



Appeal Decision

Site visit made on 6 August 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2019

Appeal Ref: APP/M2270/W/19/3229703

**Horizon Kennels, Goudhurst Road, Lamberhurst, Royal Tunbridge Wells
TN3 8AH**

- 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 and S Milton and Hurley against the decision of Tunbridge Wells Borough Council.
 - The application Ref 18/03540/FULL, dated 12 November 2018, was refused by notice dated 15 February 2019.
 - The development proposed is a new four bedroom chalet bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are (i) whether or not the proposal would conserve or enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty (AONB) and (ii) whether or not the appeal site would be sustainably located in terms of accessibility to services and amenities.

Reasons

Impact on the AONB

3. The site is located adjacent to the busy A21 and is currently occupied by an existing mobile home, an area of hardstanding and a metal shipping container used for storage. To the western part of the site is a one and a half storey dwelling which at the time of my visit appeared to substantially complete. The site gently slopes from north to south and is bounded to the east by an approximately 1.8 metre high close board fence. To the south, there is a small stable block and hedging that forms the boundary and to the west is a recently constructed chalet bungalow.
4. Long range views of the countryside are possible when looking through the site to the south from a previous access which has now been closed to traffic, across the AONB. These views are possible due to gaps in the southern boundary hedging and vegetation along with the change in the elevation of the site as it slopes down from the road. The appellant has indicated that the now stopped up former site entrance will have a hedge reinstated. Therefore, whilst the majority of views will be experienced by the occupiers of passing vehicles glimpsing the site and the countryside beyond through the gate aperture, these

views may become more limited over time if a hedge were reinstated.

Nonetheless, intermittent countryside views would still be possible from the road which is higher than the site and would make a positive contribution to the feeling of openness and the wider topography of the AONB in this area.

5. The proposed dwelling would have a ridge height of approximately 6.5 metres. This would be substantially higher than the mobile home which it is proposed to replace. Whilst it would sit slightly lower than the adjoining bungalow due to site levels, this would have the effect of unacceptably closing off long range views into the countryside from the road.
6. The proposed dwelling would be sited relatively centrally within the proposed plot with the garage located to the east and away from the boundary fence. As such, the dwelling would appear significantly closer to the existing bungalow than the current mobile home. Due to the close proximity of the dwellings, this would diminish the existing feeling of spaciousness between the dwellings within the wider site. Taking into account the siting and height of the proposed development, I consider that significant harm would be caused to existing views across this part of the countryside and hence harm would be caused to landscape and scenic beauty of the countryside.
7. The appellant has indicated that additional landscaping screening could be provided to lessen the effects of the development. Whilst additional landscaping screening could be secured by way of planning permission, from the information before me I am not of the view that this would be sufficient to mitigate the effects of the development that I have identified as a result of the siting and design. Indeed, any landscaping would take some time to reach maturity and this in itself could have an effect on the overall sense of openness that exists in this part of the AONB.
8. For the collective reasons outlined above, I conclude that the proposed development would not conserve or enhance the landscape and scenic beauty of the AONB. This is a matter to which I afford great weight having regard to paragraph 172 of the Framework. Consequently, the development would not accord with Policies CP4, CP5, and CP14 of the Core Strategy, Policies EN1, EN25 and LBD1 of the Tunbridge Wells Local Plan and the National Planning Policy Framework (the Framework) which aim to conserve and enhance the scenic beauty and landscape character of the countryside including the AONB.

Accessibility to services and amenities

9. The Council has indicated that the appeal proposal represents unsustainable development through the creation of a new dwelling in a location where there are a limited number of shops and services nearby. I acknowledge comments made by a previous Inspector about the accessibility of the site to services and amenities. However, the proposal would replace one form of residential accommodation with another. In this context, I do not consider that the proposal would lead to any significant increase in the use of the private motor vehicle for journeys to nearby amenities and facilities when compared to the existing residential use of the site. Consequently, I do not consider that the proposal would conflict with the accessibility and environmental aims of Policies CP1, CP4, CP5, CP6 and CP14 of the adopted Core Strategy.

Other matters

10. There is no dispute between the parties that the local planning authority cannot demonstrate a deliverable five year supply of housing sites. However, the proposed development has to be considered in the context that the Council has granted a Certificate of Lawful Development¹ for residential use of a mobile home on the appeal site. In this regard, the proposal would have a neutral effect on the housing land undersupply position.
11. Subject to the removal of the existing mobile home from the site the proposal would not lead to the erection of an isolated home in the countryside taking into account paragraph 79 of the Framework.
12. Concern has been raised by the Council regarding the effect of the proposed residential curtilage harming the AONB. However, I am satisfied that this part of the proposal would not cause harm to the AONB in the context that there is already a hardstanding and more formally managed grassed areas associated with the existing mobile home. It would be possible to control the impact of proposed garden/outside amenity areas by means of the imposition of various planning conditions. However, in light of the harm I have identified to the AONB in respect of siting and height matters, this does not alter my conclusions on the main issues.
13. My attention has been drawn to a 2016 appeal decision² which, amongst other things, considers a scheme which replaces a mobile home with a chalet bungalow. However, this development was not identical to this appeal proposal and concerned accommodation for gypsies and travellers. I have determined this appeal on its individual planning merits and the aforementioned appeal does not alter my conclusion on the main issue.
14. The appellant has indicated that the proposed dwelling would have appropriate parking and turning arrangements as well as a high level of amenity space for the occupants. Whilst I agree that sufficient parking and amenity space would be provided, these are matters of neutral consequence in the overall planning balance.
15. None of the other matters alter or outweigh my overall conclusion on the main issue.

Conclusion

16. Whilst I have concluded that the proposal would not lead to a significant increase in motorised journeys to services and amenities in the context that there is an existing residential use on the site, I have concluded that the proposal would not conserve or enhance the landscape and scenic beauty of the AONB. This is a matter to which I afford great weight and therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

P Mileham

Inspector

¹ Planning application reference 12/03186/CEU

² Appeal reference APP/M2270/W/15/3138498