



Appeal Decision

Site visit made on 22 August 2022

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022

Appeal Ref: APP/M2270/W/21/3287605

Honnington Farmhouse, Vauxhall Lane, Tunbridge Wells TN4 0XD

- 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 Mrs Ruth Nickoll against the decision of Tunbridge Wells Borough Council.
 - The application Ref 21/03042/FULL, dated 10 September 2021, was refused by notice dated 29 October 2021.
 - The development proposed is described as a 'tree house' holiday let (Rural Tourism application).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description in the banner above is taken from the application form. Aside from the part in brackets, it was used by the Council in making its decision and by the appellant in the appeal form. I have determined the appeal on this basis, notwithstanding the appellant's suggestions as to how the development would be used as set out in the design and access statement.

Main Issues

3. As the appeal site is in the Green Belt the main issues are:
 - whether the proposal would be inappropriate development in the Green Belt, having regard to relevant development plan policy and the National Planning Policy Framework (Framework);
 - its effect on the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty; and
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the proposal.

Reasons

Inappropriate development

4. The Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The construction

- of new buildings should be regarded as inappropriate development subject to certain exceptions set out in Framework paragraph 149.
5. Saved Policy MGB1 of the Tunbridge Wells Borough Local Plan March 2006 (LP) and Core Policy 2 of the Tunbridge Wells Borough Core Strategy June 2010 (CS) were adopted prior to the Framework. Although both policies are broadly consistent with the Framework the later CS Core Policy 2 takes precedence. It requires development in the Green Belt to accord with the Framework.
 6. The only exception set out in paragraph 149 which could potentially be relevant in this case is b) which is defined as 'the provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.
 7. The proposal is for the construction of a building on stilts, partly within a shaw of trees on the edge of a field. It would contain living space and facilities which would enable self-contained, independent use as a dwellinghouse, albeit intended for temporary occupation as a holiday let. Whilst this small-scale development would be allied to tourism it would not be used for outdoor recreation or any of the other activities listed above. It would therefore not meet this requirement of paragraph 149 b). I am not aware that land at Honnington Farmhouse has a lawful use for outdoor recreation and there is no change of use to this effect in the description of the proposed development.
 8. Even if it was to be used solely for outdoor recreation, it would also be necessary to consider the effect of the proposal on openness and the purposes of including land in the Green Belt set out in Framework paragraph 138.
 9. The proposed building would comprise a series of linked rooms with individual pyramid style roofs and decks. It would occupy a footprint of 126.5m² elevated above the sloping ground level, partly at two-storey height. The building would also have appreciable volume and presence on the site. Most of this built form would protrude away from the trees, outwards, into a pocket of open, undeveloped land. It would be spatially and visually separate from existing development at Honnington Farmhouse and Honnington Farm. It would therefore fail to preserve openness, be at odds with the aim of the Green Belt to keep land permanently open and conflict with purpose c) of including land within the Green Belt; namely to safeguard the countryside from encroachment.
 10. I have been referred to some Council decisions for holiday or tourism accommodation. Three sites were not in a Green Belt and in one of these cases yurts were a facility for outdoor recreation as part of a change of use of land for outdoor recreation use. Two cases in a Green Belt were for the expansion of a hotel and in three others it is not clear if the proposal was in a residential curtilage and for holiday let or ancillary living accommodation. I have also been referred to two Green Belt appeal decisions. In one the increased built form and its effect on openness was in the context of replacing a building already on the site and was, anyway, for a stable block. In another a tree house was for use by children for outdoor activity, minimal in scale and while it is not clear if it was in a residential curtilage there was no encroachment into the countryside. These other decisions are not, therefore, directly comparable to the circumstances of the current appeal.

11. Taking all of the above into account, I find that the proposal would not meet the requirements to qualify as an exception set out in Framework paragraph 149 b). It would also conflict with LP Policy MGB1 and CS Core Policy 2. Consequently, it would be inappropriate development in the Green Belt.

