



Appeal Decision

Site visit made on 21 March 2023

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/M2270/W/21/3287487

Land at Crittenden House, Crittenden Road, Matfield, Tonbridge TN12 7EN

- 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 JME Development Management LLP against the decision of Tunbridge Wells Borough Council.
 - The application Ref 21/02470/FULL, dated 15 July 2021, was refused by notice dated 5 November 2021.
 - The development proposed is construction of new dwelling in place of permitted residential conversion.
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Decision

1. The appeal is allowed and planning permission is granted for construction of new dwelling in place of permitted residential conversion on land at Crittenden House, Crittenden Road, Matfield, Tonbridge TN12 7EN in accordance with the terms of the application, Ref 21/02470/FULL, dated 15 July 2021 and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Main Issues

2. The main issues are:
 - Whether the proposed dwelling would be in a sustainable location, having regard to national and local planning policy;
 - The effect on the character and appearance of the area;
 - The effect of the proposed development on the setting of Crittenden House and garden which is listed at Grade II, and the effect on the setting of the historic park farmstead which is a non-designated heritage asset; and
 - The effect on biological and ecological interests.

Reasons

3. The appeal site comprises a narrow strip of land to the south of Crittenden House and its grounds. A large metal-clad steel framed utilitarian agricultural building and a smaller building lie the centre of the plot. These buildings are redundant for agricultural purposes. Planning permission was granted in 2019 for alterations and extensions to convert the buildings to a 4 bedroom dwelling

and following the start of works on site, the benefit of a Lawful Development Certificate¹.

4. The appeal proposal consists of a new house further back on the plot which would replace the permitted alterations and extensions to the agricultural buildings to form a dwelling.

Location

5. The first reason for refusal notes that the scheme would introduce a new residential use into an unsustainable rural location outside the limits to built development defined in saved policies of the Tunbridge Wells Local Plan 2006 (LP). However, the permission referred to above for a larger dwelling on the same site is extant and represents a realistic fallback position. Future occupiers of the approved dwelling would access local services in Paddock Wood, Tonbridge and Tunbridge Wells in exactly the same way as future occupiers of the appeal scheme. As such the proposed dwelling would replicate a permitted residential use. Providing that the agricultural building is demolished, there would be no change in terms of the sustainability of the location. I conclude that there would be no conflict with the sustainability aims of saved policies LBD1, EN1 and EN25 of the LP or core policies 4 and 14 of the Tunbridge Wells Core Strategy of 2010 (CS). There would be no conflict with relevant advice in the National Planning Policy Framework (NPPF) of 2021.

Character and appearance

6. The site lies in an attractive area of mixed agriculture with woodland and hedges. As well as active farmsteads, the immediate area is peppered with individual dwellings of different designs and periods. Whilst agricultural buildings of various kinds are characteristic of the Matfield and Brenchley fruit belt, the existing blue metal clad barn is large and unusually conspicuous in the landscape especially seen from Crittenden Road. Its prominent appearance would be noticeably accentuated by the permitted conversion which would add significant areas of glass. It would be unduly assertive seen from the road from the south and would be an obvious residential conversion of substantial size, noticeably distracting from appreciation of the setting of Crittenden House. The effect on character and visual impact would be further emphasised by parked cars directly in front of the building and the inevitable domestic paraphernalia alongside it.
7. On the other hand, the proposed dwelling would be comparatively subdued in massing, form and materials. The opportunity to start from scratch has meant that its siting and design can better relate to the surrounding rural landscape. The building would be set back well away from the road and appreciably further away from Crittenden House. Parking would be located at the rear. The proposed siting allows effective vegetation screening to be introduced which could reflect local land use such as fruit trees, as the application drawings suggest.
8. Accepting the fallback position that residential use of the barns is a realistic prospect, the proposed dwelling would be significantly more preferable than the permitted conversion in terms of its impact on character and appearance. In terms of the High Weald Area of Outstanding Natural Beauty (AONB), which

¹ Refs 19/01093/FULL and 22/01923/LAWPRO

extends from Crittenden Road and from the ridge to the south, the appeal proposal would add to built form which conflicts with the principle of conserving and enhancing natural beauty, but would be significantly less obtrusive than the permitted conversion. I conclude on this issue that the conflict with the relevant LP and CS policies and the NPPF at paragraph 176 is substantially lessened compared with the permitted conversion. Given the likelihood that the conversion would be implemented, there is no policy impediment to granting planning permission on grounds of the effect on character and appearance.

Heritage significance

9. The heritage significance of Crittenden House derives mainly from its historic interest as a timber framed 17th century farmhouse with later alterations set in gardens that are in themselves a non-designated heritage asset. Now in separate ownership from the working farm buildings to the north, the main part of the grounds lie behind the house. However an important contributor to the setting of the property seen at the front are 4 ponds, once surrounded by a rich variety of plants collected by a previous owner, now somewhat neglected but still important features.
10. The existing steel clad implement store with permission for conversion is a prominent feature seen from the front of the house and in views from the road. It is purely functional and of no architectural interest. Its bulk and colourful blue cladding appear anachronous and unsympathetic within the setting of the listed building and seen alongside the garden. They are disassociated from the farmstead and the current agricultural operation. The harmful impact would be increased were it to be converted to a dwelling because the presently utilitarian appearance and uncluttered surroundings would become obviously domestic and distracting.
11. In these circumstances, given the likely prospect of conversion as a fallback position, there would be clear benefits to the setting and heritage significance of the listed building and the gardens if the barns were to be removed. The appeal scheme would be further away and behind trees and vegetation. The proposed external materials of traditional clay roof tiles, larch cladding and zinc would be low-key and would enhance the ability to appreciate the listed building and its historic interest.
12. There would be no conflict with the heritage protection aims of CS policies 4 and 14, saved policy EN25 of the LP or guidance in the NPPF.

