



Appeal Decision

Site visit made on 10 January 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/C1435/W/22/3294636

Flower Pot Nursery, Frant Road, Frant, TN3 9HB

- 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 J Smith against the decision of Wealden District Council.
 - The application Ref WD/2021/1940/F, dated 19 July 2021, was refused by notice dated 9 December 2021.
 - The development proposed is described as a 'change of use to C3 residential with the construction of 4 dwellinghouses, parking for 9 vehicles and associated hard and soft landscaping.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

3. The appeal comprises what is now a largely vacant commercial horticultural nursery site. Although it is currently closed, its lawful use includes being open to the public and having temporary structures, sheds and hardstanding. It is located on the A267, to the south of Tunbridge Wells, and within the High Weald AONB.
4. Notwithstanding some sporadic development along the A267 and near the site, the landscape in the vicinity of the appeal site consists largely of open countryside with wide panoramas across expansive open plateaux, with woodland to the south and west. This reflects some of the key characteristics of the AONB. Although there is some built form on the site, it does not significantly detract from the openness of the AONB, particularly when viewed along the A267.
5. The proposal seeks to provide two pairs of semi-detached dwellings, each of which would have accommodation at second floor level. Furthermore, their combined footprint across the site, particularly in terms of the overall width and depth, means that there would be limited margins to the north, west and eastern boundaries of the site. There would also be a relatively small gap between the pairs of houses.
6. I acknowledge that longer and wider views of the site may be limited. Nevertheless, its proximity to the A267 means that within the immediate street

scene the site is prominent. Therefore, views into it would be dominated by the width and mass of the proposed buildings.

7. Given the proposed positioning of the dwellings and the shape of the site, the car parking would be provided in the form of a communal parking area. Even with the small pockets of planting, this would give the development a suburban appearance and not reflect the more rural character of the immediate locality. It would, as a result, be an additional discordant feature within the street scene.
8. I therefore conclude that the proposed development would not respect the character and appearance of the local area, including the AONB. This harm would conflict with Policies EN6 and EN27 of the Wealden Local Plan 1998 and Policies SPO13 and WCS14 of the Wealden Core Strategy Local Plan 2013 which, amongst other matters, seek development which respects its context and ensures that the qualities of the AONB are protected.
9. The proposal would also be contrary to the National Planning Policy Framework (the Framework), which amongst other things, seeks to ensure developments are sympathetic to local character and places great weight on conserving and enhancing the landscape and scenic beauty of AONBs.

Other Matters

10. There can sometimes be merit in providing smaller plot sizes in an area. However, notwithstanding the harm I have identified that would be caused by the overall scale of development, there is no evidence before me that there is a particular need for dwellings with small gardens in this location.
11. Although it does not represent a direct replacement for smaller private garden areas for each dwelling, I note that a communal garden area would be provided for the use of future residents. Furthermore, the proposed dwellings are said to reflect the vernacular qualities of housing in the area. The Council has not objected to the design of the houses and based on my own observations of the area I have no reason to disagree. However, none of these factors either individually or collectively mean that the scale and layout of the proposal and thus the harm caused to the character and appearance of the area and AONB is acceptable.
12. I have been provided with examples of sites and developments in Frant which are said to be comparable in size to the plots/garden areas of the current proposal. However, these sites appear to me to have a different context to the appeal site and therefore are not directly comparable. I have therefore determined the appeal on its own merits.
13. I note that there has been an earlier proposal for offices on the site which was refused planning permission by the Council and that this scheme is an evolution from that proposal. However, my decision is based solely on the planning merits of the scheme before me.

Planning Balance

14. The harm to the High Weald AONB provides a clear reason for refusing the development. Therefore, notwithstanding the housing land supply position, there is no need to refer to the test in paragraph 11 d) ii) of the Framework.

As a result, the presumption in favour of sustainable development does not apply.

15. Whilst there would be some beneficial aspects of the scheme, I have not found there to be justification for permitting harm to the character and appearance of the area and in particular the High Weald AONB. For this reason, the proposal would conflict with the development plan taken as a whole. There are no other material considerations, including the Framework, which lead me to determine the appeal other than in accordance with the development plan.

Conclusion

16. For the reasons given, I conclude that the appeal should not succeed.

Stewart Glassar

INSPECTOR