
Appeal Decision

Hearing held on 16 May 2017

Site visit made on 16 May 2017

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 14th June 2017

Appeal Ref: APP/M2270/W/16/3161379

Balcombes Hill, Goudhurst, Cranbrook, Kent TN17 1AT

- 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 Reeve-Wing (c/o Carless & Adams Partnership) against the decision of Tunbridge Wells Borough Council.
 - The application Ref 15/510395/FULL, dated 16 December 2015, was refused by notice dated 29 April 2016.
 - The development proposed is erection of proposed C2 housing with care for the elderly.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the Hearing the Council produced 7 Ordnance Survey mapping extracts and I was also provided with two illustrative drawings showing computer generated images of the proposal¹. In both cases the parties agreed that such evidence was integral to the main issues and confirmed that in both cases it was information that they had previously been aware of. No adjournment was therefore required and there would be no prejudice to any party from my consideration of these documents in determining the appeal and I have therefore taken them into account.
3. Following the hearing I sought the views of both main parties in relation to the Supreme Court judgements in *Suffolk Coastal District Council v Hopkins Homes Ltd and another; Richborough Estates Partnership LLP and another v Cheshire East Borough Council* [2017] UKSC 37 insofar as they may be relevant to the appeal. I have taken into account the comments made by both parties in my determination of this appeal.

Main Issues

4. The main issues are:
 - The effect on the character and appearance of the Goudhurst Conservation Area and the setting of nearby listed buildings.

¹ A-595/CGI 1 and A-595/CGI 2.

- The effect on the character and appearance of the High Weald Area of Outstanding Natural Beauty, including effects on existing trees and landscaping.
- The effect of the proposal on the living conditions of the occupiers of Fairmead, Laurels and future occupiers of the proposal, with particular regard to privacy.
- Whether or not the proposal falls within Use Class C2 or C3 and the implications of that for the provision of affordable housing.
- The effect of the proposal on highway safety, with particular regard to visibility and pedestrian access.

Reasons

Heritage Assets

5. The appeal site is an undeveloped parcel of open scrubland located outside of the Limits to Build Development ('LBD') of Goudhurst, within the High Weald Area of Outstanding Natural Beauty ('AONB') and the Goudhurst Conservation Area ('GCA'). The site slopes down towards Tiddymotts Lane, a narrow rural lane that contains a row of small, 2 storey former rural workers cottages and a detached residential bungalow. The lane is set down the slope and on lower land than the appeal site.
6. The starting point for dealing with such matters is the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1) of the Act sets out that in the exercise of planning functions, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 132 of the National Planning Policy Framework ('the Framework') makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation.
7. The Goudhurst and Kilndown Conservation Area Appraisal 2006 ('GKCAA') identifies that the significance of the GCA lies partly in its hill top location which gives a sense, in distant views, of a compact and singular settlement. There is a variety of plot patterns and sizes, with the compact village centre juxtaposed with the village pond and open areas of rural and amenity space which provide a contrast to the built form and helps merge the village into the rural and wooded landscape that surrounds it.
8. In architectural terms, there is a clear hierarchy with the style and density of buildings providing clear differentiation between the historical centre and peripheral residential areas which slope away from the historic core and are of a lower density. The rich and varied historical core contains 15th to 19th century buildings set within an intricate pattern of roads, paths, alleyways and built form centred on St Mary's Church. The prevailing palette of materials consists of clay tiles, on both roofs and elevations, red brick, render, glazed brick ends and timber framing. Buildings have decorative windows, doors and openings and there is a variety of roof profiles and pitches that overlap

resulting in a *'picturesque jumble of red tile slopes that is a principal characteristic of the area'*².

