
Appeal Decision

Site visit made on 24 May 2019

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2019

Appeal Ref: APP/M2270/W/18/3215683

Land adjoining Sherard House, Horns Road, Hawkhurst, Cranbrook, Kent TN18 4QU

- 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 J Fletcher of Ironwood Developments Limited against the decision of Tunbridge Wells Borough Council.
 - The application Ref 18/00057/FULL, dated 29 December 2017, was refused by notice dated 15 May 2018.
 - The development proposed is described as the erection of one new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the site address given on the appeal form in the banner heading above, as this more precisely describes the site than the address given on the application form.

Main Issues

3. The main issues are:
 - (i) whether the appeal site is a suitable location for a dwelling, with particular regard to access to facilities and services;
 - (ii) the effect of the proposal on the character and appearance of the rural landscape and whether it would conserve or enhance the High Weald Area of Outstanding Natural Beauty; and
 - (iii) the effect of the proposal on ecology, with particular regard to protected species.

Reasons

Access to facilities and services

4. Core Policy 14 of the Tunbridge Wells Borough Core Strategy (2010) (CS) states that new development will generally be restricted to sites within the Limits to Built Development as defined on the Proposals Map. This is consistent with paragraphs 78 and 79 of the National Planning Policy Framework (2019) which state that, to promote sustainable development in rural areas, housing

should be located where it will enhance or maintain the vitality of rural communities, and planning decisions should avoid the development of isolated houses in the countryside.

5. The appeal site is in the countryside outside the Limits to Built Development of any settlements in the Borough and is approximately 2.4km from Hawkhurst, which includes the nearest shops and services. I note that there are footways along the road between the appeal site and the centre of Hawkhurst and bus services from a nearby bus stop to Hawkhurst, Tunbridge Wells and Hastings. The information before me indicates that the bus services are infrequent.
6. The proposal would comprise the erection of a substantial detached dwelling with 4 bedrooms on the first floor, each with its own bathroom and walk-in wardrobe. A large amount of accommodation would be formed within the roof space, which could provide further bedrooms. A 2-bay car port would be provided to one side. The proposal would therefore provide accommodation for a large family.
7. To access the shops, services and facilities in Hawkhurst, future occupiers of the development would either need to walk for about 30 minutes along a busy road, use the infrequent bus service or travel by car. Hawkhurst does not have a railway station so access to towns other than those on the bus routes would only be possible by car. Given the proposal would create a large family home I consider it likely that it would result in a regular need to access shops and services in Hawkhurst and elsewhere in the area, and that a large majority of these trips would be made by car.
8. For these reasons I conclude that the appeal site is not a suitable location for a dwelling and the proposal is contrary to the aims of the Framework and the policies cited above.

Character and appearance

9. The appeal site is situated in an attractive rural location within the High Weald Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.
10. The site primarily comprises grassed land and is situated between 2 detached houses, Greystones and Sherard House. These properties form part of a group of dwellings on the southern side of Horns Road that are set in spacious grounds which include mature trees and vegetation. Together with the generous gaps between houses, this gives the area a spacious and verdant appearance which contributes to the quality of the rural landscape and the AONB.
11. The proposed dwelling would be substantial. It would have a relatively deep footprint compared to neighbouring houses and due to this, and the roof level accommodation, would be a bulky and overly prominent form of development in this location. In addition, it would be sited a short distance from the side boundary shared with Greystones. Its closeness to this neighbouring property would be out of kilter with the ample spacing between properties in this area.
12. Overall, due to its siting and bulk, the proposal would have an unacceptable effect on the character and appearance of the rural landscape and would fail to conserve the scenic beauty of the High Weald AONB.

13. The proposal is therefore contrary to the aims of the Framework and CS Core Policies CP4 and CP14 which, amongst other matters, state that the AONB will be conserved and enhanced and the countryside protected. There is also conflict with Policies EN1 and EN25 of the Tunbridge Wells Borough Local Plan (2006) (LP) and Policies HD1, HD3, HD4, LP1 and LP2 of the Hawkhurst Neighbourhood Development Plan (2018). Amongst other matters these policies require development outside the Limits of Built Development to have a minimal impact on the landscape character of the locality.

Ecology

14. The Council's third reason for refusal refers to '*insufficient evidence that the proposal would not have a significantly harmful impact upon protected species*'. An Extended Phase 1 Habitat Survey Report dated 2 November 2018 was submitted with the appeal and the Council has had an opportunity to review and comment on this.
15. Paragraph 175 of the Framework states that if significant harm to biodiversity resulting from development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The Framework refers to Circular 06/2005¹ which states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. The Circular advises that surveys should only be required by condition in exceptional circumstances.
16. The appeal site falls outside the residential curtilage of Sherard House and is described in the survey report as dominated by short managed semi-improved grassland, although it is unclear why, or for what purpose, the land has been managed. The report notes that there are ponds nearby and the appeal site supports suitable habitat for great crested newts. A survey has not been carried out to establish whether great crested newts are in fact present within the site.
17. There is a badger sett within the site and the survey report states that the proposed dwelling would be about 30m from the sett and has the potential to adversely impact on the sett and badger foraging habitat and commuting routes. The report does not advise whether or how such adverse impacts could be mitigated.
18. The presence or otherwise of great crested newts has not been established, nor have the potential impacts on badgers been fully assessed. It has not been adequately proven that the construction of a large house and the use of the site for residential purposes would not have unacceptable effects on protected species. The proposal therefore conflicts with Circular 06/2005 and the aims of the Framework. The proposal is also contrary to LP Policy EN1 and Core Policy 4 which seek to avoid the net loss of biodiversity and significant adverse effects on features of nature conservation importance.
19. The appellant has referred to an appeal case where a planning condition was imposed requiring further ecological survey work. There is nothing before me to demonstrate that the case referred to related to a site with an ecological

¹ Biodiversity and Geological conservation – Statutory obligations and their impact within the planning system

value that is comparable to that at the appeal site. I therefore attribute limited weight to this matter.

Other Matters

20. Paragraph 73 of the Framework states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.
21. There is nothing before me to indicate that the requirements of paragraph 73 are met. This apparent housing supply shortfall triggers paragraph 11 of the Framework which states that where the development plan is out of date, permission should be granted unless there are specific policies in the Framework that protect areas and assets of particular importance, including AONBs, which provide clear reasons for refusing development.
22. As the proposal would fail to conserve the landscape and scenic beauty of High Weald AONB there is clear conflict with the policies relating to the natural environment set out at chapter 15 of the Framework.

Conclusion

23. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR