



Minar Uddin
Cityscape PA
6 Spencer Way
London
E1 2PN

11 April 2024

PLANNING DECISION NOTICE

APPLICANT:	Minar Uddin, Cityscape PA
DEVELOPMENT TYPE:	All other minor development
APPLICATION REFERENCE:	24/00394/FULL
PROPOSAL:	Erection of single-storey commercial unit to provide MOT test centre
ADDRESS:	Land at Silverden Lane Sandhurst Cranbrook Kent

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

- (1) The proposal for a commercial unit on an undeveloped agricultural field to provide an MOT test centre, with associated activity, provision of parking and hard landscaping, and creation of a vehicle access onto a Rural Lane, would have more than a minimal impact on the landscape character of the locality and would result in an unsympathetic and harmful change to the character of the High Weald National Landscape on this site and to a designated Rural Lane. It would thus be contrary to saved Policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006, Core Policies 4 and 14 of the Tunbridge Wells Borough Core Strategy Development Plan Document 2010, emerging Policies EN18, EN19 and EN20 of the Submission Local Plan 2021 and the National Planning Policy Framework 2023
- (2) The proposal would result in a building to be used for an MOT test centre on a site in a remote, unsustainable location, well outside the Limits to Built Development, and away from existing employment centres and public transport routes. The application therefore does not amount to sustainable development and as such is contrary to Core Policies 1, 4, 5, 7 and 14 of the Tunbridge Wells Borough Core Strategy 2010, Policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006, emerging Policies STR1 and EN20 of the Submission Local Plan 2021 and the National Planning Policy Framework 2023.

- (3) There is insufficient evidence that the proposal would not have a significantly harmful impact upon protected species, as a Preliminary Ecological Assessment has not been provided. The proposal is thus contrary to the National Planning Policy Framework 2023, saved policies LBD1 and EN1 of the Tunbridge Wells Local Plan 2006 and Core Policy 4 of the Tunbridge Wells Core Strategy 2010.

Informative(s):

- (1) The following plans were taken into consideration during the assessment of this application:-
- Proposed block plan - Drg no. 19/518/001
 - Proposed site plan - Drg no. 19/518/002
 - Proposed plans and elevations - Drg no. 19/518/003

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 there 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.