



Appeal Decisions

Site visit made on 4 November 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2026

Appeal A Ref: APP/U1430/W/25/3370582

Valencia, Station Road, Northiam, East Sussex, TN31 6QL

- 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 Mrs Dawn Roberts against the decision of Rother District Council.
 - The application Ref is RR/2024/1894/P.
 - The development proposed is a self-build dwelling.
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Appeal B Ref: APP/U1430/W/25/3370584

Land rear of Valencia, Station Road, Northiam, East Sussex, TN31 6QL

- 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 Sam Roberts against the decision of Rother District Council.
 - The application Ref is RR/2024/1899/P.
 - The development proposed is a self-build dwelling (variation of design to approved planning ref: RR/2022/1778/P).
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Decision

1. The appeals A and B are dismissed.

Preliminary Matters

2. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.
3. There are two appeals before me on land to the rear of the property known as 'Valencia', Station Road. The proposals are for two separate dwellings on adjoining plots. Given their proximity, the similarities in their design and layout, and the overlap in the main issues, I have considered the appeals together in a single decision in the interests of consistency and efficiency. Nonetheless, for the avoidance of doubt, I have determined each appeal on its own planning merits.
4. Planning permission was granted in 2022 for the construction of two single detached dwellings¹ on land to the rear of Valencia. One of these dwellings has now been built and is known as 'Braemar'.

¹ Planning application ref RR/2022/1778/P.

Main Issues

5. The main issues in both appeals are:
- 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 development on ecology and protected species.

Reasons

Character and appearance

6. The appeal site comprises the garden land which lies between 'Valencia', which fronts Station Road, and the recently completed dwelling known as 'Braemar'. Whilst situated to the rear of the frontage dwelling, Braemar nonetheless maintains a coherent plot and a substantial private garden.
7. The surrounding area is varied in character. Properties fronting the road generally occupy sizeable and elongated plots with appreciable rear gardens and a perceptible degree of separation between dwellings. I note several large dwellings have also been built on backland plots to the east of the site. Even where the built form intensifies within the adjoining estate to the south-west of the appeal site, the arrangement of dwellings remains legible, with defined frontages, adequate side spaces and meaningful private gardens that prevent the area from appearing overly dense. The dwellings within the adjacent estate are also generally separated by garaging set back from the road which increases the sense of spaciousness.
8. The appeal site lies within the High Weald National Landscape (HWNL), formerly known as the High Weald Area of Outstanding Natural Beauty (AONB). 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.
9. The High Weald AONB Management Plan² 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.
10. Overall, the area exhibits a mix of plot sizes and housing layouts, ranging from deeper frontage plots on Station Road to large, detached backland dwellings to the east and tighter development on Donsmead Drive. Despite these variations, the surrounding pattern of development features appreciable garden depths, mature vegetation and adequate separation between buildings, which provide visual relief and prevent built form from appearing continuous or overly compressed.

² The High Weald National Landscape AONB Management Plan, 2024-2029.

11. Against this context, the proposals would introduce two dwellings side-by-side within the former garden. Each dwelling would occupy a notably constrained plot, with limited depth and minimal side separation. The compression of built form, access, parking and turning areas within the available space would result in an engineered and contrived layout markedly at odds with the prevailing settlement grain. The development would not read as an organic continuation of backland development but as a cramped and awkwardly imposed subdivision driven by the desire to accommodate two units where a single plot presently exists.
12. Although the appellant contends the proposed bungalows would be sympathetically designed and would harmonise well with the surrounding area, the resultant development would markedly increase the density of built form, resulting in limited areas of private amenity space and insufficient separation between the buildings. The proposed layouts would require extensive and prominent boundary fencing and hard surfacing, producing an enclosed and contrived configuration. Taken together, these characteristics would give the development a compressed appearance and would adversely affect the appearance of the site and the wider area.
13. Whilst the appellant highlights that the proposed gardens would meet a minimum length of around 10 metres, this would not prevent the plots from appearing constrained in the surrounding context or mitigate the lack of separation and enclosure resulting from the arrangement of buildings, parking and boundary treatments.
14. The appellant places weight on differences between the appeal schemes and the extant fallback permission for the two-storey dwelling and detached garage, particularly the reduced ridge height and omission of dormers. However, the fallback scheme demonstrated a more coherent spatial response to the prevailing settlement pattern, including appreciable garden depth, greater spaciousness and a more unified plot structure. Whilst concerns have been raised regarding overlooking due to the dormer configuration, it nonetheless respected the underlying plot pattern and did not adversely reduce the sense of openness of the area. By contrast, the current proposals would achieve reduced height at the expense of plot coherence. The resulting compression and subdivision would be more harmful to the character and appearance of the area than the additional mass of the fallback scheme.
15. The immediate surroundings do not exhibit the rural qualities associated with more exposed parts of the HWNL, and a degree of residential intensification can be accommodated without fundamental landscape harm. The High Weald Housing Design Guide³ and Management Plan nevertheless identify that natural beauty in the National Landscape derives in part from settlement morphology, including the historic relationship between dwellings, garden spaces, trees and routeways, and that suburban layout forms can incrementally erode this character over time. Whilst new housing within settlements is not precluded, the Design Guide advises that obscuring or fragmenting the underlying settlement pattern can diminish local distinctiveness. It encourages layouts that reinforce local settlement structure and avoid generic suburban patterns dominated by servicing elements such as turning areas, forecourt parking and fencing.

³ The High Weald AONB, High Weald Housing Design Guide, November 2019

16. The HWNL designation remains relevant notwithstanding the site's semi-urbanised context. The statutory purpose of the designation is to conserve and enhance natural beauty, which in this part of Northiam includes gardens, tree cover and the perceptual spaciousness of the urban grain. Whilst the proposal would not intrude into wider landscape views nor affect the exposed rural qualities of the National Landscape, the subdivision and associated intensification and densification would further reinforce suburbanising pressures identified in the Management Plan as drivers of incremental change. The degree of harm would be modest but nevertheless weighs against the proposals.
17. 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, RA1, EN1 and EN3 of the Rother Local Plan Core Strategy (2014) (the 'Core Strategy'), insofar as they seek to ensure that proposals are well-designed, do not detract from the character and appearance of the locality, are of a density appropriate to their context and protect the character and features of nationally designated landscapes.

Ecology and protected species

18. At appeal stage, the appellant submitted a Preliminary Ecological Appraisal (PEA) covering both schemes, including a desk-based assessment and field survey work. The PEA identifies that the site comprises improved grassland, scattered trees and areas of unmanaged vegetation. Although the grassland is of low ecological value, the presence of suitable terrestrial habitat and the availability of multiple ponds within a reasonable distance of the site indicates potential for Great Crested Newt (GCN) utilisation. The PEA concludes that, subject to standard mitigation measures, the proposals would be unlikely to give rise to significant adverse effects on GCN or other protected species.
19. The Council participates in the District Licence Scheme for GCN, which enables developments to proceed subject to strategic mitigation and compensation secured through licensing. The evidence before me indicates that the appellant did not engage with the District Licence Scheme at application stage, nor was a case made as to how the licensing route could be satisfied. However, the PEA now before me provides sufficient evidence to assess likely effects and to determine whether the licensing regime would be capable of being engaged at implementation stage if required.
20. On the basis of the updated survey information, and in the absence of substantive evidence to the contrary, I am satisfied that the site does not form a key population or breeding location for GCN. Any terrestrial usage of the site would, in my judgement, be limited and capable of being addressed through standard mitigation methods and, if necessary, through the District Licence Scheme or other. There is no reason to believe that Natural England licensing could not be achieved were the appellant to pursue that route at the relevant time. I therefore see no basis to conclude that the proposals would result in an offence under the relevant protected species legislation.
21. Accordingly, whilst the Council was justified in adopting a precautionary position at the time of its decisions, the updated ecological information resolves the reason for

refusal. Therefore, the proposal would not result in unacceptable harm to ecology or protected species. It would not conflict with Policy EN5 of the Core Strategy and Policy DEN4 of the Rother Development and Site Allocations Local Plan insofar as they seek to ensure proposals conserve and enhance biodiversity and Protected Species.

Other Matters

22. The Council is unable to demonstrate a five-year supply of deliverable housing sites, which stands at 2.63 years. 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.
23. Nevertheless, the proposal would deliver two additional dwellings within a settlement where residential development is acceptable in principle and within a district where the provision of additional housing remains a recognised objective. National policy encourages the efficient use of land and the provision of housing in sustainable locations. However, the modest scale of the proposal limits the weight this consideration attracts.
24. The appellant highlights what they consider to be advantages of the appeal schemes when compared with the permission for a two-storey dwelling. They argue that the reduced ridge heights, the setting-back of fencing, the altered orientation, omission of dormers and overall reduction in massing would lessen the potential for overlooking and reduce the visual impact and prominence of built form. A supportive third-party representation has been made on similar grounds, by the occupiers of Valencia, who state that two modest bungalows would be more appropriate than the taller fallback dwelling and would avoid the sense of being overlooked.
25. Notwithstanding the above, the fallback permission was previously found acceptable in respect of neighbouring living conditions and impact on character and appearance, notwithstanding the presence of dormers. In my view, the separation distances between the permitted dwelling and Valencia and Braemar would be sufficient enough to avoid harmful impacts to living conditions.
26. Moreover, as set out under the main issue, the appeal schemes would achieve reduced mass at the expense of spatial coherence and would result in a cramped and contrived subdivision of the former garden. Whilst I acknowledge the view that lower buildings would be preferable, the comparative relationship to the fallback does not outweigh or negate the harm identified to the settlement pattern and character of the area. Therefore, this matter attracts limited weight in the planning balance.
27. The appellant also contends that the parking and turning arrangements would be safer and more convenient than those associated with the fallback, noting that additional parking spaces have been provided and that vehicles would be able to turn within the site to exit in forward gear. Whilst these matters are noted, the parking layout and modest scale of vehicle movements associated with a single dwelling under the fallback was not considered to give rise to any substantive

harm. Any improvement is therefore marginal and of limited weight in favour of the proposals.

28. The appellant also indicates that the dwellings would be self-build units. The provision of self-build plots contributes to meeting demand on the Council's self-build and custom housebuilding register and attracts moderate weight.
29. The construction and occupation of the dwellings would generate modest economic activity through the building process and subsequent local expenditure. This attracts limited weight. No specific evidence has been provided to support claimed sustainability benefits beyond general assertions regarding contemporary construction. Accordingly, I attach limited weight to such claims.

Planning Balance and Conclusion

30. The proposals would harm the character and appearance of the appeal site and surrounding area. They would also have a harmful impact on a protected National Landscape. I have attached great weight to this harm. The cumulative moderate weight attached to the benefits of the schemes would not significantly and demonstrably outweigh the harm I have identified.
31. The proposals conflict with the development plan and the material considerations do not indicate that the appeals should be decided other than in accordance with it.
32. For the reasons given above, Appeal A and Appeal B should be dismissed.

Thomas Courtney

INSPECTOR

Appendix 1

List of those who have appealed

Reference	Case Reference	Appellant
Appeal A	APP/U1430/W/25/3370582	Dawn Roberts
Appeal B	APP/U1430/W/25/3370584	Sam Roberts