



Appeal Decision

Site Visit made on 17 August 2021

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2021

Appeal Ref: APP/M2270/W/21/3272599

Land at Oakhurst Farm, Turnden Road, Cranbrook, Kent TN17 3QL

- 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 Chiles against the decision of Tunbridge Wells Borough Council.
 - The application Ref 20/03763/FULL, dated 17 December 2020, was refused by notice dated 12 March 2021.
 - The development proposed is erection of a replacement dwelling in place of the part of the existing commercial workshop with extant planning consent for alterations and conversion to a dwelling (planning application reference TW/19/02134).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised Framework¹ was published by the Government between the determination of the planning application and the appeal coming before me. I am satisfied that this latest version of the Framework does not raise any new considerations in relation to this appeal.

Main Issues

3. The main issues are a) the principle of the proposed development with specific regard to the sustainability of the location; and b) the effect of the proposed development on the character and appearance of the area, with particular regard to the Area of Outstanding Natural Beauty (AONB) and the rural lane.

Reasons

Principle of Development

4. The appeal site is located adjacent to an existing commercial use, in the open countryside, outside of a defined settlement. In the interests of encouraging sustainable patterns of new development and access to services the Council generally seeks to avoid development in the open countryside and directs it to defined settlements.
5. There is some disagreement between the main parties as to the exact distances between the site and the services in Cranbrook, which is the nearest village. However, there is agreement that the route would involve travelling

¹ National Planning Policy Framework (2021)

along Turnden Road and then negotiating the A229 in order to access the High Street.

6. This route would not be overly attractive to many pedestrians or cyclists given the width of Turnden Road in places and the absence of segregated footpaths. A lack of street lighting along much of the route would make the journey more hazardous at night and during the winter months. Given the limited provision of public transport, future occupants of the appeal site would be likely to rely on the use of the car to access local services, which is the least sustainable travel option. The principle of a new dwelling in this unsustainable, open countryside location would therefore be unacceptable.
7. Notwithstanding this, the appellants contend that the extant permission for the residential conversion of part of the existing commercial unit represents a legitimate fall-back position. Thus, if this permission were extinguished as part of any approval for a replacement dwelling, there would be no additional residential use on the site. I note that the demolition of the relevant part of the commercial building could be controlled by condition to ensure only one of the residential units could be built out. Whilst the extant permission has not been implemented, the appellants have indicated that if this appeal is unsuccessful, the permission will be implemented. Given that the extant permission would not expire until October 2022, there is more than sufficient time for the permission to be implemented. I have no reason to doubt the appellants' intention in this regard.
8. Although the Council places little weight on the existence of the extant permission, I disagree with their conclusions in this respect and find it to be a material consideration that carries great weight. Whilst the location is not sustainable, the proposal would not result in a net increase in residential use on the site.
9. Weighing the above matters in the balance, and notwithstanding the conflict with Policy 14 of the Core Strategy² and Policy LBD1 of the Local Plan³ and with the Framework's support for sustainably located development, I am satisfied that the proposal can be justified in this location given the existence of a legitimate fall-back position which would result in the creation of one dwelling, regardless of whether this appeal is allowed.

Character and Appearance

10. The site currently houses two storage containers and there is an area of hardstanding on which cars were parked at the time of my site visit. There is also a bunker on the site. The site is generally concealed from wider views owing largely to the existing mature planting around it. However, the proposal would be visible when passing the site, especially when travelling in a westerly direction.
11. The key characteristics of the AONB include large arable fields on expansive open plateaux with long distance panoramas across the open countryside. This is interspersed with small villages linked by narrow lanes. The landscape in the vicinity of the appeal site consists largely of open countryside interspersed with areas of woodland and mature boundary planting along the rural lanes. The proposed house would be located on open land which relates well to the

² Tunbridge Wells Borough Local Development Framework – Core Strategy Development Plan Document (2010)

³ Tunbridge Wells Borough Local Plan (2006)

- undeveloped character of the area. Although there is some adjacent built form, the area proposed for the dwelling makes a positive contribution to the open character of the AONB.
12. Policy EN1 of the Local Plan seeks to protect the unique and distinctive qualities of the AONB. This approach reflects Paragraph 176 of the Framework, which advises that great weight should be given to conserving and enhancing the landscape and scenic beauty of such areas.
 13. The proposed single storey dwelling would comprise accommodation in the roof and be set at approximately 90 degrees to Turnden Road. The building would be finished in black stained weatherboarding with slate roof tiles. The appellants contend that the height of the proposed building would not be excessive for its intended purpose and that existing hedgerows would be retained and extended with other planting being retained too.
 14. However, given the scale of the proposed dwelling, the result would be a substantial building whose size, height and appearance would be much more prominent and significantly more impactful than the existing situation. This would represent a fundamental harmful change to the open character of this part of the site. Any associated domestication of the building's surroundings would further undermine the character of the area. Overall, the proposal would not serve to conserve or enhance the scenic beauty of the AONB.
 15. The appellants point to other buildings to demonstrate the height and variety of built form along Turnden Road and that this forms part of the character of the area. However, these buildings do not inform the site's immediate context. Furthermore, whilst there are houses and commercial buildings along the eastern end of Turnden Road, there is a very obvious absence of such development between the existing commercial building on the appeal site and the buildings close to the junction with Glassenbury Road. It is within this area that the new dwelling is proposed to be located. As such, I find that the existence of the other buildings identified by the appellants along Turnden Road carries limited weight.
 16. Whilst the Council's Supplementary Planning Guidance⁴ scores Turnden Lane lower than many other rural lanes in the borough, this in itself is not a reason to allow the appeal. Comparatively, the SPG identifies Turnden Lane's strongest asset as its landscape and visual amenity value. Indeed, the width and alignment of the lane, together with the high hedges, contribute positively to the wider rural character of the area and as such forms part of the wider characteristics of the AONB. As a result, the proposal would represent a detraction that would harm the character of the rural lane.
 17. Whilst I have given weight to the extant permission in regard to the principle of the development, the current proposal would be very different in terms of its impact upon the character and appearance of the area. As a new build development, I find that the proposal would cause harm to the character and appearance of the area including to key elements of the AONB and rural lane.
 18. Accordingly, the proposal would be contrary to Policies 4 and 5 of the Core Strategy and Policies EN1 and EN25 of the Local Plan, which amongst other things, seek to ensure that proposals protect and conserve the open

⁴ Supplementary Planning guidance – Rural Lanes (1998)

countryside and natural environment, and that the qualities and distinctiveness of the AONB are protected. The proposal would also conflict with the Framework, at Paragraph 176 in particular, which seeks to ensure development conserves and enhances the landscape and scenic beauty of the AONB. The proposal would also be contrary to the SPG, which amongst other things, seeks to ensure that new development is not detrimental to the physical landscape value of rural lanes.

Other Matters

19. There is broad agreement between the main parties that the area to be developed could be considered as previously developed land (PDL). The Framework acknowledges that such land can sometimes provide the basis for redevelopment in the open countryside. However, in this case I note that the hardstanding has blended into the landscape and so may not fall comfortably within the definition of PDL. Regardless of this, even if I were to conclude that the containers, bunker and hardstanding all contributed to the site being PDL, they are not, in my opinion, as visually prominent as the proposed development would be. As such, their impact on the wider landscape is significantly less harmful than the proposed development.
20. The reduced footprint of the commercial building and the associated re-landscaping are said to help mitigate any adverse effects of the proposal. However, given the limited visibility of the existing commercial building and the prominence of the proposed dwelling, this would not outweigh the harm I have identified. Indeed, it would have the effect of increasing the separation between the proposed dwelling and any neighbouring built form, resulting in the proposal appearing as a more remote, although not isolated, building in the open countryside.
21. The appellants point to the benefits of the proposal in terms of physically separating the approved residential use from the commercial use. However, the extant permission to convert part of the commercial building was a project promoted by the appellants in the full knowledge of their own commercial operations. Given that the permission has not been implemented and any works would be subject to the latest Building Regulation requirements, it is difficult at this stage to identify or quantify any substantive harm to the living conditions of future occupants. Given the appellants' stated intention to implement the permission, it would no doubt have been their intention to ensure such possibilities are minimised anyway. Accordingly, I can give this matter only limited weight.
22. It is suggested that the new building would be more sustainable and financially beneficial than the conversion. Whilst the appellant's financial situation is not a matter to which I can attach weight, I have no substantive evidence before me to confirm that the new build would be more sustainable in the consumption of materials and waste. Regardless of this, given the scale of the works I do not consider these factors would be sufficient to mitigate the harmful and permanent effect of the proposed development that I have identified.
23. The appellants point to a reduction in traffic movements resulting from them living at the site and that the proposed dwelling would add to the housing land supply and mix. However, as the proposed building would be a replacement dwelling, such benefits would no doubt also apply to the previous approval and

thus there would be no net benefit from the current scheme. Accordingly, these issues would be neutral factors in any balance.

24. The proposal is said to take account of the efficient use of energy and that the development would not extend beyond the existing boundaries of the site. However, these represent a lack of harm and accordingly, would also be neutral in any balance.
25. As a result of people living on the site, it is said that improvements to site security would occur. Notwithstanding the replacement nature of the proposal, I have no evidence before me pertaining to what crimes the appeal site is currently subject to. Accordingly, I can attach little weight to this issue.
26. The appellants point to the absence of local objection and support from the Parish Council for the proposed development. However, this in itself does not mean that the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issues of the case.

Conclusion

27. I have found that the proposed dwelling would harm the character and appearance of the area, which includes the AONB, contrary to the development plan taken as a whole. The policies cited in this respect above are not out-of-date because the need to protect the character and appearance of the area are perennial and in direct compliance with the Framework. The harm I have found would lead to conflict with paragraph 176 of the Framework, which, amongst other things, seeks to ensure that new development conserves and enhances the landscape and scenic beauty of the AONB.
28. The appeal scheme would be a replacement dwelling, so would not add to the overall net supply of housing in the area. There may be other benefits associated with the provision of this replacement dwelling but these would be affected by the scale of the proposal and some would be time limited. Overall, and for these reasons, I would attach only a small amount of weight to them. As such, the adverse impacts of granting a planning permission would, in this case, significantly and demonstrably outweigh the benefits when assessed against the policies in the development plan taken as a whole.
29. The appeal should therefore be dismissed.

Stewart Glassar

INSPECTOR