



Appeal Decision

Site visit made on 30 July 2019

by Christopher Butler BA(Hons) PG Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 August 2019

Appeal Ref: APP/M2270/W/19/3228341

Kerrys Yard, Bodiam Road, Sandhurst

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Kerry against the decision of Tunbridge Wells Borough Council.
 - The application Ref 18/03948/OUT, dated 6 December 2018, was refused by notice dated 4 March 2019.
 - The development proposed is the demolition of existing building and erection of 2 two storey dwellings and garages.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. This appeal submission relates to an outline planning application where all matters, except for the means of access, are reserved for future consideration.

Main Issues

3. The main issues are: (i) whether the proposal would conserve or enhance the High Weald Area of Outstanding Natural Beauty (AONB); (ii) whether the proposal would be positioned in an accessible and sustainable location and (iii) the effect of the development on the setting of the Sandhurst Conservation Area and the setting of Brickhouse Farm which is a listed building.

Reasons

AONB

4. The appeal site is located on the south-eastern side of Bodiam Road and with the exception of the proposed access is set back from the road by some 30 metres. The existing site access is being retained as part of the proposed development and runs along the north-eastern boundary of the appeal site into the main portion of the site, which is an area of levelled hard surface within which a metal sheeted storage building stands.
5. The boundary adjoining the road and pedestrian footpath is formed by a substantial hedgerow, which sets back into the site to form a visibility splay either side of the access and metal five-bar gates that lead into the site. A post and rail fence runs along the north-eastern, south eastern and south-western boundaries of the site. The fence on the south-western boundary is on

slightly raised ground and a substantial hedgerow lies just beyond this fence. To the north-western side of the building there is an area of open storage (bins and pallets) and beyond this the hedgerow extends out of the hedgerow on the south-western boundary and runs along the north-western side of the appeal site for some 20 metres. A boundary line marked by a low post and chain enclosure runs from where this hedge finishes and follows the line of the access into the site.

6. To the rear south-eastern side of the building are a number of storage containers and fruit storage boxes. This area is also being used for open storage of various materials and at the time of my site visit an advertising trailer was being stored on the site. The land surrounding the appeal site is open and appears to be agricultural in nature.
7. Whilst being an outline application, as described in paragraph 2, the submitted planning application form clearly describes the proposed development as *"Demolition of existing building and erection of 2 two storey dwellings and garages."* Additionally, the illustrative block plan, floorplans and elevations submitted as part of the proposal give a reasonable indication of how the site could be potentially developed. This shows two detached houses built centrally within the plot, located either side of a double garage.
8. The appeal site is located in the open countryside, outside the Limits of Built Development as defined in the Council's adopted Site Allocations Local Plan 2016 and the saved policies in the adopted Tunbridge Wells Borough Local Plan 2006 (LP). The site also lies within the High Weald AONB where Core Policy 4 of the adopted Tunbridge Wells Borough Local Development Framework Core Strategy Development Plan Document 2010 (CS) seeks to preserve and enhance the AONB's sense of place and character. Paragraph 172 of the National Planning Policy Framework (the Framework) says that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection.
9. The adopted Tunbridge Wells Borough Landscape Character Assessment Supplementary Planning Document 2017 refers to the high value of the landscapes within this AONB. It defines the area within which the appeal site is located as the Hawkshurst Wooded Farmland Local Character Area, which describes the character area as: *"A peaceful, managed, farmed landscape of pasture and open arable fields on the gentle open slopes rolling down from the plateau to the River Rother and Hexden Channel. Fields are bounded by thick, wooded shaws with some deep intersecting ghylls. Settlement is conspicuous along the ridgeline."*
10. Policy CP4 of the CS, seeks to conserve and enhance the Borough's rural landscapes, including those of the designated AONB. Policy CP14 of the CS stresses that a policy of restraint will operate in order to maintain the landscape character and quality of the countryside, whilst Policy EN25 of the LP seeks, amongst other things, to ensure the proposed development has minimal impact on the landscape character of the locality and that it has no detrimental impact on the landscape setting of settlements.
11. Albeit no longer in an agricultural use, the existing building has the typical scale and appearance of an agricultural building. It is not visually prominent due to its positioning on the plot and its modest scale and height. I consider it to have a neutral impact on the wider character and appearance of the

surrounding area. However, the introduction of 2 numbered two storey dwellings, with associated garages would have a wholly different impact on the character and appearance of the surrounding area.

12. Whilst layout and design shown on the plans are only illustrative, they clearly show that a development of this nature would take up a significantly larger footprint and have the potential to have a greater mass and bulk than the current building on site. Additionally, the resultant development would have the ability to significantly change the nature of the site and introduce entrapments of domestic paraphernalia that would be out of character with the open countryside setting.
13. The resultant development would be prominent in appearance, especially when viewed from the adjoining public highway and in principle would significantly erode the open and rural character of the site and area. I conclude that the proposed development would therefore have a significantly adverse impact on the surrounding open countryside and would not conserve or enhance the AONB. It would not therefore accord with the Hawkshurst Wooded Farmland Local Character Area; paragraph 172 of the Framework; policies CP4 and CP14 of the CS or Policy EN25 of the LP.

Locational sustainability

14. Given the proximity of the site to the settlement boundary of Sandhurst and the linear development along the Bodiam Road in the vicinity of the site, I do not consider that the site would be physically isolated, although the facilities and services within Sandhurst are somewhat limited, but technically within walking distance. The speed limit on the road fronting the appeal site is 40 MPH and pedestrian access to the village would be along a narrow unlit footpath that runs along one side of the road for a short distance from the site access and then crosses to the other side of the road. Bearing in mind the speed limit and the fact that the pedestrian footpath is narrow, unlit and crosses at an unmarked point it is unlikely that pedestrians would see this as an attractive route, particularly in inclement weather or when it is dark. In my view, future residents are likely to use private vehicles to access the closest services and facilities in Sandhurst and further afield.
15. I am mindful that the Framework advises that all aspects of sustainability should be considered in planning decisions, that local circumstances should be taken into account, and that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. However, the proposal would not promote a choice in alternative forms of transport and the occupiers of the dwelling would be heavily reliant on private motor vehicles as opposed to more sustainable modes of transport to reach day to day facilities and services. Consequently, the proposal would not accord with the accessibility objectives of local and national planning policy.
16. For these reasons, I conclude that the appeal site would not be located in an accessible location and there would be significant reliance by the occupiers of the dwellings on private motor vehicle journeys. The proposal would therefore fail to fulfil the environmental dimension of sustainable development as set out in the Framework and would not accord with Policy LBD1 of the Local Plan which among other objectives seeks to ensure sustainable development patterns.

The setting of heritage assets

17. The statutory duties in regard to the effects of development on a listed building, its setting and on conservation areas are set out in Section 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended). They state:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." Section 66(1); and

"In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." Section 72(1).

