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## Appeal Decision

Site visit made on 19 December 2016

**by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 4<sup>th</sup> January 2017**

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**Appeal Ref: APP/M2270/W/16/3157599**

**Santolina, The Common, Sissinghurst, Cranbrook TN17 2AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Gary Ferrier of Lucas Design & Construction against the decision of Tunbridge Wells Borough Council.
  - The application Ref 16/503922/FULL, dated 18 May 2015, was refused by notice dated 11 July 2016.
  - The development proposed is erection of two-storey detached dwelling on land adjacent to Santolina, associated external works including new access and shared drive.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council accepts that it is currently unable to demonstrate a five-year supply of deliverable housing sites in the Borough. Policies in the Core Strategy<sup>1</sup> and the Local Plan<sup>2</sup> which relate to the supply of housing are therefore out-of-date when considered in relation to paragraph 49 of the National Planning Policy Framework (the Framework). Consequently, in accordance with paragraph 14 of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Nevertheless, I have had regard to policies in the Core Strategy and Local Plan that are relevant to this case insofar as they are consistent with the Framework, as required by paragraph 215. I have therefore attributed them weight as set out in my conclusions on the main issues.

### Main Issues

3. The main issues are:
  - a) whether the site is appropriate for a residential development given its location outside the Limits of Built Development;
  - b) the effects of the proposal on the character and appearance of the countryside.

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<sup>1</sup> Tunbridge Wells Borough Local Development Framework - Core Strategy Development Plan Document

<sup>2</sup> Tunbridge Wells Borough Local Plan

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## Reasons

### *Location of development*

4. The appeal site is a large rectangular plot of flat land at the side of Santolina, a substantial detached dwelling. To the north is another detached dwelling, Boyscourt, also set in a large and spacious plot. The site is enclosed by high conifer hedges on the boundaries shared with this adjacent house and the roadside. The site lies within ribbon development along the A229 in the Cranbrook Common area. Nevertheless, it is outside the Limits to Built Development (LBD) of Sissinghurst and for planning purposes is in the countryside.
5. Paragraph 55 of the Framework advises that local planning authorities should avoid new isolated homes in the countryside, unless there are special circumstances. However, as the appeal site is on a main road and is within an area of ribbon development, with properties immediately to the north, south and on the opposite side of the road, I do not believe it can be considered to be 'isolated' in terms of the Framework.
6. Nevertheless, the Framework also states that housing should be located where it will enhance or maintain the vitality of rural communities. Although I have not been provided with detailed evidence about Sissinghurst, it appears to be a small village with a limited range of facilities including a shop, post office, church, pub and primary school. It would be possible to walk from the appeal site into the village, travelling for the most part on footways that run alongside the road. However, the distance involved means that it would probably take about 15 minutes each way and most of the journey would be alongside a busy main road. It would not be an attractive option for future residents who, in my view, would be more likely to use a car, particularly in poor weather and during the winter months. Although, the nearest convenience store appears to be less than a ten minute walk from the site, it is associated with the petrol filling station, again making it more likely that residents would use it when also travelling elsewhere by car.
7. I accept that the town of Cranbrook, which is just over a mile away could be reached by bike relatively easily. The site is also on a bus route with regular services to nearby towns and to Staplehurst Station. However, it seems to me that the convenience of using a car to reach the village, the nearest towns and destinations further afield, would make it unlikely for residents to rely on local facilities. Even if they did make use of them on a regular basis, I am not persuaded that this would make any significant contribution to enhancing or maintaining the vitality of the village of Sissinghurst. The site is simply too far away to provide a strong functional connection and the scale of the development too small.
8. I therefore conclude that the location of the proposal, beyond the LBD and in the countryside, would not be appropriate for a residential development. It would be contrary to Core Policies 1, 6 and 14 of the Core Strategy and Policy LBD1 of the Local Plan. These policies, amongst other things, seek to focus development within existing settlements and restrict development in the countryside in order to promote a sustainable pattern of development in the Borough. However, in the absence of a five-year housing land supply these policies cannot be considered up-to-date. Conflict with them therefore carries limited weight in my overall assessment of the proposal.

9. The proposal would also conflict with Core Policy 5, which seeks to assist with the achievement of carbon reduction targets. As this is consistent with the Framework's aim of planning for development in locations that can help to reduce greenhouse gas emissions, it is a matter to which I can attribute significant weight.

*Character and appearance*

10. Detached dwellings on well-proportioned plots form ribbon development that is almost continuous on the north-east side of The Common. By contrast, development on the north-west side, near the appeal site, is more sporadic with distinct gaps onto open countryside. The proposal could be considered to be an infill between two existing dwellings. As it would make use of a garden outside a built-up area, the site can be considered to be previously developed land following the Court's<sup>3</sup> decision in relation to the definition earlier in 2016. The Framework does not preclude development of such sites; the determining factor is whether or not this can be achieved without harm to the local environment. However, in my view, the existing gap between Santolina and Boyscourt makes an important and valuable contribution to the overall rural character of The Common. If the development was allowed, this gap would be permanently lost, to the detriment of the area's character and appearance.
11. The sub-division of the appeal site would result in the plot for the new dwelling being narrower than that of either Santolina or Boyscourt. I accept that the site is large enough to accommodate a dwelling. However, the proposal would occupy almost the full width of the plot, significantly reducing the gap between the existing buildings, resulting in an urbanising effect along this part of The Common. A shared access onto the highway is proposed to serve both dwellings. Whilst this would ensure that most of the existing boundary vegetation could be retained, this arrangement would be out of character with the other houses in the area, which are each served by their own individual accesses.
12. The existing tree screen along the roadside boundary is comprised of non-native conifers, which would screen the development from the road. However, these trees are not protected and cannot be relied upon to provide permanent screening. Landscaping of this kind is not an appropriate means of obscuring an otherwise unacceptable development. If the trees were either removed or trimmed in future, the proposed house would be seen from the surrounding area. This would reduce the sense of openness and be harmful to the rural character of the countryside.
13. I therefore conclude that the proposal would be harmful to the character and appearance of the countryside, contrary to Core Policies 4 and 14 of the Core Strategy and Policies EN1 and EN25 of the Local Plan, which seek to restrict development in the countryside in order to maintain the landscape character and quality of rural areas. As these policies are broadly consistent with the Framework's objective of minimising adverse effects on the local and natural environment, I give them significant weight in my assessment of the proposal.

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<sup>3</sup> Dartford Borough Council v Secretary of State for Communities and Local Government [2016] EWHC 635 (Admin)

## **Planning Balance and Conclusion**

14. The proposal would provide a single dwelling. Whilst this would make a minor contribution to the Borough's housing needs, I have no conclusive evidence that houses of the scale proposed here are the priority in relation to those needs. Although the appeal site could be said to be within walking distance of the village of Sissinghurst, no specific evidence was presented about local facilities that are available or that would significantly benefit from the scheme. In these circumstances the social benefits of one additional home attracts little weight in the overall balance.
15. The economic benefits of the proposal would primarily be related to the employment created during construction. They would therefore be short-term and limited and so also carry little weight in my determination of the appeal.
16. On the other hand I have found that the proposal would be harmful to the character and appearance of the countryside. In addition, I am of the view that future residents would largely choose to rely on a car to reach the facilities and services they need, notwithstanding the alternatives that might appear to be available to them. The development would therefore not contribute to the move towards a low carbon future as advocated by paragraph 95 of the Framework. This combination of factors demonstrates that the site is not an appropriate one for locating an additional home and the environmental dimension of sustainable development would not be achieved. This is a matter of significant weight.
17. The lack of a five-year housing land supply is a matter to which I attach significant weight. However, I have also found that the proposal would result in significant conflict with the environmental objectives of the Framework. I therefore consider that the adverse impacts of the scheme would significantly and demonstrably outweigh the limited benefits I have identified, when assessed against the policies in the Framework taken as a whole. Overall the proposal would not be a sustainable development.
18. For this reason, I find that there are no material considerations that outweigh the conflict with the development plan. I therefore conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR