

Supporting Documents

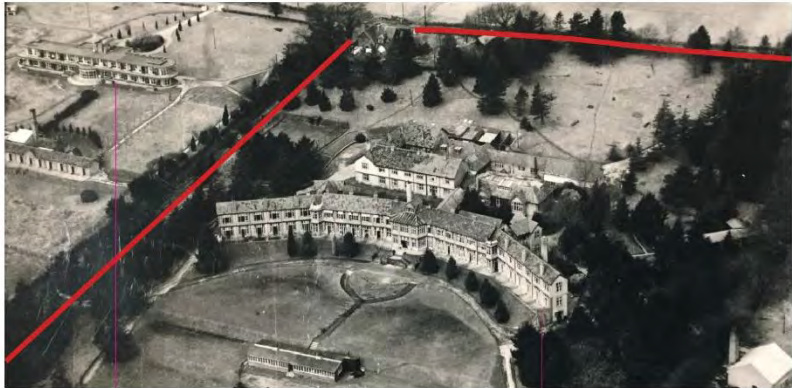
BE_8: S Froment

SAVE Benenden Sanatorium Slides:

Benenden Sanatorium

Location Goddards Green Road, Benenden, Cranbrook, TN17 4AX

A proposal by **SAVE**
BRITAIN'S HERITAGE



Windmill Cottage

Lister Wing as built 1937

Sanatorium as it looks today

Sanatorium as built 1907



Historic significance



Cultural significance



Local Wildlife Site



Open space

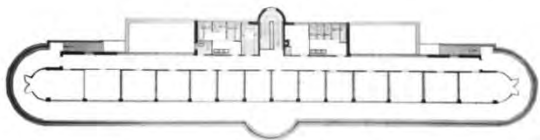




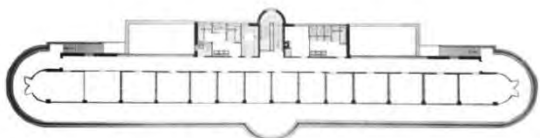
Lister Wing 1937



Sanatorium 1907



First floor

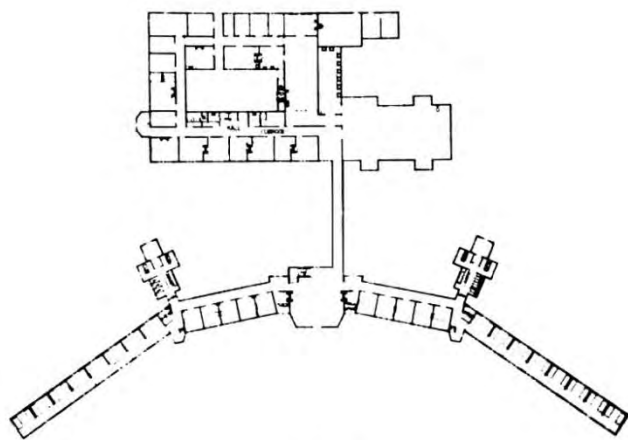


Ground floor

The Benenden Sanatorium opened in 1907 and is a remarkable example of Royal Patronage. When Edward VII became King in 1901 he launched an architectural competition for a Tuberculosis Sanatorium built on the most advanced lines. This attracted 180 entries. The Hospital was built at Midhurst in Sussex but the winners of the competition were invited to implement their proposals on a second site at Benenden under the patronage of the King's sister Princess Christina. This was built on a crescent plan, facing south to provide maximum light and fresh air.

Latham and West advocated a certain liveliness in the architecture - to make the building "as attractive and cheerful as possible, and avoid the dreariness associated with a hospital." Though the design was repetitive – the windows and balconies had a distinct pattern which alleviated any sense of monotony.

The Sanatorium proved a success and a new streamlined modern building was erected in 1937 to the designs of the distinguished Scottish practice Sir John Burnet, Tait and Lorne (see plans and contemporary photograph on left).



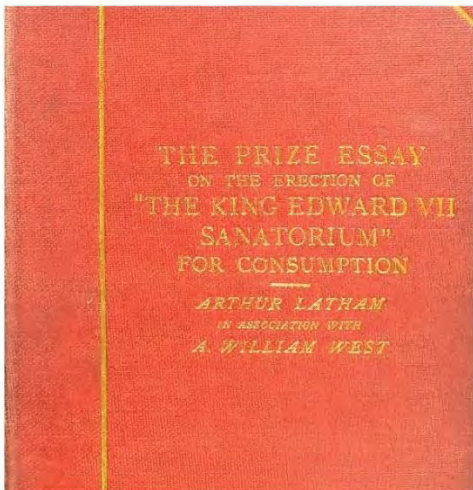
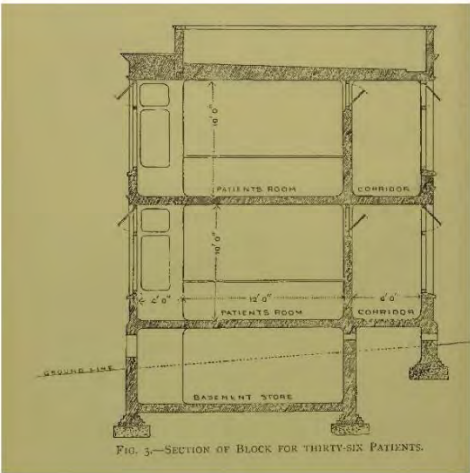
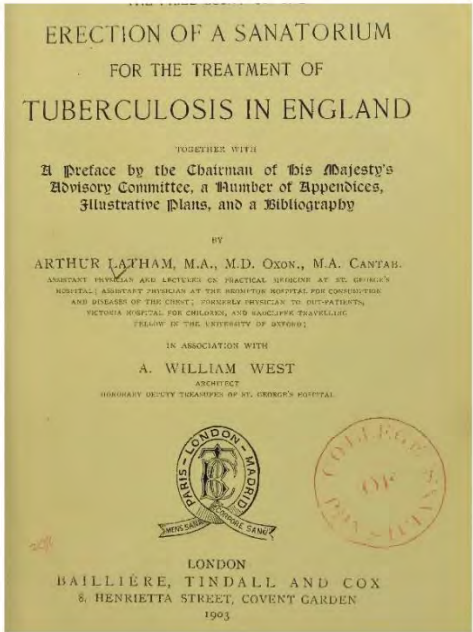
Ground floor



In the 1960s the south elevation was transformed by the introduction of continuous balconies, creating greater openness and admitting still more sun light and air to the rooms behind. The balconies add a Festival of Britain touch with their cocktail stick cherries. The slender flag pole like columns neatly follow the arrangement of the bedrooms inside. The streamlined balconies clearly pay homage to those of the 1937 Lister wing.

The south facing crescent plan makes the hospital a prime candidate for conversion into a series of two, three and four bedroom houses, which will all have good views across the valley below and share the extensive lawns in front of the Sanatorium.





The illustrations above come from the 1903 competition essay submitted by Dr Arthur Latham and the architect Augustus William West entitled *The Erection of a Sanatorium for the Treatment of Tuberculosis in England* London 1903.

The section drawing shows the original bedroom arrangement with inset balcony and a corridor behind where windows were placed to ensure maximum fresh air ventilation through the bedrooms. The layout plan above shows an even longer sanatorium with curving wings.

The photographs show, right above, the original largely enclosed balconies and, right below, the more open ones introduced in the 1960s.





On the left are photographs of the King Edward VII Midhurst Hospital which has been transformed into residential apartments by City & Country. The large hall lit by splendid oriel windows is communal space for the new residents.

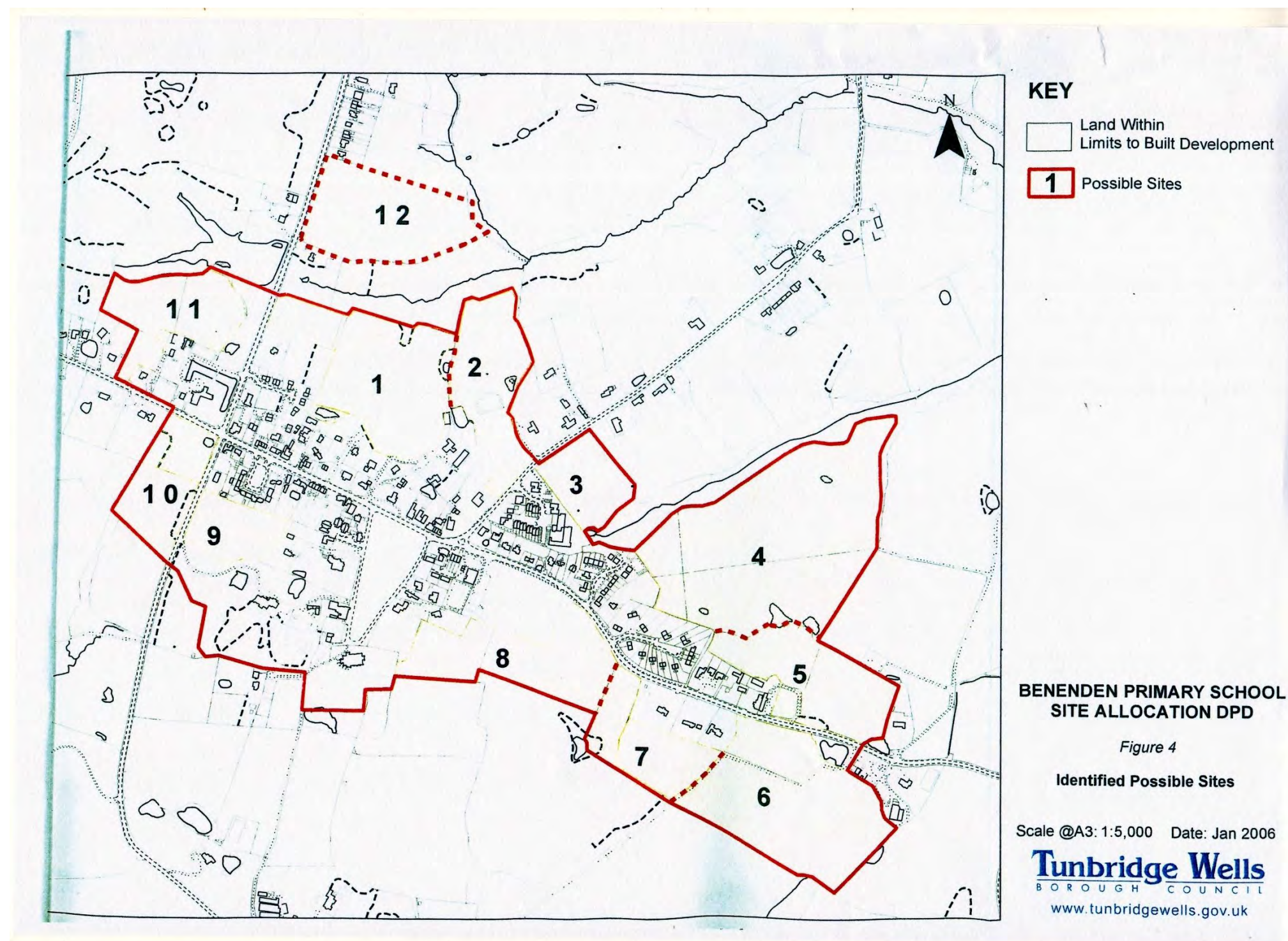
On the right are photographs of the Benenden Sanatorium today which has equal potential for conversion into highly desirable new residential accommodation with balconies that have lovely south facing views.