High Weald Area of Outstanding Natural Beauty (AONB)

12. The AONB is a nationally designated landscape with the highest status of protection in relation to conserving and enhancing its landscape and scenic beauty. Its distinctiveness includes a mosaic of small fields, wooded shaws and farmsteads set in an undulating landform, including at or in the vicinity of the site. These features make a significant positive contribution to the character, appearance and visual amenity of this part of the AONB.
13. The proposed building includes external materials appropriate for a rural location and it would have a relatively remote, secluded siting and setting on lower ground. Nevertheless, it would be an unexpected adjunct to the shaw of trees with a jarring presence in the countryside. In addition, guests arriving by car would park well away from the building such that their comings and goings would unduly emphasise associated use and activity across a wider area of land. The proposal would therefore result in a permanent adverse impact on the character, appearance and visual amenity of the site and its immediate rural surroundings. Albeit in a small way, this would undermine the integrity of the AONB.
14. Due to distance, a pronounced dip in land levels and the intervening trees the building would not be highly visible from public footpaths WS5 and WS6 on rising ground to the northwest, even in winter months. However, a lack of greater, or any, public visibility does not mean the absence of intrinsic harm to the overall quality of the landscape.
15. I have been referred to some decisions for development in AONBs elsewhere. The location, siting, scale and extent of these proposals are not clear to me. In any event, these cases involve different development plans and policies and the distinctive features of those AONBs are not likely to be the same as in the AONB in this case. These decisions are therefore not directly relevant to my assessment of the appeal proposal which I have considered on its individual planning merits.
16. Accordingly, I find that the proposal would not conserve or enhance the landscape and scenic beauty of the AONB. Consequently, it would conflict with LP Policies LBD1, EN1 and EN25 and CS Core Policies 4 and 14. These policies seek to restrict development in the countryside and conserve and enhance the landscape of the AONB.
17. It would also conflict with objectives of the Framework to conserve and enhance landscape and scenic beauty in AONBs (paragraph 176) and, including for rural tourism development, to respect the character of the countryside (paragraph 84 c)) and recognise its intrinsic beauty (paragraph 174 b)).

Other Matters

Heritage assets

18. A barn near Honnington Farmhouse, which now appears to be a dwelling, is a Grade II listed building (LB). The significance of the LB includes its origins and

siting as previously a working part of a farmstead (a non-designated heritage asset). The setting of the LB covers buildings and other development in and around Honnington Farmhouse as well as some fields beyond, including the appeal site.

19. The proposal would partially sever a small part of the field from this historic association but the building would be separated from the LB behind Honnington Farmhouse, some distance away and at a much lower ground level with no intervisibility. As such, it would have a neutral impact on the setting of the LB. There would be no harm to the LB by virtue of this development in the setting of this designated heritage asset. I am, therefore, satisfied that the proposal would preserve the setting of the LB and not detract from the way in which the LB is experienced. For these same reasons it would not harm the significance of the farmstead.

Other Considerations

20. The Council's development plan generally restricts development in the countryside. An exception is for appropriate small-scale tourism facilities to support and diversify the rural economy. The Framework also supports the rural economy and businesses in rural areas, including tourism facilities in well-designed new buildings.
21. However, it has not been suggested that the proposal would be part of, support or diversify any established rural business. The nature or scope of the business is not clear, including whether guests would likely visit nearby tourist activities or if it would address any particular tourist market where objectively identified needs are not being met by existing holiday accommodation in the locality. It has also not been explained why the holiday let must be provided as a new building rather than the conversion and re-use of an existing building.
22. There is, therefore, no evidence to demonstrate that the proposal would be viable and sustainable, including as a new business, or what its contribution to the local tourism and rural economy would be. This might ordinarily be set out in a business plan or a market appraisal prepared by a suitably qualified professional. The site is otherwise located in an area where new residential development is strictly controlled.
23. Accordingly, I am not satisfied that the appellant has substantiated that the proposal 'will meet the existing tourism demand' or specifically how this form of tourism development would be 'supporting and playing its part in the diversification of this rural economy'. These alleged benefits of the proposal are, therefore, very limited.
24. The fundamental harm to the Green Belt and to the AONB arising from the erection of the dwellinghouse on the site, albeit for holiday let use, could not be overcome by the use of conditions or planning obligations that would meet the relevant tests set out in the Framework and Planning Practice Guidance.

Green Belt Balance

25. I have found that the proposal would be inappropriate development in the Green Belt, contrary to local and national policy to protect the Green Belt. The Framework requires me to give substantial weight to this harm and states that inappropriate development should not be approved except in very special circumstances.

26. I have also found that the proposal would cause harm to the landscape and scenic beauty of the AONB, a matter to which the Framework requires I give significant weight.

27. There are no other considerations that clearly outweigh the harm to the Green Belt due to inappropriateness, loss of openness and the harm to the AONB. Consequently, very special circumstances to justify the proposal do not exist.

Planning Balance

28. The proposed development would not accord with the development plan overall. There are no other material considerations which outweigh this finding.

Conclusion

29. For the reasons given above the appeal does not succeed.

Robin Buchanan

INSPECTOR