



Appeal Decision

Site Visit made on 23 June 2021

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2021

Appeal Ref: APP/M2270/W/20/3256867

Land rear of Field House, Standen Street, Benenden, Cranbrook TN17 4HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by The Cyster Partnership against the decision of Tunbridge Wells Borough Council.
 - The application Ref 19/03480/OUT, dated 2 December 2019, was refused by notice dated 14 February 2020.
 - The development proposed is outline application for the erection of seven dwellings with associated landscaping and new access through Field House.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was in outline with only access to be determined at this stage. All other matters were reserved for future consideration. However, an illustrative layout was submitted showing how 7 two-storey dwellings could be accommodated within 5 buildings on the site. In addition, a detailed parameter plan was provided which sought to fix the developable area, safeguard land for ecological and heritage mitigation and identify land that would be retained as public open space. I have had regard to these plans in determining the appeal.
3. Since this application was determined the Council has published its Pre-Submission Local Plan for public consultation. It is anticipated that it will be the subject of examination later this year. However, only limited weight can be attached to any emerging policies.
4. A revised National Planning Policy Framework (the revised Framework) was published on 21 July 2021. The parties were given an opportunity to comment on the implications of any amendments they considered to be relevant to this case. I have taken their responses into account in reaching my decision.

Main Issues

5. Having considered the Council's reasons for refusal and the representations from other interested parties I consider the main issues to be:
 - a) the effect of the proposal on the character and appearance of the area, having particular regard to heritage assets including the settings of the Iden Green Conservation Area and listed buildings within the settlement;
 - b) the effect of the development on the character and appearance of the area having regard to its location within the High Weald Area of Outstanding Natural Beauty (AONB);

- c) whether the site is suitable for a residential development having regard to local and national policy for the delivery of housing.

Reasons

Character and appearance – heritage assets

6. Iden Green is described as a hamlet in the Council's Benenden and Iden Green Conservation Area Appraisal (CAA). Its form is an irregular agglomeration of buildings, loosely arranged around a central large triangular area of the green, only some of which is public open space. It grew along the route of a Roman Road, firstly as a group of farmsteads with later infill of worker's cottages.
7. The Conservation Area boundary has been tightly drawn around the green and the buildings that immediately surround it. It excludes Oakfield Cottages, a small cul-de-sac of 1950s dwellings, which the CAA considers to be a particularly negative feature at the heart of the hamlet. The Conservation Area therefore derives its significance from several inter-related factors. Firstly, the linear development pattern along its historic street pattern. Secondly, the central area of open green space and the informal arrangement of buildings around it. Thirdly, the retention of the hamlet's small scale, rural character as a predominantly agricultural settlement within the High Weald. Its focal point now appears to be the junction of Iden Green Road with Standen Street. However, beyond the Conservation Area, the remainder of the settlement comprises dwellings of varying ages and designs, most of which front the existing roads of Iden Green Road, Mill Street and Standen Street.
8. The appeal site lies immediately to the rear of the historic properties that line the south-eastern side of Iden Green Road. It is on sloping ground which falls away from the road and is currently used as an orchard. The illustrative plan shows 7, 2-storey dwellings within 5 buildings served by a cul-de-sac with a new access from Standen Street. The indicative layout shows dwellings and their associated parking spaces would occupy modest-sized plots on the village side of the new street. It is intended that the area on the opposite side would be retained as public open space together with some replacement orchard planting and an attenuation pond.
9. As the site lies to the rear of existing dwellings in Iden Green Road and Standen Street, views into the development from the Conservation Area would be limited. However, the new cul-de-sac between Field House and The Manse would introduce an alien and sub-urban feature immediately adjacent to the Conservation Area. This would be at odds with the form of the hamlet where other small-scale development has primarily occurred incrementally over time along the existing streets. This would adversely affect the significance of the Conservation Area and its rural setting. Another cul-de-sac serving a series of dwellings would not replicate a typical country lane as it would not lead anywhere. Instead, it would compound the harm which has already been caused by the insertion of Oakfield Cottages into the historic street pattern of the hamlet. Whilst tree planting could be incorporated into the landscaping scheme, as advocated by the revised Framework, this would be insufficient to mitigate the harm arising from the indicative layout.
10. I am aware that the appellant also submitted a scheme¹ for the construction of a pair of semi-detached dwellings adjacent to 2 Hague Cottages. From the details provided it is apparent that this proposal integrated effectively with the existing street pattern. The Council granted permission as it was satisfied that the layout and appearance was sensitive to the context. There are therefore significant differences between that scheme and the appeal proposal. Similarly, the

¹ Ref: 20/01265/FULL

development on Parkfield Crescent, which was allowed on appeal in 2017², was for only 2 dwellings between chalet bungalows accessed from an existing cul-de-sac. It is therefore not directly comparable with the current scheme which would introduce a new cul-de-sac to serve 7 dwellings close to the Conservation Area.

11. Although the proposed dwellings would be largely screened from public views, the same cannot be said for the access. Standen Street is a narrow rural lane that is partially enclosed by mature hedges on both sides as it approaches the junction of Iden Green Road and Mill Street. There is also a small, but notable difference in levels between the road and the land through which the new access would pass. To provide adequate visibility splays the existing hedge would be partially lost and some engineering works would be necessary to accommodate the change in levels. The new access would be a considerably larger feature than any of the existing individual driveways that serve the other dwellings along Standen Street. Whilst a replacement hedge would grow over time, it would be set further back from the road and would have a permanent gap within it. This combination of factors would significantly erode the green approach to the focal point of the hamlet at the junction with Iden Green Road and Mill Street. In my view this would be detrimental to the significance of the Conservation Area.
12. The Victorian commemorative Pump House is a local landmark and a Grade II Listed Building. It has been sited at the junction of Standen Street and Iden Green Road in all probability in recognition of the importance of the location at the centre of this small rural village. It faces the junction and cannot be seen from any significant distance along Standen Street. However, for these very reasons, its setting is contained and focussed on its immediate surroundings from where it can be seen. I am therefore not persuaded that its significance or setting would be adversely affected by the proposal.
13. Oak Cottage, also a Grade II Listed Building, is on the opposite side of this central junction and to the north of Coldharbour Road. Its location is an indication of its significance on the approach to the settlement. It faces the main road although set back from it. Its garden, which is the most important element of its setting, is enclosed by mature hedging along the roadside boundaries and partially screened by mature trees. Nevertheless, the position of the house, between the main road and the green at the rear, contributes to its status as one of the larger properties that characterise the Conservation Area. However, the proposal would not encroach within this extended setting or be visible from it. I therefore do not consider that the proposal would be harmful to setting of Oak Cottage.
14. Drawing the threads of my assessment together, I conclude that the proposal would be harmful to the character and appearance of the area arising from its access and indicative layout which would adversely affect the significance of the Iden Green Conservation Area. The scheme would fail to preserve the setting of the Conservation Area, contrary to Core Policies 4 and 14 of the Tunbridge Wells Borough Council Core Strategy 2010 (Core Strategy) which, amongst other things, seek to preserve and enhance the borough's heritage assets. There would also be conflict with Policy EN1 of the Tunbridge Wells Borough Local Plan adopted 2006, (Local Plan), which requires the design and layout of proposals to respect the site's context. However, I find no conflict with these policies in relation to the proposal's effects on the settings of the Pump House or Oak Cottage.
15. The scheme would not accord with the provisions of the revised Framework to conserve heritage assets in a manner appropriate to their significance. It also states that any harm to the significance of a designated heritage asset (including

² APP/M2270/W/16/3163774

from development within its setting), requires clear and convincing justification. As the identified harm to the Conservation Area would be less than substantial in terms of the revised Framework, it must be weighed against the public benefits of the proposal (paragraph 202). I will return to this matter later.

Character and appearance – High Weald AONB

16. The whole of the settlement of Iden Green lies within the High Weald AONB. This part of the Kent landscape is varied and complex. Rolling hills are intersected by narrow ghyll valleys with a mix of woodland, orchards and pasture. The area has the appearance of a small-scale agricultural landscape with a network of rural lanes and dispersed farmsteads, a pattern of development that has survived since medieval times. Buildings are not prominent but hidden in the landscape by the topography and tree cover.
17. Even though the proposal is not a major development, the existing orchard would be lost and there would be a spread of built form into the designated countryside. The effects on the landscape would be primarily localised, consolidating and expanding the existing limits of the settlement with 2-storey buildings and the introduction of areas of hard-surfacing. The visibility of the proposed dwellings from further afield would be limited. Nevertheless, they would be noticeable from the footpath some 250-350m to the east where they would be seen in combination with the existing dwellings to the north and west.
18. The proposed access would result in the localised loss of trees and hedges. However, this would be seen in the context of the approach to the centre of the hamlet along Standen Street. It would have only a limited visual effect on the wider landscape of the AONB. It seems to me that the localised harm to the landscape and scenic beauty of the AONB could be lessened, both on the site and at the proposed access, through detailed design, careful landscaping and sensitive boundary treatments. However, this would require a full assessment of the proposal's design qualities, which do not form part of this outline scheme.
19. I therefore conclude that the proposal would cause limited harm to the AONB arising from the loss of the orchard and the encroachment of built form into an undeveloped part of this designated landscape. There would be limited conflict with Core Policies 4 and 14 of the Core Strategy and Policy EN25 of the Local Plan, all of which seek to protect the Borough's landscape character.

Location

20. The Council's spatial strategy is set out in Core Policy 1 of the Core Strategy. This states that priority will be given to the allocation and release of previously developed land within the limits to built development (LBD) of settlements. Sites adjacent to the LBD in the main urban area and small rural towns will also be allocated. Sites adjacent to or outside the LBD of villages will generally not be allocated or released. Exceptionally sites may be released for affordable housing (for local needs only) at the villages where the need cannot be met within the LBD. The definition of the LBDs was set out in the Local Plan. Saved Policy LBD1 of the Local Plan only permits development where it would accord with all the other relevant policies within the development plan.
21. Iden Green is a small settlement with characteristics that suggest it is a hamlet rather than a village. The appeal site lies outside, but immediately adjacent to its settlement boundary as defined in the Local Plan. For the purposes of planning policy, it is therefore in the countryside. It is also in an area which the Council's spatial strategy considers one of the least suitable for accommodating additional housing. As the proposal is not seeking to provide affordable housing it would not

meet any of the exceptional circumstances for permitting a development beyond the LBD. Although only limited weight can be attached to any emerging policies in the Pre-Submission Local Plan, it is notable that the intention is to remove the LBD from Iden Green so that the entire settlement would be in the countryside.

22. I have already referred to the appeal granting permission for two dwellings in Parkfield Crescent. The Inspector considered that those homes would not be isolated, in terms of the Framework (2012), and that future occupants could support services in the settlement and those of surrounding settlements. However, he gave no details of those services or how residents would access them. In reaching his conclusion the Inspector gave greater weight to the Framework than the Council's spatial strategy. However, as that was a smaller scheme in a different part of the hamlet, it is not directly comparable with the appeal proposal.
23. From the evidence before me, there are very limited facilities in Iden Green. There is no shop, no school and only a limited bus service. Whilst Benenden may not be far away, it is not within a reasonable walking distance and footways both in the hamlet and beyond would make reaching it on foot unlikely. Consequently, future residents of the appeal site would rely almost entirely on a car to access the services and facilities they need. Once in a car, it seems to me that they would be more likely to drive to larger settlements, such as Hawkhurst or Tenterden, which have considerably more to offer than Benenden.
24. Furthermore, notwithstanding the previous appeal decision, the highway authority continues to contend that the lack of local facilities will result in new residents being heavily car dependent. I agree. Whilst the appeal site is not physically isolated from existing development, its location would result in future residents experiencing difficulties accessing services and facilities if they did not have access to a car. I therefore do not consider that the previous appeal decision is a reason to conclude that the appeal site is a suitable location in which to provide a residential development of the scale proposed.
25. The proposal would conflict with the Council's spatial strategy as set out in Core Policies 1 and 14 of the Core Strategy and saved Policy LBD1 of the Local Plan, which seek to direct new homes to sites within or immediately adjacent to the Borough's existing urban area and larger settlements. The weight to be given to this conflict in the overall assessment of the scheme is a matter I return to below.

Other Matter

26. The Council's reasons for refusal also included a reference to the need to achieve greater biodiversity. The appellant provided a report with the appeal setting out measures which could achieve a net gain in biodiversity, as required by paragraph 174 d) of the revised Framework. The report indicated that these would require a 20-year management and monitoring programme. They would therefore need to be secured through a planning obligation as controls for periods longer than 5 years cannot reasonably be sought through planning conditions. However, as I am dismissing the scheme for other reasons, it has not been necessary to consider this matter further.

Planning Balance

27. It is common ground that the Council is unable to demonstrate a 5-year supply of deliverable housing sites. The Council's latest published figure gave the supply as 4.83 years. The appellant considers that this is an overestimate and provided an alternative of 4.09 years, taking account of past under-delivery. Regardless of this difference of view between the parties, having regard to Footnote 8 of the revised Framework, paragraph 11 d) is engaged.

28. Paragraph 11 d) i) states that permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
29. There would be social benefits associated with the provision of 7 new homes, which would make a small contribution to the Borough's supply of houses. There would be limited economic benefits arising from their construction. However, these modest public benefits would not outweigh the less than substantial harm to the setting and significance of the Iden Green Conservation Area, matters to which I am required to give considerable weight and importance.
30. In addition, I have concluded that there would be limited harm to the character and appearance of the High Weald AONB. The revised Framework (paragraph 176) advises that great weight should be given to preserving and enhancing landscape and scenic beauty within AONBs. Therefore, although limited, this harm tips the balance further against the scheme.
31. Footnote 7 of the revised Framework states that designated heritage assets and AONBs are amongst those areas and assets of particular importance that should be protected. To my mind the cumulative harms to the Conservation Area and the AONB provide a clear reason to dismiss the appeal. Consequently, the presumption in favour of sustainable development does not apply in this case and the 'tilted balance' set out in paragraph 11 d) ii) of the Framework is not engaged.
32. In addition, I found that although not isolated from other residential development, locating additional homes in the countryside adjacent to a small rural settlement would be contrary to the Council's spatial strategy. Future residents could not provide any meaningful support to provision of local facilities and services. Instead, they would depend on those which are further afield and would be almost entirely reliant on access to a car to reach them. Although only limited weight can be attached to the conflict with the Council's spatial strategy, locating additional residential development on the appeal site would be contrary to the Framework's objective of locating housing in rural areas where it will enhance or maintain the vitality or rural communities. This is another factor which counts against the scheme.

Conclusion

33. The proposal conflicts with the development plan as a whole and there are no other considerations, including the shortfall in housing land supply and the provisions of the Framework, which indicate that a decision should be taken other than in accordance with the development plan.
34. For this reason, the appeal is dismissed.

Sheila Holden

INSPECTOR