Harriet Richardson, an expert on the architecture and history of hospitals, writes "Of all the hospital buildings that I have been asked to comment on for their historic interest and as a candidate for listing, the former Benenden Sanatorium seems to me to be the clearest example where listing is fully justified. If it were not preserved, it would be a sad loss to our ever-dwindling heritage of health care building".

SAVE proposes the Crescent shaped Sanatorium block should be adapted as ten two storey houses with communal space in the centre. creating stylish houses with glorious south facing views over the Weald. The land behind the sanatorium can be used for new housing as per the existing planning permission for new housing in a number of creative ways in discussion with the Hospital owners, local planning authority and local residents.



1. TWBC 2006 Site Allocation Plan for Benenden Primary School



2. Regulation 14 response to Benenden Neighbourhood Plan

Benenden Neighbourhood Plan – Regulation 14 consultation response

Introduction

1. These representations are made on behalf of Euan Burros, Mockbeggar Lane, and a group of residents who all live in East End, Benenden.
2. The focus of these representations is on Site Specific Policy 3 Site North of Goddards Green Road, East End; Site South of Goddards Green Road, East End.
3. We have also submitted a consultation response to the regulation 18 Tunbridge Wells Local Plan which focusses on Policy AL/BE4. Much of this applies to the draft Benenden Neighbourhood Plan ('the Neighbourhood Plan') and, rather than repeating those representations verbatim here, have included that response as Appendix 1. The comments below should be read alongside our representations to the Local Plan.

The Principle of the Neighbourhood Plan

4. Whilst it is open to a neighbourhood plan to seek to allocate sites for development, neighbourhood plans should not re-allocate sites that are already allocated through strategic plans (para 044 PPG Neighbourhood Planning¹).

¹ <https://www.gov.uk/guidance/neighbourhood-planning--2>

5. The current wording of the Neighbourhood Plan is extremely unclear with regards to the nature of the plan – namely, whether it is seeking to make site allocations. Paragraph 2.1.1 of Policy HS1 states that:

“Our allocation, made in close co-operation with TWBC, would meet the Government’s requirement for sustainable and deliverable new housing.”

6. This clearly indicates that the Neighbourhood Plan is making allocations itself. This cannot be correct. Site Specific Policy 3 solely relates to sites that are sought to be allocated through the emerging Tunbridge Wells Local Plan (‘the Local Plan’). This is apparent from Policy HS1, which states that 45-50 units will be provided at site 424 and late site 40. This mirrors Policy AL/BE4 of the Local Plan. As such, it must be made clear in the Neighbourhood Plan that it is not an allocations document. If it were allocating site 424 and late site 40 it would be inconsistent with Planning Practice Guidance. Any duplication should be removed.
7. At present, the Neighbourhood Plan is imprecise and inconsistent with the PPG.

Approach to Brownfield Land

8. Whilst the sites are allocated in the Local Plan and not the Neighbourhood Plan (see above) it is clear that the selected sites have been chosen between Tunbridge Wells Borough Council and Benenden Parish Council (pg. 39).
9. Of the 4 allocated sites, 3 of the sites are on brownfield land. The Neighbourhood Plan states that these selected sites clearly meet the requirements of the NPPF in that they prioritise previously developed land (pg. 39). However, this is a misapplication of the NPPF.
10. Paragraph 118C of the NPPF provides that:

“Planning policies and decisions should:

give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”

11. There are two points to note. First, paragraph 118C does not require brownfield sites to be prioritised over other locations. Rather, it states that substantial weight should be given to the value of using suitable brownfield sites. The statement that priority should be given to brownfield sites is therefore a clear misapplication of national planning policy.
12. Second, when properly applied paragraph 118C does not support development in the East End. This is because, as detailed in the response to the Local Plan, this site is unsustainable and therefore not suitable for development. Whilst the site could be made sustainable, at present the allocation of this site for up to 50 residential units is in fact contrary to national policy rather than in accordance with it.
13. Third, the ‘brownfield’ nature of the land extends to limited historic development that was strictly ancillary to the hospital use. This legacy cannot be used as a basis to now promote the use of the site for an altogether different purpose, namely a large scale residential scheme (also including greenfield land) that vastly exceeds the scope and purpose of the historic land use in terms of its physical impact (including on the abutting AONB) and clear conflict with the requirements for the sustainable land usage policies.
14. For this reason, the Neighbourhood Plan is inconsistent with national policy.

Inconsistency with Local Plan

15. The individual site assessments for the East End (document HSA3) note that access is limited to the narrow Goddards Green Road which is unsuitable for high volumes / rush hour traffic, that there is poor public transport and that there are few facilities / amenities. The East End is isolated from any settlement and is an unsustainable location at present.
16. Development at an unsustainable location is contrary to Policies STR2 and TP2 in the draft Local Plan. Furthermore, there is no infrastructure planned in either the Neighbourhood Plan or the Local Plan. There is no plan to make the isolated East End a sustainable settlement.
17. This site is incompatible with the draft Local Plan and therefore the Neighbourhood Plan does not meet the basic conditions² as required.

Site Specific Policy 3 (‘SSP3’)

18. As made clear above, the marked problem with the East End site is that the location is unsustainable. The proposed site specific policies are plainly inadequate in addressing this fundamental issue.
19. The site specific policies are, at present, broken down into four sections. The first two relate to all of the site whereas the last two are specific policies for the south site and north site. The distinction between the first two set of policies is, in fact, that the first set of policies applies solely to the Hospital Trust and the second to development proposals more generally across the two sites.
20. This is a deeply problematic policy approach. Planning applications can be made by any party, regardless of land ownership. Any party, and not just the Hospital Trust, could apply for permission to develop land at the East End. As such, policies must apply equally to all parties. Confining policies to only the Hospital Trust means that any other applicant wouldn’t be expected to comply with the first set of policies in SSP3. This is clearly contrary to the public interest in planning and, arguably, discriminatory.
21. Furthermore, in light of this it is a fair reading of SSP3 that it is assumed that the Hospital Trust will be granted planning permission, or, only applications from the Hospital Trust will be entertained. This clearly amounts to an unlawful predetermination of planning applications.
22. In the event that it is only the Hospital Trust who apply for permission to develop this site, the current policies are clearly inadequate to address the unsustainable nature of the site. The only facility proposed for future residents to buy essential goods is only one of a small shop, café or other commercial enterprise. This is plainly inadequate to meet the needs of upwards of up to 72 houses (Policy AL/BE4 of the Local Plan) in an isolated location. Residents will be reliant upon other, more developed settlements on a day to day basis, which fails to make the East End a sustainable settlement. The other proposed facilities are highly specific in their application and therefore lack the substance required to address the lack of sustainability of the site.
23. The attempts to address transport to and from the East End are inadequate. The proposals are the provision of a foot and cycle path and promoting and supporting a Kent County Council Hopper Bus trial. Neither is sufficient to make the settlement sustainable. The former fails to have regard to the fact that it is roughly a 4km journey from East End to Benenden. Given there are not any shops at East End, and nor are there forecast to be from SSP3, the use of this path would require residents to walk or cycle a round trip of 8km. This clearly will be ineffective.

² Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990

The second does not guarantee to make East End more sustainable, given it relates to a trial which may, at any point, be terminated by Kent County Council.

24. No other policies seek to address the sustainability of the site in terms of services and facilities. As such, SSP3 is plainly inadequate to make East End an acceptable location for sustainable development. It is therefore inconsistent with the Local Plan and the NPPF.

Local Consultation

25. Local consultation carried out in advance of the publication of the Neighbourhood Plan clearly favoured smaller units with good links to the village. However, this response forms no part of the Neighbourhood Plan, instead favouring the approach set out by the Local Plan of focusing development in the East End.
26. It is a legal requirement for a consulting body to conscientiously take into account the product of consultation.³ That has not been done here. Rather, the Neighbourhood Plan has ignored this consultation response in favour of locating development away from settlement centres in the unsustainable East End. This is unlawful.

3. Regulation 18 response to TWBC Draft Local Plan

Tunbridge Wells Local Plan – Regulation 18 consultation response

Introduction

1. These representations are made on behalf of Euan Burrows, Mockbeggar Lane and a group of residents who all live in East End, Benenden.
2. The focus of these representations is site allocation policy AL/BE4, which seeks to allocate 44-50 further dwellings at the land at Benenden Hospital, SHELAA references: site 424 and late site 41.
3. The land subject to policy AL/BE4 is situated approximately 4km to the north east of Benenden. It is connected to Benenden by Goddard's Green Road / Benenden Road (a designated rural lane). There is currently permission for 22 new dwellings on the site. It contains land which is previously developed for a limited use, being land previously used by the hospital.
4. The site is unsustainable. There are no amenities on the site. There are no bus services which serve the East End. Access is via the narrow Goddard's Green Road. There are no community facilities. Simply put, aside from the houses currently on site and the hospital (with associated buildings), there is nothing else on site.

The Sustainability Appraisal ('SA')

5. It is our view that the approach taken to selecting sites for the proposed allocations in the Local Plan is fundamentally flawed. As such, at present it is the case that the Local Plan cannot be considered sound with regards to policy AL/BE4.
6. Section 8 of the Sustainability Appraisal concerns the SA of the Potential Development Sites. Paragraph 8.1.1 of the Sustainability Appraisal states that:
"All sites submitted to the Council's Call for Sites process were assessed against a robust methodology which is set out in the Strategic Housing and Economic Land Availability Assessment (SHELAA). This included all sites received through two Call for Sites processes and sites received since then but prior to the 22nd February 2019 (known as 'late sites' or 'additional sites' and 'A_S' on all figures in this chapter)."
7. Paragraph 8.1.3 of the SA provides that:
"A number of sites were filtered out during a first stage initial assessment of sites. For the purposes of this SA report, these are sites that are not considered to be reasonable alternatives requiring a sustainability appraisal."
8. Paragraph 8.1.4 of the SA provides a list of criteria by which sites were initially filtered out.¹ It appears to be the case that the list of sites which made it past this initial filtering (such that they were considered 'reasonable alternatives' for the purposes of the SA) are listed at Table 32 of the SA (pg. 32). It should be noted that whilst there are 11 site references included in the list of reasonable alternatives, 6 of these sites constitute the 4 proposed allocations for Benenden, including sites 424, AS_40 and AS_41 which form policy AL/BE4.
9. However, this approach is flawed and, in any event, has been misapplied in relation to Benenden.
10. First, there is no good reason provided for why these filters have been provided. Whilst some of them make clear sense (bullet points 1 and 2, for example), others require justification, yet none is provided. In particular, no reasoning is provided in either the SA or the SHELAA as to why sites which are likely to provide less than 10 residential units were filtered out. Whilst this may, in principle, be appropriate for the larger settlements affected by the Local Plan, this should not be applied across all potential sites. This criterion serves to neutralise a number of potential sites in and around Benenden without good reason. It is clear that smaller sites can be appropriate – policy AL/BE1 is an allocation for approximately 12 dwellings. Without justification, it is wholly untenable to immediately filter out all sites which will provide a yield of less than 10 residential units.
11. Second, the initial filtration has been misapplied. Specifically bullet points 1 and 2 of paragraph 8.1.4 provide that sites that will be filtered out include sites that are:
"• Located in remote locations away from existing settlements; such sites considered unlikely to be sustainable in this context; in some instances some remote sites have been considered in the context of a new garden settlement where applicable or as urban extensions; (Bullet Point 1)
• Not well related to a settlement; this has included sites that may be in relative close proximity to a settlement but are not well related to the built form of the settlement for example because they are cut off / separated from the settlement / built form in some way; (Bullet Point 2)
12. If these points were to have been correctly applied, it is inconceivable that AL/BE4 would have emerged as a preferred option.
13. With regards to Bullet Point 1, AL/BE4 cannot sensibly be said to be a settlement given the small number of houses and the complete lack of facilities. This is acknowledged in the SHELAA when it states that AL/BE4 is "remote from a settlement centre." Indeed, the nearest settlements to AL/BE4 are Benenden or Biddenden, both of which are 4km away (pg. 263 of the Local Plan). Applying the methodology set out in both the SA and the SHELAA, as is the required approach, AL/BE4 should not have made it past the initial filtering stage.
14. With regards to Bullet Point 2, it follows from the above that AL/BE4 is not well related to a settlement. The relation between East End and Benenden is along the narrow Goddard's Green Road. There is no walking path and no cycle path between East End and Benenden. Indeed, this fundamental deficiency in relation to Benenden is clearly acknowledged by the wording of AL/BE4, and would not change even if attempts to introduce measures required by this deficiency such as an 'active travel link' were introduced.
15. From the above, it is clear that the sites which form AL/BE4 should not have been capable of making it past the initial filtration stage. Both site 424 and late site 41 are too remote to meet the criteria of the SA.
16. The unsustainable nature of site AL/BE4 is demonstrated in Table 33 of the SA (pg. 79). AL/BE4 scores as being very negative to negative on the sustainability topic of Services and Facilities and as being negative on the sustainability topic of Travel.
17. Appendix K to the SA provides the scoring for each of the sites against each of the sustainability topics concluded to be reasonable alternatives.² The improper inclusion of AS_41 means that there are a number of reasonable sites which have not been allocated. These sites are sites 158, 222, 425, AS_8 and AS_21. Notably, sites 158 and 222 have no very negative scores.
18. There is a different and unjustified approach taken to the sustainability topic of Services and Facilities for AS_41 compared to other sites. The commentary to site AS_41, which scores very negative on services and facilities, makes no reference to the lack of provision of services. Instead, it states that *"Although promoted by the policy, shared transport and active travel options are unlikely to take precedence over private vehicle use thus air quality and climate change*

³ R v North and East Devon Health Authority, *ex parte* Coughlan [2001] QB 213

also score negatively.” This failure to reference the lack of services is wrong, either because it has failed to take it into account, or because it is operating from the assumption that services will be provided once the allocation is built out.

19. Both of these approaches are improper. In practice the primary negative of the site has been discounted in the allocation assessment, which is clearly wrong. This site is fundamentally incompatible with sustainable use and this should obviously have weighted heavily against both (i) its inclusion at all and (ii) as would appear beyond reasonable debate, the extraordinary and inflated scale of development that is now proposed.

20. Second, any attempt to discount this on the basis that a future allocation can compensate for it is plainly wrong. First, because this could be true for any potential issue for any site, thereby making the evidential base of the allocation process otiose. Second, because the proposed services are clearly inadequate to address this issue. The proposed cycle path fails to have regard to the fact that it is roughly a 4km journey from East End to Benenden. Given there are not any shops at East End, and AL/BE4 solely makes provision for a ‘small retail unit, the use of this path would require residents to walk or cycle a round trip of 8km. This clearly will be ineffective. The minibus service is, during the week, a school run which wouldn’t meet the needs of other residents of the East End. These provisions are clearly inadequate in addressing the unsustainability of the site. In comparison, the commentary to both sites 158 and 222 notes a “*lack of services and facilities including public transport at the settlement*”, making no reference of the possibility of future development providing these services. They also miss the point in that in practice developments of this scale are strictly discouraged in rural and isolated location precisely because they inevitably encourage car use.

21. Finally, there is a failure in the SA to take account of the planning permission that has already been granted for this site.³ This granted permission for the development of 24 dwellings at land adjacent to Benenden Hospital. In our view, the Hospital is seeking to bring forwards a large scheme of residential development in multiple phases on this site of which that planning permission was the first stage. The failure to take account of the overall scale of this scheme in the Local Plan process is a fundamental failing.

22. To conclude on the SA, the approach taken by the SA is flawed and inconsistent. Site AS_41 (as described in Appendix K) should not have made it past the initial filtering stage as a result of its remoteness and lack of connectivity with any established settlement. This is especially true when the allocation is for 66-72 houses with few notable facilities to be added, meaning AL/BE4 would create an isolated outpost reliant upon travel to Benenden along Goddard’s Green Road. The SA provides reasonable alternatives that are better sites and can accommodate the 44-50 houses AL/BE4 seeks to provide.

23. Insofar as AL/BE4 is based on the SA, the Local Plan is not justified and ineffective. For these reasons it cannot be considered sound.

Strategic Housing and Economic Land Availability Assessment (‘SHELAA’)

24. Insofar as relevant to this representation, the role of the SHELAA is to identify land which may be suitable to allocate for housing (paragraph 001 PPG Housing and Economic Land Availability Assessment⁴).

25. Paragraph 3.2 of the SHELAA states that:

“The outcomes of the SHELAA should be to identify sites and broad locations with potential for development, assess their development potential, assess their suitability for development and the likelihood of development coming forward.”

26. The SHELAA provides a site summary assessment of each of the sites. The conclusions of the SA feed into this. Paragraph 4.5 of the SHELAA notes that:

“The outcome of the SHELAA is not a list of sites that will be allocated for development in the Local Plan, but forms part of the evidence base to support policies in the new Local Plan. For some of the sites considered by the SHELAA to be suitable for further consideration, the production of this Draft SHELAA does not rule out the possibility that additional issues may arise during this process, or subsequently through the consultation on the Draft Local Plan, that then preclude a site being considered suitable for allocation for development. The converse may also be true, with the possibility that further information or amended, or new, site proposals coming forward that make them more suitable. A final SHELAA will be prepared to inform the Pre-Submission Local Plan to be prepared under Regulation 19.”

27. However, in our view the conclusions of the SHELAA as currently reached are fundamentally flawed. The focus of these representations are the site assessment sheets for Benenden Parish, dated July 2019, as these are the most recent SHELAA documents.

28. We note that the SHELAA states it applies the same initial considerations to stage 1 site assessments as the SA (paragraph 3.23 SHELAA). In accordance with the representations made above, the sites comprising AL/BE4 should not have made it past this initial assessment stage.

29. Site AL/BE4 is correctly identified as being “remote from a settlement centre.” However, this remoteness fails to feature in the remainder of the site assessment. The sustainability assessment notes that “residents will rely heavily on private cars and thus air, equality and travel objectives score negatively” yet makes no reference to the Services and Facilities objective which, as discussed above, receives the lowest score possible for a sustainability objective. The site assessment sheet concludes that the site is suitable as a potential site, for the reason that “*This is mostly a PDL site that already benefits from an extant planning consent.*” This conclusion is significantly flawed for three reasons.

30. First, the SHELAA adopts a different approach to the remoteness of AL/BE4 to other sites. Sites 289, 295, 397 and 425 are all identified as being remote from a settlement centre. In each case this weighs heavily against each site. However, the remoteness of AL/BE4 doesn’t feature in the conclusions on whether it is a suitable site. The fact that those sites are not considered reasonable alternatives under the SA is not relevant to whether the site is too remote to be a potential site in the terms of the SHELAA. This inconsistent approach to remoteness within the SHELAA infects the conclusion that AL/BE4 is a suitable site.

31. Second, the SHELAA site assessments places undue emphasis on AL/BE4 being mostly previously developed land. The Land Use topic in the SA includes the objective of using previously developed land.⁵ It is reasonable to read this across to the SHELAA. As such, use of previously developed land is clearly a material factor in judging the suitability of a site. However, it should only be one factor among others, not an overriding principle. In this case, the fact that the land is mostly previously developed is one of the two reasons given, notwithstanding the fact that the remoteness of the previous use of the site was justified by its connection to the hospital. The proposed use, however, would be a number of houses not dependant upon or linked to the hospital. This fails to properly consider the use of the site in accordance with the stated methodology of the SHELAA (c.f. paragraph 3.14).

