



Patrick Durr Associates
Planning & Development

Our Ref: PD/JAR3
Your Ref: REP ID:1274838

7 June 2022

Mr M Birkinshaw
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Sir

Policy AL/SA2 - Sharps Hill Farm, Queen Street, Sandhurst, Kent, TN18 5HR

I write on behalf of Sam Jarvis Properties Limited who is the promoter of Sharps Hill Farm for future residential development.

Policy AL/SA2 of the emerging Tunbridge Wells Borough Council Local Plan 2020-2038 concerns Sharps Hill Farm and suggests the site has the potential capacity for 10 - 15 houses.

We provide the following documents to enhance the evidence base and specifically in reference to the 'Inspector's Matters, Issues and Questions for Stage 2' dated 12 April 2022.

- Letter from Patrick Durr Associates to Tunbridge Wells Borough Council dated 18 March 2022 (Appendix 1)
- Landscape and Visual Impact Assessment by Jon Etchells Consulting dated March 2022 (Appendix 2)
- 22.036-SK0004-P1 Proposed Site Layout (Indicative) dated March 2022
Indicative proposed site layout responding to Policy AL/SA2 and the Landscape and Visual Impact Assessment.
(Appendix 3)

We consider and respond to the questions raised within the Inspector's Matters as follows:

Q4. What is the current position regarding planning application Ref 19/01493/OUT?

Please see Appendix 1 – Letter from Patrick Durr Associates to Tunbridge Wells Borough Council dated 18 March 2022.

Despite application 19/01493/OUT being refused by Tunbridge Wells Borough Council Planning Committee and more recently dismissed at appeal under APP/M2270/W/21/3271259, our 18 March 2022 letter confirms that the application was insufficiently justified and proposed development which

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was contrary to Policy AL/SA2. Therefore, we do not believe that it has any bearing on the proposed allocation.

Importantly, application 19/01493/OUT was not supported by a full Landscape and Visual Impact Assessment (LVIA) and therefore the Inspector was forced to draw their own landscape conclusions in the absence of professional evidence and guidance.

Further, application 19/01493/OUT proposed an indicative site plan which was in clear conflict with Policy AL/SA2 and related landscape guidance. The Inspector's main concerns, being landscape impact and presentation of development, were based on, and emphasised by, the flawed design.

In response, the promoter has worked with the Council since the appeal decision on 5 November 2022 to ensure that a policy compliant scheme remains possible if these issues are addressed.

The promoter has undertaken a LVIA by Jon Etchells Consulting dated March 2022 which we provide at Appendix 2. The LVIA baseline site visit was undertaken in February 2022 during the winter months as a worst-case scenario. The LVIA concludes:

"5.11 The change brought about by the proposed development would be limited by the relatively small scale of the development and its very restricted visibility, with no significant visibility from the wider landscape of the AONB, and by the retention of substantial areas of existing trees, woodland and developing scrub around the northern, eastern and southern sides of the site ...

5.12 The anticipated overall effects on the local landscape would be slight adverse at their greatest, in the winter soon after completion. Effects in the summer and over time as the proposed planting matures would be at a lower level, and would be insignificant, as the proposals would not be discordant within the edge of settlement context, would have limited effects on views, could be effectively mitigated over time by the proposed planting and would have no significant effects on the wider AONB landscape." (Our emphasis)

Additionally, an indicative site plan has been produced by a new design team responding to Policy AL/SA2, the Council's policy evidence base, the Jon Etchells LVIA and the 19/01493/OUT appeal decision. The indicative plan is provided at Appendix 3, and we believe reflects a policy compliant scheme proving the allocation remains viable irrespective of the 19/01493/OUT decision.

Q5. How has the proposed area of residential development been established? What is it based on and is it justified?

We believe that the proposed allocation and restricted built area were based upon the 'Tunbridge Wells – Landscape and Visual Impact Assessment of Proposed Allocation Sites within the High Weald AONB 6.10 Sandhurst' (hereafter TWBC LVIA).

The proposed area of development concentrates on the centre of the site to allow sufficient landscape buffering to the boundaries. The non-development area to the south-east also considers the topography changes and slope towards the adjoining settlement boundary. The non-development area along the highway may ensure sufficient screening of the built environment from this public vantage point. Finally, the non-development area to the north reflects the preferable buffer between the development and adjoining listed building. This space helps protect the listed asset and automatically reduces the possible impact of future housing.

The LVIA by Jon Etchells supports many of the observations made by the TWBC LVIA, in response to the suggested developable area.

Q6. What is the justification for requiring development in the south-west corner of the site to be 'low density'? Is it clear to users of the Plan what is required here?

The TWBC LVIA identifies the south-west corner as a more exposed part of the site with rising ground and some partial and filtered views of the property from a Public Right of Way. Despite this, it is noted that there are no Public Right of Way views into the body of the site itself.

We believe that the policy may be sufficiently worded to indicate more careful design within this area by suggesting 'low density'. As per Appendix 3, we have interpreted this as fewer units and potentially some 1.5 storey instead of two storey buildings. Such design guidance may reduce the impact on the AONB and wider views of the site.

The LVIA by Jon Etchells acknowledges the south-west land difference. Accepting this, although potentially helpful to the landscape, the Etchells assessment does not necessarily believe this location warrants expressed 'low density' development.

As such, we understand why the south-west corner of the site has been identified as a more sensitive location within the property. The 'low density' guidance may be beneficial to influence a more sympathetic development within this location. However, it may also be concluded that there is no need for such a restriction that other Local Plan policies would not already cover through landscape protection and layout character.

Q7. Does site allocation AL/SA2 represent major development in the AONB, and if so, is it justified? How have the potential impacts of development on the character and appearance of the area, including the AONB, been considered as part of the plan-making process?

Ordinarily, Annex 2 of the National Planning Policy Framework (NPPF) describes major development for housing where development of 10 homes or more would be provided, or the site has an area of 0.5 hectares or more. However, Footnote 75 specifically omits the definition for the purposes of Paragraphs 176 and 177 of the Framework.

Paragraph 177 of the NPPF advises that proposals within the AONB should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Further, Paragraph 177 (a) – (c) then requires assessment in relation to the need for the development, the cost and scope for developing outside the area and meeting the need some other way, and how any detriment to the environment or landscape could be moderated.

Related to Paragraph 177 of the Framework, Footnote 60 states that for the purposes of Paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes of the designation.

In first instance, we do not believe Policy AL/SA2 represents major development as per Footnote 60.

Sharps Hill Farm is an excellent strategic development opportunity for the Sandhurst parish and surrounding area. The site adjoins the settlement boundary, is well screened to the highway, has an existing access onto the main highway, an existing highway footpath into the village and is predominantly Previously Developed Land. On this last point, we note that the property includes a single dwelling, ancillary development, and small garden area, but also private equestrian use of the stables and surrounding paddocks. As per *Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors [2017] EWCA Civ 141*, the land should be considered previously developed.

The proposed allocation is low density suggesting 7 – 10 dwellings per hectare. The low density reflects the adjoining settlement location which transitions from urban to open countryside. Additionally, it seeks to limit the potential impact on the AONB and wider landscape.

Therefore, we believe that when taking into account the nature, scale and setting of Sharps Hill Farm allocation, Policy AL/SA2 should not be considered major development.

Without prejudice, if the allocation was considered major development, we still believe the proposal meets the three exception criteria of Paragraph 177 of the Framework. In reference, we consider each criterion as follows:

More than 70 per cent of the Tunbridge Wells borough is restricted by AONB designation and therefore it is expected that some AONB land will need to be developed if the Council is to achieve its housing allocation. Further, the east of the borough is mostly located within the AONB and therefore avoidance of this area would deprive housing from a significant number of villages and rural service centres. Such an omission would severely damage the future level of goods and services within these settlements, as they would fail to respond to the growth and vitality of their respective populations.

Further, supporting the proposed allocation at Sharps Hill Farm would also ensure affordable housing opportunities for Sandhurst, which otherwise are likely to be unavailable via windfall sites due the scale of these developments.

In this instance, both the TWBC LVIA and Jon Etchells LVIA agree that the landscape cost of Policy AL/SA2 is minimal due to the site attributes and the need for housing across the borough. It would not be possible to deliver sufficient housing for the borough if development was only focused within non-AONB areas. Therefore, when identifying AONB development opportunities it is important to consider the site restraints in comparison to alternative development. In this instance, as supported by the Council's evidence base, there are extremely limited strategic opportunities in Sandhurst, with Sharps Hill Farm offering the best option for low density housing with affordable contribution.

Finally, Policy AL/SA2 includes directions and restrictions to moderate and minimise the detrimental effect on the landscape. The policy requires a non-development and enhancement buffer around the site, restrained housing numbers and an area of lower-density housing where landscape sensitivity may be increased.

Therefore, whilst we believe the site allocation does not represent major development within the AONB, if considered otherwise, the attributes of the property and limited alternatives support Policy AL/SA2 as an exceptional circumstance. This would be in the public interest in meeting the need for housing and continuing to support the vitality of Sandhurst.

Q8. What potential impacts will the proposed allocation have on the significance of designated heritage assets, having particular regard to the Sandhurst Conservation Area and the Grade II listed Bayford House? How have heritage assets been taken into account in the preparation of the Plan?

We believe that the TWBC LVIA considered the impact on the significant of designated heritage assets close to the development. In response, Policy AL/SA2 includes a non-development buffer around the property and specifically ensures space between the site and Bayford House.

The LVIA by Jon Etchells also considers that providing this buffer will reduce the potential impact on the nearby listed buildings.

The 19/01493/OUT appeal decision found no impact of the development on the Conservation Area, and justifiable impact on the nearby listed building. It is noted that these conclusions were reached despite the former design proposing development closer to Bayford House than we believe is necessary. We provide an excerpt of the 19/01493/OUT appeal decision in reference to heritage assets:

“16. The proposed development would introduce a considerable amount of built development closer to Bayford House and Sharps Hill Oast, undermining the openness of their traditional farmstead setting. However, the proposed development would not result in the direct loss of any of the historic materials or architecture in place on these buildings. The scale of the impact on these heritage assets would therefore be minor.

17. Therefore, the proposal would fail to preserve or enhance the setting of Bayford House and Sharps Hill Oast, contrary to Core Policy 4 of the Core Strategy which requires the conservation and enhancement of heritage assets. However, there would be no conflict with Policy EN5 of the Local Plan, as I have not identified any harm to the setting of the CA.

...

Heritage Balance

18. The Framework advises that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance and that any harm requires clear and convincing justification. In terms of the Framework the harm to Bayford House would be less than substantial. Nevertheless, this is a matter of considerable weight and importance. Paragraph 202 of the Framework requires me to weigh this harm against the public benefits of the scheme.

19. The proposed development would provide 16 dwellings which would contribute to the Government's aim to significantly boost the supply of housing, and 40% of the dwellings would be affordable which exceeds the 35% requirement set out in Core Policy 6 of the Core Strategy. This would make increased residential use of this site and is said to represent the optimum viable use. Given the scale of the proposed development, and the provision of an indicative 6 affordable housing units, the public benefits associated with the development are moderate.

20. Accordingly, taking all the above into account, these moderate benefits would outweigh the minor harm to the setting of the Listed Building. As such, the appeal scheme would be in accordance with the Framework in this regard" (APP/M2270/W/21/3271259; 19/01493)

Therefore, we are content that Policy AL/SA2 has taken into account the nearby heritage assets and includes measures to ensure certain protection from the outset.

We hope the additional information in response to the 'Inspector's Matters, Issues and Questions for Stage 2' is helpful and supports the continued promotion of Policy AL/SA2.

Thank you.

Yours sincerely



Patrick Durr LLB AssocRICS

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Appendix 1 – Letter from Patrick Durr Associates to Tunbridge Wells Borough Council dated 18 March 2022

Appendix 2 – Landscape and Visual Impact Assessment by Jon Etchells Consulting dated March 2022

Appendix 3 – 22.036-SK0004-P1 Proposed Site Layout (Indicative) dated March 2022