
Appeal Decision

Site visit made on 18 September 2025

by **R Lawrence BSc (Hons), PGDip (TP), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 October 2025

Appeal Ref: APP/M2270/W/25/3367190

12 Flimwell Close, Flimwell, Wadhurst, Kent TN5 7PP

- 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 Ms Sheena Carlton against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 25/00557/FULL.
 - The development proposed is detached three-storey dwelling house and detached garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There are inconsistencies between the submitted plans regarding the extent of the appeal site. The site plan shows it extending over the public footpath and up to the carriageway, whereas the location and block plans indicate a boundary up to the footpath. This latter interpretation appears to better reflect the garden as it exists on the ground, and I have assessed the appeal on that basis.
3. The Council has referred to various emerging policies contained within the draft Tunbridge Wells Borough Submission Local Plan 2020–2038. However, there is no evidence before me regarding the current status of the plan or the progress of individual policies. In the absence of such information, I am unable to determine the level of weight that should be attributed to the identified policies.
4. Given this, and as the Council's case is not solely reliant upon the emerging plan, I have determined the appeal primarily against the adopted development plan policies.

Background and Main Issues

5. The appeal scheme before me is essentially the same as the development recently dismissed at appeal¹ (the recent appeal). Since that decision, there have been no material changes to the relevant development plan policies. However, the appellant has drawn attention to a revision in the National Planning Policy Framework (the Framework), updated in December 2024, which she argues represents a material change in the policy context.
6. In particular, the appellant highlights the increased emphasis within the revised Framework on making effective use of land, including brownfield and previously

¹ Appeal ref APP/M2270/W/24/3338609 dated 22 October 2024

developed sites. I have taken account of the updated Framework in my assessment.

7. Against this background, the recent appeal remains a significant material consideration. While I have assessed the current scheme on its own merits and reached independent conclusions, I have had close regard to the findings of the previous appeal.
8. The reasons for refusal are substantially the same as those applied to the previous appeal scheme, and consequently, the main issues are:
 - whether the development would be in a suitable location, and
 - the effect of the development on the character and appearance of the area, with particular regard to the High Weald National Landscape (HWNL).

Reasons

Location of development

9. The appeal site lies outside of the Limits to Built Development of settlements identified for housing². As the previous Inspector noted, the proposal conflicts with the Council's adopted spatial strategy, particularly in relation to Tunbridge Wells Core Strategy 2010 (CS) Policies 1, 6 and 14. In these circumstances, Policy LBD1 of the Tunbridge Wells Borough Local Plan 2006 (LP) is explicit in stating that development will not be permitted.
10. The site is located off the A21, approximately a 10-minute walk from the centre of Flimwell. Although opportunities to cross the A21 are limited and the route is largely unlit, a continuous footpath is present, and a wide grass verge offers some separation from the carriageway. While the walking environment is not ideal, it is navigable, and the distance involved is modest. Within Flimwell, facilities include a village hall, a furniture shop, bus stops, and a public house located closer to the appeal site. These are each reasonably accessible and provide a basic level of service. However, the overall range of facilities is limited and falls short of what would be required to meet day-to-day needs without regular travel to larger settlements.
11. The appellant has referred to a nearby pharmacy and Tesco and Waitrose stores, but their locations are not specified. There was no evidence of such facilities within Flimwell, and I have therefore assumed they are situated further afield.
12. The bus stop in Flimwell is served by an hourly service, connecting to Hawkhurst, Ticehurst and Tunbridge Wells. However, service frequency is reduced during early mornings and evenings. While the bus is accessible during daylight hours, the limited frequency means it would not be suitable for most journeys. I have also been provided with a National Express timetable referencing a service from the Royal Oak towards Bexhill. That timetable indicates that all coach services have been suspended. This may be outdated, but there is no evidence before me to confirm that the service has resumed.
13. Although further facilities exist in nearby settlements such as Ticehurst and Hawkhurst, the limited bus service, absence of dedicated cycle routes, and

² As defined in saved Policy LBD1 of the LP

constraints to walking mean that the distance to these locations would deter access by non-car modes.

14. I acknowledge that the proposed dwelling would be located on the edge of an existing residential cul-de-sac and would be no further from services and transport than neighbouring properties. However, those are established dwellings, and I do not know the circumstances of their original approval. It is unlikely that the same planning policies applied at the time, and therefore they do not justify the location of the current proposal.
15. I also recognise that future occupiers could choose to use electric vehicles, including bicycles. However, there is no mechanism to require this. The Framework emphasises the need to manage patterns of growth and promote genuine transport choice, prioritising walking, cycling and public transport. While electric vehicles may offer air quality benefits over petrol or diesel cars, they do not provide the same public health advantages as active or shared modes of travel.
16. Taking all of the above into account, and consistent with the previous Inspector's findings, I conclude that the development would not be in a suitable location. It would conflict with Policy LBD1 of the LP and CS Policies 1, 6 and 14.

Character and appearance

17. The site lies within the HWNL, where the statutory purpose is to conserve and enhance natural beauty. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) places a duty on relevant authorities to further this purpose when exercising functions affecting land within such areas. Although the appeal site is adjacent to the busy A21 and subject to traffic noise, the limited and sporadic roadside development contributes to a rural character.
18. This rural character would be diminished by the introduction of substantial built form closer to the carriageway. Flimwell Close sits in an elevated position relative to the A21, and its houses are visible despite boundary screening. The appeal site occupies a particularly prominent position, closer to the road than any other dwelling in the close. The proposed dwelling, and especially the garage, would bring built form significantly nearer to the A21, introducing roadside development where none currently exists and thereby eroding the area's rural character.
19. While the proposal would be seen in the context of existing housing, its impact would be limited to some extent by its location within a residential garden and its proximity to other dwellings. However, the close is defined by a symmetrical arrangement of six pairs of semi-detached houses. The introduction of a detached dwelling of noticeably different scale and form would disrupt this pattern and stand out within its setting.
20. Although the proposed dwelling would incorporate architectural features similar to those found in the close, this would not sufficiently mitigate the harm identified. I do not entirely agree with the previous Inspector's assessment of the extent of harm, as I give greater weight to the site's relationship with existing built form. Nevertheless, I find that the proposal would cause tangible harm to the rural character of the area.

21. The Council's reason for refusal refers to the loss of undeveloped land, which conflicts with the appellant's position that the site is previously developed garden land. The appellant maintains that the entire appeal site forms part of the residential garden and has enclosed it with a close-boarded fence. However, this does not reflect the established pattern or scale of gardens within Flimwell Close, which otherwise displays a strong degree of symmetry. The presence of residential paraphernalia and OS mapping suggest a more limited garden area. In the absence of substantive evidence, I remain doubtful that the full site constitutes residential garden land.
22. Nonetheless, as the Council has not raised this as a concern and it is not central to my decision, I have proceeded on the basis of the appellant's position. In any event, whether or not the whole site is previously developed residential curtilage has had very limited impact on my conclusion regarding the proposal's effect on the character and appearance of the area.
23. The statutory requirement to conserve and enhance the natural beauty of the HWNL sets a high bar. In this case, the proposal would fall short of that benchmark. The Framework requires that great weight be given to conserving and enhancing landscape and scenic beauty in National Landscapes, which hold the highest status of protection in this regard.
24. Given the above, I find that the proposal would have a detrimental effect on the character and appearance of the area, including harm to the HWNL. The proposal would therefore conflict with saved Policies EN1 and EN25 of the LP; Policies 4, 5 and 14 of the CS and Policies L1 and D1 of the Goudhurst Neighbourhood Development Plan 2021. These policies, taken together and insofar as relevant, require that development protects the character and appearance of the area, does not detract from the openness or character of the countryside and is well-integrated into the landscape, conserving and enhancing its character.
25. The proposal would also conflict with the requirements of the Framework which include recognising the character and beauty of the countryside and which seek to achieve well-designed and beautiful places through developments that are visually attractive and sympathetic to local character.

Other Matters

26. The appellant has indicated that the proposal is intended as a self-build development, and a self-build Community Infrastructure Levy (CIL) exemption form has been submitted. While this may be relevant for the purposes of calculating CIL liability, there is no mechanism before me to secure the development as a self-build project. In the absence of such a mechanism, I am unable to give this matter any weight in the determination of the appeal.
27. The appellant also contends that the proposal would be exempt from the national mandatory Biodiversity Net Gain (BNG) requirement on the basis that it is a self-build scheme. However, given my findings above, that exemption cannot apply. Were I minded to allow the appeal, it would be necessary to consider whether the minimum information required by Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 had been provided,

and whether the statutory BNG requirement would be met. As the appeal is being dismissed on other grounds, it is not necessary to consider this matter further.

28. Paragraph 125 of the National Planning Policy Framework (the Framework) advises that substantial weight should be given to the use of suitable brownfield land within settlements for housing, including previously developed land. However, the appeal site lies outside any defined settlement boundary. As such, the support offered by the Framework for development on brownfield land within settlements does not apply in this instance.
29. I acknowledge the number of letters submitted by interested parties living near the appeal site, expressing support for the proposal. The reasons cited include the thoughtful approach taken to infrastructure provision, the design and appearance of the dwelling, and the potential benefit of reducing road noise. These representations clearly reflect the appellant's efforts to engage with neighbouring occupiers and foster positive relationships. However, for the reasons outlined above, I have identified harm to the character of the surrounding landscape and concerns regarding the location of the development. While the support from local residents is noted and commendable, the matters raised do not outweigh the identified harm in this case.

Planning Balance and Conclusion

30. The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with a supply of only 3.9 years. This represents a significant shortfall. The proposed development would provide one additional dwelling, which, while modest in scale, would make a small but nonetheless meaningful contribution to addressing this shortfall and to the government's objective of significantly boosting the supply of homes.
31. The Framework also places importance on supporting a prosperous rural economy. The proposal would contribute to this aim by generating economic benefits, including short-term employment and local spending during the construction phase, as well as longer-term benefits through increased patronage of local services and facilities by future occupants. These economic effects also give rise to a modest social benefit by helping to sustain the vitality of nearby rural communities. However, the limited number of services within walking distance, coupled with the small scale of the proposal, reduces the overall weight that can be attributed to these benefits. Taken together, I afford these benefits moderate weight.
32. Nevertheless, I have identified harm to the High Weald National Landscape (HWNL). In accordance with paragraph 11(d)(i) of the Framework, policies which protect areas of particular importance—including nationally designated landscapes—provide a clear reason for refusing the development. In this context and given that the site is not in a suitable location for housing and would result in harm to the character and appearance of the area, the proposal would conflict with the development plan. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan.

33. Accordingly, the appeal is dismissed.

R Lawrence

INSPECTOR