Ecology

13. An Ecological Appraisal was completed in February 2019 and updated in September 2020 and June 2021. This provides a comprehensive assessment of the likelihood of protected species and makes recommendations in respect of birds, bats, Great Crested Newts and reptiles as well as planting and external lighting. Measures to enhance the ecology of the site are suggested. The information provided indicates that ecological interests have been fully considered in preparation of the application. I conclude on this issue that no conflict is found with the relevant parts of CS policies 4 and 14, LP policies EN1 and EN25, or guidance in the NPPF.

Conditions

14. Apart from the usual time limitation, conditions are necessary to control external materials, hard surfacing, boundary treatment, external lighting and landscaping in the interests of the character and appearance of the area. The existing buildings must be demolished completely before occupation takes place to avoid a profusion of built form. Biological net gains and ecological enhancements are to be put in place before occupation in accordance with the recommendations of the submitted appraisal. Details of the sustainable drainage system and the sewage package treatment plant are required to be approved in view of the ecologically sensitive surroundings and the need to avoid unacceptable run-off. Measures to protect existing hedges and trees are required together with replacement planting in the event of damage or disease, to be prepared in conjunction with a Arboricultural Method Statement and Tree Protection Plan. The identified vehicle parking spaces need to be retained in perpetuity. A restriction on permitted development is imposed in order to be able to properly control development on the site, which is in a sensitive rural location.

Conclusion

15. In this case, the environmental benefits of re-using the existing buildings are outweighed by the smaller volume, lower visibility in the landscape and more sympathetic building envelope of the appeal scheme. The materials to be used for the driveway are within the control of the Council as is the extent of the garden and planting. For all the above reasons, the appeal should be allowed.

Paul Jackson

INSPECTOR

Schedule of 13 conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) No occupation of the dwelling hereby approved shall take place until the existing barns subject of applications ref 19/01093/FULL and 22/01923/LAWPRO including slabs have been completely demolished and removed from the site.
- 3) The development hereby permitted shall be carried out in accordance with the following approved plans:
Site location plan, Proposed and existing block plan, Proposed plans and elevations, 3502.10 General Arrangement, 3502.11 Location and site plans, 3502.14 Proposed Attic Floor Plan, 3502.13 Proposed First Floor Plan , 3502.16 Proposed Front - North East – Elevation, 3502.12 Proposed Ground Floor Plan, 3502.17 Proposed Rear - South West – Elevation, 3502.15 Proposed Section Through Entrance Bay, 3502.18 Proposed End Elevations.
- 4) 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.

- 5) No above-ground construction work shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority;

- i) Details of all surfacing materials for areas of hard surfacing.
- ii) Details of all proposed fencing and boundary treatment.

The development shall be carried out in accordance with the approved details.

- 6) Prior to occupation of the dwelling hereby approved, measures set out in the Marsh Environmental updated Preliminary Ecological Appraisal of June 2021 shall be implemented in full in accordance with the Appraisal and where appropriate, retained and maintained.
- 7) Prior to the first occupation of the dwelling hereby permitted, details of any external lighting to be installed shall be submitted to, and approved in writing by the Local Planning Authority. Any external lighting shall not be installed other than in accordance with the approved details.
- 8) Before any works commence on site, details of the proposed method of foul and surface water treatment and disposal shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the first residential occupation.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes A-E of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order).
- 10) No development shall take place until a landscaping scheme in accordance with drawing 3502.11 has been submitted to and approved in writing by the local planning authority. The scheme shall show any existing trees, hedges and blocks of landscaping on and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall fully detail all new planting, and shall include a planting specification, a programme of implementation and a 5 year management plan. The landscaping scheme shall be implemented in accordance with the approved details and programme.
- 11) Any existing trees or hedges retained or planted on site which, within a period of five years from the first occupation of the approved dwelling, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the Local Planning Authority.
- 12) The area shown on the approved plans as vehicle parking spaces shall be provided before first occupation of the dwelling hereby approved. It shall be retained for the use of the occupiers and visitors to the property. No

permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the dwelling hereby approved.

- 13) No development shall take place until details of tree protection in accordance with British Standard BS 5837:2012 have been submitted to and approved in writing by the Local Planning Authority. These details shall be set out in a standalone Arboricultural Method Statement (AMS) and scaleable Tree Protection Plan (TPP) or, where appropriate, a combined AMS/TPP or set of statements and plans.

The approved AMS and TPP shall be provided to the site foreman prior to commencement of development, and all contractors on site shall be made aware of the specified tree protection measures.

The AMS and TPP shall cover all trees to be retained which could be impacted by the development, and shall include specific measures to protect these trees through all phases of the development, including measures for:

- the location of site facilities and materials storage;
- demolition of existing structures/hard surfaces;
- changes in ground levels, including the location of construction spoil;
- excavation, including for drainage and other services;
- installation of new hard surfaces; and
- preparatory works for new landscaping

where these may encroach into root protection areas and/or present canopy spreads.