



Appeal Decision

Site visit made on 8 July 2025

by **Thomas Courtney BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th July 2025

Appeal Ref: APP/M2270/W/25/3360471

Swattenden Barn Stables, Swattenden Lane, Cranbrook, Kent TN17 3PR

- 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 N Leston against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 24/01608/FULL.
 - The development proposed is the replacement of existing home & 5no. containers with new dwelling & associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interest of accuracy and conciseness, the description of development in the banner heading is taken from the decision notice and appeal form.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, having particular regard to its location within the High Weald National Landscape; and
 - Whether sufficient ecological information has been provided to assess the potential impact of the development on protected species.

Reasons

Character and appearance

4. The appeal site is within the High Weald National Landscape (HWNL), formerly known as the High Weald Area of Outstanding Natural Beauty (AONB). The National Planning Policy Framework requires great weight to be given to conserving and enhancing the landscape and scenic beauty in these areas, which is the statutory purpose of such landscapes. I am mindful of my duties to further the purpose of conserving and enhancing the natural beauty of National Landscapes. That duty applies whether or not the development is prominent in public views.
5. The High Weald AONB Management Plan¹ outlines the special qualities of the HWNL which has been designated in part because of the natural beauty of the

¹ The High Weald National Landscape AONB Management Plan, 2024-2029

landscape consisting of a tapestry of fields, hedgerows, small ancient woodlands, ponds, farmsteads and late-Medieval settlements. The High Weald occupies the ridged and faulted sandstone core of an area known from Saxon times as the Weald. It is an area of ancient countryside and one of the best surviving medieval landscapes in Northern Europe. The mosaic of small mixed farms and woodlands is considered to represent a quintessentially English landscape. It is crossed by one of the most famous routeways in English history, the one that took King Harold's army from victory at Stamford Bridge to defeat at Hastings in 1066.

6. The site is large and comprises a modest lawful dwelling and five storage containers, along with associated structures, discarded vehicles, and scattered items of equipment. Together, these give the site a distinctly informal and utilitarian character, with a visibly cluttered appearance. The existing built elements are low in profile and irregularly spaced, resulting in a relatively recessive presence in the landscape. The appellant proposes a two-storey, four-bedroom replacement dwelling of significantly greater volume, relocated to the west of the existing building. It would replace the dispersed built form with a consolidated residential unit incorporating a large footprint, pitched roof, a more domesticated design, as well as a large parking and turning area.
7. Whilst the removal of the containers and other items would result in a tidier and more orderly arrangement, the proposal would nonetheless introduce a materially larger and more visually assertive built form. Its overall height, volume, and consolidated mass would noticeably exceed that of the existing dwelling. The proposed design would adopt a more formal and domesticated architectural style, incorporating symmetrical gables, regular fenestration, and multiple roof dormers. This contrasts with the existing dwelling's informal, low-profile, and functional appearance, which is more typical of rural outbuildings or converted structures. The extensive parking and turning area would further reinforce the sense of formality and domesticity, contributing to a more suburban character.
8. The appellant contends that the design of the proposed dwelling reflects traditional rural architecture and would be in keeping with other buildings in the area, citing a barn-style form and use of natural materials such as timber cladding. While these elements draw on vernacular cues, the resulting building would nonetheless read as a large, domesticated two-storey dwelling of consolidated form. The site currently contains low-profile, scattered structures of modest and utilitarian character. In this context, the proposed dwelling would introduce a significantly more formal and suburban presence that would not sit comfortably within its rural surroundings, notwithstanding the use of some materials associated with rural buildings.
9. The appellant highlights that the site is well screened by trees and vegetation and is not readily visible from public viewpoints. While this is broadly accurate, it does not alter the requirement that development within a National Landscape must conserve and enhance its natural beauty. Visibility is not the sole determinant of acceptability, and national guidance confirms that development can fail to meet this objective even when not prominent. Screening is also subject to seasonal variation, and the site's enclosure does not negate the need for development to be appropriately scaled and sited in relation to its rural context.
10. Policy H10 of the Local Plan allows for replacement dwellings outside the Limits to Built Development, subject to meeting three criteria. It is not in dispute that the

existing dwelling is lawful, satisfying criterion (a). In terms of criterion (b), the proposed siting, although not identical to the existing footprint, remains relatively close and within the same general part of the site. The reason advanced by the appellant - namely, the desire to retain the existing dwelling during construction, is not ordinarily a determining factor. However, on balance, the proposed relocation would not conflict with the intent of this policy requirement.

11. However, the proposal fails to satisfy criterion (c), which requires that the replacement dwelling is not more intrusive in the landscape than the one it replaces. The proposed building would introduce a consolidated and formalised residential presence that would alter the character of the site and its contribution to the landscape. This would be materially more intrusive than the low-key, scattered structures currently in place, despite their untidiness.
12. The appellant refers to an approved replacement dwelling at Golford Road² as a directly comparable scheme. However, while that scheme also involved the replacement of an existing dwelling and ancillary structures, there are clear contextual and factual distinctions that limit the relevance of the comparison.
13. The figures provided by the appellant show that the Golford Road development resulted in a 211% increase in footprint and a 233% increase in volume, both of which exceed the 6% footprint, and 62% volume increase (including outbuildings) proposed at the appeal site. When excluding outbuildings, the appeal scheme would still result in a 123% footprint and 179% volume increase over the existing dwelling alone - a substantial uplift in its own right. Therefore, while the scale of development at Golford Road was indeed greater, this does not negate the fact that the appeal proposal would also result in a significantly larger and more prominent building than currently exists on site.
14. Whilst the overall increase in footprint and volume was greater in the Golford Road case, the approved building followed a more restrained, elongated single-storey form with a shallow roof profile and horizontal emphasis, resulting in a less visually assertive presence in the landscape. By contrast, the appeal proposal adopts a more vertically expressive form, with a series of steeply pitched roofs and increased articulation. These features contribute to a bulkier, more conspicuous appearance.
15. Moreover, each site must be assessed on its own planning merits. The Golford Road case is materially different in several respects. The Golford scheme involved the redevelopment of a former Golf Club car park and ticket office, which sat in a different landscape setting and had different baseline conditions. The Council's decision reflected the specific context and planning balance at that site.
16. The appeal site accommodates a modest, low-profile dwelling alongside several containers and miscellaneous structures, many of which contribute visual clutter but do not significantly alter the baseline massing of the built form. The proposed dwelling, by consolidating and enlarging the built form into a single, prominent building, would substantially increase the visual presence and scale of development within this sensitive rural setting. The Golford Road scheme does not therefore justify the proposal in this instance, and the comparison does not alter the assessment of harm arising from the appeal proposal's scale and siting.

² Planning application reference no 23/03358/FULL

17. Although the site is not prominent, and the removal of unsightly features would represent a form of localised improvement, the proposal would not conserve and enhance the special qualities of the HWNL.
18. For these reasons, the proposal would harm the character and appearance of the appeal site and surrounding area and would not conserve or enhance the natural beauty of the High Weald National Landscape. It would therefore conflict with the Framework, which requires great weight to be given to this objective, and would be contrary to Policies LBD1, H10, EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006 (the 'Local Plan'), Policies 4, 5, and 14 of the Core Strategy 2010, and Policy LN3.5 of the Cranbrook & Sissinghurst Neighbourhood Plan insofar as they seek to ensure proposals are well-designed, respect surrounding context and conserve and enhance designated rural landscapes. I have also had regard to Policies EN1, EN19 and H10 of the emerging Tunbridge Wells Borough Submission Local Plan 2020-2038 (the emerging Local Plan) which seek the same.

Ecology and Protected Species

19. The appeal site is bordered by vegetation and includes features such as woodland edges and ponds in the wider vicinity, which offer potential habitat for protected species. The appellant has submitted a Preliminary Ecological Appraisal (PEA) and an Ecological Method Statement. The PEA recommends further surveys to establish the presence or likely absence of species including bats, reptiles and Great Crested Newts. These surveys have not been carried out.
20. The appellant argues that the cost of full surveys is prohibitive and presents an unacceptable financial risk given the uncertainty of planning permission. It is further stated that the Method Statement provides sufficient ecological safeguards and that surveys could be secured through a pre-commencement condition.
21. However, the Framework requires planning decisions to minimise impacts on biodiversity and refuse development that would result in significant harm that cannot be avoided, mitigated or compensated. Where protected species are likely to be present, their presence or absence must be established prior to determination. This is to ensure that appropriate avoidance or mitigation can be properly assessed at the decision-making stage.
22. The appellant's willingness to carry out surveys post-approval does not address this policy requirement. Without verified data, it is not possible to conclude that protected species would not be harmed, or that appropriate mitigation would be feasible. The absence of this information means that the ecological effects of the proposal cannot be fully understood or weighed. While the proposal demonstrates a measurable Biodiversity Net Gain, this does not override the need to assess impacts on protected species at the appropriate stage. The appellant's cost concerns are noted, but they do not alter the requirement for decisions to be based on adequate environmental information.
23. Given this, insufficient ecological information has been provided to assess the potential impact of the development on protected species. It would therefore conflict with the Framework, saved policies LBD1 and EN1 of the Local Plan, Policy 4 of the Core Strategy 2010, Policy LN3.1 of the Cranbrook & Sissinghurst Neighbourhood Development Plan, and Policy EN1 of the emerging Local Plan

insofar as they seek to ensure proposals protect and enhance biodiversity and the ecological networks of wildlife habitats in designated landscapes.

Other Matters

24. The appellant refers to several other potential benefits of the scheme. These include the proposal's delivery as a self-build dwelling and the absence of harm to neighbouring amenity. Reference is also made to prior engagement with the Council at pre-application stage. No substantiated evidence has been provided to demonstrate that the proposal forms part of a self-build register or addresses an identified local need. The absence of amenity harm is a neutral factor. Pre-application discussions are non-binding and cannot weigh materially in favour of a scheme that is not policy compliant.
25. It is acknowledged that the Parish Council and neighbouring occupiers have expressed support for the proposal. A neighbour questions whether the existing dwelling meets building regulations, while also citing the removal of containers, vehicles and associated clutter as a visual improvement. Although the replacement of such features may lead to some perceived betterment, these matters do not outweigh the harm identified above in terms of the scale and massing of the proposed dwelling, nor do they address the proposal's conflict with the development plan.
26. The appellant also refers to the proposed dwelling being energy efficient and constructed using natural materials. While these aspects are generally desirable, they do not weigh significantly in favour of the development in the planning balance, particularly where the proposal is found to conflict with key development plan policies and national guidance.

Conclusion

27. 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.
28. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR