
Appeal Decision

Site visit made on 18 September 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/M2270/W/24/3343315

Former Agricultural Building, Land West of Brewer Street, Lamberhurst, Kent TN3 8DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Stephen Humphreys against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 23/02329/FULL.
 - The development proposed is change of use of an existing, former agricultural building to a single dwellinghouse, along with ecological enhancements and parking provision, and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development in the decision notice as that form of wording was agreed in the application process. I have also removed reference to it being a resubmission of a previous application, as that is not a form of development.

Main Issue

3. The main issue is the effect of the proposed development, with particular regard to the parking, access, and garden elements, on the character and appearance of the area, including the High Weald National Landscape.

Reasons

4. The appeal site (the site) is outside the village of Lamberhurst, separated from it by open fields. A simple, roughly-laid access track leads to the site from residential areas at Brewer Street and Hopgarden Close which mark the western edge of the village. The track entrance is marked by a low, wide gate and by the termination of the formal roadway serving the houses. It is enclosed by dense greenery and leads on past the appeal site to agricultural fields and woodland beyond. A Public Right of Way (PRoW) exists over the track.
5. The appeal site comprises an unused barn on a tapering plot. Its western boundary is mainly marked by a simple, low, post and rail fence, whilst the southern boundary, which meets the PRoW, is not formally enclosed. The field to the immediate west of the site is a large, sloping agricultural paddock which is both picturesque and immediately recognisable as working rural farmland. The barn itself is visibly disused, but retains a clear agricultural character and

form which, combined with the informal site boundaries, connects it to the farmland beyond.

6. To the north and south of the appeal site lay occasional solitary properties, separate from the main body of the village. These are impressive, detached homes served by roads and formal drives and, as such, do not have the same agricultural setting or character as the appeal site. Overall, the distance and route from the village to the site, and its visual connection to the farmland beyond are such that the character of the site is strongly agricultural, as well as being secluded, and palpably beyond the edge of the village.
7. The proposal involves clearing greenery and a tree from the edges of the track to widen the usable surface area and allow vehicular access. Given the length of the track and the extent of the encroaching overgrowth, a significant amount of greenery would be removed and, thereafter, kept in check. This would erode the existing secluded, rural character of the track and the PRoW. It would also give the track the appearance of a continuation of the roadway from Brewer Street and Hopgarden Close, undermining the current clarity as to the edge of the village and the beginning of the countryside. Whilst new planting is proposed, most of this would occur elsewhere on the site and not mitigate the harm to the character of the track.
8. The existing site boundaries would be supplemented by new hedges and planting to enclose the site, screen views of domestic paraphernalia, and give privacy to the proposed garden area. In serving these purposes, the proposed planting would also visually segregate the site from the field to the west and the track to the south in a more pronounced way than the existing boundary treatments do. This would replace the sense of the barn being in, and part of, the surrounding countryside with one of it being insulated from it, giving the development an incongruous presence in the setting.
9. The proposed gravel drive would be smaller than the existing hardsurface on the southern part of the site but would replace the current area, which is practical, unfussy and open to the PRoW, with one far more ordered, accessed from a defined entrance, and leading to a neat path. This arrangement would erode the working, agricultural character of the site as experienced from the PRoW, and introduce a neat, formal layout at odds with the unkempt, agricultural setting.
10. The appeal site falls within the High Weald National Landscape (the NL, formerly Area of Outstanding Natural Beauty, AONB), where the National Planning Policy Framework (the NPPF) states great weight should be given to conserving and enhancing landscape and scenic beauty. The Planning Practice Guidance (PPG) sets out the relevance of management plans for AONB/NLs when assessing planning applications; whilst these do not form part of the development plan, they help to set out the strategic context for development and provide evidence of the value and special qualities of these areas. The High Weald AONB Management Plan (2024-29) (HWMP) is therefore an important material consideration.
11. The HWMP defines character components that make up the natural beauty of the AONB/NL. Protecting the landscape setting of villages by, amongst other things, maintaining hinterlands between settlements that contribute to local identity is an objective of the HWMP, and the erosion of AONB/NL character through the cumulative effects of suburbanisation is identified as one of the

top five issues faced. Examples of how this may occur are provided in the HWMP, but the list is not exhaustive. The development would fundamentally alter the character of the appeal site in way that would suburbanise it and erode the clearly defined edge of the village, to the detriment of the AONB/NL.

12. The proposed landscape scheme would adhere to the general rural and agricultural character of the area but, even in its disused state, the appeal site already does that. The scheme would not be an improvement in that respect therefore and, as such, is not capable of mitigating the harm identified. My attention has been drawn to permissions at Beacon Mill Cottage (refs 20/01215/FULL & 23/03257/FULL), Chicks Farm (refs 22/00250/FULL & 23/01533/FULL) and Bankside Farm (ref 23/01327/FULL). On the evidence, I am satisfied that all three sites are located directly onto existing roads and are neighboured by existing residential development. As such, those developments do not have the same erosive effect on secluded agricultural land as the appeal proposal would.
13. I appreciate the submitted Landscape and Visual Impact Assessment (LVIA) found the site and surrounding area to have low to medium sensitivity to development of the type proposed. This is based, in part, on there being “no significant views, and no significant effects, beyond the area of the site itself, the footpaths which pass the site and the adjacent fields to the west and south of the site”. In addition, the LVIA describes the site as comprising “the existing barn and its immediate surroundings, including the areas of hardstanding to its south and east and the rectangular area around it enclosed by post and rail (or post and wire to the east) fencing”.
14. The appeal site, however, also includes the access track, the change to which would be highly visible from Brewer Street and Hopgarden Close. Furthermore, the PRoW is part of an established network crisscrossing the local countryside and the alterations to the appeal site would be seen regularly by its users. Moreover, what effect the proposal would have on the quality of the landscape is not necessarily the same as that which it would have on the character of the area. Overall, the findings of the LVIA do not alter my conclusion, therefore.
15. For the reasons set out above the proposal, with particular regard to the parking, access, and garden elements, would harm the character and appearance of the area including the High Weald National Landscape by introducing development of a residential and suburban character at odds with the agricultural setting. This would conflict with Policies EN1, EN25 and H13 of the Tunbridge Wells Borough Local Plan 2006, and Core Policies 4, 5 and 14 of the Tunbridge Wells Borough Core Strategy 2010, which require development to protect local character including the character of the countryside, to conserve and enhance the AONB/NL, and focus residential development to existing settlements. It would also conflict with the similar aims of the Borough Landscape Character Area Assessment 2017 and the National Planning Policy Framework.

Other Considerations

16. Paragraph 226 of the NPPF states that certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing, rather than five. This applies to authorities which have an emerging local plan that has either been submitted for examination or has reached

Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need.

17. The Council has an emerging Local Plan that has been submitted to the Secretary of State for Examination and includes both a policies map and proposed allocations towards meeting housing need. It is therefore required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing. The Council can demonstrate a four-year supply of deliverable housing and, as such, the 'tilted balance' in favour of sustainable development set out in Paragraph 11(d) of the NPPF is not engaged.
18. On 30 July 2024, consultation on "Proposed reforms to the NPPF and other changes to the planning system" and the "National Planning Policy Framework: draft text for consultation" were published, as was the Secretary of State's written ministerial statement entitled "Building the homes we need". An indication has been provided of a possible new standard method for assessing housing need which may increase the requirement placed upon the Council. I give this limited weight at present as the proposed revisions do not form government policy and could be subject to further changes following consultation.
19. Notwithstanding the above, the benefits of the proposed development are material in my determination. The proposal would yield a net gain of one new house towards the Government's aim of significantly boosting supply. The delivery of new housing carries significant weight but is tempered in this case by the modest scale of the scheme. There would be temporary economic benefits associated with the construction phase and, thereafter, there would be ongoing local economic activity relating to the occupation of the site to the benefit of local facilities and services. Nevertheless, given the relatively modest scale of the proposal and the small number of new residents brought about, these benefits would be limited.
20. The proposal would renovate the site. Though the site is currently derelict, it retains an agricultural appearance and does not harm the amenities of the area. Whilst there is some evidence of vandalism and dumping at the site, neither is particularly prominent from outside the site and, in any event, I have no evidence that the proposal is the only means by which such issues could be addressed.

Fallback

21. The access track exists already, and the appellant may cut back the greenery around it at any time. Furthermore, I have no evidence that the planting of new hedgerows, trees or the erection of fencing at the site would, if undertaken in accordance with the terms of the General Permitted Development Order 2015 (as amended) in the case of the fencing, require planning permission. The prospect of these works being undertaken is greater than theoretical and is a material consideration, therefore.
22. I have no evidence that the greenery enclosing the track has been cut back at any time in the recent past, nor do I have evidence the appellant intends to do so in the near future, much less that they intend to keep it in check thereafter. Similarly, I have no evidence of any intention to plant new hedgerows or

trees, or erect new fencing, at the appeal site. Overall, the prospect of the works described above being undertaken independently to the proposed development attracts limited weight, therefore.

Planning Balance

23. On balance, the benefits from the appeal proposal would be greatly outweighed by the harm it would cause to the character and appearance of the area and by its failure to preserve and enhance the AONB/NL.

Conclusion

24. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

A Knight

INSPECTOR