9. The appeal site forms one such open space that provides a transition between the rural areas to the south and the historic core of the GCA to the north. Despite the tight urban grain that exists in the core and on the opposite side of Balcombes Hill, the appeal site is a good example of how this grain is interspersed with open spaces and gardens and set within mature landscaping.
10. It was clear from my site visit that it provides important visual and spatial relief and forms an integral part of the character and appearance of the area, positively contributing to the significance of the GCA. Furthermore, the significant mature landscaping along the western and southern boundaries of the site, in combination with the topography, provide a dramatic approach into the village and the site is an important and integral part of this open, green and landscaped approach to the village.
11. The buildings would sit below the tree line and the height of the Old Parsonage to the north. Despite this the overall scale, form and height of the proposed apartment block, in such close proximity to the boundary with Balcombes Hill would be conspicuous, particularly so when the deciduous planting along the boundary would not be in leaf for a large part of the year.
12. Although some new landscaping is proposed, the buildings would also be sited uncharacteristically close together which would unquestionably change the character and appearance of the site, appearing essentially suburban in style. Furthermore, sub-divided into small plots and with large amounts of hard elements such as the buildings, hard surface parking areas and roads, set around the periphery of the site, it would present a much harder edge to Balcombes Hill and Tiddymotts Lane. It would set itself apart from adjoining development and would not integrate well with it, appearing as an unduly dominant and overly prominent addition to the streetscene on this important approach.
13. The proposal would also result in an extension of the village onto a site which has historically been free from significant development. Whilst I accept that change is not necessarily harmful, the proposal would detract from the historic layout and pattern of development of the village. Furthermore, it would substantially diminish the perception of spaciousness and openness of the appeal site and consequently, its contribution to the significance of the GCA.
14. I also note that the GKCAA identifies more modern development on the opposite side of Balcombes Hill as detracting from its setting and to my mind, the proposal would introduce a similar form of modern development that would appear in harmful contrast to the more historic built form towards the village centre and on Tiddymotts Lane.
15. In terms of the appearance of the building I am satisfied that appropriate materials could be secured and that those proposed reflect, to a degree, the prevailing palette of materials within the GCA. However, I also share the Council's concerns that the large expanse of flat roof area on the buildings, the large projecting balcony features, porches and fenestration would be uncharacteristic and not entirely in keeping with the prevailing vernacular.

² Goudhurst and Kilndown Conservation Area Appraisal 2006.

16. Although the appellant contends the roof form of the apartment block would not be evident from ground level, the requirement for development proposals to preserve or enhance the character or appearance of the GCA applies with equal force whether or not the proposal, or part of it, is prominent or in public view. To my mind, the fact that a traditional roof form has been indicated as being inappropriate because of the resultant height³ signifies that the design of the proposal is not an entirely appropriate design response to this sensitive location.
17. For these reasons, the proposal would fail to preserve or enhance the character and appearance of the GCA. It would conflict with Policies 4, 5 and 14 of the Tunbridge Wells Core Strategy 2010 ('CS') and Policies EN1, EN5 and EN25 of the Tunbridge Wells Borough Local Plan 2006 ('LP'). Amongst other things, these require the locally distinctive sense of place, character and the Borough's heritage assets to be conserved and enhanced, including the preservation and enhancement of spaces, pattern of existing development, landscape setting and vegetation within conservation areas.
18. In the context of the Framework both parties agree that the harm would be less than substantial. I agree with this assessment and in accordance with Paragraph 134 of the Framework the weighing of public benefits against this harm is a matter to which I return to below.
19. At the Hearing the Council and interested parties also contended that the proposal would also harm the setting of listed buildings within the GCA, namely St. Mary's Church, a Grade I listed building but also Spieways and The Star and Eagle Hotel. Although not forming part of the Council's reason for refusal, I have a statutory duty to have special regard to the desirability of preserving the building or its setting in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
20. The Framework states that the setting of a heritage asset is the surroundings in which it is experienced and that this can be more extensive than its curtilage. Heritage assets are clearly influenced by the comprehension of external factors and development within their setting, the extent of which is not fixed and can evolve over time.
21. At the site visit I was able to view the appeal site and its surroundings from the top of the church tower and from Back Lane which provides a physical boundary with the core of the village and gives access to a number of listed buildings that front onto High Street. The rooftops of the proposal would be glimpsed from the top of the church tower and fleetingly, from parts of back Lane but they would be viewed in the context of other rooftops within the village core and beyond Balcombes Hill.
22. Overall, there would be a very minimal perception of the proposal when viewed from these buildings and their curtilages. This lack of prominence and presence of landscaping to the northern and eastern boundaries would result in no harm to the significance of the aforementioned buildings as a designated heritage asset, in terms of their setting. In this respect, there would be no conflict with the relevant policies of the CS, the LP of the Framework insofar as the setting of listed buildings and the preservation of such heritage assets is concerned.

³ 6.1.10 of Strut and Parker Statement.

Area of Outstanding Natural Beauty

23. The surrounding rural area is typified by intricate patchworks of fields and hedgerows with wooded streams and lanes scattered with farm buildings and large country houses, including oast houses and ancient timber-framed Wealden hall houses. The visual prominence of Goudhurst and its dramatic hill top location makes it a particularly important landscape of the High Weald and the appeal site is an integral part of the open and wooded countryside setting that also contains areas of semi-improved grassland.
24. There are also a significant number of protected mature trees along its boundaries that are visible in short and longer views from Bedgebury Road. I found that in combination with the undeveloped nature of the site it has a strong connection to the open countryside and a rural character and appearance that positively contributes to the AONB.
25. This is also consistent with the GKCAA which notes that the '*landscape in this area is generally one of undulating ridges and gentle valleys, lying between the North and South Downs*'. Paragraph 1.19 goes on to say that the wider landscape setting is important to the character of both Goudhurst and Kilndown Conservation Areas, '*Goudhurst's visual prominence makes it a particularly important part of the landscape of the High Weald in this area*'.
26. At the local level, the Council's Landscape Character Assessment 2011 ('LCA') identifies the character type as 'Fruit Belt' and the appeal site forms part of the 'Goudhurst Fruit Belt'. This details the area as being '*intensively managed and intricate rural landscape of orchard, hop gardens and fields which are highly visible in views over undulating slopes of this high ridge, which climbs up from the Teise Valley*'.
27. Although the Council referred me to a revised version of the LCA, it is clear that this has not been adopted by the Council and I therefore attach limited weight to it. Nevertheless, insofar as the extract that was provided with is concerned, it does demonstrate a continuing concern regarding Goudhurst's special and unique relationship with the topography of the High weald.
28. I have also been provided with a Landscape and Visual Impact Appraisal⁴ ('LVIA'). At the Hearing and prior to the determination of the application, the Council's Landscape and Biodiversity Officer raised a number of concerns relating to the robustness and coverage of the LVIA. In particular that an outdated AONB Management Plan⁵ had been cited and that there is no consideration of the objectives of it. Furthermore, that there is a lack of any detailed consideration of the GKCAA, paragraphs 115 and 116 of the Framework and that the methodology and conclusions are unclear.
29. I share the Council's concerns in relation to the LVIA which I found somewhat confusing in terms of its categorisation of the effects of the proposal in landscape and visual terms. It also appears to omit important visual receptors such as the High Weald Landscape Trail and contains limited explanation of the methodology and scales used, for example, in not explaining the difference between a 'low effect' and an 'effect'.

⁴ Hilary Martin Integrated Design, December 2015.

⁵ 2nd Ed as opposed to 3rd Ed, March 2014 for period 2015-2019.

30. Nonetheless and despite the retention of a number of existing mature trees the encroachment of such an amount of development would, by reason of its elevated position and prominence, be at odds with the designated area's generally open and undeveloped character around this peripheral area of the settlement. Although the appellant contends that there is a natural boundary, the 'squaring off' of the village in such an artificial manner would detract from the organic evolution and qualities of the landscape character of this part of the AONB.
31. In visual terms, although the site is screened by vegetation this would not be the case all year round and whilst this would limit the presence of development from viewpoints further afield, in short terms views surrounding the appeal site there would be significant changes. Whilst additional planting is proposed this would take a substantial amount of time to grow and views would be filtered through the planting opposed to it providing a screen, in particular along the boundaries with Balcombes Hill and Tiddymotts Lane.
32. In the context of such a designated landscape, which is afforded the highest status of protection I find that the visual impacts would be harmful to the appreciation of this nationally and locally valued landscape in both short and to a much lesser degree, longer views.
33. I am mindful that the topography would limit some views as would the significant boundary landscaping. However, the Council also objects to the effect of the development upon unprotected trees surrounding the proposed buildings, particularly in terms of a post development pressure to fell or prune and the consequent effect upon the character and appearance of the area. The Council framed its second reason for refusal accordingly. The Council's concerns were expressed not only in terms that relate to the trees and the influence that they have upon the character and appearance of the locality but also in terms of the future living conditions of the residents of the houses proposed from shading.
34. I am conscious that any such request for tree works would require the formal consideration and consent of the Council and in such circumstances the Council would be required to assess the amenity value of the trees against the justification of the proposed works, whether felling or pruning.
35. Be that as it may, it was evident from my visit that the apartment block would be sited very close to the trees, encroaching under the canopies. In my experience this means that it would be highly likely that pressures for significant works to the trees would arise from future occupiers. I consider that it would be difficult for the Council to reasonably resist these works given the extent of the curtailment of the light that the trees would likely create.
36. I am mindful there would also be pressure due to other nuisance associated with the proximity of the trees to the apartment block, including falling debris. To my mind, any such works or removal would further diminish the visual contribution of the trees to the character and appearance of the area and increase the visibility of built form.
37. As a result there is a substantial risk and likelihood of further harmful change in the character and appearance of the site and area and how the natural beauty and nature of this part of the landscape is perceived. The LVIA also acknowledges that appropriateness of development depends on an 'acceptance

that the density, scale and pattern suit that particular part of the village'. For reasons already given above, I have found that not to be the case and the appellant's finding that the scheme would cause 'limited harm to the setting of the High Weald AONB' somewhat underestimates the effect.

