



Appeal Decision

Site visit made on 22 October 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2024

Appeal Ref: APP/M2270/W/24/3340554

Little Manor, Staplehurst Road, Frittenden, Cranbrook, Kent TN17 2EA

- 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 Lance French against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 23/03033/FULL.
 - The development proposed is the erection of single-storey dwelling including a ground source heat pump and integrated solar panels.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development has been taken from the decision notice as this more succinctly describes the proposal. I note that this has also been used in the appeal form.

Main Issues

3. The main issues are:
 - whether the proposal would be in a suitable location for housing, having regard to the development strategy for the area and access to services and facilities; and
 - the effect of the proposed development on the character and appearance of the area, including setting of nearby listed buildings.

Reasons

Suitability of location

4. The site lies in the countryside for the purposes of planning policy, outside the Limits to Built Development (LBD) defined by Policy LBD1 of the Tunbridge Wells Borough Local Plan 2006 (the LP). Core Policies 1 and 6 of the Tunbridge Wells Borough Local Development Framework Core Strategy 2010 (the CS) seek to direct new housing to within the LBD or sites otherwise allocated for the delivery of housing. Core Policy 14 reinforces this position in relation to development proposed in the villages and rural areas and seeks to protect the landscape character and quality of the countryside.
5. The site lies between the settlements of Staplehurst and Frittenden and I observed during my visit that it is within an area that is intrinsically

agricultural in character. Indeed, the site is physically separate from the built-up area of these settlements by intervening features such as open fields and areas of woodland. Consequently, it has a limited relationship with these settlements. While there is a small group of houses near the site, the built form in the area is sparse and limited, interspersed with swathes of countryside. Mindful of this context, the site is not within a built-up area in a village setting.

6. Staplehurst Road is a narrow rural lane with vegetated verges. There are no pavements and no street lighting. The roadside environment is therefore not particularly hospitable to pedestrians. Cycling to the nearby settlements would be feasible for a confident cyclist, but the lack of street lighting, limited road width and traffic speeds would be something of a deterrent. In addition, I have limited evidence that the site is served by public transport.
7. The lack of suitable walking and cycling routes, together with the lack of public transport in the vicinity, would result in future residents relying on the private car to access regular requirements such as schools, shops, employment and health services. This would significantly reduce the likelihood of journeys using sustainable modes of transport, so future occupiers of the proposed dwelling would be largely reliant on travel by car.
8. I note the premise that residents must necessarily walk to access day to day requirements may oversimplify the diverse needs of residents within a rural community, and that the concept of sustainability extends beyond physical infrastructure. However, it does not necessarily follow that the proposal would accord with the development plan policies which, among other things, seek to avoid the location of new dwellings outside the LBD and direct them to the most sustainable areas.
9. The appellant suggests that the proposal would constitute the development of previously developed land (PDL), since historical maps show that there would have been a row of terraces within the appeal site, albeit they were demolished by mid-20th century. At the time of my site visit there was no apparent built form on site, but even if I were to accept that the site is PDL, this would not change my conclusion that the proposal would not be in a suitable location for housing.
10. For the reasons set out above, the appeal site would be an unsuitable location for housing having regard to the development strategy for the area, 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 would conflict with LP Policy LBD1 and CS Policies 6 and 14, as set out above.

Character and appearance

11. The appeal site consists of a large pasture field that is subject to regular livestock grazing and includes a hedgerow along the roadside boundary. The surrounding landscape is relatively flat and open, interspersed by limited pockets of development, farmsteads and areas of woodland which provides the area with an attractive rural, pastoral character. The buildings in the vicinity are normally two storey and display vernacular detailing and materials, including red clay tiles and white weatherboarding.

12. There are two designated heritage assets located near the site. These comprise Sinkhurst Green Cottages (now known as Willow Cottage) and The Old Manor (now known as Little Manor). Both heritage assets are grade II listed buildings. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is had to the desirability of preserving a listed building or its setting.
13. The listing description¹ suggests that Sinkhurst Green Cottages date from early 19th century. Its significance derives from its history and architecture including timber frames, weatherboarding, slate roof, fenestration and central boarded door with flat cornice-hood on brackets. The listing description² indicates that The Old Manor dates from the 17th century or earlier. It derives its significance from its history and architecture including its two storeys with hipped roof, large central stack, and material such as timber frame, weatherboarding and plain tiled roof.
14. Both listed buildings are currently experienced in a traditional setting, in terms of vernacular architecture and rural landscape. The appeal site, as a pasture field that is part of the open landscape that defines the limits of the pocket of development where the listed buildings are located, emphasises the role of agriculture in the history of the area. The site therefore contributes positively to the overall significance of these listed buildings.
15. The proposed development would introduce new residential built form within the site. Despite retaining the existing access point to the site, the formalised garden space, substantial driveway and hardstanding, would exert a clear residential character upon the site, thereby eroding its open, rural character. Further, whilst domestic paraphernalia may not be development in its own right, items such as bin storage and domestic vehicles would nevertheless contribute to the harm associated with the proposal.
16. Given the relatively flat topography, the proposal would appear prominent in the landscape. The appeal scheme, which would be perceived from Staplehurst Road in the context of both listed buildings, would reduce the open, agricultural landscape that is of value to the setting and significance of the listed buildings. Consequently, the legibility of the rural origins of the listed buildings and connection with their rural, undeveloped surroundings would be harmfully eroded.
17. While the dwelling would be sited approximately where the row of terraces would have been, given its substantial footprint, deep horizontal profile with vertical windows and single storey height, the dwelling would appear in stark contrast with the traditional form and design of the surrounding dwellings. The integration of historical design elements within the proposed dwelling would therefore not be apparent. As such, the proposal would fail to offer a tangible connection to the heritage of the region.
18. The Framework seeks to avoid isolated new homes in the countryside. Even if I were to accept that the site would be isolated in the context of the Framework, while the proposal would deliver an environmentally conscious design, for the reasons set out above, the scheme would fail to enhance its

¹ List Entry Number: 1320025

² List Entry Number: 1338678

immediate setting, and would not be sensitive to the defining characteristics of the local area.

