



Appeal Decision

Site visit made on 29 October 2025

by **Timothy C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 January 2026

Appeal Ref: APP/U1430/W/25/3368831

Great Knelle Farm Whitebread Lane, Beckley TN31 6UB

- 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 Jennifer Farrant against the decision of Rother District Council.
 - The application ref is RR/2024/1936/P.
 - The development proposed is a change of use from holiday let to residential dwelling..
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. To support her grounds of appeal the appellant has made reference to a previous planning permission (ref RR/2020/1924/P), granted in 2021, for this derelict, former agricultural building's change of use to a holiday let. In terms of planning conditions imposed the standard implementation time limit of three years applied, along with a comprehensively worded pre-commencement condition requiring that the immediate earth be analysed for possible contamination and investigation reports produced. If necessary, an appropriate remediation scheme should be put together. It is required that all details be submitted to the Council for written approval.
3. Planning conditions precedent are requirements that must be met before development can lawfully start. Accordingly, for a condition to be considered as such, it must be worded as expressly prohibitive of commencement of development and also go to the heart of the planning permission.
4. In this particular instance the condition specifically states '*The development hereby permitted shall not begin until a scheme to deal with the contamination of land has been submitted to and approved by the local planning authority.*' It is thereby expressly prohibitive. Given also the farm location such a condition is commonplace, being considered as both necessary and reasonable.
5. The appellant indicates that this condition was confirmed as discharged on 17 March 2022, yet I have not seen proof of such in the form of relevant correspondence submitted alongside the appeal, and the Council appears to make no mention of the condition's discharge. In the circumstances I cannot be sure as to the extent of any details submitted, let alone whether full written approval, took place. However, if the appellant's assertion in this regard is correct, and firm evidence is held to this effect, then my comments on this individual point can be disregarded.

6. Irrespective of the above the appellant also contends that the said permission was commenced, claiming that the access track, referred to as 'Drive' on drawing no 6453/LP/B, has been created. In this regard I have referred to a letter from John Browning Builders Ltd, dated 24 August 2022, whereby a quote is given for an 'access roadway', mentioning details shown on Bourne Project Services drawing no DR-D-0200-S4. This drawing, though, was not considered by the Council in refusing planning permission, and I cannot see that it was submitted as part of the application.
7. From my site visit observations no formal driveway to serve the building has been created, despite the appellant's claims otherwise. Although, this narrow track has some degree of hardstanding along its path – compacted to seemingly create a more durable surface for vehicles or machinery - it is still unmade and appears only as a long, well-worn track. As it stands, it certainly cannot be termed an 'access driveway' for which the said builders quoted, and I consider it unsuitable to facilitate a residential use.
8. Accordingly, I must disagree with the appellant's assertion as no formal drive or access track has yet been constructed and, besides, there is nothing to suggest that any compacted inert material that may have been laid in the past few years would have been in relation to the planning permission for the holiday let. Instead, from the track's appearance, I would consider any such deposits as de minimis.
9. No application was made for listed building consent (LBC) for the works associated with the intended change of use, yet the appellant says that, during the determination of planning application EE/2020/1924/P, the Council decided, due to the age of the small building, the subject of the proposal, it should be curtilage listed, thereby considered as being within the setting of the Grade II listed Great Knelle farmhouse building. Indeed, LBC (ref RR/2021/1290/L) was granted in September 2021 in association with the said planning permission. However, the LBC would have expired on 10 September 2024, and yet the planning application, the subject of this appeal, was submitted subsequent to this in January 2025. Accordingly, no LBC was then in place for associated works, which may easily have varied from those required for the creation of the holiday let.
10. Given, though, my findings that the 2021 planning permission had expired unimplemented on 12 July 2024 (three years from the date it was granted) and adverse impacts which would result from allowing the current s78 appeal, I am satisfied that an updated LBC application for the proposed works and alterations in this instance is not critical. Curtilage listed buildings have the same statutory protection and any works or alterations thereto would require LBC.
11. In light of the above, I am of the opinion that planning permission RR/2020/1924/P is no longer extant as it expired on 10 July 2024, unimplemented. The appellant indicates that the Council's considered opinion in this regard - consistent with mine - came as a surprise during the appeal process. However, when referring to the points I have made, the appellant would have been aware of the wider picture and the considerations to be taken into account regarding implementation. She could have instead been proactive in an attempt to confirm her interpretation of the current planning position.
12. If the appellant considers otherwise, and she believes that there is convincing evidence to support her claims, then the correct approach would have been by way

of submitting a s192 application indicating that, pursuant to the commencement of works, which had already occurred, material operations consistent with the development were now scheduled, and a certificate of lawful development was thereby sought.

13. Faced with this the Council would then have been required to formally consider whether the proposed works, previously granted both planning permission and LBC, were still authorised. For the above reasons I consider that the evidence is compelling, and shows otherwise.
14. Taking all the above points together, in the absence of an extant planning permission – it would appear to have expired, unimplemented, some six months before the application the subject of this appeal was submitted – there are clear implications for the current appeal and the description of the now proposed development. To explain, I note that, when submitted, the application targeted the removal of certain conditions imposed on Planning permission ref RR/2020/1924/P. However, both main parties agreed that the description should be changed and re-worded as *'change of use from holiday let to residential dwelling'*. Given the planning position, though, this is not only misleading, it is incorrect for the reasons I have set out.
15. Accordingly, the actual description of the proposed development here should read *'use of redundant farm building as a residential dwelling.'*

Main Issues

16. In view of my conclusions as to the direct relevance of the previous planning permission, I consider the main issues in this appeal are:
 - 1) whether the proposal is in accordance with the Council's spatial policy for new residential development;
 - 2) the effect of the development on the character and appearance of the surrounding area, with particular regard to its location within the High Weald National Landscape (HWNL); and
 - 3) the development's effect on local ecology and protected species.

