
Appeal Decision

Site visit made on 20 May 2025

by **E Grierson BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th June 2025

Appeal Ref: APP/M2270/W/24/3358112

Windmill House, Hastings Road, Matfield, Tonbridge, Kent TN12 7HF

- 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 J Fuller against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 24/01903/FULL.
 - The development proposed is the retention of existing Windmill Cottage dwelling for ancillary use for the main residence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issues

3. The main issues are:
 - whether the proposed development would constitute ancillary accommodation to the main dwelling;
 - whether the proposed development would be in a suitable location for additional housing with regard to the local development strategy and accessibility to services and facilities;
 - the effect of the proposed development on the character and appearance of the surrounding area, including the High Weald National Landscape; and
 - the effect of the proposed development on highway safety.

Reasons

Ancillary Accommodation

4. Planning permission was granted on the appeal site for a replacement dwelling, known as Windmill House, subject to the condition that the original dwelling, Windmill Cottage, was to be demolished. The proposed development would retain

Windmill Cottage for use as ancillary accommodation to the main dwelling, with no internal or external alterations. The submitted plans show that Windmill Cottage is a two-storey building with a living room, kitchen and dining room on the ground floor and two bedrooms and two bathrooms on the first floor. As it was an independent dwelling and no changes are proposed, it therefore provides the facilities necessary for independent living.

5. In *Uttlesford DC v SSE & White [1992]*, the judge considered that, even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling – instead it would be a matter of fact and degree.
6. Policy H11 of the Tunbridge Wells Borough Local Plan 2006 (the LP) states that outside the Limits to Built Development extensions to an existing dwelling or additional ancillary buildings within the curtilage of the original building will be permitted providing the dwelling as extended would not lend itself to future sub-division to form a separate dwelling.
7. It has been stated that the building would be used for ancillary family accommodation, although no further information has been provided in relation to this. It is reasonable to assume that due to the level of residential accommodation within the cottage, it would be occupied by family members for day to day living, separately to the main dwelling. No information has been provided to suggest what would be the relationship between the occupiers or whether the occupiers of the annexe would also have access to facilities within the main dwelling.
8. Along with a full range of facilities for day to day living, separate from the main house, it also has a separate garden area to the rear of the building and although shares an access from the main road with the main dwelling, has a separate entrance gate. It is subdivided from the main dwelling by a fence and hedging and could easily be viewed as two distinctly separate properties. No information has been provided to suggest that this would be altered as part of the proposal. Furthermore, whilst smaller than the main dwelling, Windmill Cottage is still a large building in its own right with the general appearance of a standalone dwelling, rather than an annexe.
9. Therefore, despite the description of the development before me, I cannot be satisfied that the development would be used as additional accommodation to the main dwellinghouse or that its use would be part and parcel of the main dwellinghouse. As such, its use as an ancillary building would conflict with Policy H11 of the LP as outlined above and I will consider the proposed development to be the retention of Windmill Cottage as a separate dwelling and therefore an additional dwelling on the appeal site.

Location

10. Policy LBD1 of the LP states that outside the Limits to Built Development, as defined on the Proposals Map, development will only be permitted where it would be in accordance with all relevant policies contained in this Local Plan. The appeal site is located outside of the Limits to Built Development and is therefore within the countryside.
11. Core Policy 14 of the Tunbridge Wells Borough Local Development Framework Core Strategy Development Plan Document 2010 (the CS) states that new

development will generally be restricted to sites within the Limits to Built Development of the villages, but outside of this area affordable housing to meet an identified local need in perpetuity may be allowed. The proposal does not include affordable housing and therefore would not accord with these policies.

12. Policy EN1 of the LP states that the design of pedestrian routes to all new development proposals should provide safe and easy access for people with disabilities and people with particular access requirements. Core Policy 14 of the CS also states that non-motorised modes of the transports between the rural settlements and within the rural areas will be encouraged.
13. This is not an isolated site, as it is located in close proximity to several other dwellings. Therefore, paragraph 84 of the Framework is not applicable. However, paragraph 83 of the Framework highlights that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. This should include consideration of providing support for local services even in a village nearby.
14. Limited details have been provided, however I can see that there are very limited services and facilities in the area surrounding the appeal site. There are a broader range available within nearby settlements. However, these are some distance from the appeal site and there is no footpath to provide access to these. The road is also busy with fast moving traffic and no evidence of any dedicated cycle lanes, thereby making cycling an unattractive option. No public transport options have been brought to my attention. Therefore, the proposed development would not accord with Policy EN1 of the LP or Core Policy 14 of the CS in this regard.
15. Whilst paragraph 110 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, this does not negate the requirement to offer a genuine choice of transport modes and ensure that safe and suitable access to the site can be achieved for all users. Furthermore, due to the scale of the development, the benefit to services within villages nearby would be limited. Therefore, the proposed development would be given limited weight in relation to paragraph 83 of the Framework.
16. In conclusion, the necessary services and facilities which would be required by the future occupiers of the proposed dwelling would not be readily accessible and a single dwelling would not provide significant support for local services nearby. There are limited sustainable transport options and therefore the future occupiers would largely be reliant on the use of a car to serve their day to day needs on a regular basis. Consequently, the additional dwelling on the appeal site would not be located within a socially or environmentally sustainable location and would not be in an appropriate location for additional housing.
17. Therefore, for the reasons above, the proposal would not be in a suitable location for additional housing with regard to the local development strategy and accessibility to services and facilities. It would therefore conflict with Policies LBD1 and EN1 of the LP and Core Policy 14 of the CS as outlined above.

