



Appeal Decision

Site visit made on 21 November 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 December 2025

Appeal Ref: APP/M2270/W/25/3371825

Little Park, Ethnam Lane, Sandhurst, Cranbrook, Kent TN18 5PS

- 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 Mrs Clare Browning against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 25/00499/FULL.
 - The development proposed is described as 'demolition of a garage/ workshop and erection of a new 4 bedroom dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development used in the banner heading above is taken from the application form.
3. The Council is making progress towards the adoption of a new local plan, referred to in the appeal documents as the Submission Local Plan 2021 (the SLP). The Council suggest its policies should carry moderate-significant weight at this time and, given its significant progress I have no strong reason to reach a different view.

Main Issues

4. The main issues are: the effects of the proposal on the landscape character of the High Weald National Landscape, and; effects on bats.

Reasons

Landscape Character

5. The appeal site lies within the High Weald National Landscape (HWNL). In addition to the statutory duty at section 85 of the Countryside and Rights of Way Act 2000, the National Planning Policy Framework (the Framework) provides that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes. Core Policy 4 of the Council's Core Strategy 2010 (the CS) similarly includes that the designated High Weald will be conserved and enhanced.
6. The site lies within Local Character Area 11: Hawkhurst Wooded Farmland, as defined by the Council's Landscape Character Assessment 2017 (the LCA). This summarises the area as being a peaceful, managed, farmed landscape of pasture

and open arable fields on gentle open spaces. In terms of built development, the LCA refers to a pattern of ridgetop settlements, including Sandhurst, with smaller settlements of The Moor and Sandhurst Cross. It sets out that elsewhere, settlement is more sparse, with the area appearing from the main roads to be quite densely settled, but further afield the intimacy of the landscape creates a more secluded feel.

7. The appeal site is outside the perceived edge of Sandhurst, and set back significantly from the main road of the A268, which is lined by a more regular pattern of residential development, as described in the LCA and as evidenced by the appellant. There are some residential properties further north along Ethnam Lane, which form part of the transition between the countryside and the more frequent development on the main road. However, close to the appeal site, Ethnam Lane has a strong rural character, derived from the absence of development, its very narrow width and heavy enclosure by embankments and mature hedgerows and trees. The appeal site forms part of the wider garden of Little Park and contains a garage/ workshop, which sits comfortably within the rural landscape by reason of its modest footprint, low level and simple design, together with the open space and landscaping which surround it. Overall, the site currently contributes positively to the attributes and pattern of development described by the LCA and which, in turn contribute to the landscape character of the HWNL. Given the scale of the approved additional garage, this would continue to be the case if it were constructed.
8. The proposed dwelling would occupy a significant proportion of the plot's width and sit squarely within the site's boundaries. While the first floor accommodation would be set partially within the pitched roof forms and the building partially recessed into the site's slopes, the scale of the building would be accentuated by its design including the scale of its first floor level windows, high level terraces and roof level paraphernalia. As a consequence it would be in stark contrast to the other buildings nearby.
9. The plot would also become domesticated as a result of the dominance of the house on the site and the paraphernalia surrounding it, including the parking and turning areas close to the road edge, which would very likely be visible to varying degrees throughout the year from the road and public footpath. The combination of these factors would result in the quiet rural character of the site being lost. The rural character of this part of Ethnam Lane and the pattern of development described by the LCA would be heavily diluted.
10. The landscaping scheme would assist in screening some views of the site from the public footpath, however this is unlikely to be the case throughout the year. The deep flank wall of the house would also remain visible above the proposed boundary hedgerow. Additional planting is proposed to the southern boundary which is shown to be outside the red line boundary of the appeal site. As such I cannot be satisfied that it could be secured if the appeal were otherwise allowed. Overall the proposed landscaping would not reduce nor mitigate for the harmful effects of the proposal on the landscape.
11. In conclusion on this main issue, for the reasons given the proposal would cause harm to the landscape character of the HWNL. Accordingly it would fail to either preserve or enhance the special landscape character and would conflict with Core Policy 4, cited above, as well as emerging policies STR1 and EN19 of the SLP

which require development to conserve and enhance the High Weald designated landscape. For the same reasons the proposal would conflict with saved policies EN1 and EN25 of the Council's Local Plan 2006 (the LP) and in turn policy LBD1 of the LP, Core Policy 14 of the CS as well as emerging policies EN1 and EN18 of the SLP, which relate to effects on the character and appearance of the area.

Bats

12. The application was accompanied by a Preliminary Ecological Appraisal (PEA)¹ which found that the existing garage contained a brown long eared bat roost and recommended that three bat emergence and/or re-entry surveys should be undertaken. The proposal entails the removal of this existing building and it follows that there is a strong likelihood of roosting bats being affected by the proposal. The PEA acknowledges that the results of the recommended surveys would indicate the requirements for mitigation, compensation and/or licences.
13. There is no evidence that the recommended surveys have been undertaken. In their absence the full effect of the proposal on bats, including the need for appropriate mitigation strategies and whether or not they could reasonably be achieved, cannot be established. The appellant has not provided reassurances on this matter and, given its importance and the protections afforded to bats, I do not consider that it would be appropriate to secure the necessary surveys by planning condition. Neither have details of any exceptional circumstances for the use of conditions in this way, as set out in Circular 06/2005, been put forward.
14. In the absence of evidence to the contrary, the proposal would cause harm to bats at the site. This would conflict with saved policy EN1 of the LP, Core Policy 4 of the CS and emerging policy EN1 of the SLP, which include provisions relating to the protection of biodiversity and nature conservation.

Other Matters

15. The Council's first reason for refusal also refers to the accessibility of services and facilities from the site, although no conflict with a development plan policy has been drawn to my attention insofar as this issue is concerned. A continuous footpath runs along the A268 towards Sandhurst, although this is largely unlit, narrow in part and runs close to fast moving traffic. In addition, Ethnam Lane is narrow and unlit, and lacks any designated footways. Occupants of the proposed development would therefore need to walk in the path of traffic, which would be particularly precarious near the appeal site due to poor visibility around the bends. For these reasons in combination, walking is very unlikely to be an attractive alternative to car use for future occupants of the development in carrying out their day to day activities. Cycling may be suitable for some, but given the features of the local highway set out above, this is unlikely to be an attractive alternative throughout the year.
16. In any event, given Sandhurst is a Tier 3 settlement with only limited services and facilities, occupants are likely to be reliant on services further afield to carry out their day to day needs. While I understand a bus service operates along the A268, I do not have details of its frequency and future occupants would still need to traverse the highway described above to access those services. Accordingly, future occupiers are likely to be dependant on cars for most, if not all, of their

¹ Dated 4 March 2024, ref 5529E/24/01

journeys. The site's location in this respect is at odds with the Framework insofar as it seeks to ensure that sustainable travel is prioritised and this does not, therefore, weigh in favour of the development.

17. The appellant has drawn my attention to an approval for a new house nearby at Lomas Lane². That Officer's Report, however, identifies important differences relating to the size of the house, its 'discreet' position, and that the proposal replaced an existing house. Those circumstances were therefore very different to those of this appeal.
18. The Council accept that it is unable to demonstrate a five year land supply for housing and that the provisions of paragraph 11d) of the Framework are relevant to the appeal. For the reasons given, the policies in the Framework that protect National Landscapes provide a strong reason for refusing the development proposed. As such the proposal does not benefit from the presumption in favour of sustainable development in the Framework.
19. The proposal would, nonetheless, provide a new home which would contribute to the local shortfall and to the national objective to boost the supply of homes. The proposal could also constitute a self-build home, although there is little evidence before me of the need for such homes. There would be economic benefits including those associated with the construction process and ongoing expenditure into the local economy by future occupants, and some local finance to the Council through the new homes bonus. The Council agree the site to be previously developed land, which is also acknowledged as particularly important for housing delivery in the Framework. The proposal would also incorporate sustainability measures to adapt to climate change. The weight of these benefits together is limited, given the scale of the development. As such they would not outweigh the harms identified above.
20. Where the proposal has been found to be policy compliant in other respects these are neutral matters. I am not satisfied that Council tax receipts should add weight in favour of the proposal since they are intended to fund services necessary to serve the development. I am aware of the additional concerns raised by third parties. However, it is not necessary to address those further here, since they would not alter the outcome of the appeal.

Conclusion

21. The proposal would conflict with the development plan and there are not material considerations of sufficient weight, including approaches in the Framework, which indicate a decision should be made other than in accordance with it. The appeal is therefore dismissed.

C Shearing

INSPECTOR

² Council reference 22/03083/FULL