
Appeal Decision

Site visit made on 16 February 2021

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/M2270/W/20/3258845

Cranden Diamonds, Cranbrook Road, Benenden, Cranbrook TN17 4ET

- 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 Cranden Diamond Products Ltd against the decision of Tunbridge Wells Borough Council.
 - The application Ref 19/03536/FULL, dated 5 December 2019, was refused by notice dated 27 May 2020.
 - The development proposed is research and development building.
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Decision

1. I allow the appeal and grant planning permission for research and development building at Cranden Diamonds, Cranbrook Road, Benenden, Cranbrook TN17 4ET in accordance with the terms of the application, Ref 19/03536/FULL, dated 5 December 2019, subject to conditions 1) to 9) on the attached schedule.

Main Issue

2. This is the effect of the development on the character and appearance of the High Weald Area of Outstanding Natural Beauty.

Reasons

3. Core Policy 4 of the Core Strategy seeks among other environmental matters, to conserve and enhance the landscape of the Area of Outstanding Natural Beauty, and Policy 14 sets out requirements for development in the rural areas. Local Plan Policy LBD1 states that outside the limits of built development as defined, development will only be permitted where in accordance with all relevant policies. Contained in a 2006 Plan, which predates the National Planning Policy Framework, the supporting text refers to the countryside being protected for its own sake, wording that appears also in Policy 14, the stated objective is to concentrate most development on the built-up areas, in order to ensure sustainable development patterns. Policy EN1 details general development criteria, while Policy EN25 contains requirements for development outside the limits of built development.
4. Paragraph 172 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues, and the scale and extent of development within these designated areas should be limited. Section 6 on building a strong, competitive economy includes at paragraphs 83 and 84 support for a prosperous rural economy

- through the expansion of all types of rural businesses through well-designed new buildings, including the use of sites beyond existing settlements.
5. The site is to one side of an established enterprise consisting of buildings arranged along the road frontage, linked visually with houses to the east, and with further built form to the rear of that frontage block. The car parking along the frontage is a prominent feature of the existing arrangement.
 6. Whilst open and undeveloped, the site is part of the curtilage of the enterprise, linked to it by a bridge across a watercourse and apparently in use as amenity land with some picnic tables. As defined in the Annex 2 Glossary to the Framework, the site should be regarded as being previously developed land, although the definition makes clear that it should not be assumed that the whole of the curtilage should be developed.
 7. Whilst undeveloped, the land does not perform a significant role in the rural landscape, due to allowing views through the gate of the unattractive side elevation to the main building together with process plant to the rear, and to the west side of Babb's Lane there is open land which provides a true buffer to the site. The wide open bellmouth to the Apple Pie Farm development to the north further reduces the effect of open countryside, imparting an engineered character and appearance.
 8. The proposed building would continue the roadside development line including frontage parking, and would be a low, unassuming structure with a vegetated roof, introducing an architectural presence that is lacking in the present buildings and allowing the introduction of landscaping and ecological enhancements that are also lacking at present and which could not be secured otherwise. The complete proposal would repair the present untidy and ragged western edge to the development, making the concrete road and parking less conspicuous and hence would enhance the appearance of this junction position.
 9. Reference has been made to there being land to the rear that would be available for the proposed development, and the red-line site plan indicates a substantial depth to the site towards open countryside. The appellant refers to previous permissions being extant and capable of completion, but that this would not be a viable location for the research and development building and that the buildings to be completed there are required for production purposes.
 10. Be that as it may, a high-quality building in a pleasant location such as the appeal plot would be a fitting provision for research and development, separate from the production. In addition, no harm has been identified to the character and appearance of the area, and with conditions controlling landscaping and the ecological enhancements, there would be no harm to the landscape and scenic beauty of the Area of Outstanding Natural Beauty. Preserving the site of the claimed extant permissions for less attractive activities would be best use of land to further the economic activity supported by the Framework.
 11. To conclude, with control over the boundary and landscaping of the site, the proposals would accord with Core Policy 4 and the Framework with regard to the Area of Outstanding Natural Beauty, as well as Core Policy 14 and Policy ENV25 on rural areas. The criteria in Policy EN1 would be met as follows; 1) the activity would be compatible with the established enterprise and neighbouring uses, 2) residential occupiers would not be adversely affected, 3) the well-designed building and landscaping would be appropriate to the site, 4)

there would be no losses of buildings or features of importance, 5) conditions can ensure enhancement, 6) the landscaping and building design can ensure security with a roadside location allowing passive surveillance, and 7) access for less able-bodied employees can be designed-in with easy access to parking.

Conditions

12. The Council had suggested conditions in order to control materials, landscaping, ecology, tree protection and external lighting. In view of the sensitivity of the site and the reasons that lead to the conclusion that the building would not cause landscape harm, it is essential that the development accords with the quality shown on the drawings, particularly with regard to the building's surroundings and boundary treatment. To this end the green roof is to be conditioned as an essential item to be provided and retained. The possibility of ground contamination has been referred to and a condition to provide for this eventuality would be necessary. A condition naming the 'as proposed' drawings is required for the avoidance of doubt.

Conclusions

13. The development would further the economic objectives stated at paragraph 8 of the Framework and in section 6 on the rural economy, without causing harm to the Area of Outstanding Natural Beauty. The social and environmental objectives would be met and the proposal accords with the Development Plan policies previously cited. With conditions securing key ecological and landscape enhancements, including the use of a green roof, permission may be granted. For the reasons given above it is concluded that the appeal should be allowed.

S J Papworth

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: AC373-2, PJC-0873-002 and PJC-0873-003.
- 3) Written details including source/manufacturer, of all materials to be used in the external surfaces of the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction takes place and the development shall be carried out using only the approved external materials.
- 4) The development hereby permitted shall not be occupied until the green roof specified on drawing PJC-0873-003 shall have been provided and the roof shall thereafter be retained and maintained as specified unless the Local Planning Authority gives written consent for any amendment.
- 5) The development hereby approved shall be carried out in accordance with the Preliminary Ecological Appraisal dated October 2019 and based on drawing PJC-0873-003, or as otherwise agreed with Natural England.

- 6) The development hereby approved shall not progress above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance, and based on drawings PJC-0873-002 and PJC-0873-003 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. The planting specification shall also show the planting size and species of the planting and shall be planted no later than the first planting season (October to February) following the occupation of the development. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of the building, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation.
- 7) All trees shown to be retained on drawings PJC-0873-002 and PJC-0873-003, or as agreed pursuant to Condition 6) above, shall be protected in accordance with the current edition of BS 5837 before any works are carried out or materials or plant brought onto site which would be likely to adversely affect the health or longevity of the tree, and the protection shall be retained for the duration of the works.
- 8) Prior to the first occupation of the development hereby permitted, details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority. Only the approved external lighting shall be installed in accordance with the details, and no further external lighting shall be installed without the written consent of the Local Planning Authority.
- 9) If during construction or groundworks evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include;
 - a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
 - b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
 - c) If no contamination has been discovered during the works then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.