



Appeal Decision

Site visit made on 29 June 2023

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2023

Appeal Ref: APP/M2270/W/22/3297919

**Land rear of Maynard Cottages, Brenchley Road, Matfield, Tonbridge
TN12 7PW**

- 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 Nelson against the decision of Tunbridge Wells Borough Council.
 - The application Ref 21/03865/FULL, dated 18 November 2021, was refused by notice dated 24 January 2022.
 - The development proposed is described as 'change of use and conversion of an existing outbuilding to provide a 2-bed holiday let with associated amenity area, landscaping and parking on land to the rear of Maynard Cottages, Brenchley'.
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Decision

1. The appeal is allowed and planning permission is granted for change of use and conversion of an existing outbuilding to provide a 2-bed holiday let with associated amenity area, landscaping and parking on land to the rear of Maynard Cottages, Brenchley Road, Matfield, Tonbridge TN12 7PW in accordance with the terms of the application, Ref 21/03865/FULL, dated 18 November 2021, subject to the conditions set out in the schedule below.

Preliminary Matters

2. The Council have referred to policies of an emerging local plan, which I understand is currently under examination. Based on the information before me I am unclear how far away these policies are from adoption, or in what form they will be adopted post examination. I can therefore afford them very limited weight. In any case, I have determined the appeal having regard to the adopted development plan at the time.

Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the area including the Area of Outstanding Natural Beauty (AONB) and whether it would be appropriate for use as a holiday let.

Reasons

4. The appeal site is positioned beyond the northern side of Brenchley Road, predominantly behind 1 and 2 Maynard Cottages. These form part of a cluster of development which line both sides of Brenchley Road which vary in their character and appearance and are set back from the road by varying degrees. While the appeal site itself is largely flat, it sits on high ground above the level of Maynard Cottages and accessed by a steep driveway from Brenchley Road.

It is bound by woodland to the north as well as a belt of trees to the west. The southern site boundary is staggered and displays varying boundary treatments, trees and shrubs which separate the site from Maynard Cottages.

5. The site previously formed part of the grounds of 2 Maynard Cottages, but has now been severed from that property. The site, nonetheless, retains features typical of a residential garden, including decking, outdoor seating, two sheds and the remnants of a pond.
6. The existing building on the appeal site is in a dilapidated condition, comprising disjointed elements and projections including a central canopy over an area of decking. The Inspector of the previous appeal¹ described it had a 'ramshackle shed like appearance of poor quality' and this remains consistent with the building I observed during my site visit. The harm caused by the development was also described as significant. I observed that the existing building experiences very little visibility from the surrounding area, although this may be subject to change throughout the year when leaf coverage is less.
7. Policy T3 of the Tunbridge Wells Borough Local Plan 2006 (the LP) permits new tourist accommodation outside the Limits to Built Development where it comprises the change of use or conversion of a listed building, a building whose loss would be detrimental to the character of the countryside, or an existing building in keeping with its surroundings. In considering the condition and appearance of the building together with the findings of the previous Inspector, the building is not one which would meet any of the criteria listed in Policy T3. The proposal would therefore conflict with Policy T3. The appellant has raised the issue of the consistency of that policy with the National Planning Policy Framework (the Framework), which I return to below.
8. The proposal entails alterations to the building intended to improve its appearance. Most notably this would include the application of black and natural finish weatherboarding to the facades, replacement and alterations to openings and removal of the existing central canopy feature. Together these alterations would create a more consistent and uniform character across the building, repairing the attributes of the building's appearance which the previous Inspector found to be harmful. There is not substantive evidence that harmful lightspill would occur from the building, particularly given the existing windows and rooflights and external lighting could reasonably be controlled by condition as suggested by the Council. I have no reason to doubt the appellant's claim that they would otherwise retain the existing building and I strongly disagree that allowing the deterioration of the building overtime would reduce visual harm.
9. Given the previous use of the site as part of a residential garden, and given the character of the existing site, which already includes a driveway, parking areas, pond and seating areas, I do not find the proposal would give rise to a significant or harmful increase in paraphernalia on the site.
10. The position of the building, its orientation and relationship to the surrounding pattern of development on Brenchley Road would remain unchanged. However, as a result of those alterations proposed, the building would appear akin to a residential outbuilding and visually subservient to, rather than competing with, the taller built forms nearby. In addition, there would be very limited visibility

¹ APP/M2270/C/18/3206910 – decision of 17 July 2019

of the building from the surrounding area given the narrow width of the access together with the dense woodland, trees and the buildings of Maynard Cottages which surround it. Some visibility would be possible from private view points of those nearby properties, however, given the particular attributes of the proposal and the existing circumstances, I do not find that harm would arise in the outlook or appreciation of local character from those views. Additional planting proposed would further reduce visibility from the south.

11. For these reasons taken together, I find the proposal would conserve and enhance the landscape character of the AONB and the character and appearance of the area more generally. The proposal would comply with Policy EN25 of the LP, as well as Core Policies 4 and 14 of the Core Strategy 2010 (the CS), which relate, among other things, to landscape character.
12. Conflict has been identified with Policy T3 of the LP in respect of the suitability of the building to provide a holiday let. However, in its restrictive approach this policy is not wholly consistent with the Framework. Paragraph 84 of the Framework states that decisions should enable sustainable growth and expansion of all types of business in rural areas, including through conversion of existing buildings, which would be the case here. I have no strong reason to believe the building is not capable of such a conversion and accordingly, I apportion limited weight to the proposal's conflict with Policy T3. As such I find the building to be suitable for the proposed use.

Other Matters

13. I note the concerns of third parties relating to the planning history of the site, the lawfulness of the existing building and access and compliance with the earlier enforcement notice. I have had regard to the evidence before me, in particular the Council's comments on these matters. I do not find these to amount to reasons to withhold planning permission and matters relating to enforcement are for the Council.
14. Despite the distance from services and facilities, I do not find such accessibility to be necessary for the proposed use and vehicle movements associated with the use would be materially different to a house, as described by the Council. There is not substantive evidence to suggest that the proposal would cause harm to biodiversity, particularly given the intended biodiversity enhancements to the site, which could be secured by a planning condition.

Conditions

15. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording and also added a condition on which comments from the main parties have been sought.
16. In addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. To ensure the development conserves and enhances landscape character, conditions are necessary to ensure that details of the final cladding are clarified, that external lighting be subject to approval and that the improvements to the building are carried out prior to its first use. In the interests of highway safety, the parking areas should also remain available and

unobstructed and, in the interests of biodiversity, the proposed ecological enhancements should be secured. A condition is necessary to secure the use for holiday lets as proposed, however in the absence of evidence to the contrary I do not consider it necessary or reasonable for planning purposes for the appellant to retain details of occupants.

Conclusion

17. Although the proposal would conflict with part of the development plan, for the reasons given I afford those conflicts limited weight and the proposal can be considered as compliant with the development plan, when read as a whole. The appeal is therefore allowed.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: DHA/15876/11 Rev.A, DHA/15876/12, DHA/15876/13 Rev.A.
- 3) Prior to its installation, details of the external cladding to be installed to the building shall first be submitted to and approved in writing to the local planning authority. The development shall be carried out only in accordance with the approved details.
- 4) Prior to the first use of the building for the purposes hereby approved, the external changes to the building shall be carried out in accordance with the details shown on drawing DHA/15876/13 Rev.A and as approved by condition 3.
- 5) The development hereby approved shall be used as holiday let accommodation only and shall not be occupied or let as an independent sole/main residents for any individual or group. The development shall not be occupied by the same person for a period longer than six weeks, or occupy the development within a period of three months of vacating the accommodation.
- 6) The areas shown on drawing DHA/15876/11 Rev.A as parking areas and a driveway shall remain available for the parking and maneuvering of vehicles at all times.
- 7) No external lighting shall be installed to the site unless details have first been submitted to and approved in writing by the local planning authority. Any external lighting shall be installed only in accordance with those details.
- 8) The biodiversity enhancements shown on drawing DHA/15876/11 Rev.A shall be installed within six months of the first use of the building and shall be so maintained.

End of Schedule