



Appeal Decision

Site visit made on 9 February 2023

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/M2270/W/22/3294725

Glen Cove, The Common, Sissinghurst, CRANBROOK, TN17 2AJ

- 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 June Higgs against the decision of Tunbridge Wells Borough Council.
 - The application Ref 21/02908/FULL, dated 24 August 2021, was refused by notice dated 26 October 2021.
 - The development proposed is a new 3 bed single storey dwelling with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development upon the character and appearance of the streetscene and surrounding area; and
 - whether the proposed development would be in an appropriate location, with regard to accessibility

Reasons

Character and Appearance

3. The overall area has a rural, semi-agricultural appearance with a varied and complex landscape, characterised by unimproved pasture with a mixture of limited residential and commercial development. Specifically, the appeal site has the appearance of undeveloped open land and is currently devoid of any built form. As such, the appeal site currently makes a positive contribution to the rural setting of the area. There is a petrol station, workshop and second hand car forecourt in the immediate vicinity on the other side of Starvenden Lane. Nonetheless, the scope of this existing development is not of a scale that fundamentally alters the rural setting of the appeal site.
4. There would be some limited screening from the highway and nearby properties, due to the hedges which will encircle the perimeter of the appeal site. Although the prevailing area around the appeal site is generally flat, the proposed development is also set back from the perimeter to best utilise the screening available. However, given the flat landscape of the land, the overall visibility of the building would remain high despite the set back. Furthermore, although the proposed development is of limited scale, it is still of a sufficiently large size, such that the views would not be adequately mitigated by the

screening which is available. As such, the appeal scheme would not harmonise with the character of the local area.

5. The proposed development would introduce additional domestic paraphernalia to an otherwise undeveloped site. As such, it would detract from the rural setting of the site and would harm the character and appearance of the street scene and the surrounding area, by introducing further urban development into the countryside.
6. In conclusion, the proposed development would therefore not be sympathetic to local character and the surrounding landscape setting, contrary to Section 12 of the National Planning Policy Framework 2021 (the Framework). The appeal scheme would not respect the context of the site and would have a significant impact on the landscape character of the locality, contrary to policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan (2006). It would also not conserve and enhance the public realm or adopt a policy of restraint to maintain the landscape character of the countryside, contrary to Core Policies 4, 5 and 14 of the Tunbridge Wells Borough Local Development Framework Core Strategy (2010). Additionally, it would fail to conserve the Sissinghurst's landscape character as wooded farmland, contrary to the objectives of the Tunbridge Wells Borough Landscape Character Assessment (2017).

Location and accessibility

7. Access to the site is via a field gate from Starvenden Lane, which then immediately leads onto the A229. There are no footways alongside Starvenden Lane or the A229 and the roads themselves are generally unlit. As such, they would not be safe for use after dark for anything but vehicular traffic. The grass verges in either direction are uneven, and unsuitable for walking, cycling or use by wheelchairs. In certain locations, the grass verge does not exist, therefore pedestrians would be forced to walk in the A229. Due to the fast moving traffic, this may put anyone attempting to do so at considerable risk. Therefore, the site would not be suitable for the purposes of pedestrian, cycling or wheelchair access, irrespective of whether the area is better served than other surrounding settlements.
8. The Appellant submits that residents of the site would have access to regular bus services, however, given the above characteristics and location of the proposed development, there would be a high reliance on the private car for day to day access requirements.
9. Whether or not the site should be regarded as previously developed land, this site is located in the countryside, beyond the Limits to Built Development (LBD) in an area where development would normally be restricted. As such, it would not be in accordance with the policy of restraint for development in the countryside.
10. For the above reasons, I conclude that the proposed development would not be in an appropriate location, with regard to accessibility. The location of the site and the availability of services would require future residents to rely heavily on private vehicles for most trips, therefore it would not support a move to a low carbon economy, contrary to paragraphs 8(c) and 152 of the Framework. The proposed development would also not accord with LBD1 of the Tunbridge Wells Borough Local Plan (2006), and Core Policies 6 and 14 of the Tunbridge Wells

Borough Local Development Framework Core Strategy 2010, which require development to be well related to the LBD of the village they serve.

Other Matters

11. I have been referred to recent appeals and decisions at Steel Cross, Crowborough; Goblins Glade; Forsters Lodge, Goudhurst and Hayselden Cottage. While there may be locational similarities, I am not aware of the particular circumstances of those cases and as such, I have insufficient information to determine whether they are directly comparable. As such, these decisions do not lead me away from my earlier findings.
12. I have considered the benefits that would arise from the proposed development. The provision of a single dwelling towards housing need would be a minor social benefit. Additionally, the construction of the proposed development to passive house standards is a minor environmental benefit.

Planning Balance

13. The Council cannot currently demonstrate a five-year supply of deliverable housing sites in accordance with paragraph 73 of the Framework. As such, paragraph 11 of the Framework applies and the policies which are most important for determining the application should be deemed to be out-of-date. Consequently, permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
14. As described above, the benefits associated with a single dwelling would be limited even taking account of the objective of boosting significantly the supply of housing in the Framework and the Council's housing land supply position. I recognise that economic advantages would also arise from the construction and occupation of a new house, however, this would be minor as a single dwelling.
15. Consequently, the adverse impacts on the character & appearance of the area and the limited accessibility of the appeal site outside of the LBD, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

16. For the reasons given above, and having regard to all other matters raised, I find that the proposal conflicts with the development plan read as a whole. There are no material considerations, including the policies of the Framework that have been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. I, therefore, conclude that the appeal should be dismissed.

S Lo

INSPECTOR