



Appeal Decision

Site visit made on 5 February 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2025

Appeal Ref: APP/M2270/W/24/3351728

Myra, Furzefield Avenue, Speldhurst, Tunbridge Wells, Kent TN3 0LD

- 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 Grant & Miss Schott against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 24/00881/FULL.
 - The development proposed is demolition and replacement of the existing dwellinghouse at Myra Cottage, and erection of a new detached dwellinghouse to the rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application a revised National Planning Policy Framework (the Framework) has been published. The main parties have been given the opportunity to comment, and I have considered the revised Framework in my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including the High Weald National Landscape, formerly the High Weald Area of Outstanding Natural Beauty (the NL).

Reasons

4. The appeal site (the site) is on Furzefield Avenue, a residential cul-de-sac (the street) in the northernmost reaches of the village of Speldhurst. The street and surrounding area are within the NL. The approach to the street is notable for arresting views of a high, wooded escarpment to the northeast, the ridge of which forms the backdrop to houses on Barden Road. These views persist in glimpses between dwellings on the main stretch of the street, indicating a general absence of development behind its houses and contributing to a spacious, open feel therein.
5. Much of the residential development at the furthest end of the street (the far end) is laid out behind the main building line and accessed from drives and roadways (the backland dwellings). This arrangement contrasts tangibly to the otherwise linear form of development nearby. Gaps between, respectively, Little Snape and Eastwood, Hundred Acre Wood and Little Snape, Chestnut House and Herbshaw Green, Furzefield Farm and Chestnut House, Lynwood and Furzefield Farm, and Newlands and Farncombe have each been used to give access to backland

dwellings beyond. Even so, those gaps are wide at the front and become wider to the rear, ensuring that a sense of openness is maintained.

6. Furthermore, it can be seen from the street that many of the backland dwellings are large, and that often more than one is served by a single access. This indicates that they sit on what are, in the main, plots that are far wider at the rear than typically found in the main stretch of the street, and much larger overall. These features combine so that the spacious, open feel of the street is maintained at its far end.
7. The appeal site includes a detached bungalow and rear garden. It is one of four dwellings set out side-by-side on plots of a similar size and shape on the main, linear stretch of the street (the four plots). In terms of overall depth, width of front boundary, and width of dwelling, the four plots are comparable to those hosting backland dwellings at the far end. However, the dwellings on the four plots have noticeably less space between them than roadside dwellings at the far end, and the four plots do not widen towards the rear, making them smaller, and giving them a corridor-like feel, in comparison.
8. The appeal scheme includes a replacement dwelling in approximately the same location as the existing dwelling, but narrower in width, in order to allow access to the proposed new dwelling at the rear of the site. The Council considers that the replacement dwelling would respect the character and appearance of the area and based on its scale, design, materials, and layout, I see no reason to disagree.
9. The proposed access drive would leave space enough to the sides for reasonably deep planting on the boundary with Waratah, and shallower planting alongside the proposed replacement dwelling. The bulk of the area would utilize a 'grasscrete' paving system, which would reduce the visual starkness of the surface.
10. At the same time, the gap between the replacement dwelling and Waratah would be appreciably smaller than that used for access drives nearby. This, and the parallel positioning of the two dwellings, would create a narrow, enclosed feel to the drive. The planting alongside the new dwelling would be so close to it as to hinder routine exterior maintenance; an unusual arrangement that would catch the eye and exacerbate the feeling of narrowness and compression. More modest and dispersed planting than indicated on the plans could be used, but this would expose more of the flank wall, increasing the sense of enclosure.
11. The proposed new dwelling would be sited at lower ground level than the street, mitigating its prominence. Even so, it would be visible from the street over the access drive, as well as from neighbouring homes. The new dwelling would be recognisable as a development of one single home, itself narrower than most other backland dwellings nearby. This would draw attention to the relative narrowness of the site and give the development a congested appearance harmfully at odds with the open, spacious feel of the street.
12. The appeal site is in the NL. In December 2023, Section 245 of the Levelling-Up and Regeneration Act (LURA) amended the duty on relevant authorities in respect of their interactions with statutory purposes of NLs, as set out in Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (CRWA). Insofar as it relates to this appeal, the amendment now requires relevant authorities, in exercising or performing any functions in relation to or so as to affect land in an NL

to seek to further the purpose of conserving and enhancing the natural beauty of the NL.

13. The Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes which have the highest status of protection in relation to these issues. Core Policy 4 of the Tunbridge Wells Borough Core Strategy (2010) states that urban and rural landscapes, including the NL, will be conserved and enhanced. I attribute significant weight to the policy as it adheres so directly to the Framework.
14. The Planning Practice Guidance (PPG) sets out the relevance of management plans for 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 Management Plan (2024-29) (HWMP) is therefore a material consideration. The appellant submits, and the Council does not contest, that the HWMP defines the natural beauty of the NL in five character components.
15. The Council states that the harm to the spacious character and appearance of the area described above would, in turn, harm the character of the NL, but provides no further details. I have no evidence that alterations to the density and layout of residential development within a settlement boundary would, in itself, harm the natural beauty of the NL as defined in the HWMP.
16. That said, the requirement is to conserve and enhance, and I have little evidence from the appellant as to how the proposed development would enhance the natural beauty of the NL, beyond a simple statement that it would do so by virtue of high architectural merit. Even if the proposed development were considered to possess such a trait, I have no evidence that the provision of new dwellings of architectural merit is part of the natural beauty of the NL. As such, I have no evidence that the NL would be enhanced by the proposed development. This, given the clear and consistent requirement in this respect, provides a strong reason for refusing the development.
17. The appellant has drawn my attention to other backland developments nearby, and particularly to a previous appeal decision¹ concerning the erection of dwellings behind Eastwood. As set out above, the layout of other nearby backland dwellings is materially different to that in the proposed development. In respect of the previous appeal this is set out in the decision, in that the appeal site formed part of an “extensive rear garden”, and allowed “an adequate access, which would be set away from the flank elevation of Clint and Little Snape, being angled away from that latter property”. The scheme before me is materially different in these respects, and I do not consider nearby backland developments to set a precedent.
18. Insofar as the effect on the character and appearance of the NL is concerned, the scheme before me would be no more impactful than that allowed in the previous appeal. However, the pertinent regulations and guidance have changed materially since then. The version of the Framework to which the previous Inspector referred, published 27 March 2012, placed great weight on conserving landscape and scenic beauty in AONBs but not on its enhancement. In addition, the LURA requirements described above have been introduced. There is now a clear

¹ Appeal Decision APP/M2270/A/14/2228473

directive to enhance landscape and scenic beauty in National Landscapes, leading me to a different conclusion on the matter to the previous Inspector.

19. The proposed development would have a harmful effect on the character and appearance of the area, including the High Weald National Landscape, contrary to Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy (2010) and Policy EN1 of the Tunbridge Wells Borough Local Plan (2006) where they require urban and rural landscapes, including the NL, to be conserved and enhanced, and that design proposals respect site context. Policy EN25 is cited in the reason for refusal but addresses development outside the limits to built development and, as such, is not relevant to the appeal.

Other Matters

20. I recognise that third parties consider the proposed development would be harmful in ways unrelated to the character and appearance of the area and the NL. However, the Council has found the proposal acceptable in all other respects and I see no reason to take a different view.

Planning Balance

21. Whilst the Council can only demonstrate a 3.9-year supply of deliverable housing sites, I have found the failure of the appeal scheme to conserve and enhance the NL to provide a strong reason to refuse it. As such, paragraph 11d of the Framework NPPF is not engaged.
22. Notwithstanding the above, the benefits of the scheme are material in my determination. The proposal would yield a net gain of one new house within the limits to built development, assisting the Government's aim of significantly boosting supply and improving the current shortfall in the district. The benefits of housing delivery carry significant weight, but are tempered by the modest scale of the scheme. There would be temporary economic benefits associated with the construction phase. Thereafter, there would be ongoing local economic benefits relating to the occupation of the site, and local facilities would benefit from increased demand. Nevertheless, given the relatively modest scale of the proposal and the small number of new residents brought about, these benefits would be minor. Overall, the benefits from the appeal proposal would be greatly outweighed by the harm caused to the character and appearance of the area, including the NL.

Conclusion

23. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

A Knight

INSPECTOR