



Appeal Decision

Site visit made on 26 March 2024

by D Wilson BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th April 2024

Appeal Ref: APP/M2270/W/23/3327138

Parcel of scrubland, formerly part of the garden of White Lodge, located on the South side of Horns Road, Hawkhurst and sited between White lodge and The Garden House

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Perry Jones against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 23/00729/OUT.
 - The development proposed was originally described as outline application for one detached house with associated garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted in outline form with all matters reserved for future consideration. I have determined the appeal on this basis, treating the submitted plans and details provided as illustrative.
3. The description of development in the heading above has been taken from the planning application form. As part of the appeal the appellant has requested a change in the description of development. However, neither of the main parties have provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England became "National Landscapes" and I have therefore replaced references to AONB's to National Landscapes.

Main Issues

5. The main issues are:
 - whether the location of the proposed development would be in accordance with the Council's spatial strategy with particular regard to access to facilities and services; and
 - the effect of the proposal on the character and appearance of the area, having particular regard to whether it would conserve and enhance the landscape and scenic beauty of the High Weald National Landscape.

Reasons

Location

6. Policy 14 of the Tunbridge Wells Borough Core Strategy (2010) (CS) states that new development will generally be restricted to sites within the Limits to Built Development as defined on the Proposals Map. This is broadly consistent with Paragraphs 83 and 84 of the National Planning Policy Framework (the Framework) which seeks to ensure developments enhance or maintain the vitality of rural communities and avoid the development of isolated homes in the countryside.
7. The appeal site is located outside of the Limits to Built Development and is therefore considered to be located within the open countryside. Policy LBD1 of the Tunbridge Wells Borough Local Plan Adopted March 2006 (LP) states that outside the Limits to Built Development, development will only be permitted where it would be in accordance with all relevant Policies contained within the LP.
8. The nearest settlement is The Moor, however, it offers only a limited number of services and as such, future occupiers would be more likely to need to travel to Hawkhurst to access the majority of services. There is a footway between the appeal site and Hawkhurst but the distance would require a moderate walk and is unlikely to be an attractive option for future occupiers.
9. The appeal site would be within a short walking distance of bus stops, which would provide access to Hawkhurst as well as Tunbridge Wells and Hastings. However, based on the timetables that I have been provided; these buses would be infrequent. I acknowledge that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and while there would be some scope to use sustainable transport methods to access day-to-day services these would generally be limited. I therefore consider that there would be a high reliance on a private motor vehicle to access services.
10. I note that the Council's Sustainability Officer has previously suggested that an hourly bus service could be considered a frequent service. However, I am not aware of the circumstances of this or whether the timetables have changed since this statement was made. In any case, for the reasons I have given I do not agree that an hourly service would constitute a frequent service.
11. I therefore conclude that the proposed development would not be appropriately located. It would therefore be contrary to Policies 6 and 14 of the CS, Policies LBD1 of the LP, Policy HD1(a) of the Hawkhurst Parish Council Neighbourhood Plan 2016-2033 (NP) and Paragraphs 83 and 84 of the Framework. Amongst other things, these seek to ensure that development is appropriately located.
12. The Council have referred to Policy 4 of the CS and Policies EN1 and EN25 of the LP however these relate to preserving the sense of place and character and sustainable design which are not relevant to the specific issue of the location of development. However, I will return to these below in my assessment of the second main issue.

Character and appearance and National Landscape

13. The appeal site is located within the High Weald National Landscape (the National Landscape). Paragraph 182 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty of National Landscapes.
14. The appeal site is an open area of scrubland which is situated between two existing dwellings. There are several dwellings that follow the road, most of which are characterised by being set within spacious grounds with mature trees and vegetation forming the boundaries. There are generous gaps between the properties and as a result, the area has a spacious and verdant character and appearance which contributes to the scenic beauty of the National Landscape.
15. The appeal proposal is in outline form and as such, details including the appearance and scale of the proposed dwelling are not before me. However, the appeal site is a small plot when compared to the characteristically larger plots nearby. As a result, it is likely that a dwelling within the site would appear cramped and out of place when compared to the larger dwellings nearby.
16. The provision of built form would also reduce the spacious gaps between the properties either side of the appeal site and result in a several dwellings being uncharacteristically close together. Overall, for the reasons outlined the proposed development would unacceptably harm the verdant and spacious character and appearance of the area and would fail to conserve or enhance the scenic beauty of the National Landscape.
17. The proposed development would therefore be contrary to Policies 4 and 14 of the CS, Policies EN1 and EN25 of the LP, Policy HD1(a) of the NP and Paragraph 135 of the Framework. Amongst other things, these seek to ensure that development preserves the sense of place and character.

Other Matters

18. Paragraph 70 b) of the Framework supports small sites to come forward for self-build and custom-build housing. The Self-Build and Custom Housebuilding Act 2015 requires local planning authorities to establish and publicise a register of those who are seeking to acquire serviced plots of land in the authority's area for their own self-build and custom housebuilding.
19. There is some disagreement between the parties in relation to the overall number of plots on the Register. However, it is clear that based on the information before me, there is a significant undersupply. The provision of a self-build home would therefore attract significant weight in favour of the appeal scheme, albeit this is tempered as the proposal is only for a single dwelling.
20. The appellant has referred to several examples of other appeals and developments in an attempt to justify the proposed development. I do not have the full details in respect of such examples so I cannot be sure of the circumstances of these. In any case, I have determined the appeal on its own merits, based on the evidence before me.

21. However, from observations the appeal at Greenacres Farm¹ is not located near the appeal site before me. Also, the Inspector assessed the proposal based on witnessing pedestrians and cyclists using a country lane to access bus stops with no information on how frequent these buses are, which differs from the appeal before me.
22. In regard to Meadow View² this is not located near the appeal site before me. The nearest settlement was also 1 mile away and the Inspector found that it could provide all the services for day-to-day living with the distance being accessible by walking or cycling which differs from the limited range of services near the appeal site before me.
23. Pembrol³ is located in a different area than the appeal before me and is also on a corner plot. While it may be a larger site than the appeal before me, the Inspector found the rural character and appearance would not substantially change. I have found differently in the appeal before me.
24. St Cuthbert's Lodge⁴ does not appear to be close to the appeal site and from the very limited information before me it would appear the site was previously a tennis court which differs from the open parcel of land before me.
25. In relation to the appeals⁵ put before me concerning self-builds, similar to the Inspectors in these decisions I have also attached significant weight to the provision of self-build housing.

Planning Balance and Conclusion

26. The provision of a self-built dwelling where there is a significant undersupply weights significantly in favour of the proposed development. However, it does not outweigh the inappropriate location and harm to the character and appearance of the area and the National Landscape.
27. For the reasons given above the appeal should be dismissed.

D Wilson

INSPECTOR

¹ APP/K2230/W/22/3297257

² APP/X1925/W/22/3290692

³ APP/M2270/W/21/3286416

⁴ 19/02772/FULL

⁵ APP/H1840/W/20/3255250, APP/B1930/W/20/3265925, APP/C1950/W/20/3265926, APP/D3125W/21/3274197, APP/F2415/W/22/3296353 and APP/T0355/W/22/3309281