
Appeal Decision

Site visit made on 13 November 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th December 2019

Appeal Ref: APP/M2270/W/19/3236322

Holmbush, Brenchley Road, Matfield, Tonbridge TN12 7PP

- 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 Brian Hodge and Cathy Worden Hodge against the decision of Tunbridge Wells Borough Council.
 - The application Ref 19/01576/FULL, dated 5 June 2019, was refused by notice dated 13 August 2019.
 - The development proposed is the erection of detached dwelling, new access and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) the effect of the appeal proposal on the character and appearance of the High Weald Area of Outstanding Natural Beauty (AONB); and
 - (ii) whether or not the site is an appropriate location for housing with regard to national and local policy.

Reasons

Character and appearance of the High Weald AONB

3. The appeal site lies within the High Weald Area AONB. The High Weald AONB is characterised by dispersed settlements, particularly historic farmsteads, ancient tracks and routeways, ancient woodland, wooded heaths and shaws with a heritage of woodland industries and iron working and small, irregularly shaped fields. These are all draped over a deeply incised and ridged landform of clays and sandstones with numerous gill streams. The landscape in the vicinity, and the appeal site, form an attractive and open area of the AONB.
4. The appeal site forms part of the garden area of the host property and is located close to the settlement of Matfield. It is elevated above the road and is screened by a line of vegetation, including some mature trees. The boundary planting continues along the side of the site, with mature hedging and a mature tree, beyond which is open countryside. The rear boundary of the site is open, being separated to the fields beyond by a post and rail fence and there are long distance views across the adjacent countryside.

5. The appeal proposal is for the construction of a three bedroom, two-storey detached dwelling on part of the garden area of the host property. It would have garden area on all sides and a new access and driveway, adjacent to the driveway of the host property. The design ethos resembles a barn style but with a contemporary twist with an inverted valley roof clad with zinc panels, and natural timber cladding at ground and first floor levels.
6. The appeal proposal, by virtue of its size and scale, would unacceptably introduce a significant amount of built form into an open garden area that would significantly change the appearance of the site. The proposal would be an incongruous form of development that would erode the openness of the land having an urbanising effect upon it. Whilst the new access into the site would be relatively narrow, it would unacceptably remove a section of the existing hedgerow creating an unnecessary break in its length, would further expose the proposed development, and would cause harm to the character and appearance of this part of the AONB.
7. The appellants argue that the appeal proposal would be well contained and enclosed within the site, in-keeping with the local character and that a hedge, along with native trees, would be planted along the southern boundary that would screen the dwelling. It is also argued that the materials proposed would help blend the dwelling in with the environment. Whilst planting along the southern boundary could reduce views into the site, the dwelling, by virtue of its size and bulk and its elevated position above the road, would still be visible from public vantage points and this would not overcome the harm to the open character of the land.
8. In line with paragraph 172 of the National Planning Policy Framework (the Framework), great weight should be given to conserving and enhancing the scenic beauty of AONBs which have the highest status of protection in respect of those matters. The proposal represents a significant incongruous form of built development that reduces the open character of the site and causes significant harm to the intrinsic character and appearance of the AONB.
9. Consequently, the proposal conflicts with Policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan (LP) (2006); Core Policies 4 and 14 of the Tunbridge Wells Borough LDF Core Strategy (CS) (2010); the Tunbridge Wells Borough Landscape Character Assessment (2017) and policies within the Framework, which seek, amongst other things, to maintain the landscape and quality of the countryside.

Suitable location for housing

10. Policy LBD1 of the LP, seeks to concentrate development within more built-up areas of the Borough whilst limiting development in the surrounding countryside.
11. Having had regard to paragraph 78 of the Framework, the physical location of the proposal adjacent to the existing dwelling, would not result in a new isolated home in the countryside that the Framework seeks to avoid. Thus, there would be no conflict with paragraph 78 of the Framework.
12. Whilst there is a bus service which runs through Matfield, the bus stops are located a considerable distance away and would be difficult to access on foot as there is no footpath along this part of the road. I am mindful that there are

some limited facilities in the immediate vicinity including a butcher's shop, a village hall/post office and two public houses. For these reasons, future occupants would not need to be wholly reliant on the private car when carrying out day-to-day activities and when private travel is necessary, the services at Paddock Wood are relatively close. I have also had regard to the comments made by the highway's authority. For these reasons the site is in a relatively accessible location and does not significantly conflict with paragraph 103 of the Framework.

13. The appellants argue that the appeal site is a suitable location for housing and that Policy STR/BM1 of the Tunbridge Wells Borough Local Plan, Consultation Draft (2019), states that additional housing may be delivered through appropriate sites outside the Council's designated Limits to Built Development boundary. This emerging Plan is at an early stage and in line with paragraph 48 of the Framework, I have afforded it moderate weight.
14. Nevertheless, the site falls outside the designated Limits to Built Development boundary and is in a countryside location where housing development is restricted. Policy LBD1 states that development will only be permitted where it would be in accordance with all relevant policies in this Local Plan. I have already demonstrated that the proposal would result in significant harm and the appeal site is not a suitable location for housing.
15. Consequently, the proposal conflicts with Policy LBD1 of the LP and Policy 14 of the CS which require, amongst other things, that new development will generally be restricted to sites within the Limits to Built Development.

Other Matters

16. The appellants have drawn my attention to a recent permission¹ at a site at Thorn Barn and a yet to be determined application² on land between Brenchley Road, Coppers Lane and Maidstone Road. Whilst I do not have the full details of the schemes, I am mindful that they are located in different parts of the village and the effects on the character and appearance are likely to have been different. In any event, I have determined this appeal on its own merits with particular regard to its own circumstances.
17. The appellants also point to two further planning permissions. One is at a site in Reynolds Lane³ and whilst I do not have the full details of this scheme, I note the locational difference, with the site being a reasonably short distance from the main urban area of Tunbridge Wells. I am also mindful that the development near Sissinghurst related to previously developed land and therefore the effects on the character and appearance are likely to have been different. Therefore, these decisions have had little direct bearing on my findings.
18. The appellants have also stated that the appeal scheme would be constructed as a self-build dwelling however no details have been provided as to how that would be achieved as part of any permission. I have also taken into consideration that electric charging facilities could be installed and that the dwelling would incorporate other elements of sustainable design. I am also

¹ 18/02627/OUT

² 19/01099/OUT

³ 18/03165/FULL

mindful that the Parish Council have supported the appeal proposals. However, these matters do not alter or outweigh the harm identified.

Planning Balance

19. There is no dispute between the parties that the Council cannot demonstrate a 5-year housing land supply with the estimation being a supply of 4.69 years. For decision-taking this means, by virtue of Framework Footnote 7, that paragraph 11 d) is engaged and, further, by virtue of point d) i, that Footnote 6 applies. In particular, for decision taking, this means that, if the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, then the presumption in favour of development does not apply. In this instance, such reasons are provided by the Framework's policies in relation to the AONB as described.
20. However, even if point ii. of paragraph 11 d) were still to be engaged, the Framework requires that, in those circumstances, planning permission should only be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
21. The scheme would provide additional housing adjacent to Matfield, a settlement with a range of facilities. The net increase of an additional dwelling would bring limited economic and social benefits, including construction jobs, increased spend and would boost the supply of housing.
22. However, I have identified that significant adverse impacts would result from the development upon the character and appearance of the AONB, and in a location unsuitable for housing. Whilst the provision of housing and associated benefits carry moderate weight, particularly given the absence of a 5-year housing land supply, they are not of an order that would outweigh the harm arising. The adverse impacts of the development would significantly and demonstrably outweigh the benefits.
23. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 requires an application for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. There are no other material considerations which would provide an overriding reason to out-weigh the development plan in this instance.

Conclusion

24. For the reasons given above, I conclude that the appeal should be dismissed.

Neil Smith

INSPECTOR