



Appeal Decision

Site visit made on 7 November 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2022

Appeal Ref: APP/M2270/W/22/3290913

Oakdale, The Green, Benenden, CRANBROOK, TN17 4DN

- 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 Steven Simmonds against the decision of Tunbridge Wells Borough Council.
 - The application Ref 21/01369/FULL, dated 17 April 2021, was refused by notice dated 26 July 2021.
 - The development proposed is erection of a tractor barn and store together with the construction of an access track.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a tractor barn and store together with the construction of an access track at Oakdale, The Green, Benenden, Cranbrook, TN17 4DN in accordance with the terms of the application, Ref 21/01369/FULL, dated 17 April 2021, subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue raised by this appeal is the effect of the proposed development upon the character and appearance of the area and the landscape quality of the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The land has links to the designated Historic Park and Garden of The Grange, which lies adjacent to the south, and was formerly part of the wider estate. The proposal is part of a broader project for the restoration of White Horse Orchard to recreate the setting of The Grange parkland immediately south of the appeal site. The objective of the scheme is to reinstate the cherry orchard that was an integral part of the historic landscape. This is part of the restoration and management of The Grange and will assist the owners of the historic park recreate the historic character of Cherry Ingrams' cherry garden that would add to the draw for tourists.
4. The site relates to an undeveloped area of grass land with mature trees interspersed within it. It has an attractive parkland landscape character. The site is beyond the limits of built development and is currently an unspoilt rural landscape that makes a positive contribution to the AONB.
5. The Framework indicates that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks, the Broads and AONBs, which have the highest status of protection in relation to these issues.

The proposal would introduce built form within this undeveloped landscape and create an access track from an existing gate at Iden Green Road through the parkland to the proposed building at the eastern part of the site.

6. The Council's Conservation Officer comments that this part of the historic park and garden has always been pasture or orchard and did not form part of the ornamental planting section of the garden.
7. The proposed siting of the barn at the east of the site would be seen in distant views from Iden Green Road. The barn would be set against the backdrop of mature holly trees and existing residential development and would not represent an isolated building remote from existing built development. The intended use of the barn is for storage of a tractor and associated equipment and logs. It would be a modestly sized structure with low eaves and constructed of traditional vernacular. The Council have not raised concern in respect of the appearance of the proposed building itself. It would be a well-designed new building sensitive in appearance to its parkland surrounding and would not appear substantially out of place in this setting. Therefore, I do not consider the barn would significantly harm the sylvan setting and landscape character of the locality.
8. The track is proposed to be covered in gravel. Whilst the track would bring about some visual change to the grassed landscape of the parkland, the track would be of modest width. The Council's Conservation Officer considers that the track being covered gravel would be discreet. I do not consider the track would substantially diminish the quality of this parkland landscape such that would cause significant visual harm to it.
9. Consequently, I find that the proposed development would be appropriate in scale and character to the landscape context. Therefore, I do not find that the proposal would result in visual harm to the AONB landscape.
10. Paragraph 177 of the Framework indicates that when considering applications for development within the AONB, consideration should also include an assessment of the need for the development. Paragraph 84 of the Framework supports a prosperous rural economy and says that decisions should enable expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
11. The appellant is proposing to utilise the building for storage of machinery in connection with a grounds maintenance business servicing land off site, as well as storage of machinery connected with the maintenance of the appeal site. In employment terms the proposal's objective is to create a small part time business. The appellant has advised that it would not be possible to build a storage building in the grounds of Oakdale due to potential impacts on protected trees and other covenant restrictions. The appellant has looked within the area but not found any other suitable buildings.
12. The Council does not consider the appellant has demonstrate there to be a clear need for the development. The proposed use would be low key and, at times, potentially an infrequent operation, but would nonetheless contribute to future management of the countryside. Furthermore, I have found that the proposal would create a well-designed new building with its location being acceptable.

13. Other matters have been raised relating to security and the dual purpose use of the track to provide access to both the barn and for emergency services. Biodiversity enhancements at the site and/or the planting of trees could take place and that would not be dependent on planning permission being granted. I have found that the proposed barn and track to be acceptable in this rural area, beyond the limits of built development and within the AONB. These matters do not alter my findings.
14. For these reasons, the proposed development would not have a harmful effect upon the character and appearance of the area and the landscape quality of the High Weald AONB landscape. The proposal would comply with Policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006 and Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy 2010 that seek, amongst other matters, the Borough's rural landscapes, including the AONB, to be conserved and enhanced and for development to have a minimum impact on landscape character.

Conditions

15. The Council have provided a list of suggested conditions. I have considered the conditions in light of paragraph 56 of the Framework and the advice in the Planning Practice Guidance.
16. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plan and documents.
17. In the interests of the character and appearance of the area a materials condition is necessary, as is a condition relating to lighting, although this is also required to prevent harm to wildlife and residents from light pollution. Requiring the development to accord with the Management Plan is necessary in the interest of biodiversity. A condition relating to the construction of the track is necessary in the interests of protecting existing trees at the site.

Conclusion

18. For those reasons set out above, the appeal should be allowed.

Nicola Davies

INSPECTOR

SCHEDULE

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Proposed barn: – Drawing Number P1001 Rev N; Management Plan dated September 2021; and Arboricultural Report & Tree Protection Plan dated December 2020.
- 3) No above-ground construction work shall take place until samples of the external materials to be used for the building works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.
- 4) The development shall be carried out in accordance with the Management Plan dated September 2021, with implementation in accordance with the details and planting timetables outlined within it. The measures shall be carried out in perpetuity.
- 5) Prior to the first use of the building and track hereby permitted, details of any external lighting to be installed shall be submitted to, and approved in writing, by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and shall thereafter be retained for the lifetime of the development.
- 6) The track shall be constructed in accordance with drawing P1001 Rev N and the Arboricultural Method Statement prepared by the Mayhew Consultancy and thereafter so maintained for the lifetime of the development.

End of Schedule