



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: 27 May 2025

Appeal Ref: APP/M2270/W/24/3349615

High View Langton Road, Langton Green, Tunbridge Wells, Kent TN3 0BB

- 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 and Mrs Kevin Spencer against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 24/01222/OUT.
 - The development proposed is the erection of 3 dwellings, new access and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme relates to an outline proposal, with access to be considered at this stage and all other matters reserved for future consideration. I have determined the appeal accordingly. Plans have been submitted as part of the appeal indicating how three dwellings could be accommodated on the site. I have taken these into account for illustrative purposes only.
3. The reason for refusal cites policies in the Tunbridge Wells Borough Submission Local Plan 2020-2038 (the SLP). The Council officer report describes this plan as carrying limited to moderate weight as the examination hearings have yet to conclude. Beyond that, I have no guidance as to the exact status of the SLP, and the officer report itself is at least nine months old. I have so little information regarding the SLP that I can attach no weight to it.
4. 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 on any implications for the appeal. In their initial statement of case the appellant suggested the site may be viewed as Grey Belt land and benefit from what, at the time, were anticipated revisions to the Framework. These are now set out in paragraph 155. Whilst the appellant has provided comments on the implications of the revised Framework, they have not pursued a case that the proposal benefits from paragraph 155. I have determined the appeal accordingly.

Main Issues

5. The main issues are:

- Whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- The effect of the development on the openness of the Green Belt;
- Whether the site is in a suitable location for the development having regard to local and national planning policies and access to services and facilities;
- The effect of the development on the character and appearance of the area; and
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

6. The appeal site (the site) is a portion of land that is largely undeveloped, bound by mature greenery and left to grass, save for a small section of hardsurface at its western edge. It is in the village of Langton Green, which is closely neighboured by Rusthall, a comparably sized village. These two, in turn, are to the west of the town of Royal Tunbridge Wells. The site is within the Green Belt. Paragraph 153 of the Framework states that development in the Green Belt is inappropriate save for certain exceptions. These include, at 154(e), limited infilling in villages. The appellant contends this is applicable.
7. Policy LBD1 of the Tunbridge Wells Borough Local Plan (2006) (the LP) is cited in the first reason for refusal. For the purposes of the appeal, this policy simply requires development to comply with all relevant policies in the LP. Policy MGB1 of the LP pertains to the Green Belt. It prohibits development which would conflict with the purposes of including land in the Green Belt save for certain exceptions. The limited infilling of villages is not one of them.
8. Core Policy 2 of the Tunbridge Wells Core Strategy (2010) (the CS) applies a general presumption against inappropriate development in the Green Belt and, whilst it also does not explicitly permit the limited infilling of villages, it does require any new development to accord with the provisions of Planning Policy Guidance Note 2 (PPG2) or its replacement. As such, the CS adheres directly to the Framework, which replaced PPG2.
9. The site is on the southern side of Langton Road, which runs through Langton Green on an east/west axis. Near the junction between Broom Lane, The Green, and Langton Road (the road) is found a discernible western edge to Langton Green. Land west of this is largely open countryside. Within the village, the environment along Langton Road differs markedly on the northern and southern sides of the road.

10. To the north is a notable swathe of development, largely residential but including some commercial offerings. Here is found the majority of Langton Green, including the point where it meets the main part of Rusthall. The land immediately north of the site is part of this wider swathe, comprising residential gardens marked by roadside fencing, the dwellings beyond which are visible.
11. To the south of the road, running parallel to it, is a linear stretch of development. This is largely set out along Holmewood Ridge and the southern edge of the road itself. Beyond this, land south of the road is largely undeveloped. Holmewood House School and Hither Chantlers form a notable incursion into the open land here, and there are other sporadic, secluded buildings, but these are exceptions in an otherwise largely undeveloped landscape. The land immediately south of the site is typical of this setting, largely comprising woods, fields, and gardens.
12. Langton Green is separated, at its eastern edge, from Royal Tunbridge Wells by a belt of woodland occupying both sides of the road. The site is neighboured to the east by wide, open grounds associated with Rust Hall, a detached property over 100m away from the edge of the site. This is a large Grade II listed building set back from the road. Glimpses of it may be obtained therefrom, but the main sign of its presence is a set of imposing entrance gates. As a result, it is disconnected from its surroundings in the village.
13. There is no definition of “limited infilling” within the Framework. However, I consider that it would comprise the filling of a defined and limited gap between buildings, and continue some existing, discernible characteristic of development shared between them.
14. The proposed development would broadly continue the existing pattern of development found to the west of the site along the southern side of the road. It would not, however, connect it to anything similar to the east. Indeed, development of the type proposed would bear no relation to the extensive grounds and imposing presence of Rust Hall. Furthermore, whilst the proposed development would broadly correspond to the residential development immediately north of it, there is no such development south of the site that it would connect to.
15. For these reasons, and even if the scale of the proposal were considered limited, and even if the site is considered to be within the village, the proposal would comprise the extension of development eastward and southward rather than infilling. It would be inappropriate development and not benefit from the exemption in paragraph 154(e).

Openness

16. The Framework states at paragraph 142 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and that the essential characteristics of Green Belts are their openness and their permanence. The construction of three dwellings on the site would result in built development where there is currently none, save for a small area of hardsurface.
17. Regardless of how they were designed and laid out, the introduction of three dwellings, even if served by only the most modest access arrangements, would represent new built form of a scale far beyond anything currently found at the site. This would inevitably lead to a significant loss of Green Belt openness.

18. The proposed development would be inappropriate development in the Green Belt having regard to the Framework and Core Policy 2 of the CS and would cause significant harm to its openness.

Location

19. Policy LBD1 of the LP defines, by reference to the proposal map, the Limits to Built Development (LBD). Core Policy 1 of the CS is not cited in the reason for refusal, but the appellant has drawn my attention to it. It sets strategic aims for delivering development, directing it to within the LBD in pursuance of the aims of sustainable development. Core Policies 6 and 9 reiterate this aim, as does Core Policy 14, which states that new development will generally be restricted to sites within the LBD, including that of villages. The site is outside of the LBD and, as such, the proposed development does not have the support of these strategic policies.
20. 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 164 requires new development to avoid increased vulnerability to the range of impacts arising from climate change. The effect of directing development to within the LBD is consistent with these aspects of the Framework.
21. Though outside of the LBD, the site is adjacent to it. A parade, including a small shop and a café, exists to the west of the site along the road, 1km away by the appellants calculations. Rusthall High Street, some 800m from the site by the appellants assessment, has a range of commercial offerings and, beyond that, a recreation ground and two primary schools. These are likely to cater for most day-to-day needs. The centre of Tunbridge Wells is over 1.5 miles away, and offers a wide range of facilities, including the train station with services to London, Sevenoaks, Tonbridge, and Hastings.
22. A pavement runs along the northern side of the road, past the site, and benefits from streetlighting. The distance from the site to nearby facilities, particularly those in Rusthall is, subject to the nature of the routes, compatible with walking or cycling. There are bus stops near the site, offering public transport to Tunbridge Wells and, further afield, to Crawley and Paddock Wood.
23. At the same time, I have no evidence of a safe place to cross the road, on which vehicles may travel up to 40mph. Parts of Dornden Drive, cited as the route to Rusthall High Street by the appellant, are unlit. The narrowness of the pavement near the site would likely require cyclists to ride on the road, and there are no segregated cycle lanes. The bus stops offer no shelter from the elements and their slightly isolated position on the edge of woodlands may deter some. I have little evidence as to the frequency of local bus services. These factors would undermine the extent to which walking, cycling, and public transport would act as viable alternatives to car travel for occupiers of the proposed development.
24. The appellant contends that Core Policy 1 of the CS weighs in favour of the proposal, in that it allows, in certain circumstances, selected greenfield sites adjacent to the (LBD) to be allocated and released for development to maintain the supply of housing. Even if the site may benefit from this approach, the policy addresses the strategic release and allocation of land rather than providing criteria

against which a specific development proposal may be found acceptable. Plainly the site has not been released or allocated for development, and I do not consider the proposal to comply with Core Policy 1.

25. Whilst future occupiers of the proposed development would have some alternatives to driving, they would be limited and, overall, do not justify non-accordance with policies prohibiting development outside of the LBD. The site is not in a suitable location for the development having regard to local and national planning policies and access to services and facilities, and the development would contravene Policy LBD1 of the LP, and Core Policies 1, 6, 9, and 14 of the CS where they seek to restrict development outside of the LBD.

Character and appearance

26. The northern boundary of the site is a combination of trees and a long, dense hedge. This creates a largely continuous green enclosure on the roadside, though occasional gaps therein permit views of the undeveloped nature of the site, including the trees along its southern boundary. The site has a pleasant natural, rural character.
27. I have described above the extent of development on the southern side of the road. Houses along Holmewood Ridge are separated and screened from the road by a deep bank of mature greenery. Some low, simple fencing exists along the southern side of the road here, but much of it has been consumed by overgrowth, and the land generally appears as undeveloped woodland.
28. Closer to the site, east of Newlands, much of the southern side of the road is marked by close boarded fencing, and some roadside dwellings are visible. Whilst these features introduce a degree of suburban formality, dense, tall greenery immediately behind the fences is common, and there is no pavement on the roadside, only a grass verge. These features, in combination with glimpses of the wooded backdrop beyond, result in a largely rural feel. East of the site, the boundary of Rust Hall is formed of substantial hedgerows and mature trees. Beyond this is dense, unkempt woodlands. Overall, the southern side of the road is strongly characterised by mature trees and a rural feel, and the site adheres and contributes to this verdant character.
29. The road is the A264, a major route into Royal Tunbridge Wells from the west. Due to the characteristics described above, it is designated as an Important Landscape Approach (ILA) as defined in LP Policy EN23. I found the road to play a tangible part in the sense of Royal Tunbridge Wells as a town surrounded by countryside.
30. The proposal could retain much of the roadside greenery at the site, save for the modest clearance required to create the access. The site slopes away from the road. These features would partially screen the proposed dwellings from view. The appellant contends that only the upper parts of the houses would be visible, and has provided a site section and streetview demonstrating how this may be so. A Landscape and Visual Appraisal / Impact Assessment (LVAIA) based on those plans and submitted by the appellant concludes that the proposed development would have a neutral impact upon views from the road as, whilst new development would be visible, it would not be out of context with the existing view and not fundamentally alter its character.

31. Matters of appearance, layout, and scale are not before me. The plans are indicative, and I am mindful that the proposed development could potentially have less visual impact than indicated, subject to the final design in respect of building height, land levels and layout.
32. Even so, I see no reason to believe that the presence of residential development, likely to include some form of street signage to mark it, and an internal roadway leading to the houses as well as the dwellings themselves, would be anything other than plainly visible from the road, if only over the opening at the proposed site access. At night, the presence of domestic lighting would be apparent, and the comings and goings of residents would exacerbate the sense that rural land had been residentially developed. I do not agree that this would have a neutral effect on the character of the view of the site, as per the LVAIA. Rather, it would erode its pleasant rural character.
33. Furthermore, in its existing condition the site contributes to a wider rural, wooded feel on the southern side of the road. This, in turn, contributes to the character of the ILA. The proposal would inevitably suburbanise the site and, in so doing, materially detract from the contribution which the ILA makes to the locality.
34. The proposed development would have a harmful effect on the character and appearance of the area, contrary to the pertinent requirements of LP Policies LBD1, EN1, EN23 and EN25 and Core Policies 4 and 14 of the CS.

Other considerations

35. The appellant considers very special circumstances exist, sufficient to justify approval of the proposed development which, for the reasons set out above, I have found to be inappropriate in the Green Belt.
36. The Council cannot demonstrate a 5 year supply of housing land; The current figure is 3.9 years and I note the appellants concerns over the status of the emerging plan. I see no reason to dispute that the effects of insufficient housing include those set out in the appellant's statement. Indeed, it is the Government's stated objective to significantly boosting the supply of homes. The appeal proposal would assist in that regard, but only modestly given the size of the scheme.
37. Economic benefits would accrue from the development in terms of revenue for the Council, which would assist the provision of public services, to local services, and in terms of employment during the construction phase. These would be modest benefits given the size of the scheme.
38. The appellant contends that the proposal would deliver benefits though being in a sustainable location and compliance with the five purposes of the Green Belt, as set out in Framework paragraph 143. However, I have set out above that the site is not in a sustainable location, and that the proposal would be inappropriate development that harms Green Belt openness. It is the Framework which provides the criteria for assessing proposal affecting the Green Belt, and so a scheme failing that assessment must, by definition, offend the purposes of including land in the Green Belt.

Other Matters

39. Whilst the Council cannot demonstrate a 5 year supply of housing land, the provisions of paragraph 11(d) of the Framework are not engaged as I have found that the proposal would be inappropriate development in the Green Belt and would cause significant harm to its openness, contrary to policies in the Framework that protect areas or assets of particular importance, specifically those set out in Chapter 13 regarding the protection of Green Belt land. Given the great importance attached to Green Belts therein, this provides a strong reason for refusing the development proposed.
40. There are three Grade II listed buildings near the site, Dornden Innerdown Middle House, The Old Cottage, and Rust Hall. I have therefore had regard to the statutory duty referred to in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
41. I have not been provided with the listing details for these buildings, but the Council has not raised any concerns as to the effect of the proposal on their setting. Given the separation distances between the buildings in question and the appeal site, I have no evidence that the proposed development would, in principle, harm the setting of the listed buildings.
42. I recognise that the appellant sought pre-application advice from the Council, but my determination is made in relation to the decision issued.

Green Belt Balance and Conclusion

43. The proposal would constitute inappropriate development in the Green Belt and would harm openness. As such, the Framework requires that the harm by reason of inappropriateness be given substantial weight, and that inappropriate development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations. The other considerations in this case are not sufficient to comprise the very special circumstances necessary to justify this development. The development is contrary to Core Policy 2 of the CS and the Framework, which seek to protect the Green Belt.
44. I conclude that 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 therefore dismissed.

A Knight

INSPECTOR