
Appeal Decision

Site visit made on 13 February 2017

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 26th April 2017

Appeal Ref: APP/M2270/D/17/3166923

Martlets, North Hill Road, Hawkhurst, Cranbrook TN18 4XA

- 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 & Mrs J Flinn against the decision of Tunbridge Wells Borough Council.
 - The application Ref 16/06524/FULL, dated 9 September 2016, was refused by notice dated 5 December 2016.
 - The development proposed is described as '*demolition of existing barn/cowshed and erection of a replacement ancillary building to be used as a granny annex*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. Whether the proposed development would be consistent with the principles of sustainable development having regard to the development plan and the National Planning Policy Framework.

Reasons

3. Martlets is a large detached house situated in a rural location. It is located outside of both the nearest settlement of Hawkhurst and of the '*Limits to Built Development*' (LBD), as set out in Policy LBD1 of the *Tunbridge Wells Borough Local Plan 2006* (TWLP). There is a Public Rights of Way (PROW) that runs near to the western edge of the site. The appeal site benefits from two existing access points off the highway into the property. In the grounds of the property there are a number of outbuildings including a large detached black stained, weather-boarded barn. There is also a single storey block-work built former cowshed with corrugated roof. At the time of my site inspection this building was used for the storage of domestic paraphernalia.
4. The proposal seeks the demolition of the former cowshed building and its replacement with a detached building comprising a separate bedroom, living room, kitchen, bathroom and hall, with the roof or loft space providing a second floor served by windows in the gables¹. With facilities such as these, the easy ability to use the existing secondary access off North Hill Road, and the large area of grounds surrounding Martlets (as shown on the Site Plan), the proposed building would have the clear potential to be used either as an

¹ See drawing 5197/1/A, labelled 'Proposed Annex'

annexe or as a separate dwelling. Accordingly, for planning policy purposes, it should be considered against this context.

5. In this respect, Policy H11, part (3) of the TWLP, seeks to ensure that the dwelling as extended would not lend itself to future sub-division to form a separate dwelling. In this case, given the circumstances outlined above, there is a realistic possibility that future occupiers of the appeal site may use the proposed building as a separate dwelling. It has been pointed out that the appellant is willing to enter into a legal agreement to prevent such an outcome. In the absence of any completed legal agreement to this effect this suggestion can be afforded no weight. Furthermore, for similar reasons and the situation set out above, I am not convinced that the use of planning conditions in this case would be reasonable or enforceable.
6. Core Policy 14 of the *Tunbridge Wells Borough Local Development Framework 2010* (TWLDF) seeks to restrict development to within the LBD. This is broadly consistent with policies within the *National Planning Policy Framework* (the Framework) which makes it clear, at Paragraph 55, that new isolated homes in the countryside should be resisted unless there are special circumstances. In this case, the proposal does not meet any of the special circumstances set out at Paragraph 55.
7. What is more, not only is the appeal site outside of the LBD itself, but it is located some distance from the centre of Hawkhurst. In practice this means that access to day-to-day services in this settlement will be along mainly unlit, narrow country lanes or the relatively busy through road, the A268. This is likely to be highly undesirable; particularly to older people, those with children, or with mobility issues, for example. In effect, the probable result is that the new dwelling would result in a reliance on the private motor vehicle, which would be at odds with the underlying aims of Core Policy 14 of the TWLDF and Paragraph 55 of the Framework, which generally seek to direct development towards the existing LBD and avoid new isolated homes in the countryside.
8. The Council has also raised concerns over the design of the proposed building; particularly given its countryside location within the High Weald Area of Outstanding Natural Beauty (AONB). I note that even though it is proposed to partially lower the existing ground level and that the footprint would be slightly bigger than existing, the overall building would be noticeably larger than the one it would replace; including the provision of loft space. What is more, with a residential use of the proposed building there is likely to be a proliferation and intensification of domestic paraphernalia, such as washing lines and patio furniture for example, as the overall site would serve two households rather than one. This intrusion into the countryside would also be visible from the nearby PROW, which would afford some limited views of the proposal due to its proximity.
9. The combination of both the larger proposed building and the potential proliferation of domestic paraphernalia to serve what in effect would be a new household would result in harm to the character and appearance of the wider area. I also give great weight to conserving landscape and scenic beauty within the AONB, in accordance with Paragraph 115 of the Framework; albeit the proposal here would affect one small part of a much larger protected area.
10. I therefore conclude that the proposed development would not be consistent with the principles of sustainable development as, amongst other factors, it

would fail to represent the right type of land in the right place at the right time, would fail to be in location with accessible local services, and would fail to protect our natural and built environment or mitigate and adapt to climate change by moving to a low carbon economy. Accordingly, it would not fulfil the three mutually dependant roles of sustainable development, namely; economic, social and environmental, as set out at Paragraphs 7 and 8 of the Framework.

11. Accordingly, the proposal would be contrary to Policies LBD1, H11, EN1 and EN25 of the TWLP and Policies 4, 5 and 14 of the TWLDF which, amongst other aims including those aforesaid, seek that proposals have a minimal impact on the landscape character of the locality and that the countryside will be protected for its own sake and a policy of restraint will operate in order to maintain the landscape character and quality of the countryside. It would also conflict with various Policies of the Framework, which I have stated above.
12. For the reasons given above, and having taken all matters raised into account, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR