



Appeal Decision

Site visit made on 15 March 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2022

Appeal Ref: APP/M2270/W/21/3277755

Ridge Farmhouse, The Down, Lamberhurst, Kent TN3 8ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Leng against Tunbridge Wells Borough Council.
 - The application Ref is 20/02428/FULL.
 - The development proposed is garage conversion to form new office, changes to fenestration and creation of new access in field.
-

Decision

1. Planning permission is refused and the appeal is dismissed.

Preliminary Matter

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. There are no substantive changes relevant to the appeal before me and therefore no interested parties would be prejudiced by my consideration of the 2023 version of the Framework.

Main Issue

3. The main issue is the effect of the proposed access on the character and appearance of the area, with particular regard to the effects on the Lamberhurst Down Conservation Area (CA) and High Weald Area of Outstanding Natural Beauty (AONB).

Reasons

4. The existing lane adjacent to the appeal site is narrow and bound by a long stretch of hedgerow to its western side. Despite some patches of damage, the hedgerow provides a strong sense of enclosure to this side of the lane as well as to the edge of The Down opposite, which comprises open grassland and sporadic mature trees. The enclosing effects of this part of the hedgerow are particularly apparent when approaching The Down from the north.
5. The site is within the Lamberhurst Down Conservation Area. The Lamberhurst and The Down Conservation Area Appraisal 2002 describes this part of the CA as having an introvert character, where The Down is well contained by buildings, trees and boundaries which limit views and vistas. It describes a loose edge to The Down with a stronger containing hedge and tree line. For these reasons together, the sense of enclosure to the lane and to this western side of The Down contribute positively to the character and appearance of the CA. Lanes of rural character and these attributes of the CA also contribute

positively to the landscape character of the High Weald AONB and National Landscape.

6. The proposal would entail the removal of the existing hedgerow and planting of a new hedgerow set back from the edge of the road, creating a grass verge at the road edge, as well as inserting the associated access. The replacement hedgerow would take a period of time to become established and, by reason of its set back and the puncturing by the new access, would together result in a reduced sense of enclosure to the lane. This would result in a dilution of the character of the lane and to this part of the CA and accordingly, the proposal would neither preserve nor enhance the character or appearance of the CA. For the purposes of the Framework, the proposal would lead to less than substantial harm to the significance of this heritage asset and this harm should therefore be weighed against the public benefits of the proposal.
7. The appellant intends to use the field for growing lavender and willow which require agricultural machinery. The appellant accepts, however, there is currently access into the field from the driveway albeit it is not currently suitable for larger vehicles. Based on the information before me, it has not been demonstrated that other options, for example using that existing access, would not be feasible, nor is it apparent that the use of the field for these purposes would amount to a public benefit, rather than one private to the appellant. For these reasons, I ascribe little weight to the public benefits of the proposal. Overall, the public benefits would not outweigh the harm to the designated heritage asset of the CA, to which I am required to give great weight.
8. For the same reasons, through the loss of enclosure and puncturing of the long stretch of hedgerow, the proposal would fail to both conserve and enhance the special landscape character of the High Weald AONB. As a consequence the proposal would conflict with policies EN1, EN2 and EN25 of the Tunbridge Wells Borough Local Plan 2006, as well as Core Policy 4 of the Tunbridge Wells Borough Core Strategy 2010, which together relate to the conservation of the Borough's landscape and heritage assets. The proposal would conflict with the Framework insofar as it requires great weight to be given to a heritage asset's conservation, and to conserving and enhancing landscape and scenic beauty in AONBs.

Other Matters

9. The proposal would be close to the grade II listed buildings of Ridge Farmhouse and Vineyard Oast. Given the distance of the proposals from those buildings, together with intervening structures and landscaping, the proposal would not form a part of their setting.

Conclusion

10. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, planning permission is refused and the appeal is dismissed.

C Shearing

INSPECTOR