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REPORT

Planning Statement

Replacement of barn which benefits from prior approval for conversion to four dwellings, with a single detached house.

Barn adjacent to Longbrooks Oast
Knowle Road
Brenchley
TN12 7DJ

Site Location and Description

The application site currently comprises a substantial former agricultural building. It has a shallow pitched roof and is faced in a combination of profile sheeting, brickwork and render, as shown in the following images:





The building has a volume of 1642 cubic metres.

Of particular importance to this proposal, is that prior approval has recently been granted (reference 23/01301/PNQCLA) for the change of use of the building into four dwellings.

In terms of the immediate surroundings, the site clearly falls beyond any of the defined Limits to Built Development and is therefore in the countryside for the purposes of planning policy.

Nevertheless, it is surrounded by existing residential premises, including Longbrooks Oast to the east, and Lake House immediately adjacent to the west (a new property that was granted planning permission under reference 17/02174/FULL).

Planning permission has also recently been granted for the residential conversion of the barn immediately to the south, at Trenches Farm, under reference 22/03107/FULL.

Description of Proposal

The application proposes the removal of the existing, substantial and unattractive building, and replacement with a new detached house. The dwelling proposed would have a volume of 1185 cubic metres (i.e. smaller than the building it would replace). It would also be less tall than the building that exists today.

In design terms, the form, detail and fenestration of the proposal are informed by the local agricultural vernacular, but with contemporary design touches. The proposed house possesses a range of pitched roof forms to provide articulation. The front section is to be faced in brickwork, with a clay tiled roof. The side / rear wings would be faced in vertical weatherboarding and possess zinc roofing.

The existing vehicular access to the site would be reused as is. A garage building, resembling a traditional and simple stable block would be positioned between the proposed house and Longbrooks Oast, adjacent to where the vehicular access enters the site.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the policies of the relevant development plan documents, unless material considerations indicate otherwise.

For the purpose of this application, the Development Plan currently comprises the 'saved' policies of the Tunbridge Wells Local Plan (2006) and the policies of the Tunbridge Wells Core Strategy (adopted 2010) and Site Allocations Plan (2016).

Another material consideration is the National Planning Policy Framework (NPPF), the latest iteration of which was published in 2023. The NPPF sets out the Government's planning policies for sustainable development and positive growth. The Framework prescribes a 'presumption in favour' of sustainable development (Paragraph 11), and supports proposals that are in accordance with the policies of an up-to-date development plan.

To achieve sustainable development, the following economic, social and environmental objectives need to be pursued in mutually supportive ways (Paragraph 8), and should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; however, they are not criteria against which every decision can or should be judged (Paragraph 9):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 9 of the NPPF continues by stating that planning decisions should play an active role in guiding development towards sustainable development solutions, but in so doing, should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Paragraph 11 of the NPPF advises that the presumption in favour of sustainable development is 'triggered' in the following circumstances, and it details what this means for the determination of planning applications:

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

(my underlining).

Footnote 7 explains what is meant by areas or assets of particular importance. It states that:

'The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.'

The application site in this case is not affected by any of the aforementioned designations.

Footnote 8 explains what is meant by policies being out of date. It states that:

'This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites'

Tunbridge Wells Borough Council cannot currently demonstrate a five year supply of deliverable housing sites.

Paragraph 69 of the NPPF recognises that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out quickly. To promote the development of a good mix of sites, local authorities should, amongst other matters, support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

Paragraph 119 of The NPPF confirms that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The NPPF considers that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve, and states at Paragraph 126, that good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities.

Planning policies and decisions should ensure that developments will function well and add to the overall quality of an area, are visually attractive and sympathetic to local character and history, establish or maintain a strong sense of place, optimise the potential of the site to accommodate and sustain an appropriate mix of development and support local facilities and transport networks, and create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users.

The Core Strategy (2010)

The Tunbridge Wells Core Strategy is the key strategic planning document that underpins the development plan and establishes the principles for development. It was adopted prior to the publication of the NPPF and therefore is, in parts, inconsistent with national planning policy. Only limited weight now applies to those policies which can be considered to be out-of-date.

The following policies are particularly relevant to this application:

Core Policy 6 requires new housing to be delivered to meet the Council's housing needs, and the application proposal will of course make a modest contribution towards this. It is also concerned with density, which is not a relevant consideration for this application. Nor are paragraphs 4, 5 or 6, which are concerned with the delivery of affordable housing, or paragraph 7, which is in relation to dwelling size and mix, or paragraph 8, which is concerned with delivering sites for gypsies and travellers.

Core Policy 14 controls development in rural areas and the villages. Paragraph 2 of the policy states that "New development will generally be restricted to sites within the Limits to Built Development (LBD) of the villages" (emphasis added).

The Tunbridge Wells Local Plan (2006)

The Tunbridge Wells Local Plan was adopted in 2006. Whilst some policies have been deleted, or superseded by the Core Strategy and Site Allocations Plan, others have been 'saved' and continue to form part of the development plan. Again, only limited weight can be attached where policies are considered out of date.

The primary policy of the Local Plan in this case is LBD1, which seeks to focus development within the Limits to Built Development.

Supporting Information

It is acknowledged that the application site falls outside of any of the Limits to Built Development, where policies of restraint normally apply. However, there already exists a prior approval for residential conversion of the building that stands on site today, into four dwellings.

The creation of four dwellings therefore represents a realistic and legitimate fallback position, against which this proposal for a single dwelling must be judged.

Alongside this, it is also to be noted that the new house as proposed has a lesser volume, and height, than the building that stands on site today. The result is a clear reduction in the amount of built form present, and a consequent reduction of visual impact, both in terms of immediate and longer-range views of the site.

Additionally, it is important to stress that existing buildings to be converted to residential use benefit from a less rigid and more discretionary approach to compliance with the building regulations. A new build, replacement dwelling, however, would absolutely have to be compliant with the building regulations. The reason for this is, quite simply, that it is far easier to incorporate sustainable construction techniques and methodologies within a new build than it is to retrofit those measures into an existing (former agricultural) building not originally designed or constructed for residential purposes.

As such, conversion of the existing (as approved) would be less sustainable than the new build proposed in this case.

Turning to the policies of the development plan, Core Policy 6 is of limited relevance. It is concerned with housing provision.

Paragraph 1 of Core Policy 6 requires new housing to be delivered to meet the Council's housing needs, and the application proposal will of course make a modest contribution towards this.

Paragraph 2 encourages development on previously developed land. Whilst (as an agricultural building) the application site is excluded from the definition of previously developed land, it is nevertheless important to stress (again) that there is an extant approval for residential use.

Paragraph 3 is concerned with density, which is not a relevant consideration for this application. Nor are paragraphs 4, 5 or 6, which are concerned with the delivery of affordable housing, or paragraph 7, which is in relation to dwelling size and mix, or paragraph 8, which is concerned with delivering sites for gypsies and travellers.

Core Policy 14 controls development in rural areas and the villages. Paragraph 2 of the policy states that "new development will generally be restricted to sites within the Limits to Built Development (LBD) of the villages" (emphasis added).

It is acknowledged that the proposal can be considered to conflict with Core Policy 14, in the sense that the site is outside the LBD. However, as highlighted above, the policy does not prohibit all development outside the LBD and, as set out elsewhere in this statement, there is a fallback position which needs to be taken into account.

Paragraph 6 of Core Policy 14 seeks to protect the countryside for its own sake. This is inconsistent with the NPPF and this aspect of the policy should therefore be considered out of date and to carry little weight.

As such, any conflict with Core Policy 14, if it exists at all, is very limited.

Planning balance

As accepted by the Council, TWBC cannot currently demonstrate a 5 year supply of deliverable housing. As such the presumption in favour of sustainable development in NPPF paragraph 11 applies. This means that planning permission should be granted unless:

- (i) The application of NPPF policies that protect areas of particular importance provides a clear reason for refusing the development proposed; or
- (ii) Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF as a whole.

NPPF footnote 7 is clear that point (i) above only applies to NPPF (not Local Plan) policies that protect specific designated areas of particular importance.

In this case, the application site is unaffected by any such designations.

NPPF paragraph 11(ii): Benefits of the development

The proposal is for one detached dwelling. The supply of a house here would have social and economic benefits and would contribute to overall housing supply. Whilst the contribution of a single additional dwelling would be modest, this has not prevented appeal Inspectors attaching significant weight to such benefits.

As explained above, building a new house rather than converting the existing building would allow a more sustainable and energy efficient development to be created. This is in accordance with national and local planning policies and significant weight should be attached to this benefit.

Replacement dwelling policy

Policy H10 allows replacement dwellings outside the limits to built development, subject to certain criteria. The first of these is that the existing building must enjoy a lawful residential use which has not been abandoned. Whilst the existing building enjoys prior approval for

such a lawful use, it is recognised that as the conversion has not yet taken place, this policy cannot yet be relied upon in support.

However, should the extant prior approval works be carried out, and the building converted, a subsequent proposal to demolish the existing building and replace it with the current proposal would accord with Policy H10.

To build, demolish and rebuild in this way would be a ridiculous and unnecessary waste of resources, which would have an unacceptable environmental impact. However, in planning terms, the same end result would be achieved.

This being the case, it is clear that a proposal to simply demolish the existing building and replace it with a new dwelling would not cause any additional planning harm compared with the above scenario. This is a further material consideration in favour of the development.

NPPF paragraph 11(ii): Potential adverse impacts of development

The proposed new dwelling is smaller than the existing building, which will otherwise be converted to residential use. This reduction in scale brings visual betterment – especially when consideration is given to the significant design improvements between the fallback position and the proposed house.

In terms of neighbouring amenities, it is important to note that – for the house closest to the proposal (Lake House, to the west) – the proposed new dwelling is set further away from the common boundary than the existing building on site (which can otherwise be converted to residential use). This means that there will be improvement in terms of daylight and sunlight, and in reducing the sense of enclosure. There would be no loss of privacy as a consequence of the proposed development.

As a result, there are no significant and demonstrable adverse effects, which could give cause to refuse planning permission under NPPF paragraph 11(ii).

Sustainable location

There exists a prior approval for four dwellings on the application site. This alternative proposal would create one dwelling. In locational terms, one dwelling is more sustainable than four – as the proposal will generate less vehicular traffic / less reliance upon private motor vehicles.

One dwelling would also generate less demand for energy than four dwellings.

As such, there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits of the scheme.

Development plan policies

As the site is outside the Limits to Built Development, and would be a new build rather than a conversion, the proposal could be deemed to be contrary to Core Strategy Policy 14, and to Local Plan Policy LBD1.

However, the other material considerations set out in this statement, especially the fact that there remains an extant prior approval for four new dwellings in the same location, justifies making a decision other than in strict accordance with the development plan.

NPPF paragraph 11(ii): Conclusion

There are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole.

Conclusion

It is clear that the proposal is acceptable, in accordance with the above submitted justification.

As set out in this statement, there are no specific NPPF policies which provide a clear reason for refusing planning permission for the proposed development, and so the paragraph 11(i) test is passed. Turning to paragraph 11(ii), it is clear that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against policies in the NPPF as a whole.

As such, it is respectfully requested that planning permission be granted.