



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: 12 December 2025

Appeal Ref: APP/U1430/W/25/3371146

Bantony, Silverhill, Robertsbridge, East Sussex TN32 5PA

- 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 I & A Townend against the decision of Rother District Council.
 - The application Ref is RR/2025/354/PIP.
 - The development proposed is the erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal concerns an application for Permission in Principle (PIP) for the erection of a single dwelling. The scope of a PIP is limited to considerations of location, land use and amount of development. All other matters, including design, access, scale, landscaping and layout, would fall to be assessed at a later technical details stage.

Main Issues

3. 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;
 - 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; and
 - the effect of the proposal on the setting of the Grade II listed building Bantony.

Reasons

Suitable location

4. 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.

5. None of the exceptions (functional need, dwelling for rural workers, replacement dwelling or conversion of an existing building) apply in this case. 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.
6. Furthermore, there are no basic amenities or facilities in the direct vicinity. Although there is a range of shops, local services and a train station in Robertsbridge as well as a bus stop on Northbridge Street, access from the site to the village requires pedestrians to negotiate a section of the A21 that is unlit, lacks a dedicated footway and carries fast-moving traffic. Whilst the appellant indicates that the route is used personally without issue, planning judgements must consider the needs of all potential future occupiers, including children, the elderly and people with reduced mobility. For most users, the route would not provide a safe or attractive means of pedestrian access. Cycling would be possible, however it would be of limited practicality for routine needs, such as carrying groceries.
7. As such, 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.
8. The appellant refers to a decision at 2 White Horse Cottages, Silverhill. However, in that case the site lay close to a bus stop and benefitted from a dedicated pedestrian pavement leading safely to local shops and services. Those circumstances differ from the present appeal, where no comparable pedestrian infrastructure exists. That decision therefore carries very limited weight in favour of the proposal.
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, RA3, SRM1 and TR3 of the Rother Local Plan Core Strategy (the 'Core Strategy'), and Policy DIM2 of the Development and Site Allocations Local Plan (DaSA), and Policies HO1 and IN4 of the Salehurst & Robertsbridge Neighbourhood Plan 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 and pedestrian safety.

Character and appearance

10. The appeal site is within the High Weald National Landscape (HWNL), formerly known as the High Weald Area of Outstanding Natural Beauty (AONB). The National Planning Policy Framework (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.

11. 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.
12. The appeal site comprises part of an area of open rising land immediately east of Bantony and surrounding buildings. Although maintained as grass and enclosed by trees and hedges, the land functions visually and spatially as part of the wider rural landscape extending beyond the cluster of buildings. Its openness helps to define the edge of this cluster and contributes to the characteristic pattern of scattered development separated by countryside, which is a defining attribute of the High Weald.
13. In principle, the introduction of a dwelling and the creation and use of an access road across this land would represent a clear encroachment into this countryside setting. Even if limited to a single storey, a dwelling in this position would appear as an intrusion on an undeveloped hillside and would extend built form into land that currently reads as part of the rural landscape. The associated domestic activity, lighting and paraphernalia would further erode its rural qualities. This would undermine the transition between the compact building group surrounding Bantony and the wider countryside, diminishing the spaciousness and quiet rural character that the National Landscape designation seeks to protect.
14. The appellant contends that the appeal site does not have an open topography and is visually contained by boundary vegetation, such that a dwelling would not appear prominent. However, my assessment differs. Whilst vegetation and boundary features provide a degree of screening, they do not fully enclose the site. There are clear gaps in planting along the boundaries, through which the land is perceptible within the wider landscape, particularly when viewed from the south-west. This effect is accentuated during winter months, when deciduous vegetation offers reduced screening. Furthermore, the site occupies a slightly elevated position relative to the existing cluster of buildings, which would increase the visibility of any built form beyond the present envelope. As a result, even a modestly scaled dwelling would be more apparent in the landscape than suggested, undermining the appellant's claim that the proposal would not be visually prominent or incongruous within the surrounding countryside.
15. 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, EN1 and EN3 of the Core Strategy, Policies DEN1 and DEN2 of the DaSA, and Policy EN3 of the Salehurst & Robertsbridge Neighbourhood Plan 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.

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

Listed building

16. Bantony is a Grade II listed building. The earliest part of the building dates from the 18th Century and features additions from the 19th and early 20th Century. It derives significance from its architectural form and materials, its historic evolution as a farmhouse and manor house of status, and its relationship with surrounding agricultural land. The spacious rural setting, including the rising ground to the east, contributes to the legibility of its original estate context, enhances its architectural presence and helps retain the distinction between the formal cluster of buildings and the countryside beyond.
17. The appeal site forms part of this wider spatial envelope. Its openness and undeveloped character reinforce the prominence of the listed building and allow it to be appreciated as a rural manor set within generous grounds. Although vegetation offers partial screening, the contribution of this land to the building's setting is perceptual and spatial.
18. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) sets out that in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
19. My site visit confirmed that there remains a noticeable degree of visual and perceptual connection between Bantony, its garden walls and curtilage listed buildings, and the appeal site. In my view, the appeal site cannot be regarded as visually or spatially divorced from the setting of the listed building.
20. The appellant's heritage assessment argues that the site makes little contribution and that careful design would avoid harm. However, the openness of the appeal site and the land to the east of Bantony, beyond the garden walls, is integral to appreciating the building's architectural status, its historic association with surrounding land, and the contrast between the compact cluster of buildings and the protected landscape. The assessment therefore undervalues the contribution the site makes to significance and the extent of change the proposal would introduce.
21. Introducing a dwelling on rising ground in this location would noticeably encroach into the open setting, compressing the perceived extent of the grounds and diminishing the rural backdrop against which the listed building is experienced. Domestic activity and built form would intrude into an area that currently provides a sense of spaciousness and tranquillity important to appreciating its significance.
22. In addition, the proposed extension and formalisation of the access track across the open land would further urbanise this part of the setting. Even if surfaced in sympathetic materials, it would introduce an engineered feature across an area that presently reads as simple, grassed land beyond the historic garden structures.
23. Historic mapping suggests an ancillary structure once existed within this part of the grounds, and the limited remains visible on site indicate that any former outbuilding was modest in scale and clearly subservient to the principal building. Its historic presence does not justify the erection of a building that would likely be materially greater in scale, permanence and domestic intensity. Nor does it diminish the contribution that the presently open land makes to the setting of the listed building.

The proposal would not represent a simple reinstatement of historic development, but rather a qualitative change that would erode openness and alter the spatial relationship between the manor and its surrounding land.

24. As such, the proposal would harm the setting of the listed asset and would fail to preserve its special interest. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given the impact of the proposal on the setting of the listed building, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
25. Under such circumstances, paragraph 215 of the NPPF advises that this harm should be weighed against the public benefits of the proposal. The appellant is of the opinion that the proposal would be beneficial because of the delivery of new housing and economic activity. Whilst the provision of new housing attracts positive weight, the contribution of one single unit is modest. Any construction and spending benefits would be short-lived and limited. Taken together, the benefits advanced would be limited and would not outweigh the less than substantial harm identified, to which great weight must be given.
26. I therefore conclude that the proposal would have an adverse effect on the setting of the nearby Grade II listed building known as Bantony. Accordingly, the proposal would fail to satisfy the requirements of the Act and conflict with Policy EN2 of the Core Strategy and Policy EN5 of the Salehurst & Robertsbridge Neighbourhood Plan insofar as they seek to ensure proposals preserve and enhance the historic significance of designated heritage assets, including the contribution made by their settings.

Other Matters

27. 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 and designated heritage assets as such areas and assets. I consider that the harmful impacts of the scheme on the HWNL and on the setting of the listed building and the great weight attributed to these harms provide a strong reason for refusing the proposal. Therefore, the presumption in favour of sustainable development does not apply in this case.
28. 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 attracts limited weight in favour of the proposal.
29. The appellant suggests the development would be sensitively designed and would sit comfortably alongside existing buildings associated with Bantony. However, detailed design is not a matter before me at the permission in principle stage. This carries minimal weight.

30. Reference is made to adequate living conditions for future occupiers, including a quiet rural environment. While this may be so, high standards of residential amenity are an expectation of development rather than a benefit. This consideration therefore attracts very limited weight.
31. The appellant indicates that a new dwelling could achieve high energy efficiency standards through modern construction methods. No specific measures or commitments are provided. Accordingly, this attracts minimal weight.
32. The appellant's intention to occupy the dwelling personally is noted, but this is a private matter and does not constitute a planning benefit. This matter does not weigh in favour of the scheme.

Planning Balance and Conclusion

33. 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 harm that would result through the site's location relative to the listed building would also bring the proposal into conflict with the development plan as a whole, as well as the 1990 Act insofar as it relates to listed buildings.
34. Taken together, the benefits of the scheme would not clearly outweigh the adverse impacts and demonstrable harm identified. The proposal thus conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
35. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR