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## Appeal Decision

Site visit made on 13 November 2024

**by Stewart Glassar BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 December 2024**

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**Appeal Ref: APP/C1435/W/24/3342914**

**Whinlatter, St. Marks Road, Tunbridge Wells TN2 5LU**

- 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 Simon Padley against the decision of Wealden District Council.
  - The application Ref is WD/2023/2490/O.
  - The development proposed is an outline application for three self build private residential dwellings using existing access from St Marks Road, all matters reserved.
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### Decision

1. The appeal is allowed and outline planning permission is granted for three self build private residential dwellings using existing access from St Marks Road, all matters reserved at Whinlatter, St. Marks Road, Tunbridge Wells TN2 5LU in accordance with the terms of the application, Ref WD/2023/2490/O, subject to the conditions in the attached schedule.

### Application for costs

2. The appellant's appeal submissions refer to an intended application for costs against Wealden District Council. However, Section H of the appeal form dated 20 April 2024 confirms that no costs application had been made. At the time of my decision there is no application for costs before me for determination.

### Preliminary Matters

3. The application is submitted in outline with all matters reserved for future consideration. I have dealt with the appeal on this basis treating any details shown on the plans as illustrative.
4. A revised National Planning Policy Framework (the Framework) was published by the Government in December 2024, after the determination of the planning application. It does not raise any new considerations in relation to this appeal.

### Main Issues

5. The main issues are a) whether the proposed development is suitable for the site having regard to local and national policies for the location of housing; and b) the effect of the proposed development on the character and appearance of the area, with particular regard to the High Weald National Landscape.

## Reasons

### *Location*

6. The appeal site forms part of the garden to Whinlatter, a large two storey detached dwelling. The site is located immediately to the south of St. Marks Road and is one of a number of detached dwellings on this side of the road. St. Marks Road forms the edge of the development boundary of Tunbridge Wells. In planning policy terms, land to the south of St Marks Road, including the appeal site, is considered to be within the open countryside, where development is generally resisted.
7. Policies GD2 and DC17 of the Wealden Local Plan 1998 (LP) seek to resist new housing within the countryside unless it conforms with other policies in the Plan. These two policies are broadly consistent with the Framework's objectives insofar as they seek to ensure that development occurs close to existing services and facilities, which in turn reduces the need to travel and also protects the open countryside from inappropriate sporadic development.
8. There is no evidence before me to indicate that the development meets any particular policy exceptions or demonstrates that a countryside location is needed. Consequently, the proposal would conflict with the locational requirements of Policies GD2 and DC17 of the LP which, amongst other things, seek to control development in the open countryside.

### *Character and Appearance*

9. Not only is the land to the south of St. Marks Road within the open countryside but it is also within the High Weald National Landscape (HWNL), an area designated for its landscape and scenic beauty. The surrounding area to the south of the appeal site is generally characterised by undulating and verdant landscape, interspersed by tree belts and scattered buildings.
10. Policies in both the LP and Wealden Core Strategy Local Plan 2013 (CS) are broadly consistent with Paragraph 189 of the Framework which requires that in National Landscapes great weight be given to conserving and enhancing the landscape and scenic beauty. Such areas therefore have the highest status of protection.
11. The appeal site itself, whilst within the HWNL, currently forms part of the wider garden serving Whinlatter and is well screened by existing boundary planting and vegetation from wider views. The site visually and physically appears as residential curtilage and is reflective of the established residential character close to the southern side of St Marks Road. As such, it is not readily identifiable as forming part of the wider open countryside to the south.
12. I have also had regard to the developments which have more recently been permitted along the southern side of St Marks Road. I see no reason why three new houses on the appeal site would not be reflective of this general pattern and character of development. There would be some associated impacts from the new houses, such as the additional activity and light from the new dwellings but such effects would be limited. I am also mindful that they could in part be mitigated by the site layout together with detailed design and size of the houses, over which the Council would retain control.

13. Whilst small incremental developments can sometimes have a cumulative adverse effect, in this particular case, for the reasons given above, there would not be harm to the immediate vicinity of the site or the wider HWNL. Furthermore, although the village of Frant lies to the south of the site, given the above circumstances, the proposal would not lead to the coalescence of Tunbridge Wells and Frant.
14. Consequently, I find that the proposal would conserve the landscape and scenic beauty of the National Landscape and not cause harm to the character and appearance of the area. As such, the proposal complies with Policies EN6 and EN27 of the LP and Spatial Planning Objectives SPO1 and SPO13 and Policy WCS14 of the CS which, amongst other things, require developments to have regard to the character and appearance of the surrounding locality and ensure there are no harmful impacts, particularly in the designated areas of the High Weald where there is a requirement to protect the landscape and to enhance it where possible.

### **Other Matters**

15. The Council is unable to demonstrate a five-year supply of deliverable housing land. The Council's supply position as of April 2023 was said to be 3.83 years. There is no information before me to indicate that this situation has significantly changed in the interim. As such, the Council's spatial strategy, which has previously acknowledged a need to build outside development boundaries in order to provide the housing required, is not achieving the level of housing growth expected by national policy.
16. As the site is positioned on the edge of Tunbridge Wells it is reasonably well located to services and facilities within the town centre. Whilst there are not many facilities within close walking or cycling distance of the site, there are bus stops nearby on Frant Road. The proximity to the town centre would help to minimise the number of longer car journeys future occupants might need to make. As such, the issue of sustainable transport is not a reason to reject the scheme.
17. The description of development refers to the houses as being self-build. The benefit of providing such housing can be a material planning consideration. However, there is no information regarding the provision of such housing in the area or evidence to indicate that the proposed dwellings in this case will be limited to self-build/custom build houses, as defined in the Self-Build and Custom Housebuilding Act 2015 (as amended). Accordingly, this is a neutral matter in my decision.

### **Planning Balance**

18. The proposal would be outside the planning boundaries identified in the development plan albeit located reasonably close to services and facilities in the town centre. However, I have concluded that the character and appearance of the area would not be harmed and in particular the character and quality of the HWNL would be conserved. Therefore, while there is conflict with the development plan, I give this conflict limited weight.
19. As the Council cannot demonstrate a five-year housing land supply and because there are no policies in the Framework which offer a clear reason for refusal, Paragraph 11(d)(ii) of the Framework is engaged.

20. The Framework's policies seek to boost the supply of housing. In numerical terms 3 new houses is a modest number of dwellings but is an important benefit in an area that has an under provision of housing.
21. Future residents would be able to access the town centre and contribute to the local economy and to the vitality of the community. In the shorter term, the proposed development would also bring associated economic benefits such as construction expenditure and jobs. There would be some social benefits from the additional housing. In this case, when considered collectively, the above represent considerable benefits of the proposal.
22. Overall, the limited adverse impacts of the site's location outside the planning boundaries do not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal therefore benefits from the presumption in favour of sustainable development, and this indicates that permission should be granted.

### **Conditions**

23. In imposing the standard conditions covering the submission of the reserved matters I have used the statutory timescales. The Council suggest 18 months would be a sufficient period within which to commence development in order to expedite the provision of housing at a time when there is an undersupply. However, I do not consider this in itself to be sufficient justification to warrant a departure from the timescales in the Town and Country Planning Act 1990.
24. In the interests of certainty, a condition listing the approved plans and documents is necessary. Similarly, and in the interests of biodiversity, there is a necessity for a condition ensuring the implementation of the ecological recommendations.
25. Given the site's location, conditions covering the provision of surface and foul water infrastructure are reasonable. The nature of these works dictates that the information will need to be provided pre-commencement. I have obtained the appellant's written agreement to impose pre-commencement conditions.
26. The application is in outline with landscaping a reserved matter. The layout drawing submitted with the tree protection details can only be considered as illustrative. As such, the tree protection measures shown demonstrate the existing trees could be adequately protected but it would be more appropriate to consider the detailed tree protection measures at the reserved matters stage, once the full layout and landscaping details are known.

### **Conclusion**

27. The proposal would not accord with the development plan but material considerations, especially the presumption in the Framework, outweigh this conflict. Therefore, for the reasons given, the appeal is allowed subject to conditions.

*Stewart Glassar*

INSPECTOR

### **Schedule of Conditions**

- 1) Details of the access, appearance, landscaping, layout, and scale, "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following:  
Existing Location Plan - 001D  
Preliminary Ecological Appraisal - Arborweald Environmental Planning Consultancy 21 March 2023 (ref. DKS1096.1)
- 5) No development shall take place until a detailed surface water drainage scheme, including a timetable for its implementation, for the site has been submitted to and approved in writing by the local planning authority.  
  
The development shall be carried out in accordance with the approved details and shall be managed and maintained thereafter in accordance with any approved management and maintenance plans.
- 6) No development shall take place until a detailed foul water disposal scheme, including a timetable for its implementation, for the site has been submitted to and approved in writing by the local planning authority.  
  
The development shall be carried out in accordance with the approved details and shall be managed and maintained thereafter in accordance with any approved management and maintenance plans.
- 7) The development hereby permitted shall be undertaken in accordance with the recommendations set out in the Preliminary Ecological Appraisal (reference DKS1096.1) by Arborweald Environmental Planning Consultancy, dated 21st March 2023. The approved details shall thereafter be retained.

**END**