



Appeal Decision

Site Visit made on 27 September 2021

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

an Inspector appointed by the Secretary of State

Decision date: 12 November 2021

Appeal Ref: APP/M2270/W/20/3264753

Tong Farm, Marle Place Road, Brenchley, Tonbridge TN12 7HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Jonathan Neville of Millwood Designer Homes against Tunbridge Wells Borough Council.
 - The application Ref TW/20/02202/FULL, is dated 5 August 2020.
 - The development proposed is demolition of existing buildings, and the development of 5 dwellings, new accesses and associated landscaping.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. The Council failed to determine the application within the prescribed period. However, its report on the proposal subsequently gave three reasons why it would have refused the scheme. It also published a 'decision notice' dated 16 December 2020. I have had regard to these documents in determining the appeal. The Council's third objection related to the failure to provide contributions towards community facilities including education and libraries. However, the appellant submitted a Unilateral Undertaking (UU) with the appeal and the Council is satisfied that this addresses its requirements. I have taken the UU into consideration in my assessment of the proposal.
3. My site visit took place after a serious fire which had significantly damaged all the buildings. Consequently, the site was not being used and entry to it was limited. I have not taken the current state of the buildings into account in my assessment of the appeal proposal.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

5. The appeal site is on a narrow country lane within the High Weald AONB beyond the Limits to Built Development (LBD) of any settlement. The site is neither an historic farmstead nor does it contain any significant buildings. It is mostly occupied by a series of large, barn-style buildings. As post-war sheds these do not reflect the vernacular character or quality of historic farmsteads. They are, nevertheless, typical of those found in rural areas erected for agricultural purposes. Together with 7 mobile homes to the rear of the site the buildings were previously used as part of the fruit packing business associated

with Tong Farm Estate. Since 2002 they have been used for storage and distribution (Use Class B8) following the grant of a certificate of lawfulness.

6. The buildings are set back a short distance from the carriageway. In the absence of roadside vegetation their southern elevations are highly visible, but their overall depth and bulk cannot be fully appreciated from the street. Nevertheless, their appearance and the materials of which they are constructed, including concrete block walls and asbestos roofs do not look out of place in the surrounding landscape. They could be expected to serve a substantial working farm. Whilst they do not positively contribute to the scenic beauty of the AONB, they are compatible with their context. Their use for storage did not fundamentally altered their appearance or agrarian origins.
7. Even though no farmhouse has been associated with the site, the proposal's intention would be to create the appearance of a farmstead, based on the rectilinear arrangement of the existing buildings. They would be replaced by five generously proportioned 3, 4 and 5 bedroom dwellings around a series of small courtyards. The site would be served by 3 separate accesses. Single storey garages and car barns would predominantly occupy the area closest to the road. The dwellings would be set further back on the site with hard-standing in front of them and good-sized gardens enclosed by post and rail fencing to the rear.
8. The Kent Farmsteads Guidance shows that most farmsteads have working buildings around one or more yards together with a farmhouse, which faces or is set gable-end into the yard; or is detached and set away from the working spaces. By contrast, in this scheme the dwellings would be regularly spaced either in line or at right angles to each other, giving a formal and regimented appearance to the layout. The size of the dwellings and their proposed arrangement would not reflect the less formal and organic arrangement that farmhouses and their associated buildings are found in the High Weald. On the contrary the proposal would interject into the area a suburban layout comprising a linear cluster of bulky 1.5-2 storey dwellings with associated garages and turning spaces.
9. The proposal would be completely at odds with residential development elsewhere on Marle Place Road. This surrounding area is characterised by sparsely scattered individual dwellings set in spacious plots, with mature front and rear gardens that are well screened from the lane. Consequently, the layout, form and bulk of the dwellings would appear contrived, rather than sympathetic to the pattern of development that characterises this part of the AONB. The benefits that could accrue from the removal of the existing unattractive buildings would not justify the introduction of a suburban layout of dwellings in the form of look-alike barns and outbuildings.
10. My attention was drawn to the residential development which is currently being implemented at Tibbs Court Farm¹. That site is located adjacent to the junction of Cryals Road and Tibbs Court Road where the surrounding area comprises a small hamlet of dwellings of varying sizes. In that context the Inspector considered the principal of a residential development and the removal of the commercial activities on the site was acceptable within the AONB. However, that site is not directly comparable with the scheme before me which is predominantly surrounded by agricultural fields and few dwellings.

¹ Ref: 20/00330/FUL, following appeals APP/M2270/W/18/3215454 and APP/M2270/W/19/3229821

11. For all these reasons, I conclude that the proposal would be harmful to the character and appearance of the High Weald AONB. It would conflict with Core Policy 4 of the Tunbridge Wells Borough Local Development Framework Core Strategy (2010) which seeks to protect the area's locally distinctive sense of place and character by conserving and enhancing the High Weald AONB. It would also be contrary to the stated aims of paragraph 176 of the National Planning Policy Framework (the Framework) which requires me to give great weight to the conservation and enhancement of the landscape and scenic beauty of AONBs.

Other Matters

12. The Council indicated that it was also concerned about the proposal making ineffective use of the site, part of which meets the definition of previously development land. However, to make efficient use of land it is first necessary to ensure that it is being used for the most appropriate purposes. The appeal site is outside any settlement and at some distance from local services and facilities. The narrowness of the lane and its remoteness would not encourage future occupants to consider walking or cycling anywhere. The use of the site for housing would perpetuate reliance on the use of a car to get around even to reach the nearest settlements of Brenchley and Horsmonden.
13. Furthermore, the Framework (paragraph 79) states that housing should be located where it will enhance or maintain the vitality of rural communities, allowing villages to grow and thrive, especially where this would support local service. In view of the distance of the site from either of the closest villages, I am not persuaded that the proposal would contribute to this objective.
14. There was no substantive evidence to suggest that the use of the buildings for storage had been creating problems for the local community or generated unacceptable volumes of traffic along country lanes. The benefits that would arise from the cessation of the commercial use therefore cannot be assessed.

Planning balance

15. The Council accepts that it cannot demonstrate a 5 year supply of deliverable housing sites. Consequently, paragraph 11 d) of the Framework is engaged. However, in this case the application of policies in the Framework that seek to protect an area designated as an AONB [one of the areas referred to in footnote 7 to paragraph 11 d) i)] provides a clear reason for refusing the development proposed. The presumption in favour of sustainable development therefore does not apply.
16. As I have found the scheme to be unacceptable, it has not been necessary for me to consider the detailed provisions and contributions set out in the UU.

Conclusion

17. I have found that the proposal would conflict with the development plan and other material considerations do not indicate that the appeal should be determined otherwise. For this reason, the appeal is dismissed.

Sheila Holden

INSPECTOR