Character and Appearance

18. The appeal site is a large residential site currently occupied by both Windmill House, Windmill Cottage and other outbuildings. However, Windmill House was only granted planning permission subject to the condition that Windmill Cottage

was to be demolished. This has not yet occurred. The proposed development would therefore result in the retention of Windmill Cottage on the appeal site, alongside its replacement, Windmill House. For this reason, I must consider its retention as an additional building on the appeal site which would change the visual appearance of the appeal site from what it should be at present.

19. The appeal site is a large, spacious site, with a verdant appearance and limited built form. Whilst there are other residential properties nearby, the site is set in open and undeveloped surrounds, providing a rural character, in keeping with its countryside location.
20. The replacement dwelling, Windmill House, is set back from the road and on a large, spacious plot, with limited surrounding development. Windmill Cottage is a large, detached, two-storey building which is adjacent to the road and, although partly obscured by planting, is still a large and visible building within the streetscene. Whilst smaller than Windmill House, Windmill Cottage could not be considered modest or in scale with the main dwelling, particularly due to its forward location. Its continued presence on the appeal site, along with the large replacement dwelling and associated domestic paraphernalia, results in an excessive level of built form on the site and an overall urbanisation, which is detrimental to the rural surrounds and the existing character and appearance of the area.
21. The appeal site is also located within the High Weald National Landscape, previously High Weald Area of Outstanding Natural Beauty (AONB). The spacious and verdant nature of the appeal site and limited development sits comfortably within the rural surrounds of the National Landscape and contributes positively to it.
22. The statutory purpose of National Landscapes is conserving and enhancing the natural beauty of the area of outstanding natural beauty. Section 245 (Protected landscapes) of the Levelling-up and Regeneration Act 2023 amends the duty on relevant authorities in respect of their functions, which affect National Landscapes. Relevant authorities must seek to further the statutory purposes of Protected Landscapes, which includes National Landscapes. Paragraph 189 of the Framework also 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.
23. As the retention of the appeal building would result in the overdevelopment of the site to the detriment of the open and rural character of the area, it would also be harmful to the wider High Weald National Landscape and, for this reason, would not further its statutory purpose of conserving and enhancing the natural beauty of the area.
24. As such, the proposed development would result in harm to the character and appearance of the surrounding area including the High Weald National Landscape, for which the conservation of is given great weight, and would conflict with Policies 4, 5 and 14 of the CS and Policies EN1, EN25 and H11 of the LP. These policies collectively seek to ensure that developments will be of a high quality design and that the Boroughs urban and rural landscapes, including the designated High Weald AONB, will be conserved and enhanced with the interrelationship between natural and built features of the landscape to be preserved. Development should

have a minimal impact on the landscape character of the locality and the nature and intensity of the proposed use would be compatible with neighbouring uses and would not cause significant harm to the character of the area with ancillary buildings being modest in scale with the original dwelling and which does not dominate it visually or detract from its character or setting.

25. The proposal would also conflict with Policies H11, EN18 and EN19 of the SLP, which although not yet adopted, seeks to ensure that development, including annexes to existing dwellings are compatible with the character and appearance of the main dwelling, contribute positively to the local sense of place and for development within the High Weald AONB shall seek to conserve and enhance its landscape and scenic beauty.

Highway Safety

26. National Highways objected to the application due to concerns with the proposal that has the potential to impact on the safe and efficient operation of the Strategic Road Network, in this case, particularly within the vicinity of the A21. The existing access when exiting the appeal site leads directly onto the A21.
27. The appellant has provided a transport statement undertaken by a specialist transport consultancy, as part of this appeal. This concludes that the use of the existing dwelling as an ancillary building to the main house would have a lower vehicular trip generation when compared to an independent dwelling and the additional movements per day would be considered de minimus which would not have a material impact on the safe and efficient movement of traffic on the A21.
28. Even if I were to agree that the building was to be used for ancillary purposes only and not as a separate dwelling, due to the nature of the building and the domestic facilities it is to retain, it is likely that it will be occupied by additional family members thereby increasing the use of the existing access, which is intended to serve a single dwelling only.
29. The transport statement indicates that the junction sightlines have recently been improved to meet The Design Manual for Roads and Bridges (DMRB) requirements. However, no evidence has been provided to suggest that the visibility splays when exiting the site are sufficient for the proposed intensification of the use.
30. The transport statement also concludes that there have been no recorded traffic related personal injury accidents at the access to Windmill House in the latest five year period to June 2024. However, this is as is and there is no evidence to demonstrate that an intensified use would not increase the likelihood of accidents occurring between those entering and exiting the site and other road users. The appellant also states that cars would enter and exit in a forward gear with a short duration of manoeuvres at low speeds. However, whilst there is room in the appeal site for the manoeuvring of vehicles, the A21 is a busy thoroughfare with fast moving traffic in this location. Therefore, without the evidence to suggest otherwise, I am not persuaded that the intensified use, however minimal, would not cause conflict with traffic in this location.
31. Therefore, for the reasons above, the proposal would be likely to result in harm to highway safety and would conflict with Policy TP4 of the LP which seeks to ensure that proposals have a safely located access with adequate visibility splays and

outside of the Limits to Built Development, as defined on the Proposals Map, the development would not involve the intensification of use of an existing access directly onto a Primary or Secondary route.

Other Matters

32. It is noted that the description of the development relates to ancillary accommodation, rather than the provision of a separate dwelling. However, even if Windmill Cottage were to be considered as an annexe to Windmill House as outlined in the description of development, this wouldn't alter the overall findings of this appeal due to the harm to the character and appearance of the area and highway safety which have been identified.

Conclusion

33. Therefore, for the reasons given above and having had regard to all other matters raised, the development would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR