
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/24/3338609

12 Flimwell Close, Flimwell, Wadhurst, Kent TN5 7PP

- 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 Ms Sheena Carlton against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 23/03213/FULL.
 - The development proposed is three storey dwellinghouse & detached garage upon land forming part of 12 Flimwell Close, Wadhurst.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed a reference to East Sussex from the description of development as the site is in Kent. Similarly, I have used the site address from the decision notice as it replicates that used in the application form but cites the correct county.

Main Issues

3. The main issues are:
 - whether the appeal site would be a suitable location for the proposed development, having regard to local and national policy, and;
 - the effect of the proposal on the character and appearance of the area, including the High Weald National Landscape.

Reasons

Location

4. The Tunbridge Wells Borough Local Development Framework Core Strategy 2010 (the CS) prioritises the allocation and release of previously developed land within the Limits to Built Development (LBD) of settlements, followed by selected adjacent sites, so as to deliver housing in a managed, plan-led fashion, and in pursuance of the aims of sustainable development (Core Policies 1, 6, and 14 refer). The appeal site is situated outside of the LBD as defined in Policy LBD1 of the Tunbridge Wells Borough Local Plan 2006 (the LP) and, as such, the appeal proposal does not have the support of these strategic policies.

5. The National Planning Policy Framework (the Framework) describes the purpose of the planning system as being “to contribute to the achievement of sustainable development”, an aim containing an environmental objective of mitigating and adapting to climate change. This includes moving to a low carbon economy achieved, in part, by the promotion of walking, cycling and public transport. Paragraph 159 requires new development to avoid increased vulnerability to the range of impacts arising from climate change. There is no evidence the appeal site is particularly vulnerable, but the requirement applies generally.
6. The appeal site is located off the busy A21, north of central Flimwell. Facilities including vehicle depots, a motel, and a public house mark the edges of the A21 between the appeal site and central Flimwell but, even in the village centre, there are very few shops. Modest facilities exist in Ticehurst, the next nearest settlement, but that is some two miles from the appeal site on the B2087, a road with few lights, intermittent pavements, and no cycle lanes. In all, occupiers of the proposed dwelling would be highly unlikely to walk or cycle there.
7. A bus service runs from the centre of Flimwell to Ticehurst and on to Royal Tunbridge Wells, offering connections to larger conurbations. However, I have little evidence to show the frequency and hours of this service. Even if it is reasonably comprehensive, the prospect of regularly walking from the appeal site to the bus stop is made unappealing by a combination of the distance, the speed of vehicles on the A21, and the lack of lighting on parts of the route. A National Express coach service to Ashford and London stops nearby but, again, I have little evidence as to the frequency and hours of the service. On the evidence provided, this is a longer-distance transport option that would not assist with daily shopping and activities.
8. Whilst any given future occupier may, notwithstanding the above, choose to use public transport or an electric car, neither can be assured. In all, the evidence does not demonstrate that occupiers of the proposed development would be so well served by public transport that reliance on the private motor car would be anything less than highly likely.
9. The proposed development would comprise an infill development as described in the reasoned justification to LP Policy H5 but, even if the appeal site shares characteristics with the settlements listed therein, the support within that policy for infill developments in those locations follows a process of examination and adoption. To apply the same support to the appeal site would undermine a plan-led approach to housing provision.
10. For the reasons set out above, the appeal site would be an unsuitable location for the proposed development, having regard to local and national policy, as it would encourage dependence on the private motor car and undermine a plan-led approach to housing development. As such, the proposal conflicts with saved Policy LBD1 of the Tunbridge Wells Local Plan 2006 and Core Policies 6 and 14 of the Tunbridge Wells Core Strategy 2010 as set out above, as well as with the similar aims of the National Planning Policy Framework.

Character and appearance

11. The appeal site is part of the land at a semi-detached house in a cul-de-sac of 12 dwellings (the close). These are laid out symmetrically around a central green, and display matching features including hipped gable roofs, tile-hung upper front walls, and squat, brick-built chimneys. Eaves and ridge heights are uniform throughout. Some of the houses have been extended or altered, but not at the expense of the features listed above and, in all, the close has a notable degree of architectural cohesion. The close is set back from the A21 with very little development around it. This visually separates it from the road, and combines with the elements described above to give it a sense of self-containment and completeness.
12. The appeal site falls within the High Weald National Landscape, formerly Area of Outstanding Natural Beauty (the NL). Outside the entrance to the close, the A21 is laid out in a wide dual carriageway flanked by a mix of mature trees, hedgerows, grass banks and verges. The absence of roadside development gives a strong indication of the rural character of the wider setting, which is glimpsed intermittently along the road. Only once the A21 has narrowed to a single carriageway on the approach to central Flimwell do roadside dwellings become visible. The boundary between the appeal site and the road is marked by mature trees to the south, but the northern part is largely open, save for a simple fence that runs the length of the site.
13. The proposed development includes a detached dwelling between 12 Flimwell Close and the A21. By extending the built form of the close on one side, the appeal proposal would significantly erode the existing balance and cohesion therein. The proposed dwelling would incorporate similar architectural detailing to the houses in the close but, as it would be far narrower than the pairs of semis, would nevertheless be strikingly at odds with neighbouring buildings. By introducing development between the close and the A21 the proposal would erode the visual separation between the two, undermining the separate, self-contained appearance of the close.
14. Even if the existing boundary fence and trees were retained and supplemented with additional landscaping, the proposed dwelling would be prominent from the A21 due to the height of the building on raised ground and the proximity of the dwelling to the road. It, along with the proposed garage, would introduce roadside development alongside the dual carriageway which would appear incongruous in the location. In eroding the undeveloped feel of land alongside the dual carriageway section of the A21 the proposal would conflict with the rural appearance of the roadside and fail to conserve and enhance the NL.
15. For the reasons set out above, the proposed development would cause harm to the character and appearance of the area, including the High Weald National Landscape, contrary to saved Policies EN1 and EN25 of the Tunbridge Wells Local Plan 2006 and Core Policies 4, 5 and 14 of the Tunbridge Wells Core Strategy 2010, where they require high quality design to respect site and landscape context, conserve and enhance rural landscapes, as well as with the similar aims of the National Planning Policy Framework which states great weight should be given to conserving and enhancing landscape and scenic beauty of NLs.

Other Considerations

16. Set against the harm identified, the proposal would deliver a net gain of one new house. The rooms and garden would be generous in size, and the house could be built quickly, particularly given the presence nearby of existing utilities. The development would use of previously developed land in a location which is not isolated. These benefits are significant but are tempered by the modest scale of the proposal.
17. The proposed dwelling would incorporate energy-efficient features including an air source heat pump and rainwater recycling. Measures, including within a landscaping scheme, could be undertaken to promote biodiversity as part of the development. There would be temporary and ongoing economic benefits from the development, and the presence of a new household to bolster a rural community. The proposed dwelling itself would be built to modern standards and minimise carbon emissions in that respect. Given the modest scale of the proposal and the overall contribution to emissions related to reliance on the motor car, these are minor benefits.

Planning Balance

18. 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, as set out at Paragraph 226 of the Framework. 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 Framework is not engaged. Nevertheless, the benefits of the proposed development are material in my determination.
19. 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". These contain indications of a greater presumption in favour of proposals for new homes and an emphasis on previously developed 'brownfield' land, which the appeal site is. 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.
20. The LP dates from 2006 and the CS from 2010 but the weight to be attached to them does not hinge on their age. Paragraph 225 of the NPPF makes it clear that due weight should be given to existing policies according to their degree of consistency with the NPPF. The aims of the policies cited in the reason for refusal broadly accord with those of the NPPF and, as such, I attribute significant weight to the conflict with them. The significant harm of increased car travel, the undermining of a plan-led approach to housing, and the harm to the character and appearance of the area would outweigh the benefits.

Conclusion

21. 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 dismissed, therefore.

A Knight

INSPECTOR