38. I am mindful that some of the Council's concerns relate to the failure to satisfy the tests set out in paragraph 116 of the Framework, given that they consider the proposal is for major development within the AONB. However, the site is visually contained, is in proximity of existing development and in this context I consider a development of the scale proposed and associated infrastructure would not amount to major development in the AONB. Paragraph 116 of the Framework is not therefore engaged.
39. Nevertheless, the proposal would fail to conserve or enhance the natural beauty of the AONB and the harm could not be overcome by the imposition of planning conditions for additional landscaping. Accordingly, the proposal would conflict with Policies 4 and 14 of the CS, Policies EN1 and EN25 of the LP and the LCA. When read as a whole, these require the locally distinctive sense of place, character and landscape value to be conserved and enhanced, that development should have a minimal impact on landscape character, no detrimental impact on the landscape setting of settlements and would not result in the loss of related spaces or trees that are important to the character of the landscape.
40. Given the harm that would arise within the AONB and the 'great weight' to be attached to conserving landscape and scenic beauty in AONBs, the proposal would also conflict with Paragraph 115 of the Framework.

Living conditions

41. Fairmead and Laurels is a pair of substantial semi-detached dwellings located immediately to the rear of where plots 20-22 are proposed. Having viewed both properties at the site visit it was evident that they had short rear gardens within close proximity of the boundary with the appeal site and sat on higher ground. The rear boundary with the appeal site was formed by a substantial hedgerow and fencing but from the upper floor windows of both properties the rear elevations of these plots would be conspicuous.
42. Despite a lack of any adopted standard to inform appropriate back to back distances, the Council suggested that the distance would be 19m, whereas the appellant contends it would be slightly more at 20m. Mr Kierley also contended that Policy EN1 only refers to significant harm to the residential amenities of adjoining occupiers in terms of privacy. To my mind, the term significant should be taken in its ordinary definition of being something which is sufficiently great or important to be worthy of attention.
43. Given the topography of the land there would be mutual overlooking between the properties in question. The additional landscaping proposed, in combination with the retention of the hedgerow along the boundary would partially mitigate overlooking from the first floor rear facing windows of plots 20-22 into the upper floor windows of Laurels and Fairmead. However, such landscaping would take a not insubstantial amount of time to mature to have any noticeable effect and may not be desirable to occupiers of both properties if it resulted in overshadowing and loss of light to rear gardens.

44. The windows in the rear first floor elevation and roof space of Laurels and Fairmead would directly overlook the rear private garden areas and because of the distance between them there would also be direct overlooking into the rear facing bedroom windows of plots 20-22. This would be sufficiently great to be noticeable by future occupiers and there would be a strong perception of being overlooked. Given that the occupiers of the plots could be reasonably expected to spend a significant amount of time within the properties, the proposal would result in a loss of privacy for future occupiers of those plots and to a lesser extent the occupiers of Laurels and Fairmead.
45. For these reasons, the proposal would cause sufficient harm to the living conditions of existing and future occupiers in terms of privacy to be regarded as significant for development plan purposes. Accordingly, the proposal would conflict with Policy EN1 of the LP insofar as it requires a proposal to not cause significant harm to the residential amenities of adjoining occupiers in terms of privacy.

