey dwelling into this open garden land. The insertion of a substantial dwelling in this position would noticeably erode the openness that characterises this part of Hill Road and which reflects the character and special qualities of the protected landscape. The reduction in spaciousness would have a marked visual impact, diminishing the sense of separation between the built form on Coastguard Lane and that on Hill Road.
15. Its scale and design, including extensive areas of glazing and prominent gable features, would increase the visual presence of built form, particularly during hours of low light when internal illumination would be conspicuous. The resulting increase in prominence of built development, domestication and night-time lighting would erode the tranquillity, rural qualities and sense of openness that are integral to the setting of the HWNL. Whilst materials and architectural detailing have been selected to reflect the local vernacular, they would not mitigate the cumulative effect of placing a modern, visually expressive dwelling within an area that currently provides a soft and transitional buffer to the designated landscape.
16. Furthermore, the plot is relatively constrained in both width and depth compared with the prevailing pattern. Although the appellant highlights compliance with internal and external space standards, the proposed dwelling would occupy a disproportionately large proportion of the garden area. Relative to its surroundings, this would appear cramped and would undermine the spacious and low-density

¹ The High Weald National Landscape AONB Management Plan, 2024-2029.

character that defines the area. The narrowness of the plot and the need to form a slim and tight front forecourt would reinforce the impression of overdevelopment.

17. The development would require the removal or substantial cutting back of established hedges to create the access. These hedges contribute to the soft and sylvan qualities of the area. Their loss or reduction would expose views of the access and the new dwelling and increase the visual presence of suburban development in an area that currently reads as a coherent strip of green garden edge bordering the HWNL.
18. The appellant argues that the partially sunken lower ground floor would reduce bulk and ensure the building sits comfortably within the sloping landform. This does not overcome the fundamental siting issue. The principal harm arises from introducing built development into a location where openness is intrinsic to the area's character and special qualities of the HWNL.
19. The appellant refers to other examples of development on garden land. However, no substantive evidence has been provided to demonstrate that these are comparable in terms of context, position or contribution to the settlement pattern. The presence of varied plot shapes or building sizes would not justify the erosion of the site and area's established spaciousness.
20. For these reasons, the proposal would harm the character and appearance of the appeal site and surrounding area and would not conserve or enhance the landscape and scenic beauty of the HWNL. It would therefore conflict with the Framework, which requires great weight to be given to this objective, and would be contrary to Policies OSS4, RA2 and EN3 of the Core Strategy, Policies DEN1 and DEN3 of the DaSA insofar as they seek to ensure that proposals in the countryside are well-designed, respect rural character and do not adversely impact on the surrounding context and the landscape character of the HWNL.

Other Matters

21. The Council is unable to demonstrate a five-year supply of deliverable housing sites, which stood at 2.63 years in April 2024. Paragraph 11 (d) i) states that there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provide a strong reason for refusing the proposal. Footnote 7 identifies National Landscapes as such areas. I consider that the harmful impacts of the scheme on the HWNL and the great weight attributed to this harm provides a strong reason for refusing the proposal. Therefore, the presumption in favour of sustainable development does not apply in this case.
22. Notwithstanding this, the proposal would still contribute to housing supply, although the addition of one single dwelling would have a very modest impact on overall supply in the district. This limits the weight attributed to this consideration.
23. The appellant also suggests the proposal represents an efficient use of land and constitutes a low-impact, small infill development that would adhere to national and local policy as well as emerging policy contained within the draft Rother Local Plan 2020–2040. This must be balanced against the harm identified and the site's poor accessibility and proximity to essential shops and services. I have found that the future occupants would be heavily dependant on private motorised vehicles. Given the site is not in a sustainable location, I have attached very limited weight to this aspect of the scheme.

24. The appellant also refers to the *Cornwall Council v Secretary of State* (2011) judgement to suggest that non-standard design solutions should be accepted where they respond to site constraints. That judgment simply confirms that innovative design is not inherently unacceptable. It does not require permission to be granted where the siting of development would cause fundamental harm. In this case, the concern is not primarily the architectural expression of the dwelling or the use of a partially sunken lower level, but the unsuitability of introducing a dwelling into open garden land adjacent to a protected landscape and where spaciousness and separation are defining characteristics. The appellant also cites *Barnwell Manor v East Northamptonshire DC* (2014) in support of a requirement for consistency and proportionality in decision-making. That judgment establishes that decisions must be based on the specific context and evidence before the decision-maker. No genuinely comparable examples within the surrounding context have been provided. Accordingly, neither judgment carries weight in overcoming the identified harm or the clear policy conflicts.
25. Furthermore, there would be some minimal economic benefits during construction and from future occupants' contributions to the local economy through the use of services and facilities. I have attached limited weight to this consideration.
26. A lack of harm with regard to living conditions, highway safety, refuse, cycle storage, drainage and other matters are neutral considerations which do not alter my overall assessment of the scheme.
27. St Andrew's Church is a Grade II listed building of clear architectural and historic interest. Mindful of the statutory duty set out in S66(1) of the Planning (Listed Buildings and Conservation Areas Act) Act 1990, I have had special regard to the desirability of preserving its setting. The Council considered that the proposed dwelling would have a neutral impact on the setting of the nearby listed church due to the separation distance, the site's topography and the presence of intervening vegetation. I have no reason to disagree with this view.

Conclusion

28. The proposal would not be suitably located with regards to the spatial housing strategy, and it would have a harmful impact on the character and appearance of the area and on a protected National Landscape. The adverse impacts and harm identified would significantly and demonstrably outweigh the limited benefits of the proposal.
29. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
30. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR