



Appeal Decision

Site visit made on 19 May 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2020

Appeal Ref: APP/M2270/W/20/3244158

Kerrys Yard, Bodiam Road, Sandhurst

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr A Kerry against the decision of Tunbridge Wells Borough Council.
 - The application Ref 19/02981/OUT, dated 16 October 2019, was refused by notice dated 5 December 2019.
 - The development proposed is demolition of existing building and erection of a two storey dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with all matters reserved other than for access. The application is also accompanied by drawings of a two storey dwelling which are for illustrative purposes only and I have considered them in that context.
3. The Council's reasons for refusal refer variously to the 2012 and 2018 versions of the National Planning Policy Framework. These have been superseded by the 2019 version of the National Planning Policy Framework, and it is this latter version that I have taken into account in coming to my decision. It is clear from the submissions before me that no party would be prejudiced by my taking this approach.

Main Issues

4. The main issues are:
 - Whether the site is in a suitable location for a dwelling having regard to accessibility and local and national policy;
 - Whether the development would conserve or enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty.

Reasons

Suitable location

5. The site lies outside the Limits of Built Development as defined in the Proposals Maps of the Development Plan, which comprises the Tunbridge Wells Borough Local Plan 2006, Tunbridge Wells Borough Core Strategy 2010 and Tunbridge Wells Borough Site Allocations Local Plan 2016. The Limits of Built Development have been defined to restrict the encroachment of built form into the surrounding countryside and to meet the strategic objectives within the plans to ensure sustainable development patterns.
6. That strategic approach is supported by paragraph 79 of the National Planning Policy Framework 2019 which advises that planning policies and decisions should avoid the development of isolated homes in the countryside unless certain specified circumstances are met, none of which apply in this case.
7. The site is visually and functionally separated from the nearest defined settlement at Sandhurst by open countryside including grazing land and field boundaries. There is a footpath along the Bodiam Road connecting the site with Sandhurst, but it is unlit, narrow and crosses over the road at one point. In addition, Sandhurst has only limited facilities and services. Having regard to these factors, I share the view of the Inspector in a previous appeal on the site¹ that it is unlikely that occupiers of the site would see this as an attractive pedestrian route and are therefore likely to use private vehicles to access services and facilities in Sandhurst and further afield.
8. It has been argued that the proposed use would generate less vehicle movements than the existing use. Whether or not that is the case, I do not consider the two uses to be comparable. Some uses have to be located in rural areas by the nature of their business while others, such as residential uses unrelated to agriculture, do not. For those uses which do not need a countryside location it is better for them to be sited in more accessible locations to reduce the need to use private motor vehicles, in accordance with the Council's strategic approach to the location of development. The proposed development would not achieve that aim.
9. My attention has been drawn to a development on OS parcels 2430, 3828, 3943 and part 3118, Bodiam Road, Sandhurst where permission has been granted for eight dwellings. I do not consider this development to be comparable to the appeal proposal in locational terms as it is not separated from the built up part of Sandhurst and there is better access from the site to the village centre.
10. Having regard to the reasoning given above, I consider that the proposed development would not be a suitable location for a dwelling and as such would conflict with Policy LBD1 of the Tunbridge Wells Borough Local Plan 2006 and Policies 6 and 14 of the Tunbridge Wells Borough Core Strategy 2010, which seek to direct development to the most sustainable locations.
11. The Council's first reason for refusal refers to Core Strategy Policies 4 and 5. However, these relate to the environment and sustainable design and construction respectively, neither of which are relevant to this particular issue.

Area of Outstanding Natural Beauty

12. The site lies within the High Weald Area of Outstanding Natural Beauty. The Tunbridge Wells Borough Landscape Character Assessment 2017 defines the

¹ APP/M2270/W/19/3228341

landscape in the vicinity of the site as part of the Hawkhurst Wooded Farmland Local Character Area. It identifies key characteristics of the Local Character Area, and refers to Sandhurst as '*a large, fairly sprawling settlement east of Hawkhurst, similarly located on the ridge line. It extends southwards, down the valley slopes to include the satellite settlement of Sandhurst Cross, built around the Grade II* sandstone church of St Nicholas*'.

13. The appeal site has a rural character and appearance that contributes to the secluded and undeveloped character of this part of the Area of Outstanding Natural Beauty, with its landscape of small-scale pasture fields interspersed with woods and orchards. In my opinion the site does not appear or feel as if it is part of the built up areas of Sandhurst or Sandhurst Cross, but rather forms part of the rural landscape that surrounds and separates these settlements. The storage building on the site has a functional appearance consistent with the rural character of the area and its agricultural origins. This also applies to the ancillary storage in the yard.
14. The same could not be said for the appeal proposal. While a building of the form shown in the illustrative drawings has a superficially similar appearance to the existing building, in my view it would have a greater visual impact due to its size and domestic character. The eaves and ridge line would have to be taller than the existing building to accommodate a two storey dwelling, and much greater fenestration would be needed to light the interior. This contrasts with the simpler, lower building currently on the site. Because the application is in outline, the illustrative drawings do not necessarily represent what would be built, which could lead to a building of an even more domestic appearance, which would further detract from the rural character and appearance of the landscape.
15. The character and appearance of the curtilage would also change to become domestic in nature. The appellant argues that because the site lies within the Area of Outstanding Natural Beauty permitted development rights for ancillary domestic structures are very much restricted. While this may be so, alterations such as lawns, flower beds, play equipment and other residential impedimenta which are not subject to planning control could take place as part and parcel of the residential use. This would detract from the rural character and appearance of the site and the landscape of which it forms part. The current use has external storage and parking, but these form part of the character of the site for storage and do not have the same domesticating effect as would a residential curtilage.
16. For these reasons, I conclude that the proposed development would fail to conserve or enhance the landscape and scenic beauty of the High Weald Area of Outstanding Natural Beauty and would therefore conflict with Policy EN25 of the Tunbridge Wells Borough Local Plan 2006 and Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy 2010, which seek to protect landscape quality.
17. The Council's second reason for refusal refers to Local Plan Policies LBD1 (limits to built development) and EN1 (amenity), and Core Strategy Policy 5 (sustainable design and construction). None of these appear relevant to this particular issue.

Other Matters

18. The Council acknowledges that it does not currently have a five year housing land supply. The latest monitoring information indicates that inclusive of a 5% buffer it can currently only demonstrate a housing land supply of 4.69 years.
19. Guidance in paragraph 11 of the National Planning Policy Framework advises that where the policies which are most important for determining the application are out of date, in this case because the Council cannot demonstrate a five year housing land supply, permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed.
20. Protection of an Area of Outstanding Natural Beauty is one such policy in the Framework. Paragraph 172 of the Framework advises that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection. The harm caused to the High Weald Area of Outstanding Natural Beauty provides a clear reason for refusing the appeal for the reasons detailed earlier.
21. I have been asked to note that, unlike the previous scheme², there have been no third party objections to the development, including from the Parish Council. However, the absence of objection does not justify allowing a development that is unacceptable for other reasons.

Conclusion

22. The appeal is dismissed.

Guy Davies

INSPECTOR

² 18/03948/OUT