19. It follows that there would be harm to the significance of the listed buildings as designated heritage assets through development affecting their settings. Owing to the scale and nature of the proposal, the degree of harm to the significance of the listed buildings would be less than substantial. The Framework advises that where proposals would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
20. The public benefits associated with the proposal would arise from the delivery of a uniquely designed house, increasing the choice of homes and contributing to the supply of housing within the borough. The dwelling would be constructed with recycled and locally sourced materials, would have a low maintenance design and would embrace renewable energy, energy efficiency, water conservation, electric vehicle charging points and responsible waste management. The scheme would deliver environmental benefits such as additional landscaping and a biodiversity net gain. It would promote self-sufficient living by including fruit trees and a vegetable patch. Future residents would be economically active in the local area and there would be some benefits to the local economy as the proposal would employ local workers and suppliers, both during construction and subsequent maintenance. There would be social benefits as future occupants would support the local community. The site is a small one, so it would be built out relatively quickly. However, taking into account the scale of the proposed development, even if considered collectively these are important but minor benefits. As such, the benefits of the proposed development would be insufficient to outweigh the great weight I must attach to the harm I have identified to the designated heritage assets.
21. The development would therefore be harmful to the character and appearance of the locality and would fail to preserve the settings of the nearby listed buildings. It would thus conflict with LP Policies EN1, LBD1 and EN5, CS Policies 4 and 14, insofar as these policies support development that respects the context of the site, reflects the local distinctiveness, and conserves the Borough's heritage assets.

Other Matters

22. Reference is made to other developments granted planning permission by the Council or allowed at appeal. However, I do not have full details of the circumstances that led to these proposals being accepted, so I cannot conclude that they represent a direct parallel to the proposal before me.
23. Whilst the appellant considers the site to be grossly underutilised, limited evidence is provided to that effect. Given that the site would not be in a suitable location for housing and the harm in terms of character of the area and heritage assets, the proposal would not constitute an effective use of land nor would it optimise the potential of this site.
24. Frittenden Parish Council did not object to the proposal, and I note one comment in support of the scheme. However, none of the matters raised would alter my conclusions with regard to the main issues as set out above.

25. Broadlake³ is of 15th century origin, which has been extended late 16th century or early 17th century, as well as in late 19th century. It is Grade II listed detached house externally finished in timber frame exposed with plaster infill as well as red brick. It is a two-storey building, with a three storey jettied cross-wing to the right and framed canted bay on the ground floor. Insofar as it is relevant to this appeal, its special interest lies in its architectural and historic interest as a noteworthy 15th century house, with later alterations.
26. The Barn and Handpump Attached, about 10 Metres South of Broadlake⁴, is Grade II listed and dates from the 17th century or earlier and mid-19th century. It has a hipped roof with an outshot to the left and lean-to to the right, with a half door to the left, central full height carriage doors flanked by mullioned windows and carriage doors to the right. Insofar as it is relevant to this appeal, its special interest lies in its age, architecture, materials and its historic associations with the surrounding rural area.
27. Poplar House⁵, a two-storey detached house, is Grade II listed and dates 16th century or earlier, altered early 18th century. Its significance and special interest lie in its roof form, which is half hipped to the left, hipped to the right, with a centre left cruci-form stack cluster as well as in its external materials, such as timber frame and clad with red and blue brick and weatherboarding.
28. Given the distance and physical relationship of the proposal with these listed buildings, their settings would be preserved and the proposal would not detract from them.

Planning Balance

29. Given the harm that would arise from the site's unsuitable location for housing, harm to the character of the area and harm to the setting of Sinkhurst Green Cottages and of The Old Manor, the proposal would conflict with the development plan read as a whole.
30. The latest evidence indicates that the Council has an emerging Local Plan at examination stage. In line with paragraph 226 of the Framework, the Council would be required to demonstrate a four-year supply of deliverable sites other than the minimum of five as set out in paragraph 77 of the Framework. The Council states that it can demonstrate a 4.5 year supply of housing sites and it is meeting its Housing Delivery Test. The appellant asserts that the Council cannot demonstrate a five-year housing land supply, albeit no further details were provided.
31. Even if I were to accept that the Council is unable to demonstrate a four-year housing land supply, the provisions of paragraph 11d) i. of the Framework should be applied. It states that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. This includes policies relating to listed buildings. Given such, I have not gone on to consider the scheme against the requirements of paragraph 11d) ii).

³ List Entry Number: 1116329

⁴ List Entry Number: 1084736

⁵ List Entry Number: 1084739

32. I have already identified the benefits of the appeal scheme through assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets. Such benefits would not be sufficient to outweigh the harm associated with the proposal.

Conclusion

33. 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. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR