



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: 4th November 2024

Appeal Ref: APP/M2270/W/23/3330346

1 Great Bainen Cottages, School House Lane, Horsmonden, Tonbridge, Kent TN12 8BW

- 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 G Tracey against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 23/00092/FULL.
 - The development proposed is new dwelling to replace an existing stable building at the rear of Great Bainen Cottage, School House Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published in December 2023. The parts most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework. I am satisfied that no party's interests have been prejudiced by taking this approach.
3. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
4. The Council made its decision on plan Ref 2348/10/E. The appellant has supplied an amended plan Ref 2438/10/F, which materially alters the height and roof form of the proposed dwelling. The revised plan was not considered by the Council or consulted upon and, as such, I have determined the appeal on plan Ref 2348/10/E.

Main Issues

5. The main issues are:
 - Whether the site is in a suitable location for residential development, having regard to local and national planning policy and accessibility to services and facilities, and;
 - The effect of the proposal on the character and appearance of the area.

Reasons

Location

6. 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) as part of delivering housing in a managed, plan-led fashion, and in pursuance of the aims of sustainable development (Core Policies 6 and 14 refer). Whilst the site is previously developed, it is 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.
7. 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.
8. The nearest village to the appeal site (the site) is Horsmonden, which contains modest facilities but is some 2 miles journey away. I have no evidence that services and facilities required to support residential occupation exist any nearer, or that the site is served by public transport. I found the roads near the site to be unlit, narrow, and without footpaths or cycle lanes. Walking or cycling to services and facilities is likely to be an unattractive option given the above, particularly in adverse weather or during the hours of darkness. In all, it is highly likely that the majority of trips to access services and facilities would be undertaken by private car.
9. My attention has been drawn to the development of a neighbouring site following permission Ref 19/00006/FULL. This led to a net gain of two dwellings at that site, one the conversion of part of a former workshop, the other a new build. The circumstances in that case were materially different to those in the appeal, in that it involved the cessation of a lawful industrial use. The Council planning report for permission Ref 19/00006/FULL was explicit that the scheme brought residential amenity gains and lower traffic generation potential. I have no evidence of comparable benefits in respect of the appeal proposal and do not consider the development of the neighbouring site to act as a precedent, therefore.
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 to access services and facilities, 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 wider area around the appeal site is open and rural, and much of it is in agricultural use. On the approach to the appeal site a loose collection of

residential dwellings and agricultural buildings can be seen. Rather than forming a residential settlement, the sporadic nature of these structures and the mixed domestic and functional character therein accords with the agricultural setting. The developments immediately south and west of the appeal site have introduced a suburban element to the area, but this is contained within a narrow band at the far end of the access drive. The bucolic backdrop to the site and the approach roads combine to ensure that, overall, the appeal site is appreciated as part of a wider agricultural area.

12. The appeal site is part of a distinct, square-shaped area of land bound to the east and north by School House Lane, by a footpath and hedgerow to the south, and by agricultural land to the west. The houses resultant from permission Ref 19/00006/FULL are set out along the southern edge of the land, two semi-detached cottages are to the eastern edge, and Foxglove Cottage is on the western edge. The central part of the land is mostly undeveloped save for an access road and driveways, simple fencing, and the existing stable building at the appeal site. This dispersed pattern of development is evident from the access road leading to the appeal site, and from neighbouring homes. It accords with the character of the wider area as described above.
13. The stable building is a modest structure, low in height and rustic in appearance. It is small enough to allow views of dwellings and land beyond, and has an unfussy, unobtrusive presence that respects the openness of the central section of the land. The appeal proposal would introduce a residential dwelling to the site in place of the stables. Even if locally sympathetic materials were used, the dwelling would be modern and contemporary in style, and significantly taller than the stables. It would reduce views beyond the appeal site from neighbouring land and be oriented directly towards the access road, set back little more than required to provide vehicle parking. In these respects, it would introduce development of a formal and distinctly suburban character to the largely undeveloped central area of the land, undermining the dispersed, rural character of the land and the wider area.
14. For the reasons set out above, the proposed development would cause harm to the character and appearance of the area, contrary to Policies LBD1, EN1 and EN25 of the Tunbridge Wells Local Plan 2006 and Core Policies 4 and 14 of the Tunbridge Wells Core Strategy 2010, where they require high quality design to respect site and landscape context, and conserve and enhance rural landscapes. It would also conflict with the similar aims of the National Planning Policy Framework which seeks, amongst other considerations, to achieve well-designed and beautiful places through developments that are sympathetic to local character.

Other Matters

15. Any dispute over rights of access to the appeal site is a private civil matter and has not been material in my determination, therefore.
16. I note concerns as to the accuracy of the plans. I see no evidence that any discrepancy in these respects is material to the main issues in this appeal and have based my determination on the plans that were before the Council, and upon which it based its decision, therefore.

Other Considerations

17. Set against the harm identified, the proposal would deliver a net gain of one new house that could be built quickly. The development would make 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.
18. There would be temporary and ongoing economic benefits from the development, and the presence of a new household to bolster a rural community. Given the modest scale of the proposal, these are moderate benefits.

Planning Balance

19. The Council have not demonstrated a five-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 engaged.
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 Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The aims of the policies cited in the reason for refusal broadly accord with those of the Framework 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. Therefore, the proposal would not constitute a sustainable form of development in terms of the Framework.

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