
Appeal Decision

Site visit made on 23 February 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 3 April 2017

Appeal Ref: APP/M2270/W/16/3163774

Killillea, Parkfield Crescent, Iden Green, Cranbrook TN17 4HR

- 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 Tom Leonard against the decision of Tunbridge Wells Borough Council.
 - The application Ref 16/502949/FULL, dated 4 April 2016, was refused by notice dated 3 June 2016.
 - The development proposed is two houses.
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Decision

1. The appeal is allowed and planning permission is granted for the development of two houses at Killillea, Parkfield Crescent, Iden Green, Cranbrook TN17 4HR in accordance with the terms of the application, Ref 16/502949/FULL, dated 4 April 2016, subject to the conditions contained within the schedule at the end of this decision.

Main Issues

2. The main issues are whether the proposed development would constitute sustainable development and the effect of the proposed dwellings on the surrounding rural landscape, including whether they would conserve the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty.

Reasons

Sustainable development

3. The Council have confirmed that there is not a five year supply of deliverable housing sites within the district and, as such, relevant policies in the Tunbridge Wells Local Plan (LP) and Tunbridge Wells Core Strategy (CS) for the supply of housing should not be considered up to date in accordance with paragraph 49 of the National Planning Policy Framework (the Framework). Policy LBD1 of the LP and Core Policy 1 of the CS seek to restrict development outside the defined limits to built development, such that I consider them to be relevant policies for the supply of housing. Consequently I have attached little weight to those policies and considered the appeal in the light of the presumption in favour of sustainable development set out in paragraph 14 of the Framework.
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4. The Framework defines sustainable development as development in accordance with the Framework as a whole. Sustainable development has three dimensions that must be considered together, being economic, social and environmental.
5. Paragraph 55 of the Framework confirms that housing should be located where it would enhance or maintain the vitality of rural communities and that, where there are groups of smaller settlements, development in one village may support services in a village nearby. New isolated homes in the countryside should be avoided, but this site is located adjacent to the defined limits to built development of the settlement of Iden Green, such that it cannot be considered isolated. Development in this location would support services and facilities within this settlement and those of surrounding settlements.

Rural landscape

6. Killillea comprises a sloping paddock in an elevated position on the edge of Iden Green and within the High Weald Area of Outstanding Natural Beauty (AONB), bordered by trees and hedgerows. It is approached along Parkfield Crescent, between the three bungalows and chalet bungalows to one side of the road leading to the site and a large chalet bungalow known as Columbanus beyond the site. On the other side of Parkfield Crescent is a larger field containing a number of trees. To the rear of the site and Columbanus is the developed area of Iden Green, immediately to the rear being a garden or small paddock at Weavers on which I understand that there is planning permission for a single dwelling. On the hill below and backing onto the site just outside the village is a substantial commercial development, known as Little Weavers.
7. The Framework confirms that great weight should be given to conserving landscape and scenic beauty in the AONB, and this is supported within the High Weald AONB Management Plan. Given its sloping topography in an elevated position, the site has the potential to be visible in views from the surrounding countryside, described within the Borough Landscape Character Area Assessment. However, in most views, particularly from surrounding development and the countryside around Little Weavers, it would be contained within the landscape framework of the site formed by the trees and hedgerows around its borders, and seen in the context of surrounding development of Little Weavers, Parkfield Crescent and that within the defined limits of Iden Green.
8. To the other side of the field over Parkfield Crescent is Standen Street that runs from the centre of the village, with development on the opposite side of the road as far as the junction with Parkfield Crescent. In the limited views across the field through the trees from Standen Street, the site currently forms a narrow gap between the three properties fronting Parkfield Crescent and Columbanus, with other residential development within the settlement to the rear of Columbanus, including the recent approval for a dwelling at Weavers that would bring development within the village closer to the site. Although Little Weavers is to the rear of the site when viewed from this direction, it is located on lower land that limits its visibility in views from Standen Street.
9. The design of the houses with the first floor partially contained within the roof would limit their visibility given the proximity to other development, the location of the site on a slope in the land and within such a contained site. The levels of the proposed dwellings would reflect the topography of the site and hard surfacing would be contained within the landscape framework of the site

that would be enhanced with additional planting. The dwellings would be constructed in sensitive materials appropriate to this rural location, being natural oak frame and weatherboarding with clay tiled roof. As a result, the development would be assimilated into the surrounding landscape.

10. For these reasons, I conclude that the proposed two dwellings would reflect the surrounding rural landscape and conserve the landscape and scenic beauty of the AONB. As such, it would comply with Policies EN1 and EN25 of the LP, Core Policies 4, 5 and 14 of the CS and the Framework that seek to conserve and enhance urban and rural landscapes and the relationship between them, including that development would have minimal impact on the landscape character of the locality.

Other matters

11. Weavers and Weavers Cottage are listed buildings located a short distance away from the site within the village. They are separated from the site by other dwellings and the site of the recently approved dwelling in the grounds of Weavers. This ensures that the proposed development would preserve the setting of those listed buildings.
12. I have been provided with a previous dismissed appeal decision¹ relating to an outline application for two dwellings on this site. The present scheme, being a full application, contains more information relating to the design and appearance of the proposed development. I note that Inspector suggested that single storey dwellings would limit their impact on the landscape, but the additional information relating to the design of the proposed dwellings allows a fuller consideration of the effect of the development. I also note that there was a five year supply of deliverable housing sites at that time and that permission has since been granted for development of a house adjacent to the site, albeit within the defined village boundaries.
13. My attention has been drawn to earlier appeal decisions dating from 1983 and 1986 on this site and a neighbouring site in 1977. However, planning policies have changed considerably in the intervening period and it is likely that there have been changes to the appearance and context of the site since those decisions were made. Consequently, I consider that the circumstances of the present scheme differ from all those earlier cases and I have assessed the present scheme on its merits.
14. With regard to the three dimensions of sustainable development, the proposed development would provide economic benefits during the construction of the dwellings and residents would support local services and facilities within this village and surrounding villages once they are occupied. The provision of two dwellings would have a positive social impact in contributing to the need for homes in the area, particularly as the Council confirm there is a lack of a five year housing land supply. I have concluded above that the proposed development would support services and facilities within this settlement and those surrounding, reflect the surrounding rural landscape and conserve the landscape and scenic beauty of the AONB. As a result, the adverse impacts of the proposed two dwellings would not significantly or demonstrably outweigh the benefits, such that the proposed development would comprise sustainable development as defined by the Framework.

¹ Reference APP/M2270/A/13/2201508

Conditions

15. I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions are necessary regarding details of materials and levels of the proposed dwellings and patio areas to be submitted and approved prior to development commencing to ensure that they would maintain the character and appearance of the area. The implementation and retention of the approved landscaping works and protection of retained hedges and trees within and surrounding the site are necessary in order to ensure the development would reflect the character and appearance of the area. Details of the proposed boundary treatment is necessary to ensure it would maintain the character and appearance of the area. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity.
16. I have not included a condition removing permitted development rights as I do not consider it to be necessary. Such rights should be removed only in instances of specific and precise justification. I find no exceptional circumstances in this case such as to warrant the wholesale removal of these rights.

Conclusion

17. For the above reasons and taking into account all other matters raised I conclude that the appeal should succeed.

AJ Steen

INSPECTOR

Schedule of 8 Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 03A, 04, 05A, 06A, HLA-174-01 and HLA-174-02.
- 3) Written details including source/ manufacturer, and photographic samples of bricks, tiles and cladding materials to be used externally, along with driveway and parking area surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any above ground works are commenced and the development shall be carried out using the approved external materials.
- 4) Prior to the commencement of development, the following details shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
 - i) Cross sections relative to spot heights within the site showing the proposed slab level of the dwellings hereby approved;
 - ii) Cross sections relative to spot heights within the site showing the relationship between the patio area, the dwelling and the surrounding land levels with respect to the eastern-most dwelling.

- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. Any parts of hedges or hedgerows removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.
- 7) The approved development shall be carried out in such a manner as to avoid damage to the existing trees, including their root systems, and other planting to be retained by observing the following:
 - (a) All trees to be preserved shall be marked on site and protected during any operation on site by temporary fencing in accordance with BS 5837:2012. Such tree protection measures shall remain throughout the period of construction;
 - (b) No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
 - (c) No materials, equipment or spoil shall be stored within the spread of the branches or Root Protection Area of the trees and other vegetation;
 - (d) No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or Root Protection Areas of the trees and other vegetation (other than hereby approved);
 - (e) Ground levels within the spread of the branches or Root Protection Areas (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level (other than hereby approved);
 - (f) No trenches for underground services shall be commenced within the Root Protection Areas of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority (other than hereby approved). Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.
- 8) Prior to first occupation of the development hereby approved, details of boundary treatment shall be submitted to and approved in writing by the local planning authority. The works shall be carried out and retained in accordance with the approved details and no further fencing or other boundary treatment shall be erected anywhere on site.