



Appeal Decision

Site visit made on 27 February 2023

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2023

Appeal Ref: APP/M2270/W/22/3302711

The Nurseries, Pralls Lane, Matfield, Tonbridge, TN12 7DX

- 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 Ms Sarah Murdoch against the decision of Tunbridge Wells Borough Council.
 - The application Ref 22/00855/FULL, dated 16 March 2022, was refused by notice dated 22 June 2022.
 - The development proposed is described as proposed replacement of former farm office and garage (which benefit from planning permission for residential conversion) with a detached single dwelling, together with car parking provision and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue whether the appeal site is in a suitable location for housing, with regard to adequate access to services. The second main issue is the effect of the proposal on the rural landscape and the character of the countryside.

Reasons

3. The appeal site is situated within a rural area outside the built-up area of Matfield and close to an Area of Outstanding Natural Beauty. It is an area of countryside whose character is described in the Tunbridge Wells Borough Landscape Character Assessment as being an intensively managed and cultivated series of landscapes. It includes orchard plantations, rolling slopes and ridges, wooded valleys, and sunken lanes.
4. The LCA identifies a number of detractors within this landscape, which includes new development that is out of character with local context and the loss of landscape features. It also includes the increasing suburbanisation of the wider rural landscape through the introduction of new domestic features and the intensification of modest rural properties through extensions and redevelopment.
5. The appeal site is located on the north side of Pralls Lane, which is a narrow private road that serves several properties and nursery/farm land. The appeal site comprises part of an old nursery and includes some old orchards,

grassland, clusters of trees, traditional brick built nursery buildings and a disused tennis court. The farm enterprise further along Pralls Lane includes some modern agricultural buildings and an Oast House.

6. The National Planning Policy Framework (the Framework), advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, having regard to local circumstances and the character, needs and opportunities of each area. With this in mind the Framework advocates a plan-led approach and states that planning policies and decisions should play an active role in guiding development towards sustainable solutions. The Framework also states that existing policies should not be considered out of date simply due to their age. Due weight should be given to them, according to their consistency with the Framework.
7. In relation to rural housing the Framework states that decisions should be responsive to local circumstances and support housing developments that reflect local needs. Housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
8. Collectively and amongst other things saved Policies LBD1, EN1 & EN25 of the Tunbridge Wells Local Plan 2006 (LP) and Core Policies 1, 3, 4 & 14 of the Tunbridge Wells Core Strategy 2010 (CS), seek to direct new residential development to the most sustainable locations and to reduce reliance on the use of private cars. Within villages and the rural areas new development is generally restricted to sites within the limits to built development (LBD). Outside the LBD's affordable housing to meet identified local needs may be allowed, as will the conversion of existing buildings (LP Policy H13). Also, where built development is proposed in the rural area, it is subject to there being no existing buildings or structures on the site that would be suitable for conversion to provide the required facilities.
9. The above policies also seek to conserve and enhance the Borough's rural landscapes and operate a policy of constraint to maintain the landscape character and quality of the countryside. The scale, layout and orientation of new buildings, along with their site coverage should respect the context of the site. Any new buildings should, where practicable, be located adjacent to existing buildings, or be well screened by existing vegetation.
10. Paragraph 130 of the Framework states that new development should be sympathetic to local character and history, including landscape setting and that it maintains a strong sense of place. In relation to the appeal proposal, I find that the above policies are generally consistent with the plan-led approach and the economic, social and environmental objectives, as set out in the Framework.

Location

11. Matfield is located just under 1 kilometre from the appeal site by road and includes a limited range of community facilities. Approximately two kilometres

to the north of the appeal site is the larger settlement of Paddock Wood, which has a broad range of community facilities, including a railway station.

12. The appeal site is not within or adjacent to any LBD's and the proposed dwelling would not relate visually or add to the growth of any settlements. Access to the above settlements via road is along the B2160, which in the vicinity of the appeal site is winding and devoid of street lights, pavements and bus stops. Due to these factors, together with the distances between the appeal site and the local settlements, the occupiers of the proposed dwelling would be highly likely to be reliant on the use of private vehicles for most trips.
13. As pointed out by the appellant, planning permission has been granted for the conversion of the former farm office and garage to provide a new dwelling and that with the appeal proposal these buildings would be demolished. However, the Development Plan policies and the Framework allow for the conversion of existing rural buildings. This is because conversions make use of existing buildings and infrastructure. In relation to energy efficiency the conversion scheme would need to be assessed against the current building regulations and an electric vehicle charging point could be installed. This is consistent with the objectives of CS Policy C5. In addition, the proposed dwelling is materially larger than the existing conversion scheme and it would encroach into a part of the nursery site that is currently devoid of buildings.
14. For these reasons the existing conversion scheme is not comparable and does not set a precedent for the appeal proposal.
15. The appellant has referred to an appeal that was allowed in Frittenden, for the replacement of an existing barn with planning permission to convert to a dwelling, with a new build dwelling. However, in that case the existing building was on the same footprint as the barn and so is not comparable to the appeal proposal.
16. For these reasons, I conclude on the first main issue that the site is not situated in an accessible location within or adjacent to a LBD and the proposal would conflict with CS Policy 14, LP Policy LBD1 and paragraphs 8, 9 and 47 of the Framework.

Character and appearance

17. The proposed house would be sited in the largely undeveloped gap between the existing nursery buildings and Swan Cottage. It would project above the front boundary hedge; the existing narrow access off the lane would be widened and hard surfaced to provide a new access; and parking area and the dwelling would occupy a large residential plot. As a result of these factors the proposal would have an urbanising impact which would materially and unacceptably harm the rural character and appearance of the site, Pralls Lane and the surrounding area.
18. I conclude on the second main issue that the proposal would materially harm the rural landscape and the character of the countryside. It would therefore conflict with CS Policies 4 & 14, LP Policies LBD1, EN1 & EN25 and paragraph 130 of the Framework.

Planning Balance and Conclusion

19. Both the Council and the appellant advise that the Borough does not have a deliverable supply of sites to provide a minimum five-years supply of housing sites. On 1st April 2022 the housing land supply was 4.49 years.
20. Therefore, although the level of housing land under supply is not large, the development plan policies that are most important for determining the appeal are out-of-date and the tilted balance as set out in paragraph 11d of the Framework is engaged. In this instance criterion i is not applicable, but criterion ii is.
21. The council has already granted planning permission for the conversion of the former farm office and garage to provide a small dwelling, which would be demolished as part of the appeal proposal. As such, the proposed dwelling would not increase the number of additional dwellings on the site. Whilst the proposed dwelling would be materially larger than the approved dwelling no evidence has been submitted relating to any greater local need for larger dwellings. Accordingly, notwithstanding the shortfall in the Borough's housing land position I give very little weight to this benefit of the scheme in the planning balance.
22. The provision of a larger house on the site would not necessarily make more efficient use of the site, as encouraged in Section 11 and paragraph 130 of the Framework. This is because the proposal would increase the sprawl of development within this rural area, without increasing the number of dwellings or meeting a specific housing need in relation to dwelling size. Accordingly, having regard to the harm that the overall scheme would result in, this is a benefit to which I give no weight in the planning balance.
23. The construction of the proposed dwelling would provide employment and the occupiers of the proposed dwelling would likely support local services and facilities. In these ways the proposal would support the economic and social objectives of sustainable development. The approved dwelling would similarly provide such benefits, albeit on a smaller scale. Having regard to the modest nature of the proposal this is a benefit to which I give very little weight in the planning balance.
24. I have found that due to its location, the proposed dwelling is not in an accessible location and that it would unacceptably harm the character and appearance of this rural area. It would conflict with the policies set out above, which in relation to the appeal proposal are consistent with the policies within the Framework as a whole. For the reasons set out above I give this harm and conflict significant weight.
25. Overall, for the reasons set out above the proposal would conflict with the environmental objective of sustainable development. This weighs heavily against the proposal.
26. The lack of a five-year supply of housing land and the level of shortfall stated does not automatically lead to the grant of planning permission. In this instance the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits resulting from the proposal when assessed against the policies in the Framework taken as a whole. I therefore find that the presumption in favour of sustainable development should not be applied.

27. The proposal would conflict with the development plan and this conflict is not outweighed by other material considerations, including the provisions of the Framework and in particular paragraph 11. Accordingly, for the reasons stated above and taking all other matters into consideration, I conclude that the Appeal should be dismissed.

Elizabeth Lawrence

INSPECTOR