
Appeal Decision

Site visit made on 23 September 2019

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2019

Appeal Ref: APP/M2270/W/19/3228580

Land at the Brackens, Queen Street, Paddock Wood, Tonbridge TN12 6NP

- 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 & Mrs R Hines against the decision of Tunbridge Wells Borough Council.
 - The application Ref 19/00353/OUT, dated 30 January 2019, was refused by notice dated 17 April 2019.
 - The development proposed is the erection of 3 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made in outline, with all matters, save for access, reserved. I have considered the appeal on the same basis, and assessed the drawings as merely illustrative insofar as they may refer to the reserved matters.

Main Issues

3. The main issues are:
 - whether the appeal site is an appropriate location for the development, with particular regard to local and national planning policy for the delivery of housing; and,
 - its effect on the character of the area.

Reasons

Location of the proposed development

4. The appeal site lies around 580m from the limits of the built development (LBD) of Paddock Wood, in the countryside, where policies 1 and 14 of the Tunbridge Wells Core Strategy 2010 (CS) and policy LBD1 of the Tunbridge Wells Borough Local Plan 2006 (LP) apply. These set out the spatial strategy for development, prioritising previously developed land in or adjacent to the LBD of settlements, and permitting, outside the LBD of villages, affordable housing.
 5. The proposed houses would be around 1.6km from the services and shops of Paddock Wood. I appreciate that Queen Street has been designated as a rural
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lane and it does not carry great traffic. Nonetheless, it is narrow here, and there is no street-lighting or footway in this section. Moreover, the speed survey indicates that the eighty-fifth percentile speed of traffic close to the site is 40mph, making it unlikely to be used for walking to Paddock Wood, especially in darkness and in poor weather. For similar reasons, cycling too would not be an attractive alternative to the private car, and there is no evidence that there are buses passing close to the site to link future occupiers to settlements.

6. I note that the proposal would connect to the public footpath through the fields beside the site. However, given the length of the cross-country section and its terrain, this would be unlikely to be used at night, in the winter season, by those with young children, or those less mobile. The distance of the site from day to day services and facilities, and the limited access to them, suggest that future occupiers would be dependent on the private car. In this respect, the site is not well placed for new housing.
7. I have noted the Council's Rural Lanes Supplementary Planning Guidance 1998 (SPG) referred to by the appellant, however, this discusses initiatives to increase rural lanes for quiet enjoyment of the countryside and as a resource for recreation if traffic restriction and traffic calming can be implemented. It is not clear how the designation of the street as a rural lane will mitigate the factors above, or indeed how the additional car trips likely to be generated by the occupiers of the proposed development will assist the objectives of the SPG.
8. The National Planning Policy Framework (the Framework) promotes sustainable development in rural areas, indicating that housing should be located where it will enhance or maintain the vitality of rural communities. It says, in paragraph 79, that decisions should avoid the development of isolated homes in the countryside. I acknowledge the other dwellings in Queen Street which mean the proposed houses would not be isolated. Notwithstanding this, and that the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the proposal would nonetheless be contrary to the Framework in respect of achieving sustainable development with due regard to managing patterns of growth in order to promote sustainable transport.
9. The proposed development would not therefore be in an appropriate location, having regard to the spatial strategy of the borough and the accessibility of the site to services and facilities. While CS policies 5 and 6 to which the Council refers and which concern sustainable design and housing provision have less relevance, the proposed development would conflict with CS policies 1 and 14, and LP policy LBD1.

The character of the area

10. The site is separated by a high hedge from the orchards which enclose it to the north and west, having greater affinity with the house in whose garden the development would stand, than the expansive, open, arable fields which characterise the Low Weald.
11. Nonetheless, the disposition of the houses in the vicinity reflects the traditional, agricultural use of the land for arable and fruit with which they appear to have been associated, commonly as farmhouses, workers cottages or converted

agricultural or commercial buildings, both in number and siting. I appreciate that the surrounding land in the wider area has a variety of uses, which have changed over time. Nonetheless, this loose, sporadic pattern of development is what characterises the foot slopes of the High Weald, in which the appeal site appears as the large garden of a house.

12. Notwithstanding the reserved matters, as far as the proposal would introduce a form of development more compatible in a suburb than in the middle of the flat, open countryside, the proposal would be at odds with the character of the agricultural landscape where houses tend to be less clustered than this proposal served off a cul-de-sac in the former back garden of a house, reflecting a more suburban form of development. Combined with the increased intensity of the trappings of domesticity which would accompany the new houses, such as car-parking, garden furniture and the like, the proposal would have an urbanising effect on the surroundings and would erode the rural landscape character of the Low Weald countryside.
13. I note that the combined access into the houses would avoid the need for several separate access points to the road. This would diminish the urbanising effect of the access, but it would not overcome the harm from the incompatibility of the rest of the development with the distinctive, rural pattern of surrounding development and the undeveloped character of the countryside. Permitted development in the garden of the Brackens is unlikely to be comparable to this proposal, as it has been withdrawn under a condition attached to the permission for its development.
14. While CS policy 5 to which the Council refers has less relevance, the proposed development would conflict with CS policies 4 and 14 which seek to preserve the borough's rural landscapes and to maintain the landscape and quality of the countryside, and with saved LP policies EN1, EN25 and LBD1 which resist significant harm to the character of the area and which seek development that has no detrimental impact on the landscape setting of settlements.

Other Matters

15. The appellant has referred to several planning permissions in the area. The permission at Knell's Farm concerns a solar farm rather than new dwellings. At Willow Stables, an additional caravan pitch was approved in accordance with the development plan, and the permission at Five Furlongs was to extend a caravan site with a new recreation area, and with safer access. The large housing development at Church Farm is adjacent to the LBD of Paddock Wood, and closer to its services and facilities than the appeal site. The parallels from these permissions to the appeal are limited, and do not lead me to an alternative conclusion.
16. I note the appellant's reference to the possible allocation of land between the appeal site and Paddock Wood. However, this is in connection with the preparation of a new Local Plan which is at a very early stage. I have no details of the potential allocations or the policies of the plan. In any event, because of the risk of changes to any potential allocations during the plan preparation process, and in accordance with paragraph 48 of the Framework, I give this very limited weight, at this stage.

Planning Balance

17. The proposed development would provide 3 additional homes which is a social benefit that attracts modest weight. It would bring economic benefits from its construction, and from the spending of future occupiers in the local economy. However, the development's location outside the limits of built development, remote from local services and facilities, would be contrary to the development plan's spatial strategy to concentrate development within existing settlements or adjacent to the small rural towns, and conflict with the Framework which seeks to manage patterns of growth in order to promote sustainable transport. In addition, it would lead to harm to the character of the area.
18. While I note that the Council accepts that it cannot demonstrate more than a 4.69 year supply of deliverable housing sites, the environmental harm of the proposed development would significantly and demonstrably outweigh its social and economic benefits. Taking the Framework as a whole, I consider that the proposal would be an unsustainable form of development.
19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that I determine this appeal in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the proposal conflicts with the development plan when read as a whole. Given that on the basis of the planning balance it would not be sustainable development, there are no material considerations warranting a decision other than in accordance with the development plan.

Conclusion

20. For the reasons above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Patrick Whelan

INSPECTOR