
Appeal Decision

Site visit made on 10 April 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 25 April 2017

Appeal Ref: APP/M2270/W/16/3167597

Land east of Cuckoo Lane, Brenchley, Tonbridge, Kent TN12 7HX

- 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 Chris Playfoot against the decision of Tunbridge Wells Borough Council.
 - The application Ref 16/504049/FULL, dated 2 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is the demolition of existing Hopper Huts and the construction of 2 no. 2 bed, 1.5 storey houses to be used as workers accommodation and holiday-lets to meet the capital costs.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area, including the High Weald Area of Outstanding Natural Beauty (AONB);
 - whether there is sufficient justification for the dwellings at the site in order to house rural workers;
 - the effect of the proposal on highway safety; and
 - the effect of the proposal on ecology/biodiversity.

Reasons

Character and appearance

3. The proposal is for a pair of two bedroom semi-detached houses on the site of some hopper huts, last used in the 1950s, just to the east of Cuckoo Lane in the rolling countryside within the High Weald AONB. The site lies within Great Coldharbour Farm in an isolated rural location well to the north of the farmhouse and main farm buildings with the only other dwelling nearby being Pond Cottage, located on the roadside some distance to the north west. The area as a whole slopes to the south and east with wide open rural views whilst the houses would back onto a small copse and pond which form part of the appeal site. Access is via a field gate through the roadside hedge which would be improved and the hedge set back on both sides to provide visibility splays.

4. The footprint of the proposal would match that of the existing derelict huts which would be removed. The semi-detached houses would also be designed to be relatively low profile with a 1½ storey appearance, pitched roof hipped at each end and the bedrooms within the roofspace so the eaves and ridge height would be as low as possible. However, even with the eaves and ridge height at about 3.6 m and 6.2 m respectively the result would be a far larger and more prominent building than the remaining hopper huts which are about 2.8 m high, of blockwork and corrugated roofing, and represent traditional farm buildings not at all out of place in a rural area¹.
5. In contrast, the semi-detached houses, although well designed and of sympathetic materials, would inevitably have a fully residential appearance with associated signs of domestic occupation including a new access with entrance gate set back, extensive driveway, parked cars, surrounding tended garden, wheelie bins and so forth. The roadside hedge would also be set back on both sides to provide visibility splays, thus harming the rural character of the lane which is currently narrow, winding and closely lined with hedges. The houses would be screened from the north by the copse and from the west by the roadside hedge but even with new screening on the other boundaries they would be open to view from the wider countryside.
6. The result, in this exposed rural location, would be a prominent and intrusive pair of new houses, isolated from other buildings, which would cause significant harm to the character and appearance of the area and the High Weald AONB where the statutory purpose of designation is to conserve and enhance natural beauty.
7. This would be contrary to Policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006 (TWBLP) and Policies 1, 4 and 14 of the Tunbridge Wells Core Strategy 2010 (TWCS). These preclude new housing outside defined limits to built development unless essential for a rural worker, seek to avoid unsympathetic change to the character of a rural lane, seek to protect the countryside for its own sake and lastly seek to ensure development would have minimal impact on the landscape character of the locality and would conserve the AONB. There would also be conflict with paragraph 115 of the National Planning Policy Framework (NPPF) which places great weight on the conservation of landscape and scenic beauty in AONBs.

Rural workers

8. The two properties are to house seasonal workers during the lambing season, eight weeks in February and March each year, with holiday lettings outside that period to defray the capital cost of construction. Whilst the latter use would encourage rural tourism and have economic benefits for the area, the appellant makes clear that the primary purpose of the scheme is to house temporary farm workers in support of the overall agricultural operations of the farm. This would offer significant benefits for the farm enterprise and provide good quality accommodation for the seasonal workers involved. However, only periodic use for farm purposes does not justify the construction of permanent houses in the countryside. In addition, the functional need for the houses in this particular location away from the centre of the farm operation is not explained.

¹ Dimensions from plans CL/TON/103 and CL/TON/106

9. Put forward on this basis the proposal conflicts with Policy H9 of the TWBLP which allows for the erection of a key worker dwelling in the countryside subject to a series of stringent criteria. These include the necessity of a full time worker to reside on the site to provide essential on site care which could not be carried out satisfactorily by the person living off-site, that no other accommodation or existing building conversion is available, and that it would be essential for the proper functioning of the enterprise, in this case the annual lambing operation. None of these criteria are proven to be satisfied, and the agricultural advice from Rural Planning Limited is that two permanent houses for seasonal use at lambing time goes well beyond the normal arrangements that would be made for a sheep flock of the size concerned.
10. It would also conflict with national policy in paragraph 55 of the NPPF which only allows new isolated homes in the countryside when there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. This does not include accommodation for temporary seasonal workers. In addition, there is no provision in national or local policy for new houses to be built in the open countryside for the secondary holiday accommodation use.

Highway safety

11. The proposal for two dwellings would involve a more intensive use of the existing access point to the lane. The lane is narrow and there is poor visibility at the access due to its position on the inside of a bend. To provide the necessary visibility splays a significant length of roadside hedgerow would need to be removed and whilst this is within the control of the appellant there is no detailed drawing that demonstrates a safe access could be achieved. The Council claim that submitted plan CL/TON/107 may be inaccurate but in any event it does not fully show the proposed splay to the south and there is no confirmation from the local highway authority that the access would be acceptable. Consequently, as matters currently stand, the proposal conflicts with Policy TP4 of the TWBLP which requires a safely located access with adequate visibility. It is recognised that improved visibility would benefit other users of the lane, but the access itself must be of a safe standard.

Ecology/biodiversity

12. The appeal site includes a pond surrounded by a small copse which may have ecological interest and the proposal includes resealing the pond and some clearance of fallen and rotting trees. Whilst the intention is to enhance wildlife, no preliminary ecological survey has been submitted either with the application or appeal, and there is consequently at present no information to assess the potential impact of the proposal on protected species and habitats. There could be an adverse impact on ecological interests as a result of the development and this needs to be clarified prior to planning permission being granted as it could be fundamental to the acceptability of the scheme. Consequently, in the absence of sufficient information, there is conflict with Policy EN1 of the TWBLP which seeks to ensure new development does not adversely affect any features of nature conservation importance.

Conclusion

13. It is appreciated that the proposal would involve the demolition of the existing derelict hopper huts and the continuation of temporary farm worker

accommodation on the same site but in a modern form. The houses would not be sold off but would form part of the long term farm estate and assist with the diversification and viability of the farm, thus contributing in that way to the long term protection of the AONB landscape. One unit would provide for people with disabilities, and the holiday visitors would benefit the economy of the area in furtherance of local and national policies to boost rural tourism. The Parish Council support the application. However, even taking account of all the benefits of the proposal, these do not outweigh the findings in relation to the four main issues, all of which lead towards refusal of the application.

14. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR