



Appeal Decision

Site visit made on 13 September 2019

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 22 January 2020

Appeal Ref: APP/M2270/W/19/3229328

Santolina, The Common, Sissinghurst, Cranbrook TN17 2AD

- 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 & Mrs David Moy against the decision of Tunbridge Wells Borough Council.
 - The application Ref: 18/03991/FUL, dated 27 December 2018, was refused by notice dated 21 March 2019.
 - The development proposed is the erection of a 3-bedroom Scandia-Has on land within the curtilage of Santolina, associated external works including new access and driveway.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council advise that the emerging Draft Local Plan was due for consultation with the period expiring in early November 2019. Accordingly, given the very early stage of the process there is no guarantee that any policies nor any revised settlement boundaries will remain unaltered. I therefore attach negligible weight to the emerging Draft Local Plan.

Main Issues

3. The main issues are:-
 - i) whether the appeal site is a suitable location for the proposed development having regard to the settlement strategy and the accessibility of services and facilities; and
 - ii) the effect of the proposed development on the character and appearance of the countryside.

Reasons

Settlement strategy

4. The appeal site is located within a ribbon pattern of development along the A229 in an area known as The Common outside of the limits to built development (LBD) of Sissinghurst. As such, for the purposes of applying planning policy, the appeal site is located within the countryside.
5. However, given the proximity of other dwellings, I do not consider that the appeal site would be 'isolated' for the purposes of the National Planning Policy

Framework (the Framework), since it cannot be said that it would be far away from other places, buildings or people, albeit the location is rural.

6. However, it does not necessarily follow that a site that is not 'isolated' will be reasonably accessible to services when considered in the context of other requirements of the Framework.
7. In addition to a number of dwellings, a convenience foodstore lies roughly within a five minute walk of the appeal site. However, as it is associated with the use of a petrol filling station, I concur with the previous Inspectors' findings¹ that it would be more likely that future residents of the proposed dwelling would use the foodstore when travelling elsewhere by car. Beyond this distance, taking the appellants' measurements, which have not been disputed by the Council, at a distance equivalent to a 15 minute walk, thereabouts, lies a primary school and the centre of Sissinghurst.
8. There is limited evidence before me concerning the range of services and facilities within Sissinghurst, however, the previous Inspector¹ described it as a small village with a limited range of facilities. Based upon my observations, I see no reason to disagree with those findings and I accept that the services and facilities available within Sissinghurst would be capable of meeting some every day needs of future residents.
9. To my mind, the distance involved in accessing the facilities and services within Sissinghurst and nearby Cranbrook would be reasonable to cycle. However, vehicles are generally travelling at considerable speed along this part of the route by reason of the 50mph speed limit along this part of the A229. At the time of my site visit I observed there to be a relatively constant flow of traffic including heavy goods vehicles and vans along this route. I appreciate that my visit provided only a snapshot of highway conditions, however, I have seen nothing to suggest that what I saw was untypical. Given the amount and type of traffic, I find that it would not be an attractive environment for cyclists particularly inexperienced ones, such as children.
10. A continuous footway is present between the appeal site and the services and facilities of Sissinghurst. However, in places the footway exists along only one side of the highway, thus requiring a pedestrian to cross to the other side of the road. I am mindful that the appellants and neighbouring occupiers utilise this route on foot. However, the walking distance to the centre of Sissinghurst would be equivalent to 15 minutes approximately, each way and taken together with an absence of street lighting, the nature of the road and the requirement to cross a busy highway, I do not consider that the route would be perceived as a safe and convenient environment for future occupants of the proposed dwelling, particularly during inclement weather or at night.
11. Taking everything into account, I do not consider the appeal location would be well served in terms of provision for either walking or cycling, particularly for more vulnerable groups such as the elderly, disabled or young children.
12. A pair of bus stops are positioned some 730 metres away from the appeal site, taking the appellant's measurements which have not been disputed by the Council. Whilst the appellants describe the service as frequent and its destinations being the major centres of Tenterden, Cranbrook, Maidstone and

¹ APP/M2270/W/16/3157599

Tunbridge Wells, there is no detailed analysis before me concerning the days and times of its operation. Albeit the distance to the bus stop is reasonably walkable, the nature of the route, for reasons explained above, would likely discourage use of the bus for many journeys. This would be exacerbated if the service fails to coincide with times for secondary education, recreation and employment opportunities. Thus, it reduces its potential as an alternative mode of transport.

13. I acknowledge that the Framework recognises that opportunities to maximise sustainable transport solutions will not be the same in rural areas as in urban locations. However, whilst some journeys by bus would be an option and thus there is some limited opportunity to access a sustainable mode of transport, I do not consider the location to be acceptable in terms of walking and cycling. Accordingly, I consider that it is likely that the majority of journeys by future occupiers of the proposed dwelling to access services and facilities would be made by private motor vehicle.
14. Reference has been made to the approved development at Goblin's Glade², this site being located at a greater distance from the bus stops and centre of Sissinghurst than the appeal site. However, I note that the Inspector in that case concluded that it was highly likely that residents would need to rely upon a private vehicle to access facilities and services on a general basis. In this regard, the previous Inspector's findings concerning the location's accessibility at Goblin's Glade is similar to my own findings in relation to the appeal site.
15. It therefore follows that the appeal site is not physically well related to Sissinghurst and is not a location towards which new housing is directed. To do so would undermine the spatial strategy of the district, contrary to Core Policies 1, 5, 6 and 14 of the Tunbridge Wells Borough Core Strategy (2010)(CS) and Policy LBD1 of the Tunbridge Wells Borough Local Plan (2006)(LP). These policies, among other things, seek to restrict development outside of the LBD, focus new dwellings within existing settlements in order to promote a sustainable pattern of development and seek to achieve wider carbon reduction targets. In addition, the proposals would conflict with the principles of the Framework which seeks to limit the need to travel and offer a genuine choice of transport modes in order to move towards a low carbon economy.
16. The Council's first reason for refusal also cites conflict with CS Core Policy 4 and LP Policies EN1 and EN25. However, these policies are concerned with the character and appearance qualities of the proposal. Therefore, for the purpose of assessing the impact of the proposal on the settlement strategy and the accessibility of services and facilities, I attribute no conflict with these policies. However, the conflict with these policies on the basis of character and appearance is considered further below.

Character and appearance

17. Since the previous appeal decision at the appeal site, the Tunbridge Wells Borough Council Landscape Character Assessment (LCA)(2017) has been published. It recognises that the A229 creates a corridor of noise and commotion that cuts across the grain of the rural landscape within this part of Sissinghurst. Albeit a denser pattern of ribbon development exists on the opposite side of the A229, the pattern of development to the other side of the

² Appeal Reference : APP/M2270/W/17/3180210

road, including the appeal site, is generally one of larger plot sizes together with a more sporadic pattern of development allowing for views of the open countryside beyond. As such, whilst the appeal site does not benefit from any statutory designation relating to landscape character, it nonetheless, makes a positive contribution to the semi-rural character and appearance of the area.

18. I have carefully considered the history of previous planning applications and I note that the proposed design in this case seeks to overcome the concerns of the previous reasons for refusal. Albeit the proposal has been substantially reduced in frontage width and height, is sited more centrally within a wider size of plot and proposes a smaller number of bedrooms, the proposal would nonetheless subdivide the garden of Santolina, resulting in a significantly smaller size of plot and introduce a substantial sized dwelling where there is presently no built form.
19. The proposal would infill the existing gap between Santolina and its neighbouring dwelling, Boyscourt. Whilst the Framework does not preclude infill development upon previously developed land, I do however concur with the previous Inspector¹ that this is subject to whether it can be achieved without harm to the local environment.
20. The appeal site is largely enclosed by existing vegetation along its boundaries, including a belt of planting to its' rear. At the time of my visit, this had the effect of largely screening the appeal site from public view, however, this vegetation has no formal protection and thus its removal or alteration would lead to the visual impact of the dwelling being substantial in views through or over the vegetation. Furthermore, these views would increase at times when deciduous foliage is less dense, for example during the winter months. In this instance, given that the appeal site backs on to relatively open countryside, I consider that the gap presently provides a valuable contribution to the openness of the character of the countryside and provides an important break between the existing built form.
21. I have taken into account that the scale and design of the proposal would allow for a greater degree of spacing to be retained in between buildings. However, the proposed dwelling and its access driveway would inevitably lead to a more suburban appearance. Whilst a large amount of the existing vegetation is proposed to be retained, the creation of a new vehicular access point would inevitably lead to the loss of a substantial amount of vegetation at the back edge of the highway. As a result, the appeal site would be partially visible from the highway at the point of the proposed vehicular access and such impact would be further exacerbated if the existing vegetation were to be altered or removed. Taken together with any likely means of enclosure of the subdivided garden to Santolina and domestic accoutrements such as waste bins, outdoor furniture and washing lines, this would lead to additional visual clutter and thus the physical manifestations of the proposal would interrupt and erode the open and spacious rural character along this side of the A229.
22. The appellants have drawn to my attention a development at Goblin's Glade¹, which I was able to view at the time of my site visit. Whilst I have had regard to the appellants' table of differences between the two schemes, I consider the character and appearance qualities to differ significantly between each site. Of particular note, the Goblin's Glade site was positioned within a cluster of development with garden land to a nearby dwelling positioned to its rear rather

than open countryside. As such, the two schemes are not directly analogous. In relation to the appeal decision at Trigg's Farm³, there is limited evidence before me concerning this development and its impact on the character and appearance of the countryside. As such, I have therefore considered the appeal proposal before me based upon its individual planning merits.

23. Accordingly, I conclude that the proposal would cause unacceptable harm to the character and appearance of the area. It would therefore conflict with CS Core Policies 4 and 14 and LP Policies LBD1, EN1 and EN25. Among other things these policies seek to require development to conserve and enhance the Borough's rural landscapes and to avoid the loss of spaces important to the character of the landscape.

Other Matters

24. I have had regard to the table of appeal and high court cases provided by the appellants. Save for those already referred to above, I find that there is limited information before me relating to the particular circumstances of those developments. As such, a comprehensive comparison of the circumstances of those developments to the appeal proposal is not possible. I have therefore considered the appeal before me on its individual planning merits.
25. The appellants refer to the limits to built development being extended. However, even if this were to be the case, the appeal site would nonetheless remain outside of the LBD. Furthermore, whilst two sites are proposed to be allocated for housing within the vicinity of the appeal site, there is limited evidence before me regarding this matter and in any event, for reasons given above, this is a matter to which I attribute only negligible weight.
26. The appellants have expressed a desire to incorporate electric vehicle charging points within the proposal and has also drawn my attention to the ability of future occupiers to work from home, shop online and carry out linked vehicle trips when commuting. However, I am not persuaded that a condition could effectively control this usage, or other essentially personal lifestyle choices relating to the carbon footprint of future occupiers of the proposed dwelling.

Planning Balance and Conclusion

27. It is common ground that the Council is presently unable to demonstrate a five year supply of land for housing. In such circumstances, the Framework states that policies which are the most important for determining the application should not be considered up-to-date, and because of this I attribute limited weight to them in this appeal. However, just because they are out of date does not mean that they are no longer of any relevance. Moreover, the Framework stipulates that where relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
28. The proposal would contribute an additional dwelling towards meeting the Borough's housing provision. Whilst there is dispute between the parties as to whether the Council's current deficit in its housing land supply amounts to a significant deficit, it is clear that one dwelling, albeit a modest benefit would do little to significantly boost housing numbers.

³ Appeal Ref: APP/M2270/W/18/3196553

29. The proposal would generate a number of economic benefits. Firstly, income during the period of construction. However, this would be a temporary and modest benefit limited to the period of construction. The Framework sets out that to promote sustainable development in rural areas, new housing should be located where it will enhance or maintain the vitality of rural communities. Whilst any future occupants would be a social benefit to nearby homes, the contribution one additional dwelling and their occupants would make to the vitality of the rural community would be small.
30. The appellants have stated an intention to build a Scandia-Hus incorporating a number of PassivHaus standards and eco technologies. This would include a heat recovery system, triple glazed windows, ground source heat pump, solar photo voltaic panels and electric vehicle charging points. Given the Framework's aims to move towards a low carbon economy these are positive benefits that weighs substantially in favour of the proposal.
31. The location of the proposed development would not be appropriate having regard to the spatial strategy. Moreover, the appeal site would not be accessibly located for services and facilities and as such, there would be conflict with CS Core Policies 1, 5, 6 and 14 and LP Policy LBD1. The proposal would fail to accord with the principles of the Framework which seeks to limit the need to travel and offer a genuine choice of transport modes. However, the lack of housing supply moderates the weight I give to this policy conflict. The effect of the proposal on the character and appearance of the area would be considerable due to the change in landscape and visual character. This is a factor that weighs significantly against the proposal and is contrary to CS Core Policies 4 and 14 and LP Policies LBD1, EN1 and EN25.
32. Therefore, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. The presumption in favour of sustainable development would not apply. The proposal would be contrary to the development plan with no material considerations to indicate that planning permission should be granted.
33. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal is dismissed.

E Brownless

INSPECTOR