
Appeal Decision

Site visit made on 8 November 2017

by J Ayres BA Hons, Solicitor

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

Decision date: 13th December 2017

Appeal Ref: APP/M2270/W/17/3180210

Goblins Glade, Spongs Lane, Sissinghurst, Cranbrook TN17 2AH

- 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 and Mrs G Bunyan against the decision of Tunbridge Wells Borough Council.
 - The application Ref 17/01203/FULL, dated 6 April 2017 was refused by notice dated 16 June 2017.
 - The development proposed is the erection of a new two bed dwelling and garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a new two bed dwelling and garage at Goblins Glade, Spongs Lane, Sissinghurst, Cranbrook TN17 2AH in accordance with the terms of the application, Ref 17/01203/FULL, dated 6 April 2017, subject to the conditions in the attached schedule.

Preliminary Matter

2. I have used the Council's description of the development as it more clearly describes the proposal. The appellant stated that they agreed to this amendment in their statement of case.

Main Issues

3. The main issues in this appeal are whether the proposal would be a sustainable form of development, and the effect of the proposal on the character and appearance of the area.

Reasons

Whether the proposal would be a sustainable form of development

4. The National Planning Policy Framework (the Framework) makes clear that sustainable development comprises economic, social and environmental dimensions and that the planning system performs a number of mutually dependant roles.
5. Policy LBD1 of the Tunbridge Wells Borough Local Plan (the Local Plan) seeks to limit housing development outside of the defined Limits to Built Development (LBD). The Core Strategy maintains this policy approach¹. The proposal would

¹ Policies 6, 13 and 14

not benefit from one of the exception categories provided in Policy LBD1. The settlement hierarchy identifies Cranbrook Common as a hamlet without an LBD boundary. There are very limited facilities and therefore to access most facilities and services it would be necessary to travel to one of the neighbouring settlements.

6. Although it is possible to travel by bus, a 'hail and stop' service can often lead to problems with regards to the physical ability to make sure that one is standing out in the road when the bus is expected to be travelling towards its next timetabled stop. Occupiers, especially the elderly, disabled, or those with young families, would be deterred from walking due to the speed of vehicles on the A229, the lack of street lighting, and in places the physical constraints of the pavement.
7. The appellant's statement suggests that they intend to utilise the proposal, and sell Goblins Glade, which is a large family home. The nearest facilities and services, including the local school, are in Sissinghurst. Although there is a local garage within walking distance of the site, which would meet some day to day needs, it is highly likely that residents would need to rely upon a private vehicle to access facilities and services on a general basis.
8. I agree with the Inspector in the 2015 appeal² that the settlement is widely dispersed and exhibits a very limited range of facilities. Occupiers would be heavily reliant on a private vehicle.
9. Since the 2015 appeal the Council's position in regards to housing land supply has changed significantly. At present the Council cannot demonstrate a five-year supply of deliverable homes. The Council has made progress in increasing its supply of housing. I do not have an agreed figure in respect of housing land supply, however based on the evidence before me, and having considered the decisions referred to by the parties, it would appear that the deficit is substantial.
10. The Framework seeks to boost significantly the supply of housing and deliver a wide choice of high quality homes. In this case the addition of a two bedroom dwelling in this location would contribute in the long term to the provision of smaller housing for either first time buyers or those wishing to downsize, as is the case here. It would also allow Goblin's Glade to be fully utilised as a family home, which would be a social benefit. The overall benefit to the Council's housing land supply of one additional dwelling is limited. However, I am mindful of the scale of the shortfall, and the social benefits of the proposal. Accordingly I attach significant weight to its contribution to the Council's overall housing supply.
11. There is no dispute that the design of the dwelling, being a passivhaus, would achieve substantial environmental benefits in accordance with paragraph 95 of the Framework. The design of the dwelling would result in the provision of thermal comfort through the use of mechanical ventilation and heat recovery. This would be wholly in line with the aims of paragraph 95 of the Framework, and I attach substantial weight to this factor.
12. The appeal site is part of the garden of Goblin's Glade and is classified as previously developed land. The proposal would contribute to the mix of

² APP/M2270/W/15/3131450

dwelling in the area, which is supported by the Parish Council. The proposal would achieve this whilst retaining development within previously developed land. The Framework encourages the use of previously developed land over that of greenfield and I attach substantial weight to this factor.

13. There would also be some economic benefits provided by employment during the construction period and spending within the local economy by new occupiers thereafter. However, taking into account the relatively short period for construction and the limited services available in the locality to allow for local spending I attach very little weight to these benefits.
14. I have considered the decisions referred to by the Council. The appeal before me is materially different from OS Plot 2074³, with specific regard to the location of that site within the AONB, and the effect of that development on the landscape and protected trees. In Santolina⁴ the character of the area and the effect of the proposal on the character was significantly different to the proposal before me. I have carefully considered these decisions, and there are clearly a number of similarities, with particular regard to location, and I have raised my concerns in respect of this scheme with regards to the use of private vehicles. However, each appeal must be determined on its own merits. I have carefully considered all three limbs of sustainability in respect of this proposal, and the application of paragraph 14 of the Framework. I have determined this appeal on the basis of its own merits.
15. Taking all these factors into account, in this case I find that the proposal would meet the three limbs of sustainability. Although the proposal would be contrary to policy LBD1 of the Local Plan and Policies 1, 6 and 14 of the Core Strategy with regards to its location within the settlement hierarchy, the material considerations considered above justify making a decision other than in accordance with the development plan.
16. Furthermore, these policies are out of date in relation to housing supply. The conflict with them carries reduced weight in my overall assessment of the proposal.

Character and appearance

17. The appeal site forms part of the large garden which serves the substantial detached property known as Goblins Glade. Spongs Lane hosts a cluster of houses in the hamlet of Cranbrook Common. Properties are generally set within spacious plots, screened from the Lane by mature hedgerows and vegetation.
18. The appeal proposal would introduce an additional property with detached garage, accessed by an existing gate through the hedgerow. The dwelling would be one and a half storey and the design would incorporate dormer windows and a half hipped roof. The resultant rural style dwelling would enhance the area in terms of its design. The garage would be located adjacent to the front hedgerow, and would be largely screened from the road.
19. The site forms part of the garden of Goblin's Glade, and already has a residential appearance to it. The proposal would be modest in size, being a two bedroom property, and its design would sit comfortably within the plot,

³ APP/M2270/W/15/3141313

⁴ APP/M2270/W/16/3157599

benefitting from the natural screening provided by the existing hedgerows and planting.

20. The proposal would provide some distance between itself and Too Hoots, maintaining the spacious nature of the area. I agree with the previous appeal Inspectors⁵ that the frontage to Spongs Lane is not built up. However, the 2015 scheme was materially different from the proposal that I am considering in respect of the design and siting of the dwelling in its entirety. I am satisfied that the scale and mass of the proposal, moved further away from Too Hoots, and significantly screened from the road, would not detract from the overall rural character of the area and would not result in a built up frontage that resulted in harm to the character of the area. The hedgerows are an intricate element of the character of the area, and I consider that it would be necessary to attach a condition to retain these. I have, as required by law, determined this appeal on its own merits.
21. Accordingly, I find that the proposal would not cause harm to the existing rural character of Spongs Lane and would therefore comply with policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006 (the Local Plan) and policies 4 and 14 of the Tunbridge Wells Borough Core Strategy 2010 (the Core Strategy). These policies seek to protect local distinctiveness and significant features that are important to the character of the area.

Other Matter

22. Mount Pleasant, a grade II listed building, is sufficiently screened and some distance from the appeal site. The proposal would not have an adverse effect on its setting.

Planning Balance and Conclusion

23. Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Policy LBD1 is a restrictive policy which seeks to limit housing development in the countryside outside of settlement boundaries. As such, it has the effect of constraining the supply of housing land and so, for the purposes of this appeal, should be regarded as a relevant policy for the supply of housing.
24. Although Policy LBD1 is out of date, this does not mean that it no longer applies but it clearly carries less weight than it would if there were a five year supply of deliverable housing sites.
25. Occupiers are likely to be dependent on the use of a private vehicle, which weighs against the proposal and to which I have attached significant weight.
26. Balanced against this is the contribution to the supply of housing, to which I have also given significant weight. I have given substantial weight to the environmentally conscious design of the proposal. I have attached some weight to the other factors that weigh in favour of the proposal. I have also found that the proposal would not harm the character and appearance of the area.

⁵ APP/M2270/W/15/3131450 and T/APP/M2270/A/96/271792/P8

27. Taking everything into account, I consider that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. As a result, the application of paragraph 14 of the Framework indicates that permission should be granted and the proposal would represent sustainable development.
28. In the circumstances of this appeal, the material considerations considered above justify making a decision other than in accordance with the development plan. For these reasons, the appeal should be allowed.

Conditions

29. The Council has suggested a number of conditions in the event that the appeal is allowed. I have considered these in accordance with the Framework and the Planning Practice Guidance and imposed them where I consider them to be necessary and reasonable. I have amended some for the sake of clarity.
30. A condition specifying the plans is necessary in the interests of certainty. Conditions relating to materials, site levels, finished floor levels, tree protection measures, landscaping and drainage are necessary in the interests of the environment and to protect the character of the area.
31. A condition relating to the disposal of sewage is necessary in the interests of amenity.
32. Conditions restricting the exercise of permitted development rights should only be used in exceptional circumstances. The appeal site is sensitive with respect to its location within the rural area. Any additional development, including fencing, may have a significant impact on the character of the area, or the amenity of neighbours. Accordingly I am satisfied that removal of permitted development rights is justified in this case.
33. Conditions 3, 4, 5 and 7 are pre-commencement conditions which are justified in this case as they cover matters that are essential to be agreed before the development starts.

J Ayres

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - DHA/12195/01 Site Location Plan
 - DHA/12195/02 Proposed Figure Ground Plan
 - DHA/12195/03 Google Earth Pro Image Plan
 - DHA/12195/04 Proposed Site Layout Plan
 - DHA/12195/05 Proposed Dwelling Floor Plans
 - DHA/12195/06 Proposed Dwelling Elevations
 - DHA/12195/07 Rev A Proposed Street Scene
 - DHA/12195/08 Rev A Proposed Garage Design, Floor Plan and Elevations
- 3) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development, along with driveway and parking area surfacing materials, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until plans and sections showing the existing and proposed site levels and finished floor levels have been submitted to and approved in writing by the Local Planning Authority. Levels shall be expressed with reference to Ordnance Datum and relate to a fixed point within the public highway. The development shall be implemented in accordance with these approved details.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

- 8) Prior to first occupation of the development hereby approved, details of boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out and retained in accordance with the approved details. No further fencing or other boundary treatment shall be erected anywhere on site without the details including heights, design, location and materials being submitted to and approved in writing by the Local Planning Authority.
- 9) Prior to first occupation of the dwelling hereby permitted works for the disposal of sewage will have been provided to serve the development in accordance with details that have previously been submitted to and approved in writing by the local planning authority.
- 10) Notwithstanding the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes A-F of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order).

END OF SCHEDULE