
Appeal Decision

Site visit made on 15 September 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 28 September 2020

Appeal Ref: APP/M2270/W/20/3253079

Moatlands Manor, Watermans Lane, Paddock Wood, Tonbridge TN12 6ND

- 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 P Irvine against the decision of Tunbridge Wells Borough Council.
 - The application Ref 19/03651/FULL, dated 19 December 2019, was refused by notice dated 27 February 2020.
 - The development proposed is demolition of three dwellings and erection of three replacement homes. Including the demolition and replacement of an existing domestic garage for Moatlands Manor.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are;
 - The effect of the proposals on a heritage asset.
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the aims of policies which seek sustainable patterns of development, and the planning balance.

Reasons

Heritage

3. The buildings on the site are not designated heritage assets as they are not listed as being of architectural or historic interest, but the Council consider the outbuildings to be demolished and the main building which would remain, as non-designated heritage assets. Paragraph 184 of the National Planning Policy Framework refers to all heritage assets as being an irreplaceable resource which should be conserved in a manner appropriate to their significance.
4. Having mind to observations at the appeal site inspection and the contents of the appellants' Heritage Response, it is concluded that the buildings presently comprising the Manor and its outbuildings should be regarded as having historic and evidential significance and fall to be considered as non-designated heritage assets.

5. Core Policy 4 of the Core Development Strategy states that the Borough's heritage assets will be conserved and enhanced, and that wording can be taken to include non-designated heritage assets. Core Policy 14 does however only refer to designated buildings and areas of historic importance being enhanced. Local Plan Policy EN1 seeks to avoid the loss of significant buildings, while EN25 requires development to respect the architectural and historic integrity of any adjoining building or group of buildings. Framework Paragraph 197 is specific to non-designated heritage assets and states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
6. Whilst accepted as non-designated heritage assets, it is necessary to determine their significance, and this will likely differ according to which building is being considered. The Manor itself appears as a good-quality Gothic-styled dwelling from the mid-19th century with architectural and historic significance evident to the west-facing entrance elevation and the setting over the previous site of a manor and moat. That significance reduces to the north and east side with later alterations and additions, and the areas exposed to views from the modern gated approach are undistinguished and somewhat piecemeal in their arrangement.
7. The range that is proposed to be demolished is lacking further in architectural significance, being greatly altered or added-to as part of the previous leisure use of the land, and contains many elements of poor quality construction, arbitrarily arranged junctions and modern features such as metal garage doors. The historic significance is limited as the range is not the remains of a coach house and stables, these being seen to the east, but from inspection appear as one-time domestic offices to serve the main house, heavily altered by the leisure use and more recently by the implementation of the 3-dwelling conversion under reference 18/00623/FULL.
8. The planning balance required by paragraph 197 of the Framework will be considered later, but the removal of the range of building would better present the non-designated heritage asset of the main house, albeit that they adjoin the less significant parts, and there is no overriding heritage objection to their loss. The proposed new houses would be sufficiently divorced visually from the main house as to not undo this enhancement, and their proximity to the modern access gate, as opposed to the arched gateway to the west, would be acceptable in heritage terms. The proposal would not be contrary to the aims of Core Policy 4, and the requirements of Policies EN1 and EN25 would be met.

Character and Appearance

9. Core Policy 4 requires the rural landscape to be conserved, and there is reference to the Landscape Character Assessment. Core Policy 5 refers to sustainable design and construction, and Core Policy 14 on development in the rural areas seeks to maintain the landscape character, but the statement that the countryside will be protected for its own sake is no longer in line with Central Government policy. Local Plan Policy LBD1 states that outside the Limits of Built Development, proposals will only be permitted if in accordance with the Local Plan rural settlement and countryside policies. Criteria for development including the effect on the character of the landscape are set out in Policies EN1 and EN25.

10. As stated previously, the range of building that is to be demolished has an extant permission for conversion to 3 dwellings under reference 18/00623/FULL, the appellants have provided the plans for that conversion and opportunity was taken at the site visit to inspect the internal arrangements. While the degree of implementation varies across the 3 units, it is clear that the permission has been implemented and is extant for the future.
11. Notwithstanding their heritage shortcomings, that permission is capable of completion and as a result, the proposal should be considered against the requirements of saved Local Plan Policy H10 which is specific to the replacement of an existing dwelling outside the Limits of Built Development. The proposal satisfies the first criterion a); that the existing building enjoys a lawful residential use that has not been abandoned, and that is for 3 units.
12. The second and third criteria are of particular relevance to the consideration of this main issue; b) that the replacement dwelling would be sited on, or as close as is reasonably practicable to, the site of the existing dwelling, unless an alternative position on the plot would result in clear landscape, access or local amenity benefits; and c) that the replacement dwelling would be no more obtrusive in the landscape than the dwelling which is to be replaced.
13. Waterman's Lane is a rural road which is predominantly open to the north where the land falls away gradually to the valley floor, while to the south side there are groups of buildings and driveways where the previous coach house and stables have been converted to dwellings. The latter includes significant areas of paving at an entry just to the east of that now proposed, shown on the application plans as the 'Old Barn'.
14. The appeal proposal would form a new opening in the roadside boundary and an entry onto the lane, and 2 of the proposed dwellings would be placed close to the road on either side of the access, and would make use of rooms in the roof and a low massing similar to that seen to the frontage of the one-time stables. The third would partly terminate the view at the far end and have features reminiscent of a barn, and hence having similarities with the 'Old Barn'. Whilst the aim is to appear similar to an agricultural farmstead or a group such as the stables, the position of the dwellings and their access and parking arrangements would appear too close to the road and would consolidate the built form already in place to the east.
15. Whilst the existing residential use of the stables and other buildings appears limited in effect and redolent of its former use, the addition of a further group in a similar position, if not slightly forward, would introduce a more suburban character and appearance to the lane which would harm the rural qualities of the landscape and undermine the open nature of the land associated with the Manor, its parkland and the moat. The proximity of the modern gate to Moatlands would further signal a built-up frontage and an erosion of the rural character and appearance.
16. The proposal would not accord with criterion b) of Policy H10 in that the revised siting does not have clear landscape benefits, and in fact would cause harm through being more obtrusive in the landscape contrary to criterion c). The development would not accord with the requirement in Core Policies 4, 5 or 14 on protecting the landscape quality, nor Policies EN1 and EN25 through not respecting the context of the site and having more than a minimal impact on the landscape character of the locality.

Sustainable Development and the Planning Balance

17. The Council allege harm through the location of the proposed 3 dwellings and the nature of the routes to facilities, leading to a reliance on the use of private vehicles. However, as set out previously, there is already a lawful use of 3 dwellings in the range of buildings to be replaced and Policy H10 specifically permits such replacement outside the Limits of Built Development with no further criteria to be met on accessibility or sustainability. Were harm to be found through a risk of there being 6 dwellings, a condition such as the Council suggests could require demolition.
18. Turning to the planning balance, there are benefits to the scheme, and with regard to criterion b) of Policy H10, the proposed alternative position would provide a better local amenity through being purpose-built and overcoming the deficiencies in construction of the domestic range, including the damp and subsidence seen at the site inspection. The removal of the range would have heritage benefits that should be weighed in the balance under paragraph 197, and again a condition could ensure that these benefits are delivered and not just the harm.
19. The proposed dwellings would provide a size of unit more in line with the housing need identified by the Council than that in the approved conversion, and weight attaches to that, although the requirement in Policy EN25 for there to be no building suitable for such conversion militates against the proposal.
20. Lastly, the Council is unable to demonstrate a 5-year supply of housing land as required by the Framework, although the ability to deliver the same number of units by the conversion limits the weight that can be attached to this consideration or the operation of the 'tilted balance' in paragraph 11 of the Framework.
21. The 3 objectives of sustainable development are set out in Framework paragraph 8, and whilst the appellants argue that the conversion range does not represent land of the right type, the shortcomings of the new building scheme neutralise the economic benefits. The social objective would be furthered by providing for the identified need for the proposed size of dwelling, but the landscape effects militate against this being considered a well-designed environment. For that reason, the environmental objective would be poorly served with the benefits to the presentation of the non-designated heritage asset of the Manor being undone by the landscape harm. In the heritage and planning balance, the benefits do not outweigh the harm

Conclusions

22. The loss of the range of buildings would not be harmful and would bring about some heritage benefits. There are also benefits in quality and dwelling size through the new-build scheme, but these are outweighed by the landscape harm such that the requirements of the Development Plan and national policies on landscape quality should take precedence. For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR