



Mr Lenny Fuller
C/O Mr Simon McKay
SJM Planning Limited
Unit 4, The Old Granary
Strettit Farm
Snoll Hatch Road
East Peckham
Kent, TN12 5EE

22 February 2023

PLANNING DECISION NOTICE

APPLICANT:	Mr Lenny Fuller
DEVELOPMENT TYPE:	Traveller Caravan Pitches
APPLICATION REFERENCE:	22/03616/FULL
PROPOSAL:	Change of use of the land for the stationing of two static homes, and two touring caravans for Gypsy / Traveller occupation. Retention of existing access; provision of hard and soft landscaping.
ADDRESS:	Part OS Plot 0005, Silverden Lane, Sandhurst, Cranbrook, Kent

The Council hereby **REFUSES** Permission/Consent for the above for the following Reason(s):

- (1) The proposal is in open countryside that is away from existing settlements and is thus inappropriate in location and appearance relative to its surroundings. It would cause significant harm to the character and appearance of the countryside, the site's rural lane setting and fails to preserve the character and appearance of the High Weald Area of Outstanding Natural Beauty. As such the proposal would be contrary to Paragraph 176 of the National Planning Policy Framework 2021, Paragraphs 25 and 26 of Planning Policy for Traveller Sites 2015, Policies LBD1, EN1, EN25 and H4 of the Tunbridge Wells Borough Local Plan 2006, Core Policies 4, 5 and 14 of the Tunbridge Wells Borough Core Strategy 2010, Borough Landscape Character Assessment and Rural Lanes SPD.

- (2) Insufficient information has been submitted to adequately demonstrate that the proposed development could be achieved without a detrimental impact upon the biodiversity of the site, including the number and location of protected species. The submitted Preliminary Ecological Appraisal recommends a Newt Survey which has not been carried out and makes no reference to the hedging and trees removed along the western boundary. Therefore, it is not possible for the Local Planning Authority to assess the impact of development and whether it would result in harm to a species or its habitat or whether the proposal can achieve net gain. As such it would be contrary to Paragraphs 179 and 180 of the National Planning Policy Framework 2021, Policy EN1 of the Tunbridge Wells Borough Local Plan 2006 and Core Policies 4 and 5 of the Tunbridge Wells Borough Core Strategy 2010.
- (3) Insufficient information has been provided in regard to visibility splays and gradients of the proposed access. The development would give rise to additional risks to highway safety to the detriment of other road users. The proposal would therefore be contrary to policies EN1 and TP4 of the Tunbridge Wells Borough Local Plan 2006 and paras 110 - 111 of the National Planning Policy Framework 2021.

Informative(s):

- (1) The plans and details taken into consideration in reaching the decision to refuse planning permission are:
 - Application form
 - Site location plan
 - Proposed block plan
 - Example mobile home
 - Planning Statement
 - Preliminary Ecological Appraisal

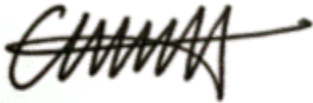
The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

- The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict.
- It is noted that the applicant/agent did not engage in any formal pre-application discussions.
- The applicant is advised to seek pre-application advice on any resubmission.



Carlos Hone
Head of Planning
Tunbridge Wells Borough Council

IMPORTANT: YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF CONSENT OR GRANT OF CONSENT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 or Control of Advertisements Regulations 1989.

Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant for the following:

- If this is a decision to refuse permission for a Householder application or a Minor Commercial application and you want to appeal the decision, or any of the conditions imposed, then you must do so within 12 weeks of the date of this notice.
- In all other cases, you will need to submit your appeal against the decision, or any of the conditions imposed, within 6 months of the date of this notice.

For applications relating to Enforcement Notices:

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is subsequently served and relates to the same or substantially the same land and development and if you want to appeal against the decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial application decision] of the date of this notice, whichever period expires earlier.

Appeals must be made to the Planning Inspectorate and further details can be found at <https://www.planningportal.co.uk/info/200207/appeals>.

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted advertisement consent for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.