

Appeal Decision

Site visit made on 10 October 2017

by Mr C J Tivey BSc (Hons) BPI MRTPI

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

Decision date: 25 October 2017

Appeal Ref: APP/M2270/D/17/3179022

**Orchard Place Farm, Pearsons Green Road, Paddock Wood, Tonbridge
TN12 6NY**

- 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 S Morgan against the decision of Tunbridge Wells Borough Council.
 - The application Ref 17/01611/FULL, dated 15 May 2017, was refused by notice dated 20 June 2017.
 - The development proposed is for the erection of a detached triple bay garage with ancillary office and storage space above.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached triple bay garage with ancillary office and storage space above at Orchard Place Farm, Pearsons Green Road, Paddock Wood, Tonbridge TN12 6NY, in accordance with the terms of the application Ref. 17/01611/FULL, dated 15 May 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 hereby permitted shall be carried out in accordance with the approved plans: Site Location Plan, Block Plan, Plans and Elevations.
 3. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Orchard Place Farm.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the countryside.

Reasons

3. The appeal site comprises a large, recently extended residential plot located within the open countryside which is domestic in its appearance. The site is well screened from Pearsons Green Road by predominantly high conifer hedging with casual glimpses of it being limited to direct views at the access on passing the property.

4. The site is located within the 'Low Weald Character Area', and the Council found that the proposal would not give rise to an unsympathetic change to the character of Pearsons Green Road which is designated as a 'Rural Lane' in the Tunbridge Wells Borough Local Plan 2006 (LP). I have been given no substantive reason to come to a different conclusion on this, and although I can fully understand why the Council removed permitted development rights from the land in question, each proposal for planning permission, submitted either through the application or appeal process, must be assessed on its own merits.
5. LP Policy H11 is concerned with proposals to extend existing dwellings or provide additional ancillary buildings within their curtilages in locations that are outside the limits to built development. There are three criteria set out within the policy requiring that: The existing dwelling was designed and constructed for residential use and was built on permanent foundations; The proposal would not result in a poorly proportioned building or detract from its character or setting; and The dwelling as extended would not lend itself to future sub-division to form a separate dwelling.
6. There is no evidence before me that suggests that the existing dwelling was not designed and constructed for residential use or built on permanent foundations. I accept that the proposed building would be of a reasonable scale, however it would still appear subordinate in form to the host dwelling, notwithstanding its location closer to the road. Overall I consider that its design, with a good attention to architectural detailing, would clearly be of an ancillary garage building that would not detract from the visual amenities of its setting. Therefore, by virtue of its appearance, I cannot agree that it could be misconstrued as being an additional dwelling, although it would be reasonable to control its use due its location where rural policies of residential restraint apply (see Conclusion and Conditions section below).
7. Therefore, overall I find that the proposal would not give rise to a harmful impact upon the character and appearance of the countryside and would not conflict with the general principles of the National Planning Policy Framework. In addition to complying with LP Policy H11, I find that the proposal complies with Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy 2010 and LP Policies LBD1 and EN25 in that the landscape character and quality of the surrounding countryside would be maintained and conserved; and would not give rise to unsympathetic change to the character of a rural lane.
8. Pursuant to the fourth criterion of LP Policy EN25 I am satisfied that there is no existing building or structure suitable for conversion to provide garaging due to the conversion of the former garage some time ago into ancillary accommodation. Further, whilst the proposal would not lead to the garage building being located adjacent to the existing dwelling, it would nonetheless be well screened by existing vegetation and be in relative close proximity to it.

Conclusion and Conditions

9. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.
10. In addition to the standard time limit condition, the Council has suggested that a condition be imposed that restricts the use of the proposed building to purposes ancillary to the residential occupation of Orchard Place Farm. Bearing

in mind the site's rural location, I find this reasonable, pursuant to the third criterion of LP Policy H11, along with the imposition of a condition to require the development to be carried out in accordance with the approved plans, which is in the interests of protecting the character and appearance of the area.

C J Tivey

INSPECTOR