Reasons

Spatial policy

17. Policy OSS2 of the Council's Core Strategy (CS) and policy DIM2 of the Council's Development and Site Allocations Local Plan (LP), explain that development boundaries around settlements will differentiate between areas where most forms of new development would be acceptable and where it would not. The appeal site is located outside the defined development boundary for Beckley, as defined within the LP, and thereby lies within the countryside where, in policy terms, new dwellings are only allowed in very limited circumstances.
18. To expound on the above CS policy RA2 indicates that the planning strategy for the countryside is to strictly limit new development to that which supports local agricultural, economic or tourism needs and maintains or improves local character.
19. The Council acknowledges that the building at issue is unsuitable for modern agricultural purposes and, therefore, its re-use can be explored.

20. CS policy RA3, which is specifically concerned with the creation of new dwellings in the countryside, lists four extremely limited circumstances in which new dwellings may be allowed; one of which is the conversion of traditional historic farm buildings, in accordance with CS policy RA4. The latter says that where there is a demonstrable lack of need for such uses, consideration will be given to non-agricultural commercial uses, which would include workshops, offices, or tourism related uses. This clearly will have influenced the decision to grant planning permission in 2021 for the holiday let.
21. Only then, if the applicant has convincingly demonstrated that employment or tourism use would not be viable, would residential conversions be considered.
22. To support the claim in this respect the appellant has provided a series of calculations in an attempt to show that the intended conversion works to create a holiday let had not progressed due to the high cost of conversion. This, it is claimed, made the holiday let use unviable. However, it is common practice that viability exercises are undertaken by independent valuers. In instances such as this it is expected that the valuers report would be supported by a structural condition survey and market demand evidence,
23. Accordingly, it would comprise a comprehensive exercise with verification. In this particular instance no named independent valuer's report has been produced. Besides, given the actual planning position, reference to the holiday let is irrelevant.
24. I must, therefore, conclude that the proposal conflicts with the Council's spatial policy and, in terms of the policies I have highlighted, new residential uses are discouraged and, here, no convincing justification has been made to outweigh the fundamental policy objection. The proposal conflicts with CS policies PC1, OSS2, OSS3, RA2, RA3, RA4 and TR3, and LP policies DEN1 and DIM2.

Character and appearance

25. It appears that no elevational plans, nor floor-layout plans were drawn up to accompany the application, only a location plan ref. 6453/LP/B. Given the original description it is likely that the appellant was relying on the previously approved drawings for the holiday let. However, as mentioned, these are no longer in effect. Accordingly, I consider that the application is incomplete for its purpose, as it instead takes on the form of an outline application.
26. The High Weald AONB Management Plan (HWMP) was approved in March 2024 for adoption by the Councils affected, including Rother District Council. The document advises that dark night skies are a valued characteristic and should be protected. To this end a Dark Skies Planning Advice Note has been issued, which provides technical design guidance as to minimising light pollution.
27. From the evidence before me I would suggest that little, if any, regard has been had to the above. Details regarding mitigation measures should have been incorporated into the proposed design for the building's conversion.
28. Paragraph 189 of the National Planning Policy Framework (the Framework) says that National Landscapes (formerly AONBs) have the highest status of protection and great weight should be given to conserving and enhancing their landscapes and scenic beauty. In the absence of any illustrative drawings and associated details I must conclude that the proposed development would be harmful to the

character and appearance of the HWNL. The proposal also conflicts with CS policies OSS4, RA2, RA3, LP policies DEN1 and DEN2, and relevant guidance in paragraphs 189 and 198 of the Framework.

Ecology

29. It would appear that no surveys were commissioned in respect of the immediate local ecology, identifying the possible presence of protected species and, if so, measures of mitigation to be employed in this regard. In the absence of such there is nothing for me to assess and I must conclude that the proposal has the potential to be harmful to local ecology. It would also be contrary to the objectives and requirements of CS policies OSS4 and EN3.

Other Matters

30. The Council acknowledges that it is unable to demonstrate a five year housing land supply. However, with reference to paragraph 11(d) of the Framework and the 'tilted balance', I have shown that the adverse impacts of granting planning permission in this instance – at least insofar as the proposal's limitations are obvious due to the general lack of supporting information and detail – would significantly and demonstrably outweigh the benefits.
31. With reference to a previous appeal (*APP/U1430/W/23/3330389*) the appellant has cited what she considers has comparable issues and lends support to the current appeal. However, there is a fundamental difference in that the building the subject of the previous appeal enjoyed lawful use rights as a holiday let. That is seemingly not the case here.
32. The appellant also refers to two planning permission granted for similar developments in the Rother District area. Notwithstanding my findings on the current proposal each case should be determined with regard to its individual circumstances and the planning merits and/or impacts arising. Accordingly, direct parallels are not easily drawn, and these decisions have not affected my conclusions.

Conclusion

33. I have found that the proposal would result in harm on all three main issues. No material considerations have been identified which would indicate that the appeal should be determined other than in accordance with the development plan which, as a whole, the proposal conflicts with.
34. Accordingly, the appeal does not succeed.

Timothy C King

INSPECTOR