18. Additionally, Paragraph 193 of The Framework states: *"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 (and the more important the asset, the greater the weight should be) ..."*
19. The Council's concern in regard to the impact of the development on the setting of heritage assets arises from the fact that the application is in outline form with all matters reserved for future consideration, except access, and that on this basis it was not possible to identify the amount of harm that would be caused by the proposal to the setting of heritage assets.
20. The appellant in their description of development have been clear that the proposal is seeking consent for 2 two storey dwellings and garages. This provides a level of detail in terms of the quantum and height of development proposed on the site and hence it has been possible for me to determine, in principle, the likely effect of such development on designated heritage assets.
21. In terms of the impact of the proposal on the Conservation Area (CA), the CA is located north-east of the appeal site with its edge being at a distance of some 350 metres when traveling along Bodiam Road and about 315 metres when measured in a direct line. Due to the distance from the site, the topography of the area and intervening trees, hedging and landscaping in general the appeal site is not visible from the CA. Considering the relationship of the appeal site and the CA it is clear to me that the proposed development would not interfere with views into or out of the CA. As such the proposed development would have a neutral impact on the setting of the CA or put another way the proposed development would preserve the setting of the CA.
22. In terms of the impact of the development on the setting of the listed building, Brickhouse Farmhouse is located some 150 metres to the north-east of the appeal site. This property is a Grade II listed building and dates from the 18th Century. Taking into account what I was able to see on my site visit, I consider that the setting of this listed property is a relatively localised one, being well screened from public vantage points. The listed building is visible from the Bodiam Road, across an agricultural field, and has a backdrop of mature trees and vegetation, which contributes positively and distinctively to its overall setting. During my site visit, I noted that the appeal site was well landscaped

and that there would be no clear visual relationship between the proposed development and the listed building. Private views between the two sites would also be limited, due to intervening mature landscape boundaries that include trees and native hedgerows and the topography between the appeal site and the listed building.

23. Taking into account the limited visibility of the listed building from public vantage points; the topography of the appeal site and the land between it and the listed building; and the intervening mature landscaped boundaries, I consider that the proposed development would have a neutral impact on the setting of Brickhouse Farmhouse, thus preserving the setting of the listed building.
24. For the above reasons, I conclude that the proposal would not harm the setting of the CA or listed building. The proposal would preserve the setting of the designated heritage assets and would therefore accord with the conservation requirements of Policies EN1 and EN5 of the LP; Core Policies 4 and 5 of the CS and Chapter 16 of the Framework.

Other Considerations

25. The Council's delegated report, which sets out their reasoning for the refusal of the proposal, acknowledged that much of the site amounts to Previously Developed Land (PDL), although I have no evidence before me that indicated which elements of the site they do not consider to be PDL. Irrespective of this, I do not consider the issue of what parts of the site are PDL or not to be determinative to the appeal in this case.
26. The appellant has referred to an application for 8 dwellings, giving the location of that submission as OS parcels 2430, 3828, 3943 and part 3118, Bodiam Road, Sandhurst. The appellant has provided a copy of the location plan and application form, but I have no other evidence or information before me in regard to this matter. As such I have attributed no weight to this matter in my determination of this appeal and in any event, I am required to determine the proposed development before me on its own individual merits.
27. The Council's Written Statement accepts that a deliverable five-year housing land supply cannot be demonstrated. The Council states that the supply is 4.69 years and this has not been disputed by the appellant. The presumption in favour of sustainable development as set out in paragraph 11 of the Framework is therefore engaged although the deficiency in housing land supply would not override AONB policies in the Framework which provides a clear reason for refusing the development proposed.
28. In terms of benefits arising from the development, I recognised the proposal would create some short-term economic benefits through construction related employment, and investment in the local economy following its occupation. Furthermore, in social terms the proposed development would result in a net addition of 2 units of accommodation, making a small contribution to the Council's housing need and the government's aim to significantly boost housing.

Planning balance and conclusion

29. I have found that the proposed development would preserve the setting of the CA and Brickhouse Farmhouse as a Grade II Listed Building. However, the proposal fails to fulfil the environmental dimension of sustainable development, as set out in the Framework, due to the fact that the occupiers of the dwellings would be heavily reliant on private motor vehicle journeys. Furthermore, the resultant development would be prominent, especially when viewed from the adjoining public highway, and would significantly erode the open and rural character of the area resulting in an unacceptable impact on the surrounding open countryside, the High Weald AONB and the Hawkshurst Wooded Farmland Local Character Area. Therefore, I conclude that the adverse impacts of granting planning permission for 2 two storey dwellings with garages would significantly and demonstrably outweigh the benefits of the scheme in this case.
30. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Christopher Butler

INSPECTOR