

Appeal Decision

Site visit made on 22 May 2017

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

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

Decision date: 08 June 2017

Appeal Ref: APP/M2270/D/17/3169857

**1 Bullingstone Cottage, Bullingstone Lane, Speldhurst, Tunbridge Wells
TN3 0LB**

- 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 A Town against the decision of Tunbridge Wells Borough Council.
 - The application, Ref. 16/07423/FULL, dated 17 November 2016, was refused by notice dated 12 January 2017.
 - The development proposed is to remove the bank to the front of the house and provide for off road parking with a retaining wall, landscaping and a gate to the entrance. Construct a summerhouse at the top of the garden, dimensions of 5.5 metres x 3.5 metres. Resubmission of application 16/06191/FULL.
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Decision

1. The appeal is allowed and planning permission is granted to remove the bank to the front of the house and provide for off road parking with a retaining wall, landscaping and a gate to the entrance. Construct a summerhouse at the top of the garden, dimensions of 5.5 metres x 3.5 metres, at 1 Bullingstone Cottage, Bullingstone Lane, Speldhurst, Tunbridge Wells in accordance with the terms of the application, Ref. 16/07423/FULL, dated 12 January 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development shall be carried out in accordance with the following approved plans: Drawing No. Series 16088AT: PP-01; PP-02; PP-03; PP-04; PP-05; PP-06; PP-07;
 - 3) Before the commencement of development a sample of the stone cladding to be used in the retaining wall and details of the planting shall be submitted to the Local Planning Authority for approval. The retaining wall shall be constructed using the approved stone cladding and planting;
 - 4) Before the commencement of development, details of the discharge of surface water from the proposed gully drain shall be submitted in writing to the Local Planning Authority for approval. The development shall be carried out in accordance with the approved details;
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Main Issues

2. The appeal scheme comprises two quite separate elements: a summer house at the top of the garden and the removal of a bank at the front of the house to provide off road car parking. The Council has raised no objection to the summerhouse and the refusal of permission applies only to the parking proposal. The main issues are (i) whether this proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2012 ('the Framework') and any relevant development plan policies, and (ii) the effect of the proposal on the character and appearance of the countryside designated as an Area of Outstanding Natural Beauty (AONB).

Reasons

3. On the first issue, the appeal site lies within the Metropolitan Green Belt and paragraph 90 of the Framework explains that 'engineering operations', a term that can reasonably be used to describe the appeal proposal, are not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
4. In the Council's view the proposed removal of the existing earth bank in front of the dwelling and its replacement with a retaining wall and two parking spaces would '*significantly reduce the openness of the Green Belt*' contrary to the Framework's paragraph 90 and Policy MGB1 of the Tunbridge Wells Local Plan 2006 (the 'Local Plan').
5. However, there is no proper explanation of why this would be the case in the Officer's report on the application, and whilst I acknowledge the scheme includes the construction of a retaining wall up to 3.3m in height, through the removal of material this would change the form of the overall sloping land level rather than increase its height. The introduction of car parking can be a factor that reduces openness, but in this case the appellant's cars would park next to Bullingstone Lane rather than actually on the highway. Again, there would be no change resulting in a loss of openness.
6. On the first issue, I therefore conclude that the openness of the Green Belt would be preserved, and as there are also no submissions that there would be a conflict with the purposes of including land within the Green Belt, the appeal proposal would not be 'inappropriate development' within the Green Belt in conflict with paragraph 90 of the Framework and Local Plan Policy MGB1.
7. On the second issue, the appeal application is a modified proposal in an attempt to deal with the Council's refusal of a similar scheme. The Officer's report acknowledges that the materials to be used would result in '*a softer visual impact*' and I consider that the 'grass reinforced mesh construction' referred to in the appellant's Planning Statement is a more appropriate surface than a tarmac or concrete hardstanding.
8. As regards the retaining wall, the application form says '*blockwork retaining wall clad with stone work*', whilst submitted Drawings PP-04 and PP-05 use the term 'stone cladding'. I am cautious as to the use of the term 'stone cladding' as smooth and even-surfaced stone, bound together with mortar, is often used for retaining walls associated with parking bays in suburban and urban

locations. This would be entirely inappropriate in this location within the AONB countryside.

9. However, the drawings also show an apparently rough surface of stone cobbles and the Planning Statement illustrates planting within the wall and hanging down from its top to '*tone down the mass of the wall and help it blend in*'. In my view the correct treatment of this wall including the facing material to be used and planting is essential to meet the initially legitimate concerns of the Council. This can however be the subject of a condition imposed on the permission.
10. As regards the report's '*loss of a good amount of highly visible planting and vegetation situated on the bank*', this growth could be removed without permission in any event, and a retaining wall would do little more than bring the frontage of No. 1 more into line with the retaining walls of the other Bullingstone Cottages. Furthermore, the proposed hedge would also be an improvement in the existing situation in that two of the cars already parked on the lane in a prominent position would be screened from view.
11. On balance on this issue, subject to an appropriate material and construction of the retaining wall I conclude that the proposal would have no adverse effect on the character and appearance of the countryside designated as an AONB. There would be no conflict with the Framework; Local Plan Policies LBD1, EN & E25; Core Policies 2, 4, 5 & 14 of the Tunbridge Wells Core Strategy 2010 and the Rural Lanes Supplementary Planning Guidance 2008.
12. I shall therefore allow the appeal. In addition to the condition on materials and planting for the facing wall, a condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and in the interests of good planning. A drainage condition will prevent excessive run off and flooding.

Martin Andrews

INSPECTOR