
Appeal Decision

Site visit made on 2 November 2020

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 14 December 2020

Appeal Ref: APP/M2270/W/20/3251331

Land adjacent to Pent House, Rolvenden Road, Benenden, Cranbrook TN17 4EH

- 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 Andrew Cranshaw against the decision of Tunbridge Wells Borough Council.
 - The application Ref 20/00169/FULL, dated 21 January 2020, was refused by notice dated 23 March 2020.
 - The development proposed is a single chalet bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area including whether it would conserve or enhance the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The proposal is for a single chalet bungalow on the southern side of Rolvenden Road, the main east-west road through the village. The site, a grass field, lies between Pent House and two other residential properties each set in substantial grounds to the east, and the primary school, recreation ground and village hall to the west. The other side of the road, opposite the site, is built up with semi-detached and detached houses. However, the appeal site lies outside the 'Limits to Built Development' as defined by the Tunbridge Wells Local Plan 2006 (TWLP) where Core Policy 1 of the Tunbridge Wells Core Strategy DPD 2010 (TWCS) states sites will not generally be allocated or released. In addition, TWCS Core Policy 14 states that new development will generally be restricted to sites within these limits.
4. The Council accept that at present it can only demonstrate 4.69 years supply of deliverable housing sites against their housing requirement, and as such the most relevant policies for determining the application are out of date and the presumption in favour of sustainable development may apply. On the other hand, the site lies in the High Weald AONB where great weight should be given to conserving and enhancing landscape and scenic beauty, a factor which may disapply the tilted balance depending on the circumstances of the case¹.

¹ National Planning Policy Framework (NPPF) paragraphs 11 (with footnotes 6 & 7) and 172.

5. A previous application for two dwellings on the site has been dismissed on appeal (Reference APP/M2270/W/18/3194606).

Character and appearance

6. The proposed chalet bungalow would occupy most of the north western corner of the grass field which slopes up from the roadside towards a slight ridge before opening out into a larger field which offers extensive views across the open countryside to the south. The bungalow would be set into the slope in the lowest corner of the field, reducing its overall profile, and with a thick hedgerow along the road frontage and others along the boundaries to the east and west the proposal would be relatively well screened from passers-by along the road. However, the existing low-key field access would be changed with the field gate removed and the access altered with visibility splays to serve a residential property, inevitably changing the rural character of the frontage.
7. In addition, within the site itself, the proposal would fundamentally change the character of the unspoilt grazing paddock with the introduction of the chalet bungalow. Although described by the appellant as modest, it would be a relatively large four bedroomed property with parking/turning area in front, integral double garage and six dormer windows in all serving the first-floor living accommodation. Whilst cut into the slope, the necessary engineering works, including a retaining wall and grass bank, would exacerbate the impact on the site. The plot would also be subdivided from the wider field with post and rail fencing running diagonally across the current open ground and a new access drive provided to the stables further south.
8. The site is easily seen from two public rights of way, one crossing the field to the south of the appeal site and the other running across the land to the west. These give access to the wider AONB countryside and the new property with a domestic garden to its rear would noticeably detract from the existing unspoilt rural setting of the village as appreciated from these paths. Whilst extensive landscaping and tree planting is proposed to help screen the property in time, this would itself harm the attractive open character of the site.
9. The appellant argues that the proposal would be seen as infill development on the southern side of Rolvenden Road. However, Pent House and the two other properties to the east are well established, set back further from the road and sited in substantial grounds, whilst to the west there are no frontage buildings until the village hall, a short terrace and public house are reached. The new village primary school is set back behind the recreation ground, and although there is a car parking area closer to the road this will remain open and soften when its landscaping matures. In addition, the land between the appeal site and the school buildings, whilst regraded as part of the scheme, is to remain open. Confusingly, the Council's officer report refers to this as a future playing field for the school whilst recent reserved matters applications refer to the residual land returning to pasture. In any event, this green space with the intentionally low profile, grass roof design of the school itself serve to minimise the visual impact of the new school on this part of the village.
10. The landscape appraisal/study submitted with the application accepts that the proposal would result in adverse landscape character impacts but argues that these would be in the context of the existing urban character of the area and

largely confined to the immediate site area. However, the site forms part of the rural setting of the village rather than a developed area and the adverse landscape impact would therefore be considerable. Furthermore, the study concludes that substantial adverse visual effects could be anticipated in the case of viewpoints 4 and 8 from nearby rights of way, the latter reducing to moderate adverse as boundary vegetation matures. These footpaths are used by residents and others to appreciate the attractive countryside surrounding the village and these adverse effects thus carry significant weight.

11. For these reasons the proposal would significantly harm the character and appearance of the area and fail to conserve or enhance the High Weald AONB. The proposal would conflict with TWCS Core Policies 1, 4 and 14 which restrict new housing outside Limits to Built Development and seek to conserve and enhance rural landscapes, including the High Weald AONB. There would also be conflict with saved Policies LBD1, EN1 and EN25 of the TWLP which seek to resist the loss of features important to the character of the landscape and any detrimental impact on the landscape setting of settlements.

Conclusion

12. Whilst the proposal would have a reduced impact compared to the previous scheme dismissed on appeal it would nevertheless fail to conserve or enhance the landscape and scenic beauty of the High Weald AONB. As such paragraph 172 of the NPPF provides a clear reason for refusing the development and consequently the presumption in favour of sustainable development does not apply in this case notwithstanding the housing land supply shortfall.
13. The proposal would provide an additional dwelling which would make a useful contribution towards housing needs in the area and have economic and social benefits for the village. It would also incorporate ecological enhancements and potentially a net gain in biodiversity. However, these material considerations are insufficient to outweigh the harm identified under the main issue and the resulting conflict with the development plan.
14. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR