



Appeal Decisions

Site visit made on 9 December 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th January 2026

Appeal A Ref: APP/M2270/W/25/3374473

Crofton, Lomas Lane, Sandhurst TN18 5PT

- 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 & Mrs P Bowie against the decision of Tunbridge Wells Borough Council.
- The application Ref is 25/00576/FULL.
- The development proposed is separate access for the new dwelling (Whitcroft), approved under 22/03083/FULL and change of use of Crofton from annexe to dwellinghouse, together with single storey extension.

Appeal B Ref: APP/M2270/W/25/3374474

Crofton, Lomas Lane, Sandhurst TN18 5PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr & Mrs P Bowie against the decision of Tunbridge Wells Borough Council.
- The application Ref is 25/01334/FULL.
- The application sought planning permission for "Erection of new dwelling. Alteration of existing small bungalow for use as a granny annexe", without complying with a condition attached to planning permission Ref 22/03083/FULL, dated 20 January 2023.
- The condition in dispute is No 8 which states that: "The existing dwelling on the site shall become an ancillary building to the dwelling hereby approved and shall be used for ancillary purposes/annexe use only in conjunction with the residential use of the new dwelling".
- The reason given for the condition is: "In the interest of the amenities of the locality and to prevent the creation of a separate dwelling within the countryside".

Decision

1. Appeals A and B are dismissed.

Preliminary Matters

2. As set out above there are two appeals on the appeal site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. Since the Council issued its decisions on the planning applications, the Tunbridge Wells Borough Local Plan 2025 (Local Plan) has been adopted and I have taken it into account in my decision. The appellant has had the opportunity to comment on the new policies although no response has been received. The Council have clarified that the policies in the Local Plan supersede the saved policies of the Tunbridge Wells Local Plan 2006, the 2010 Core Strategy and 2016 Site Allocations Local Plan as referenced in the reasons for refusal.

4. In 2023, designated Areas of Outstanding Natural Beauty in England and Wales became “National Landscapes”. The appeal site falls within the High Weald Area of Outstanding Natural Beauty (the AONB) which has become the High Weald National Landscape (HWNL).
5. Section 245 of the Levelling Up and Regeneration Act 2023 (LURA) amended the duty on relevant authorities in respect of their interactions with statutory purposes of National Landscapes, as set out in Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (CRWA). In so far as it relates to this appeal, the amendment now requires relevant authorities “in exercising or performing any function in relation to or so as to affect land in an AONB... to seek to further the purpose of conserving and enhancing the natural beauty of the AONB”. As such, it is incumbent on me to evidence consideration of ways to further the purpose of conserving and enhancing the natural beauty of the HWNL.
6. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.

Background and Main Issues

7. Appeal A concerns the creation of a new access and hardstanding to serve the new dwelling known as Whitecroft, along with the use of Crofton as a separate single dwelling and incorporating a single storey rear extension to create a third bedroom.
8. Appeal B seeks to remove condition 8 to allow the unrestricted residential use of the dwelling known as Crofton.
9. The new dwelling the subject of the above permission (ref 22/03083/FULL) is in the process of being constructed. There is currently an access for construction traffic in the same location as the proposed access for Whitecroft.
10. The applications the subject of these appeals were each refused for the same reasons. Accordingly, the main issues are:

For Appeals A and B:

- whether the site is a suitable location for the creation of an additional dwelling having regard to the Council’s strategy for the location of development; and,
- the effect of the proposal on the character and appearance of the area with particular regard to whether the proposal would conserve and enhance the landscape, scenic and natural beauty of the High Weald National Landscape (HWNL).

Additionally, for Appeal B:

- whether the condition is reasonable and necessary with regard to the main issues identified above.

Reasons

Location

11. The appeal site is located outside of the Limits to Built Development (LBD) for Sandhurst, as defined in STR1 of the Local Plan. It is therefore within the countryside for the purposes of planning policy.
12. Local Plan Policy STR1 is delivered in the context of restricting the encroachment of built form into the countryside and to direct development to appropriate locations. Amongst other things, Policy STR6 of the Local Plan aims to deliver future development in accessible locations, prioritising active travel and public transport as an alternative means to the private car. This policy is also delivered with the aim of maximising internal trips within settlements, to ultimately reduce the impact on the highway network through new development.
13. The appeal proposal would allow Crofton to be used as an independent dwelling, and not as an annexe to Whitecroft. The Council indicate that Whitecroft was granted planning permission as a replacement dwelling in the countryside. The subdivision of the residential curtilage to enable Crofton to form an independent dwelling would fall to be considered in planning policy terms as a new dwelling in the countryside, which is not supported by Local Plan Policies H10 or STRA1.
14. To access the services and facilities of Sandhurst by foot, there is a footway along one side of the A268. The route is heavily trafficked, largely unlit and the footway is often narrow. Given the nature of the road and lack of continuous street lighting, the pedestrian route into the village would not be attractive to all, particularly for example those walking children to school or using a buggy. Cycling would be a potential alternative to the car given the flat route and reasonably short distance, but would not be suitable for all. On the whole I do not consider that the appeal site is sufficiently close to the village services such that vehicle trips for these journeys would be unnecessary.
15. Notwithstanding my findings above regarding cycling as a means of accessing local services, the location of the appeal scheme would conflict with the Council's strategy for the location of development which aims to focus development to within the LBD of the borough's settlements. The proposal would conflict with Local Plan Policies STR1, STR6 and H10 insofar as these policies seek to locate new residential development within the LBD, prioritise active travel and minimise the need to travel, and support replacement dwellings within the countryside in particular circumstances.

Character and Appearance

16. The HWNL is characterised by ridges and valleys covered by mosaics of small fields, surrounded by hedges and areas of woodland. Its outstanding beauty derives from its essentially rural and human scale character, high proportion of natural surfaces, tranquillity and dark skies. Paragraph 189 of the National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving and enhancing the landscape and scenic beauty of these areas.
17. Planning Practice Guidance (PPG) refers to the relevance of management plans for National Landscapes for assessing planning applications. Whilst these do not

form part of the development plan, they help to set out the strategic context for development and provide evidence of the value and special qualities of these areas. The High Weald AONB Management Plan 2024-2029 (the Management Plan) is therefore a material consideration.

18. Lomas Lane is a no-through road lined with housing to its west side and on the opposite site, more sporadic low-density detached dwellings set in substantial gardens. There is a hedgerow which borders the east side of the road, punctuated by accesses to the houses. The dwellings to the west side generally have open boundary treatments. Overall, the lane has a semi-rural character. The proposed access is currently used as a temporary access for construction vehicles in connection with the house being constructed pursuant to the 2023 planning permission.

Appeal A

19. In creating a separate curtilage for each dwelling, the proposal would significantly increase the areas of hardstanding for access, parking and turning compared to the 2023 planning permission (ref 22/03083/FULL).
20. Even though there are already several accesses serving the dwellings lining Lomas Lane, these are largely concentrated on the west side of the road. To the east, there is a substantial hedgerow which runs alongside most of the lane. The proposed arrangement would produce a significant gap in the hedgerow, along with the introduction of a large area of hardstanding in the form of the drive and tuning area. The overall effect would be harmfully suburbanising and would erode the semi-rural character of Lomas Lane though the removal of a large section of hedge and introduction of a significant area of hardstanding.
21. The driveway would pass adjacent to and partly beneath the canopy of an oak tree which the drawings show to be retained. There is limited evidence regarding the encroachment of the driveway works into the root protection area of the tree, and I cannot conclude that there would not be harm to the tree as a result. The tree contributes to the semi-rural and verdant character of the lane and surrounding area, and the loss of, or damage to the tree would be harmful to this character.
22. In settlements across the HWNL, the Management Plan identifies a risk of the erosion of AONB character through the cumulative effects of suburbanisation. The actions set out by the Management Plan state that public bodies should seek to minimise the erosion of AONB character, including “smaller interventions such as new accesses, which have a cumulative effect”. The creation of an additional access and hardstanding would contribute to creeping suburbanisation.
23. For the above reasons, despite the localised effect of the proposal, it would be harmful to the character and appearance of the area due to the suburbanising effect of the proposed entrance and extent of hardstanding. For the same reasons the development would neither conserve nor enhance the landscape, scenic and natural beauty of the HWNL. Hence, it would fail to accord with Section 85 of the CRWA, as amended by LURA; the aims regarding the built and natural environment of the Borough, particularly to the HWNL, as expressed in Local Plan Policies STR1, STR8, H10, EN1, EN18 and EN19.

Appeal B

24. The effect of removing condition 8 would be to allow the use of Crofton as an independent dwelling in the form of a 2-bedroom house with a rear garden. The Council consider the removal of condition 8 would result in the suburbanisation of the site as a whole.
25. Whilst there would be a separate residential curtilage to each house, I do not consider that the presence of domestic paraphernalia or the intensification of use of the gardens would be so significant as to be harmful to the character of the immediate area or the HWNL.
26. The access arrangements would necessarily revert to those shown on the approved drawings, using the existing access to Crofton for both properties. I have nothing before me to indicate any additional hardstanding or works to the landscape as part of Appeal B.
27. Consequently, the removal of condition 8 would preserve the character and appearance of the area including the HWNL and would accord with Section 85 of the CRWA, as amended by LURA; the aims regarding the built and natural environment of the Borough, particularly to the HWNL, as expressed in Local Plan Policies STR1, STR8, H10, EN1, EN18 and EN19.

Appeal B – necessity and reasonableness of condition 8

28. The effect of removing condition 8 would be to allow a new dwelling in the countryside, which would conflict with the spatial strategy of the Council for the reasons set out in the main issue above. Without Condition 8, the proposal would be contrary to the development plan as set out in Local Plan Policies STR1, STR6 and H10. Condition 8 is reasonable, sufficiently related to the development and enforceable. It is necessary to make the development acceptable in planning terms.
29. As I have not identified any unacceptable harm to the character of the area or to the HWNL arising from the use of Crofton as an independent dwelling, I do not find that condition 8 is necessary in the interests of protecting the character and appearance of the area and to conserve and enhance the landscape, scenic and natural beauty of the HWNL.

Other Matters – Appeal A

30. The proposed rear extension to Crofton would be small scale and subordinate to the existing building. I see no reason to disagree with the Council's assessment that the extension would not cause any visual or landscape harm to the character and appearance of the area or the HWNL specifically as an extension to an independent dwelling rather than an annexe.
31. The Council is satisfied with matters including parking, highway safety, drainage, refuse and recycling and flood risk. I do not have substantive evidence to contradict the conclusions of the Council in these matters, so I see no reason to disagree. Nevertheless, the absence of harm means these are neutral considerations in my determination of the appeal.

Planning Balance – Appeal A

32. The proposal would provide a 3-bedroom family sized dwelling with a garden, which would boost the local housing stock. The appeal scheme is said to be self-build, for which there is particular support within the Framework. I have however attached limited weight to this benefit as no mechanism for guaranteeing self-build has been put forward. Due to Crofton's reasonably modest size, even with the extension, the appellant considers that the house would be suitable for a range of occupiers and would be more affordable than other larger houses in the area. I see no reason to disagree. There would also be socio-economic benefits through new residents using local services. These benefits, however, attract limited weight given the scale of development under consideration.
33. I have found the proposal would harm the character and appearance of the area, including the HWNL. I have also identified a conflict with the Council's spatial strategy and policy regarding sustainable transport. Taken together, these matters draw the proposal into conflict with the development plan read as a whole. The material considerations in this case do not indicate that the decision should be taken otherwise than in accordance with the development plan.

Planning Balance – Appeal B

34. As well as the dwelling at Whitecroft, the proposal would provide an independent 2-bedroom dwelling with a garden (Crofton), which would boost the local housing stock. As a 2-bedroom dwelling, the appellant considers that it would be suitable for a range of occupiers and would be more affordable than other larger houses in the area. I see no reason to disagree. There would also be socio-economic benefits through new residents using local services. These benefits, however, attract limited weight given the scale of development under consideration.
35. Although I have found that the removal of condition 8 would not cause harm to the character and appearance of the area or to the landscape, scenic or natural beauty of the HWNL, its removal would draw the appeal scheme into conflict with the Council's spatial strategy and policy regarding sustainable transport as set out in Local Plan Policies STR1, STR6 and H10. As such, the proposal would conflict with the development plan read as a whole. The other material considerations do not suggest that the decision should be taken otherwise than in accordance with the development plan.

Conclusion

36. For the reasons given above appeals A and B should both be dismissed.

L Francis

INSPECTOR