Use class and affordable housing

46. If the Council is correct in its assertion that the proposed development would fall within the C3 Use Class (Dwelling Houses) then a substantial contribution to, or provision of, affordable housing units would be required. Both parties agreed that if this were the case there would be conflict with the development plan but if I were to find it was C2 (*Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses))*) then no such provision would be necessary.
47. The units would be occupied by persons aged over 65 years old who had been assessed as needing 1.5 hours per week care as a minimum. The appellant confirmed that it would be a requirement of the terms of occupation that occupiers had an assessment of their needs and that they would contract to pay for, and accept, the level of assessed care. Staff would be on call 24 hours a day and each unit would have an alarm system and the residents would be able to use the communal facilities in the apartment block. Although this would be restricted to a small lounge area and be of little practical use, I am mindful that the Use Classes Order does not require any communal facilities to be provided.
48. There are a large number of terms used to describe this type of provision including extra care housing, enhanced sheltered housing and assisted living and the Use Class in which they fall depends on the facts and circumstances of each case. I cannot imagine there would be many potential residents who were not in need of, or not anticipating being imminently in need of, at least a modicum of regular care. Moreover, reinforcement of the premises-specific culture of care and support would be effected by the terms of occupation based on minimum age and minimum take-up of care services (albeit limited in terms of hours).
49. Furthermore, the service charges are likely to be well beyond those that might reasonably be expected in non-institutional accommodation. The illusion of independent living would come through the physical self-containment and saleability (to qualifying occupiers) of the individual units, whereas the reality would probably be one of a tightly knit community unified by access to a dedicated enterprise of specialist care and security for the elderly.

50. I also see no reason why the location of care provision off site at Ticehurst is determinative, not least because this provides operational efficiencies whilst ensuring a dedicated responder service is available. Furthermore, in response to the Council's concerns the appellant clarified that it is his intention to recruit a local registered manager and to register the domiciliary care business with the Care Quality Commission or to identify a suitable local domiciliary care provider. The details of which could be secured by condition, as agreed by the parties.
51. These characteristics, when combined with the scope to secure them through the use of a planning condition (which was agreed by the parties during the course of the Hearing in light of the failure to agree the content and form a legal agreement) leads me to conclude that, on the evidence before me and in this particular case, the proposal is properly classified as within the C2 use class.
52. However desirable affordable housing might be as a matter of principle or, as put to me by the Council and interested persons at the Hearing, to be locally appropriate, I conclude that there is no requirement for the proposal to provide any and the lack of affordable housing in this case does not weigh against the proposal.

Highway safety

53. Local residents made a number of representations, both in writing before the Hearing and orally at the Hearing regarding concerns over highway safety. These were generally in support of the Council's position, although they also raised the question of hazards and safety at the junction of the A262 and Balcombes Hill.
54. Although vehicles were parked on one side of Balcombes Hill, close to the junction with the A262, there is no evidence before me of any particular highway safety issues associated with on-street parking or visibility in the locality. From my observations, which were taken during the early evening, vehicles approaching the junction were doing so predominantly at a low speed and I did not find that those cars leaving the junction had any particular problems with visibility in either direction.
55. I did not find that the existing low timber retaining wall and bank impeded visibility and I observed that the necessary visibility splays could be achieved without any significant alterations to the existing timber wall or bank. Although the Council and Mrs Parker, on behalf of Kent County Council as highway authority, raised concerns regarding whether such splays could be secured, the letter from 'asblaw' dated 4 October 2016 confirms that the appellant has sufficient rights over the land where the necessary visibility splay is required, to ensure it could be implemented.
56. The Council did not provide any substantive evidence to the contrary and I am therefore satisfied that insofar as visibility splays are concerned there is a clear prospect that the action in question would be performed within the time limit imposed by the permission and could therefore be secured by a Grampian condition, were I minded to allow the appeal.

57. Turning to access for future occupants, the footway running along the western side of Balcombes Hill was narrow and I heard from Mr Bates, a local resident, that the vegetation overhanging the footway is the subject of infrequent pruning and management. Although future occupants would be elderly that does not mean to say that they would necessarily be infirm or unable to traverse the short distance to services and facilities.
58. The proposal also includes provision of an extended footway to create an upgraded crossing point which would be a clear improvement to the existing situation. Future residents would have to cross the road again near to the junction with the A262 but this junction was wide and had good visibility. Furthermore, traffic speeds were low entering and exiting the junction and consequently this would not create an unacceptable safety issue for pedestrians.
59. Mrs Parker also confirmed that whilst not an adopted public right of way, access was possible through the GP surgery grounds to Back Lane. Whilst this may not be adopted it provides an alternative option, especially in inclement weather or during the winter months and no evidence was put to me to suggest such a route would be made unavailable in the future.
60. For these reasons and subject to conditions, the proposal would not cause harm to highway safety. It would not therefore conflict with Policy CP3 of the CS or Policies TP3 and TP4 of the LP which, when taken as a whole, require proposals to provide the necessary infrastructure, provide convenient and safe links to key destinations and to not harm highway safety. I find these policies consistent with the Framework and consequently, the proposal would not conflict with the Framework insofar as highway safety is concerned.

Other Matters

61. The submitted Unilateral Undertaking ('UU') aims to secure a financial contribution towards meeting the need for additional facilities and services arising from the development. The Council has justified the sum for the Libraries contribution which would be used towards additional book stocks required because of new borrowers. I consider that the measures in the UU are necessary, related directly to the development and fairly related in scale and kind. As such they would accord with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the tests for planning obligations set out in the Framework.
62. The UU however is not signed and therefore it cannot be relied upon to secure the contribution. I explained at the Hearing that if this was a matter which I required to be resolved prior to making my decision, I would write to the parties. However, as I intend to dismiss the appeal for other reasons, I have not pursued this matter further as it would not have resulted in the appeal being allowed and would have caused the appellant further unnecessary expense.

Planning balance and conclusion

63. I am required to decide this appeal in accordance with the development plan, unless material considerations indicate otherwise. The starting point therefore is that the proposal would conflict with Policies 4, 5, 14 of the CS and Policies EN1, EN5, EN25 of the LP in terms of its effect on the GCA, the AONB and the

living conditions of future and neighbouring occupiers. There is no dispute that these policies are consistent with the Framework. I share this view and afford them full weight.

64. However, there is also no dispute that the Council cannot demonstrate a five year supply of deliverable housing sites and that this was agreed as being 2.5 years supply. The Council also confirmed that the new Local Plan is at an early (Issues and Options) stage.
65. The Framework is a significant material consideration and because less than substantial harm has been identified to the significance of a designated heritage asset, before considering whether Paragraph 14 and the presumption in favour of sustainable development applies this harm should be weighed against the public benefits of the proposal.
66. The Planning Practice Guidance states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in Paragraph 7 of the Framework. Public benefits should flow from the proposed development and should be of a nature or scale to benefit the public at large and should not just be a private benefit.
67. The public benefits of the proposal and need for the development were helpfully set out by the appellant at the Hearing. The development would make a small but valuable contribution to the lack of supply and would bring forward housing for elderly residents with care needs. There is an increasing need for such accommodation locally and this has been acknowledged by the County Council. Given the extent of the shortfall I attach substantial weight to the proposal in terms of meeting such needs.
68. Construction would result in employment opportunities, and local spending, both during construction and thereafter by occupiers which would contribute to the local economy. The proposal would also result in the creation of 7.5 Full Time Equivalent jobs plus part time and associated positions such as maintenance, although an exact figure for the latter could not be confirmed. Paragraph 18 of the Framework makes it clear that the Government is committed to securing economic growth in order to create jobs and prosperity and in that context and given the scale of the proposal, these benefits weigh moderately in favour of it.
69. Taking everything together, the public benefits do not outweigh the considerable importance and weight that I give to the desirability of preserving or enhancing the character and appearance of the GCA.
70. Although in the context of a lack of a 5 year housing land supply both parties have referred me to the presumption in favour of sustainable development, in accordance with the requirements of Paragraph 14 and footnote 9 of the Framework, I have found that specific policies in the Framework indicate that development should be restricted⁶. As such, the presumption in favour of sustainable development does not apply.
71. For the reasons set out above, although there would be compliance with some aspects of the development plan, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be made other than in

⁶ Designated heritage assets and Area of Outstanding Natural Beauty.

accordance with the development plan and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Adrian Kearley	Strutt and Parker
Mr Gary Reeve-Wing	Appellant
Mr M Bunyan RIBA	Carless & Adams Partnership
Ms S Davidson MSc IHBC	Heritage Collective
Mr Stephen Wadsworth	Landscape Collective
M Magee	Carless & Adams Partnership

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Marie Bolton	Tunbridge Wells Borough Council
Mr David Scully CMLI	Tunbridge Wells Borough Council
Mr Dan Docker	Tunbridge Wells Borough Council
Mrs Margaret Parker CMILT	Kent County Council
Mrs Debbie Maltby IHBC	Tunbridge Wells Borough Council
Mrs S Lewis	Tunbridge Wells Borough Council

INTERESTED PARTIES:

Mr Sean Gilder	Local resident
Mr Edward Bates	Local resident and CPRE
Mr Paul Woolwich	Local resident
Mr & Mrs J Shenton	Local residents
Mr David Bolton	Local resident

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING

1. Current and historical Ordnance Survey mapping extracts.
2. Computer Generated Images - A-595/CGI 1 and A-595/CGI 2.