32. Properly understood, there is far less benefit from the use of previously developed land for this site than is stated in the SHELAA. The approach currently adopted by the SHELAA makes the remainder of the assessment otiose insofar as allocations will necessarily be made on previously developed land, regardless of the other relevant factors including those encapsulated by the sustainability objectives.

33. Third, there is no good basis for placing significant weight on the extant planning permission for this site in terms of the achievability of development. The furthest that the extant permission goes is to demonstrate that 24 residential units are achievable on the site. It does not show that a further 44-50 units are achievable on the site. This reasoning would result in the exponential growth of settlements with extant permissions and non-allocation of sites where, for example, all permissions have been built out. This is clearly flawed.

34. Furthermore, this fails to have regard to the broader point with regards to this site, namely the fact that the Hospital are in the process of bringing a large scheme of development across multiple phases. The approach currently taken in the SHELAA would justify a cascade of development from this single application whilst failing to have regard to the sustainability reasons for not allocating the site. A holistic approach is required in order to appreciate the totality of development proposed by the Hospital for the site, the acceptable upper limit for residential development in this isolated rural area and why, therefore, no further allocation should be made.

35. To conclude on the SHELAA, it adopts an inconsistent approach between different sites. Furthermore, whilst purporting to analyse the sites against a range of factors it in fact has been carried out such that previously developed land will necessarily be allocated before greenfield land, notwithstanding any other factors relating to that site including the nature of the previous use and any other nearby uses.

36. Insofar as AL/BE4 is based on the SHELAA, the Local Plan is not justified and ineffective. For these reasons it cannot be considered sound.

Policy AL/BE4

37. Furthermore, reflecting its fundamental unsuitability, Policy AL/BE4 also conflicts with other policies in the Local Plan.

38. At present the site is wholly without services.⁶ It is isolated from any settlement and has no regular transport links to established settlements. The SA notes that most access to AL/BE4 will be via private car, yet this conflicts with policies STR2 and TP2 of the Local Plan.

39. Table 3 of the Local Plan sets out the scale and distribution of development for each Parish / Settlement covered by the Local Plan. For development in East End it states that all significant infrastructure is set out within the Infrastructure Delivery Plan (‘IDP’). This table is repeated in the IDP. In this context, infrastructure has a broad meaning. It covers both physical infrastructure and community infrastructure. Table 1 of the IDP sets out the detail of different types of infrastructure. The Infrastructure Delivery Schedule, Appendix 1 of the IDP, lists all Infrastructure to be delivered. The only Infrastructure that relates to Benenden is the provision of additional youth and children’s play space (pg. 104). There is no transport infrastructure to be provided. This conflicts starkly with

Policies STR2 and TP2 of the Local Plan. It cannot be said that AL/BE4 is sustainable or accessible at present, and significant and unacceptable (and unplanned) road and other infrastructure would be required to make it so. The furthest the Local Plan goes to addressing these issues is to state in Policy AL/BE4 that any development shall provide an active travel link between East End and Benenden. However, this falls far short of what is required to make the isolated East End a sustainable settlement location. This therefore conflicts with both the Local Plan and the NPPF.

40. To conclude on this point, Policy AL/BE4 is in conflict with other policies in the Local Plan and the NPPF. It is therefore ineffective and inconsistent with national policy. For these reasons, Policy AL/BE4 cannot be considered sound.

The Principle of Development

41. It is important to emphasise that we do not object to the principle of limited development on a sustainable scale on this site reflecting and commensurate with the existing hospital related residential accommodation. However, it is clear that the Hospital is seeking to build out a significant scheme of residential development in a staged fashion by first obtaining a discrete and existing planning permission on an adjacent site and then seeking to allocate additional permissions on ancillary hospital land under the guise of 'brownfield' development, despite the fact what is now proposed has no relation to that which previously existed. The Local Plan is requested to look at the impact of this scheme in a holistic fashion which, when properly considered, is fundamentally inconsistent with the sustainable land policies TWBC is required to apply in its overall impact of what is fundamentally a rural area. It is clear that this is a site which has significant constraints on the possibility of development at present. Aside from the hospital and a number of houses, there are no facilities or services on this site. Indeed, it is clear from the Local Plan and the documents submitted with the Local Plan that the only reason this site is in consideration at all as a potential allocation is because of its status as previously developed land.

42. We therefore invite Tunbridge Wells to remove AL/BE4 from the Local Plan.

This document is submitted by me, Hazel Strouts for Euan Burrows and residents who all live in the East End, Benenden. It is based on Counsel's opinion.

4. Hospital Plans



5. Castelton's Oak Cross 20 Nov 2020 (Goddards Green Road)



[Back to Comment Number BE_20](#)

BE_57: H Strouts

Supporting documents:

57a:

Objections to Rough Draft

127 signatures

Objections to the Benenden draft Neighbourhood Plan

We, the undersigned, submit these objections to the draft neighbourhood development plan produced on 23 February 2019, to the committee which produced it, to the Benenden Parish Council and to Tunbridge Wells Borough Council's planning department. Many, but not all of us, are residents of the East End of Benenden. Our objections will be resubmitted at each stage of the consultation process until we come to a satisfactory conclusion. We understand that some officers of the Tunbridge Wells Planning Department may have contributed to the overall plan by expressing opinions, or giving advice. If that is the case, we would remind them that such opinions and advice are not binding either on the planning committee or the borough council, or, of course, on the independent assessor.

In short, we consider that the draft plan is misconceived, and is contrary to established housing and other planning policies. The result of this draft, if passed, would be to create an outpost in the East End without proper facilities and with wholly inadequate transport links.

We consider that Transport Policy T13 is relevant, which requires the plan to reduce congestion and the impact of traffic. The photographs in the "Transport and Infrastructure" section show congestion in the village centre *as it is now*. While those who reside in the centre may feel pleased with the draft plan, they should stop and think what will happen when the inhabitants of 87 new houses drive into the village centre each day, as they will have to do. It is too far to walk, too dangerous to cycle, and impractical in poor weather. The inhabitants at the hospital site will be living in an enclave with no public house, no shop, no school or nursery provision and no social facilities, for all of which they will drive to the village. Who in the village has thought about the congestion and air pollution which will ensue? Clearly an arrangement in which the bulk of the houses are built within walking distance of the centre will avoid these problems and comply with policy T13.

The section headed "Housing and Community Workshop early thinking" is poorly argued. It is said under "spread it thin" that there would be a tendency to build large rather than small homes, but this is surely a matter for the planning authority when giving detailed permission; it then says that local builders could build them, but we "may get rather unreliable developers". This is a bizarre statement. Denying local employment on this supposititious basis is frankly wrong, and ignores the role of the building inspectorate. The draft argues against a community land trust on the grounds of the danger of trustees having vested interests, but there are well established legal procedures to deal with corrupt or self-serving trustees. Clearly the committee does not expect trustees to do their job properly.

The list of sites put forward is on the following page. No attempt is made to explain why most of these sites were rejected. For example no reason is given for rejecting any of the sites in Iden Green, particularly 437 and 438, or for rejecting sites 158 and 222 in the village centre. It is impossible to take a final view on the merits of the chosen sites without knowing whether there are good reasons for rejecting alternative sites. In the case of site 158, it appears to comply fully with housing policies H8 and H9, and would not require the contrived extra provisions, such as a bus service, nursery, shop and cycle path required to justify including the Hospital sites.

The same applies to site 222, which is an infill site, bearing in mind that the village extends as far as Cheeseman's Garage. This site has the added advantage of providing for improvements to be made to the crossroads, at the expense of the prospective developers, and giving the opportunity to the village to enjoy a pond and amenity land. This opportunity would be lost if this draft plan prevails, since the land would of course not then be open to the public. We have been told that the

reasons may be set out in the appendices, which have not been supplied. Where there is a clear departure from established housing policies, as there is in the rejection of these two obvious sites, there needs to be a very good reason which will withstand independent scrutiny.

The task of evaluating evidence and coming to an objective decision is not something which is part of the normal experience of life. The judiciary is trained to do this, and one of the matters which has to be confronted is the problem of “confirmation bias”. This is a common failing. It means that there is a natural tendency to select evidence which confirms a conclusion which has already been reached, and to disregard, play down or reject evidence which does not conform to the desired result. No blame is meant here, but regrettably this draft plan shows all the hallmarks of confirmation bias. The committee wanted to load as many houses on the East End as possible and went into extraordinary contortions to achieve that aim. In doing so they failed to reach a balance.

A second aspect of decision making is the advice to stand back and look at the result. No one has done that objectively. Standing back and looking at the overall result of the proposals for housing allocation, one sees that there are no proposals for any development to the south of the Street nor in Iden Green, although sites were offered there (subject to review when the appendices are provided). More significantly there would be 87 new houses in the outpost of East End, in an area remote from the village centre, in contravention of housing policies H8 and H9. Yes, we are aware that existing permissions in the East End for 24 houses do not count towards the target total for the Plan nor does the refurbishment or redevelopment of a further 18 north of Goddards Green Road. But these 42 houses cannot be ignored in the overall picture. The committee should have asked itself whether the permissions already in train are enough for this remote area, as we believe they are. The Plan approves 87 new houses in the East End and a maximum of 45 in the village, or possibly as few as 37. This gives a general picture of two-thirds in the remote area and one-third in the village. Overall, the imbalance is so striking as to require review.

The separation of two sites in the East End in the same ownership is disingenuous, since they are on opposite sides of a narrow road. The obvious view is that this is one site. The constraints are the same for both sites. Those set out in the plan are not properly addressed. The remedies proposed to mitigate the inadequacies of the site are inappropriate and insufficient. No one can be compelled to keep open a shop if it loses money. The only reason that the village shop survives is that it relies mainly on local volunteers. Similarly, no one can be compelled to provide unprofitable nursery or community facilities. The most that can be required as a condition of planning permission is the provision of premises capable of being used for such purposes. Kent County Council has no interest in widening Goddards Green Road nor in providing a cycle or foot path, which would have to be away from the existing narrow roads, and would probably only be possible by compulsory purchase. We doubt whether the County Council could afford the necessary highway improvements, and see no evidence in the draft plan that they will. Neither a cycle path, footpath nor bus service are within the power of the Hospital to provide. In any event, experience shows that once planning permission is given the site will be sold at enormous profit to a developer, who could reasonably object to such conditions as being unlawful, and have them struck out.

The “Reasoned Justification” starts by noting that the site is in a relatively unsustainable location! So what is it doing being put forward as a suitable site? No attempt is made to overcome this particular feature, except by the convoluted aspiration that somehow the Hospital will do the decent thing and provide facilities which are outside its powers.

The fact that the hospital sites are partly brownfield sites is not of itself a justification for disregarding other more relevant housing policies. The fact that it already enjoys planning permission for some houses, 24 on the south site, is not a reason for increasing the number to an extent that the infrastructure of the site cannot bear. Rather, it is a reason to stand back and consider whether that is sufficient. There is absolutely no reason to give any landowner, the hospital included, any special favours, especially when they come at a price for those who live both in the East End and in the village centre.

Regrettably, therefore, this rough draft is a classic case of confirmation bias and a failure to stand back and look at the overall picture. It is our opinion that its conclusions are incapable of being remedied by a few minor amendments, and should be rejected.

This submission is put forward in a genuine attempt to put right the manifest deficiencies in the rough draft. The document is long, contains much planning jargon but is obviously the result of a great deal of work by the group. This may have the effect of causing some to believe that it would be asking too much to get its conclusions changed. The answer to this is that much of the content can remain, and since the background work has now been done, the conclusions are the only matters which need to be revisited. Secondly, it will be far easier at this early stage to put things right, than at a later stage when more objective consideration will be given to the draft.

Signature, Name, Address,

57b:

Benenden Neighbourhood Plan

Signed by 164 people

Regulation 14 objections

We, the undersigned, object to the Neighbourhood Plan (NP) in so far as it relates to housing supply allocation. In essence, our case is first, that it is unnecessary and undesirable for this plan to contain any provisions for housing allocation, and that they should be omitted; secondly, if there is good reason to do so, the proposed development at the East End is excessive, inappropriate and unsustainable, and it contravenes well-established policies. The housing allocation can readily be met on sites nearer to the village centre which are consonant with common sense policies.

1. The need for an allocation at all

The Tunbridge Wells Borough Council Local Plan is subject to consultation at present. A copy of our objections to that plan is supplied as a matter of courtesy and relied upon in relation to the NP. The Local Plan (LP) takes precedence over the NP, so that any case put forward in the NP will be of no effect, if it is at odds with the LP, and tautologous if it is not. No other neighbourhood plan, so far as we are aware, has set out provisions on housing allocation, plainly because it is unnecessary. The Parish council does not acquire any planning powers or influence by including such matters. See PPG Neighbourhood Planning paragraph 07 (<https://www.gov.uk/guidance/neighbourhood-planning--2>) : “A *neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy. Neighbourhood Plans should not reallocate sites that are already allocated through these strategic plans.*”

2. The allocation at the East End

2.1 There are currently about 74 households in the section of the parish known as East End, at a density of less than 1 per hectare. It is proposed to more than double that number by allocating an extra 45 to 50 houses at the hospital sites in addition to the 24 houses on the south side for which permission has been given, but which are not yet built and a further 18 houses to replace semi-detached dwellings no longer fully in use on the north side, see page 31, policy HS1.

2.2 This provision contravenes policy HS8, page 36, since housing on this scale does not “enhance the local built environment” nor “respect the local landscape”. Far from it, it creates a whole new village where none existed before with no sensible provision for the facilities which are necessary. It is on a prominence and is visible from the south for a long way, and is almost surrounded by the AONB (constraints page 48).

2.3 Policy HS9 requires the density of new housing where possible to be consistent with existing densities in the *adjacent* parts of the parish. This site is not adjacent to any part of the centre of Benenden, but to rural scattered houses, at probably less than 1 per hectare, and so the proposal clearly contravenes this policy.

2.4 There is already provision at most for 42 new houses on this site, overall. That should be regarded as sufficient, if one stands back and looks at the overall picture, as we invited the proponents of the plan to do in our previous objections to the original draft of the plan. Clearly this has not been done. The existence of permission for 24 houses on the south site is described as an opportunity, page 48, when it is no such thing. There is no basis for the argument that the existence of some permission opens the land up for further development. If the Local Plan is sufficiently definite about the maximum number of houses to be allowed over the whole site, that should be a sufficient safeguard, bearing in mind that under the Local Plan, the whole of the hospital site, including that part which is in current use, is considered as site BE4. The part in current use is also shown coloured purple on page 38 of the NP without explanation.

2.5 There will inevitably be a vast increase in traffic on an already dangerous road that leads to the accident black spot of Castleton's Oak crossroads. There will also be a significant increase of traffic in the other direction and along Walkhurst Road, a narrow single track lane towards the village, especially if the occupants of the new houses have small children to take to the primary school.

2.6 Goddards Green Road, (GGR) which divides the site, is a narrow rural lane with one lane in each direction, but with barely room for two lorries to pass. There is no other practical route which traffic can take between the site and the village centre. At present, the hospital accounts for some 400 traffic movements per day. The average number of cars parked there is about 250 per day, almost all of which get there and back on GGR, which will continue whatever the outcome of the consultation. At present the traffic movements emanating from sites 41 and 424 are virtually nil. 424 is boarded off. So the development of these sites will necessarily add to traffic movements on the inadequate road. 80 to 90 new houses will produce at least 240 traffic movements, and more likely 300, especially as these sites include only limited affordable housing and are built almost three miles from the school, shops and meeting places in the village. This is an increase of 75%. There is no proposal to widen GGR, with or without s.106 contributions or CIL payments, if that system is adopted.

2.7 The expectations set out on pages 50 and 51 show how lamentably deficient the site is as a sustainable entity, since it has none of these features. There is no basis for supposing that an independent shop or cafe could survive as a viable business. This part of the NP is at odds with the Local Plan which works on the basis that the shop and cafe will be in the hospital itself, see page 274 of that document. That is of course equally unlikely. The proposed cycle path has no prospect of coming into effect without the consent of the landowners, one of whom has already refused. It is in any event nothing more than a recreational project.

2.8 It has emerged in discussions with the promoter of the NP that there are two more reasons behind the allocation of such a large number of houses to the East End, neither of which has been put into the Plan or associated documents. One is that since the hospital trust has charitable status it is obliged to maximise the value of its assets by developing as much of its unused land as it can. That is of course not a planning reason, since the planning system does not exist to assist organisations, however worthy, to make money. Rather it is a reason to be firm in setting limits to development which can be sustained. It was the hospital's choice to move westwards on to a greenfield site, thereby releasing land which had previously been used for its main function. The planning system is there for the benefit of the community, not one individual organisation.

2.9 The second matter relied upon is that the hospital is likely to, or may threaten to, apply for planning permission in any event on the basis that these are brownfield sites, and will if necessary take the matter to court. However, section 38(6) PCPA 2004 says that planning applications must be determined in accordance with the development plan. If there is no allocation in the development plan, it makes it less likely that (i) permission would be granted and (ii) an appeal would be successful against refusal of permission (from those considerations alone). Clearly therefore ‘fear of litigation’ is permitting development which would not otherwise be allowed. Fear of litigation is not a valid planning reason. In any application for permission or appeal the Local Plan and Neighbourhood Plan carry considerable weight. The fact that a site has become a brownfield site does not override every other factor, and a strongly argued local and/or neighbourhood plan can be effective. Sustainability is a far more relevant factor.

2.10 For these reasons, and those set out in individual submissions, the hospital site should be limited to the permissions in existence at present. Standing back, it is as much development as the East End can absorb.

3. Alternative Sites

There are several alternative sites which are capable of taking up the numbers of houses required to meet the target, if the dwellings allocated to the hospital site are left at the present number, that is, 24 new houses on site 424. These sites are 158, next to site 16 and combined with it in the LP SHELAA document, site 222 and site 66 in Benenden centre; sites 8 and 437 East in Iden Green.

3.1 The Limit to Built Development (LBD) is an artificial line drawn where the planners want to exclude some sites and include others. The decision on inclusion of sites comes first, and the line is drawn round to include them. In fact the LBD line should reflect what is on the ground, see LBD Topic Paper paragraph 7.1 (a). Benenden's does not. It extends eastwards beyond the primary school on Rolvenden Road, but stops at the crossroads going west. In fact the built development extends westwards well beyond the crossroads – as far as the public school gates on both sides. Excluding this part of the built development has the effect of preserving the houses along the B2086 west of the crossroads from unwelcome infilling. There is clearly no prospect of infilling in the suggested tightly drawn LBD to the east of the crossroads. Sites 222 and 158 are outside the LBD, as currently

drawn, but are adjacent and could as well be in it had it been drawn fairly. There is a deficit in process here, in failing to include the obvious built development. Site 158 is adjacent to site 16, Uphill, which was outside the LBD before the re-drawing. The process is therefore to allocate a site, and then draw the LBD line round it and say "Look, it is fine because it is in the LBD."

3.1.1 Similarly, the proposed removal of a LBD entirely from Iden Green prevents the allocation of housing to infill sites, see page 4, paragraph 7.5, item 2 and page 7, paragraph 8.1(b) of the Limit to Built Development Topic paper, which says: *The removal of two LBDs at Iden Green (Benenden) as both of these settlements are considered to be unsuitable for further development as they have limited key facilities and bus services making them unsustainable in this context.* As has been done in the centre of Benenden village, the LBD could so easily be drawn to include sites LS8 and 437 East, since they are clearly suitable for development and because the reasons given for their exclusion do not add up.

3.2 At page 36, paragraph 2.7.2 it is said that average density in the parish is 10 dwellings per hectare. This can only be achieved by taking into account spaces which are not and never would be built upon. If we look at the area within the LBD, density is relatively high, as is usual in local village centres where the old terraced houses are close together. Density at the East End on the other hand, is much lower since there was never any hamlet main street lined with workers' cottages. The outstanding rural nature of the East End is why it was chosen as a site for a sanatorium.

3.3 Site 158. This is next to Uphill, site 16, which was included within the LBD by adjusting the boundary. Page 270 of the LP, item 8, requires the layout not to prejudice the provision of vehicular access to site 158 "*which may be allocated for development as part of a future Local Plan.*" It is not needed now only because of the over-allocation of houses at the East End. The SHELAA aggregates sites 158 and 16. The potential yield of the two sites together is given as 50-65 houses. The site is within walking distance of the village amenities. And so the sustainability assessment, which refers to lack of services and facilities including public transport is misconceived. The reason given for the rejection of the area outside of site 16 (that is 158) does not bear examination and is vague. This site is regarded as suitable for allocation in a future Local Plan. Its landscape impact is the same as it is on 16. This site was originally one of two sites considered as a site of the new village primary school and was earmarked in early discussions with the TWBC planners as suitable for housing. The TWBC proposed 174 dwellings for this site in 2018.

3.4 Site 222. This site on the southwest corner of the crossroads apart from the area around the pond which is directly on that corner and which is to be left as a green space for future village use (it is not currently open to the public) is only outside the LBD because that line has been perversely drawn to exclude the built development to the west. The experience of sites 16 and 277 show that the LBD can be adjusted to enclose an allocated site or it can be ignored, as in the case of the hospital site. The SHELAA report is basically wrong. It is within walking distance of all village amenities so the alleged lack of services and facilities, including public transport is plainly wrong.

3.5 Site 66. This site is analysed in the NP HSA3 sheets, pages 9 and 10. It is regarded as suitable and achievable. The reasons given for its suitability are valid. There is on the face of it no reason to reject it.

3.6 The Iden Green sites. The reasons given for rejecting them are that there are no amenities, but Iden Green is in fact only a mile from the village, and has a pub/restaurant, a nursery school and a community hall. There is a paved footpath link to the village giving access to the primary school, church and village centre. This path follows a Roadside Nature Reserve for less than half a mile and then becomes a paved footpath through fields to the church and adjacent primary school. Compare this with the sites in the East End, three miles from the village centre, which has no such facilities nor a direct link with the village except by car.

3.6.1 Iden Green has had several parcels of land offered in the call for sites yet each has been rejected. Site LS8, for example, a site for 26 houses lying between Chapel Lane and Iden Green Road and surrounded by houses in the heart of the hamlet, has been rejected on the grounds that it:

- (a) is in "a remote location relative to services and facilities and public transport" (SHELAA; a misguided objection identical to those made in relation to sites 158 and 222);
- (b) would increase the traffic (HSA);
- (c) is outside the LBD (true, but capable of being remedied); and
- (d) has "no amenities" (untrue).

These points would, on the other hand, all be perfectly true if they were spoken of in relation to the East End site.

Site LS8 is a greenfield site and within the AONB but this is also true of the two sites on Walkhurst Road, the primary school and the hospital site which includes Local Wildlife Sites and, as seen on the map on page 38, overlaps into the AONB.

3.6.2 Other sites in Iden Green have been rejected, such as 437, a very large site, as if it were only available in one piece for a very large number of houses. In fact, a small group of houses could be considered in a small, suitable section of the whole, for example, that part of this site which lies to the east of Iden Green Road and in the centre of the hamlet, adjacent to an existing housing estate and close to the pavement which connects the hamlet to the Village centre.

4. General

Our comments made to the draft plan promulgated in February 2019 and signed by 127 people, noted that our objections will be submitted at each stage of the consultation process until we come to a satisfactory conclusion. Regrettably, we have not reached such a conclusion since the principal objections raised in that document have not been put into effect. No attempt has been made to stand back and look at the overall picture in the East End, nor to acknowledge and deal with confirmation bias. Instead, the NDP Group has chosen to set out its interpretation of some of our objections and its justification for disregarding them, from page 85 onward, appendix IA 1. In the light of this, the original objections should be taken as continuing to apply at this stage of the consultation, except where items disputed have been removed. These objections should therefore be read as incorporating the relevant arguments in that document.

The effect of this Plan would be to create an unsustainable satellite village in the East End where there are currently no amenities requiring greatly increased vehicle movements on unsuitable roads. The fact that it has been made into a brownfield site is not sufficient to override these objections,

nor to exclude more suitable sites in the village centre, where the complicated and probably unattainable conditions suggested for this site will not be needed.

Dated this day of October 2019

Signature	Name	Address

57c:

Draft Benenden Neighbourhood Plan – Regulation 14 consultation response

Drawn up by Counsel

Introduction

1. These representations are made on behalf of Euan Burros, Mockbeggar Lane, and a group of residents who all live in East End, Benenden.
2. The focus of these representations is on Site Specific Policy 3 Site North of Goddards Green Road, East End; Site South of Goddards Green Road, East End.
3. We have also submitted a consultation response to the regulation 18 Tunbridge Wells Local Plan which focusses on Policy AL/BE4. Much of this applies to the draft Benenden Neighbourhood Plan ('the Neighbourhood Plan') and, rather than repeating those representations verbatim here, have included that response as Appendix 1. The comments below should be read alongside our representations to the Local Plan.

The Principle of the Neighbourhood Plan

4. Whilst it is open to a neighbourhood plan to seek to allocate sites for development, neighbourhood plans should not re-allocate sites that are already allocated through strategic plans (para 044 PPG Neighbourhood Planning⁴).
5. The current wording of the Neighbourhood Plan is extremely unclear with regards to the nature of the plan – namely, whether it is seeking to make site allocations. Paragraph 2.1.1 of Policy HS1 states that:

 “Our allocation, made in close co-operation with TWBC, would meet the Government's requirement for sustainable and deliverable new housing.”
6. This clearly indicates that the Neighbourhood Plan is making allocations itself. This cannot be correct. Site Specific Policy 3 solely relates to sites that are sought to be allocated through the emerging Tunbridge Wells Local Plan ('the Local Plan'). This is apparent from Policy HS1, which states that 45-50 units will be provided at site 424 and late site 40. This mirrors Policy AL/BE4 of the Local Plan. As such, it must be made clear in the Neighbourhood Plan that it is not an allocations document. If it were allocating site 424 and late site 40 it would be inconsistent with Planning Practice Guidance. Any duplication should be removed.
7. At present, the Neighbourhood Plan is imprecise and inconsistent with the PPG.

Approach to Brownfield Land

8. Whilst the sites are allocated in the Local Plan and not the Neighbourhood Plan (see above) it is clear that the selected sites have been chosen between Tunbridge Wells Borough Council and Benenden Parish Council (pg. 39).
9. Of the 4 allocated sites, 3 of the sites are on brownfield land. The Neighbourhood Plan states that these selected sites clearly meet the requirements of the NPPF in that they prioritise previously developed land (pg. 39). However, this is a misapplication of the NPPF.
10. Paragraph 118C of the NPPF provides that:

 “Planning policies and decisions should:

 give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land”
11. There are two points to note. First, paragraph 118C does not require brownfield sites to be prioritised over other locations. Rather, it states that substantial weight should be given to the value of using suitable brownfield sites. The statement that priority should be given to brownfield sites is therefore a clear misapplication of national planning policy.
12. Second, when properly applied paragraph 118C does not support development in the East End. This is because, as detailed in the response to the Local Plan, this site unsustainable and therefore not suitable for development. Whilst the site could be made sustainable, at present the allocation of this site for up to 50 residential units is in fact contrary to national policy rather than in accordance with it.
13. Third, the 'brownfield' nature of the land extends to limited historic development that was strictly ancillary to the hospital use. This legacy cannot be used as a basis to now promote the use of the site for an altogether different purpose, namely a large scale residential scheme (also including greenfield land) that vastly exceeds the scope and purpose of the historic land use in terms of its physical impact (including on the abutting AONB) and clear conflict with the requirements for the sustainable land usage policies.
14. For this reason, the Neighbourhood Plan is inconsistent with national policy.

Inconsistency with Local Plan

⁴ <https://www.gov.uk/guidance/neighbourhood-planning--2>

15. The individual site assessments for the East End (document HSA3) note that access is limited to the narrow Goddards Green Road which is unsuitable for high volumes / rush hour traffic, that there is poor public transport and that there are few facilities / amenities. The East End is isolated from any settlement and is an unsustainable location at present.
16. Development at an unsustainable location is contrary to Policies STR2 and TP2 in the draft Local Plan. Furthermore, there is no infrastructure planned in either the Neighbourhood Plan or the Local Plan. There is no plan to make the isolated East End a sustainable settlement.
17. This site is incompatible with the draft Local Plan and therefore the Neighbourhood Plan does not meet the basic conditions⁵ as required.

Site Specific Policy 3 ('SSP3')

18. As made clear above, the marked problem with the East End site is that the location is unsustainable. The proposed site specific policies are plainly inadequate in addressing this fundamental issue.
19. The site specific policies are, at present, broken down into four sections. The first two relate to all of the site whereas the last two are specific policies for the south site and north site. The distinction between the first two set of policies is, in fact, that the first set of policies applies solely to the Hospital Trust and the second to development proposals more generally across the two sites.
20. This is a deeply problematic policy approach. Planning applications can be made by any party, regardless of land ownership. Any party, and not just the Hospital Trust, could apply for permission to develop land at the East End. As such, policies must apply equally to all parties. Confining policies to only the Hospital Trust means that any other applicant wouldn't be expected to comply with the first set of policies in SSP3. This is clearly contrary to the public interest in planning and, arguably, discriminatory.
21. Furthermore, in light of this it is a fair reading of SSP3 that it is assumed that the Hospital Trust will be granted planning permission, or, only applications from the Hospital Trust will be entertained. This clearly amounts to an unlawful predetermination of planning applications.
22. In the event that it is only the Hospital Trust who apply for permission to develop this site, the current policies are clearly inadequate to address the unsustainable nature of the site. The only facility proposed for future residents to buy essential goods is only one of a small shop, café or other commercial enterprise. This is plainly inadequate to meet the needs of upwards of up to 72 houses (Policy AL/BE4 of the Local Plan) in an isolated location. Residents will be reliant upon other, more developed settlements on a day to day basis, which fails to make the East End a sustainable settlement. The other proposed facilities are highly specific in their application and therefore lack the substance required to address the lack of sustainability of the site.
23. The attempts to address transport to and from the East End are inadequate. The proposals are the provision of a foot and cycle path and promoting and supporting a Kent County Council Hopper Bus trial. Neither is sufficient to make the settlement sustainable. The former fails to have regard to the fact that it is roughly a 4km journey from East End to Benenden. Given there are not any shops at East End, and nor are there forecast to be from SSP3, the use of this path would require residents to walk or cycle a round trip of 8km. This clearly will be ineffective. The second does not guarantee to make East End more sustainable, given it relates to a trial which may, at any point, be terminated by Kent County Council.
24. No other policies seek to address the sustainability of the site in terms of services and facilities. As such, SSP3 is plainly inadequate to make East End an acceptable location for sustainable development. It is therefore inconsistent with the Local Plan and the NPPF.

Local Consultation

25. Local consultation carried out in advance of the publication of the Neighbourhood Plan clearly favoured smaller units with good links to the village. However, this response forms no part of the Neighbourhood Plan, instead favouring the approach set out by the Local Plan of focusing development in the East End.
26. It is a legal requirement for a consulting body to conscientiously take into account the product of consultation.⁶ That has not been done here. Rather, the Neighbourhood Plan has ignored this consultation response in favour of locating development away from settlement centres in the unsustainable East End. This is unlawful.

⁵ Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990

⁶ *R v North and East Devon Health Authority, ex parte Coughlan* [2001] QB 213



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SAVE

BRITAIN'S HERITAGE



Photo: The sanatorium pictured in 2019 (Credit: Britain Decays)

PRESS RELEASE: Battle to save pioneering Royal Sanatorium built for Post Office Workers

16th November 2020

Don't destroy it, convert it into handsome houses

An imposing 1907 Sanatorium built under the patronage of King Edward VII and his sister for Post Office Union workers is under threat of total demolition. SAVE Britain's Heritage is now championing its [conversion into a series of terraced houses](#) with new housing on land behind it.

The Benenden Tuberculosis Sanatorium near Tunbridge Wells is a remarkable example of Royal patronage that evolved in a wholly unexpected manner to produce two, not one, imposing sanatoriums at a time when Tuberculosis was known as the White Plague.

The design for the hospital was the winning entry in a design competition held under the patronage of Edward VII to build a new Tuberculosis hospital offering the latest medical treatments developed in Germany and Switzerland on the most advanced lines.

The sanatorium stands on a sunny south-facing slope in the Hamlet of East End, just two miles from the main village of Benenden, with magnificent views over an Area of Outstanding Natural Beauty – just what modern house builders dream of.

Yet a new draft Neighbourhood Development Plan currently out for consultation with Tunbridge Wells Borough Council makes no reference to the architecture or history of the site, simply citing the intention to demolish 'decaying structures' with 49 new homes.

SAVE calls on Tunbridge Wells Borough Council and Benenden Parish Council to amend the draft Neighbourhood Development Plan to require the retention of the Edwardian Sanatorium. Local people in the hamlet of East End where the hospital is situated have also strongly objected.

Marcus Binney, executive president of SAVE Britain's Heritage says: "This is a prime candidate for converting the existing building into new houses with wonderful views across open countryside. We are appealing to the Secretary of State for Culture to list the Sanatorium on the basis that the historical importance of this royal commission was not understood."

Ptolemy Dean, architect, SAVE committee member and Surveyor of the Fabric of Westminster Abbey, says: "The generous embrace of this healthy and deliberately restorative building, looking over beautiful Wealden countryside, remains as fresh and uplifting now as when it was originally conceived. Conversion into attractive and interesting houses will perpetuate this innovative vision in an environmentally appropriate and sustainable way."



Image: Aerial photograph of Benenden Sanatorium and its idyllic setting in c.1920 (Credit: Benenden Heritage Project)

Architectural historian Harriet Richardson, the nation's most respected expert on the architecture and history of hospitals, says: "Of all the hospital buildings that I have been asked to comment on for their historic interest and as a candidate for listing, the former Benenden Sanatorium seems to me to be the clearest example where listing is fully justified. If it were not preserved, it would be a sad loss to our ever-dwindling heritage of health care buildings."

SAVE argues that the new neighbourhood plan proposals for 49 homes are in conflict with the council's own policies which are to support modest-scale housing development to meet local needs with a mix of well-designed, high quality, sustainable and affordable housing.

In contrast, [proposals for the site drawn up by SAVE](#) in July 2020 correspond with an existing planning permission for 24 dwellings on this site granted to Benenden Hospital Trust in 2013 which remains live and unimplemented. The [SAVE proposals](#) also accord with an aspiration set out in the Neighbourhood Development Plan supporting development "only on the footprint of the existing buildings."

The sanatorium building is c.8500m², which if demolished would have a huge carbon cost, at odds with the [council's declaration of a climate emergency](#) on 17th July 2019.

SAVE has approached the hospital's owners Benenden Health, based in York, with developers [City & Country](#) offering to acquire the site and conserve the hospital building, with new houses built behind. SAVE believes that in financial terms a heritage led housing scheme, retaining the Sanatorium can provide a return at least equal to clearance and new build.

What you can do

The [public consultation](#) on Benenden Parish Council's Neighbourhood Development Plan, which supports the demolition of the sanatorium, is currently live and will remain open until 5pm on Friday 11th December 2020. You can submit your comments to the Borough Council in the following ways:

1. Online via the [consultation portal](#).
2. By email to: neighbourhoodplans@tunbridgewells.gov.uk, filling out the response form, which you can download [HERE](#).
3. By post to: Benenden NDP, Planning Policy, Planning Services, Tunbridge Wells Borough Council, Royal Tunbridge Wells, Kent TN1 1RS.



Image: HRH Princess Alexandra outside the sanatorium during a royal visit to Benenden Hospital in 1993 (Credit: Benenden Heritage Project)

History

Benenden Sanatorium was lost from history because the winners of King Edward VII's 1901 [design competition for a new English sanatorium](#), the leading doctor Arthur Latham and the architect Augustus William West, were passed over to build the first new Tuberculosis Hospital at Midhurst, and the commission given to a new architect.

Yet in a true display of British fair play, Latham and West were not left out in the cold. Indeed, it appears that the Royal Family came to their rescue, taking note of their original

desire to provide treatment for the poorer elements of society.

Under the patronage of Princess Helena, the King's third sister, a second new TB Hospital was commissioned at Benenden for the Post Office Workers Union under the newly established National Association for the Establishment of Sanatoria for Workers suffering from Tuberculosis. The Annual Report of the Medical Officer for the Local Government Board at the time, cites this as the first systematic attempt to provide a self-supporting sanatorium for the wage-earning classes in British history. The resulting sanatorium at Benenden was opened in 1907 to designs by Latham and West.

The plan of Benenden Hospital, like that at Midhurst, formed a gentle south facing arc. The main south front has long, low proportions similar to many early modern-movement buildings built between the wars. This undoubtedly gave it a streamlined proto-modernist look which was later heightened by the addition of Festival of Britain style balconies.

Latham and West were adamant that the sanatorium bedrooms should be on two levels only, to minimise exertion of patients from climbing stairs.

This was in contrast to many late 19th century sanatoriums on the continent which were multistorey – rather in the manner of grand hotels and spas in the mountains. Their explanation is both convincing and touching:

"Sanatorium patients are not capable of climbing many stairs... in raising the body vertically, an amount of work is done which is equal to that expended in moving the body twenty times the distance on level ground. In other words, a climb of 60 feet, or five stories, equals a walk of 1,200 feet along level ground."

Latham and West also advocated a certain liveliness in the architecture - to make the building *"as attractive and cheerful as possible, and avoid the dreariness associated with a hospital."*



Image: Patients playing bowls in front of the sanatorium (c. 1920) (Credit: National Archive)

ENDS

Notes to editors:

1. Queen Elizabeth the Queen Mother was patron of Benenden Sanatorium (1932 till her death) and came to the hospital on a two-hour visit, on 8th July 1950.
2. Footage captured by [Britain Decays in 2020](#) shows the interiors of the Sanatorium, which was still in use until 7 years ago, in a reasonable state of repair, with original teak staircases and floors still intact.
3. The hospital was commissioned under the patronage of Princess Helena, King Edward VII's sister and wife of Prince Christian of Schleswig Holstein, who played an important role on its evolution and completion. It therefore has the special imprimatur of a building in which both the King and his sister (Queen Victoria's 5th child) who played an important role in British public life. Benenden Hospital is Princess Helena's most significant memorial.
4. The Sanatorium is part of Benenden private hospital, which operated on a neighbouring site as a clinic offering numerous treatments.
5. For more information and images contact Ben Oakley, Conservation Officer at SAVE Britain's Heritage: ben.oakley@savebritainsheritage.org / 07388 181 181.
6. [The SAVE proposals](#), presentation and layouts by Eva Palacios.
7. [See here](#) for the full Press Release and further images.
8. SAVE Britain's Heritage has been campaigning for historic buildings since its formation in 1975 by a group of architectural historians, writers, journalists and planners. It is a strong, independent voice in conservation, free to respond rapidly to emergencies and to speak out loud for the historic built environment.
9. [See here](#) for details on our current campaigns.

Letter to the Editor

Please write to the Editor,
c/o Community Office, Benenden Village Hall,
Benenden TN17 4DY or email
benendenparishmagazine@gmail.com

The Neighbourhood Development Plan names four sites for development. In fact, there are only three as the two at the hospital form one huge site on either side of Goddards Green Road.

At this site, the draft plan expects the East End to absorb 87 new houses, about two thirds of the total allotted to the parish. The two other sites are Walkhurst Road (25) and a small site for 20 houses on New Pond Road, (possibly too costly to develop at all). We believe this distribution plan is massively disproportionate.

The East End is the most sparsely populated area in the village. Why should it carry most of the new homes? Could it be the referendum? Fewer inhabitants mean fewer opponents.

To justify this distribution, Steering Committee members argue that East End inhabitants will keep out of the village by driving to Staplehurst or Headcorn to catch trains to work, and to Cranbrook and Tenterden for the weekly shop. Not so. The new parishioners will want to be part of the village. 87 new homes two miles from the village heart could mean 261 more cars popping into the village centre. Benenden Street will enjoy the gridlock currently seen in Hawkhurst. The fate of Walkhurst Road, connecting the East End site with the village, is scarcely imaginable.

On the other hand, if the burden of distribution were shared more fairly, village businesses would benefit from customers able to walk to their premises. Children could walk to school. Less pollution, less traffic. The NDP then would win support from all the village and not just from those who imagine that houses out of sight at the parish boundary will mean clear streets in the village centre.

Sam and Chrissy Andrews, Bernard Philips,
Andrew and Catriona Prynne, Charles Raw,
Hazel Strouts

(iv)

Dear Editor

Thanks for the chance to correct the figures in the letter. The NDP has allocated 50 houses on 'brownfield' land at the two hospital sites. The allocation for new houses in Benenden village is 45. This reflects the balance the NDP seeks to achieve across the parish, avoiding building on 'greenfield' sites within the AONB where possible. There are existing permissions for 24 houses at East End and for 12 houses in Benenden village, these are in addition to the NDP allocation.

I do not recognise '261 new cars' for East End. The 2011 Census data gives an average of 1.8 cars per household: the total is likely to be nearer 130 than 261.

We know East End needs investment to become a sustainable community. If the NDP is approved we will require developer-funded improvements to amenities, such as a children's play area, community hall, bus route (such as the recently launched KCC scheme) and a path linking it with Benenden centre (a feasibility study is underway).

The NDP proposals have not been created to win a referendum, but to balance development across four sites, three of which are brownfield, two outside the AONB, with our one greenfield inside the AONB for the Benenden Almshouse Charities.

Paul Tolhurst, Chair, NDP Committee
paul.tolhurst@btinternet.com

July 2019

Neighbourhood Development Plan

Responding to your feedback

The Regulation 14 version of Benenden's NDP was published on 25 August 2019 and the six week consultation period was extended after we encountered delays in printing the plan (for those without access to the internet version). The consultation period ended at the beginning of November.

I am pleased to say we had a great response to this phase of planning. Although our site allocations had not changed since we presented the Rough Draft Plan earlier in the year, much of the text and key policies had been updated following feedback. Now the review process is underway once again. In all we received input from:

- 5 Landowners
- 2 Developers
- 14 Statutory Bodies
- 22 Residents from Benenden Village
- 31 Residents from East End
- 6 Residents from Iden Green

As you may expect, comments from statutory bodies (Kent County Council, Tunbridge Wells Borough Council etc) focussed on planning policy. Input from some residents also made comments on policy, but most of their feedback concerned the location of the sites allocated for housing development.

As outlined in previous contributions to the magazine, the BNDP concluded that none of our 20 sites put forward for development is ideal. In a perfect world we would find a number of small brownfield sites, outside the AONB but adjacent to existing shops, work, public transport and leisure facilities. Unfortunately, most sites close to the amenities in the centre of Benenden are greenfield and of course, inside the AONB. They also border the conservation area or ancient woodland. The sites at East End are outside the AONB and brownfield but are two or three miles from many amenities. So, we will try to take a balanced judgement through the review and once again look at our allocations.

To this end a separate group of parish

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councillors and NDP volunteers has been set up to review all input and to recommend changes to the plan. Their role is to make sure our plan conforms to planning policy, regulations and guidelines. 'Locality', a government funded agency has set out the following key points:

- Any comments received by the end of the consultation period must be considered conscientiously
- All representations need to be considered, but it is legitimate for the Neighbourhood Plan body to take a different view
- A planning judgement needs to be taken
- Decisions on whether or not to amend the plan, and the reasoning behind them, should be recorded. This information will need to be incorporated into the consultation statement
- The Parish Council will need to agree the modifications and approve the resulting draft of the plan for submission to TWBC.

The review should be completed by mid January and amendments made by the end of January. We will also engage an independent consultant to offer final drafting advice. This amended document becomes the Benenden NDP Regulation 15 Plan. The Parish Council needs to approve the plan and send it to TWBC. TWBC will review and suggest further changes if required by Local Authority policy. Once TWBC and the Parish Council have agreed on the final wording the plan will become the Regulation 16 version. This Regulation 16 Plan will be submitted to an independent examiner who will undertake a further consultation with stakeholders and has the power to instruct TWBC and the Parish Council to make further changes if the examiner believes national planning policy has been ignored.

Residents of Benenden will get the opportunity to vote on the final plan after the examiner has approved it. Based on current progress and despite a great deal of work by volunteers on your behalf, I believe this will be in late summer 2020.

Someone once said "it will be all over by Christmas". But which Christmas? My genuine hope is by next Christmas!

Paul Tolhurst

Chair, Benenden NDP Steering Group

January 2020¹³

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On 30 Jan 2020, at 12:14, Hazel Strouts <hstrouts@hotmail.com> wrote:

Dear Peter,

You changed the opening line of the letter signed by Gill Stewart, Amanda and Robert Petch, Arianwen and Christopher Neve, Bernard Phillips and myself. This letter was printed in the February edition the Benenden Parish Magazine.

We wrote "**There was a serious error in last month's magazine when it was wrongly reported that only '31 residents from East End' provided 'input' on the Neighbourhood Plan ."**

You wrote and printed, "In last month's magazine it was reported that only 31 residents from East End provided input on the Neighbourhood Development Plan." Paul Tolhurst's response was not to our letter, but to your version of it.

The reason we wrote was because it was **wrongly reported** and that there had been a **serious error**. It was a great injustice to the 164 people who signed our submission expecting that each of their voices would be heard, to find themselves written off as if 164 people counted only as one. Your version of our letter allows this injustice to pass uncorrected.

I note that in an email you wrote on 24th May 2019 you said " As with all letters . . . the editorial committee reserves the right to correct any factual inaccuracies (to be agreed with the writer)"

Since you did not consult with any of the writers before changing that opening sentence, please publish this correction.

Regards, Hazel Strouts

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Neighbourhood Development Plan

A view from the East End

In last month's magazine it was reported that only 31 residents from East End provided input on the Neighbourhood Development Plan (NDP). In fact, no fewer than 164 residents signed a strong objection to the siting of most houses in the East End. Even more objected to similar proposals in the Tunbridge Wells Local Plan (LP).

The NDP is silent on development on site 158, north of The Street, but the LP, which takes precedence, stipulates that a route be provided within the Uphill site to access development in 158. By first of all siting most housing in the East End, we will end up, if and when 158 is also developed, with a sprawling village with a growth area in the village centre (where people can walk to school), and a second one, three miles out, where cars will be the answer to almost every activity. Is this sensible?

An East End satellite settlement will increase village traffic. Almost 75% of our primary school children come from outside the parish so East End children, being nearer, will get priority. They will be driven to school (with children in their car seats) along the shortest route a Walkhurst Road. There are currently 76 households in the East End: they take an active part in village life.

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East End site exhibition

Monday 17 February
4pm-7pm
Benenden village hall

Savills, in conjunction with The Benenden Healthcare Society, will be staging a public exhibition of the proposed development at East End.

It will include full details of the plans for new housing.



The proposal would more than double this number. Would new residents be any different?

New housing should be close to a developed core. This standard planning policy has, over the years, preserved the village's focused beauty. The NDP changes course. It proposes a sprawling village, a jammed core and crowded access lanes. Gill Stewart, Amanda and Robert Petch, Arianwen and Christopher Neve, Hazel Strouts and Bernard Phillips

A reply from the NDP chair

Those who have signed this letter have correctly stated that one of the inputs received as part of the Regulation 14 consultation was a petition coordinated by the 'Friends of East End' and signed by just over 160 people. Many were residents of Benenden Parish and others residents of Biddenden, some of whom also sent in separate responses.

On reflection I agree it would have been better if the article had been more specific about the petition. I would like to reassure all those who responded to the Regulation 14 draft, including the petition from East End, that their input will be carefully considered by the Review Group and weighed against existing national and borough planning policy.

Paul Tolhurst

Chair, Benenden NDP Steering Group

February 2020

From: Thomas [mailto:thomas@tmsm.com]
 Date: 3/17/2017 10:43 AM

To:

• From:

Dear Helen:

Many thanks for your email. I can reassure you, though, that I've not lost sight of anything on the magazine. I've already reviewed a new feature editor, a recently retired journalist with the best interests of the village in focus, and am feeling very positive about the future.

I do hope for you to submit a letter from your business should it be able to meet that may be of help. I would consider it for inclusion in, at the very least, pass it on to the NCP committee to be added to other opinions from villagers during the longer consultation period.

Personally I'm of the view that much of the uncertainty has passed since the presentation of the plan to the village - has a highly successful reception. It's not until we've been able to give further feedback or information about it to the fact of TREC policy and advocacy work and positive consultation with TREC, thereby turning the tide of having the same American NCP thrown back in our faces. The remaining issues hardly bear thinking about. At least it seems the opinions now being offered more weight are those of people who have worked hard for two years to understand the issues and come up with a coherent view (stated).

I look forward to hearing from you.

Kind regards

Tom

Hazel Strouts
Tue 11/10/2020 11:58 AM

Dear Stephen,

I write to request what will appear to you as an extension of the minimum consultation period but which for some of us would be simply granting us the minimum 6 weeks required by law for us to respond.

The reasons for this request are as follows:

1. Many of us who wrote in objecting to the plan and to the Local Plan have never been contacted by email by TWBC about the Regulation 16 draft. I know, having spoken to Kate Jelly about this, that efforts were made to do so, but unfortunately they did not succeed. I have checked my junk mail and of course my inbox I check often, but there is not a sign of any email from TWBC. This is very odd, especially for me who have written to you so often on the subject.
2. I heard only because you sent an email to my husband, who has a different name and a different email address, on Friday October 30th (a day late).
3. He immediately went on-line to check the document and found it was not yet up on line. He did not check on Saturday but checked again on Sunday and found it had finally been posted. That was November 1st.
4. Our parish magazine, which contained a note about the consultation, was delivered on November 3rd, so, were it not for my husband, I would have learnt then about the consultation, but others within the parish would find they were getting the information at this point which is **6 days late - almost a week into the consultation period.**
5. Meanwhile, many of those in Biddenden who are closely affected by the proposal to site so many new houses at the hospital, had still not heard anything. I have not done a comprehensive survey of everyone who lives there and who is interested, but I know that some at least have not received the news except through me.
6. In addition, there is once more the problem of reading a document when not everyone interested has a computer or access to the internet.
7. The situation is exacerbated since people are advised not to go out and anyone elderly with co-morbidities are told definitely not to go out.
8. **Covid makes it impossible for you to put one copy in say the village shop for everyone to consult. I see no alternative but that you provide some individual hard copy versions of the document and at least one copy of the supporting documents which, regardless of Covid I think we will just have to pass round as requested.**
9. **I also request that you provide us with the minimum 6 weeks required for us to respond.**

Many thanks, Hazel



Deborah Dixon <Deborah.Dixon@Tunbridgewells.gov.uk>
Thu 11/12/2020 9:10 AM

Dear Ms Strouts

The following information details the consultation process that Tunbridge Wells Borough Council (TWBC) has carried out to provide information about the Reg 16 consultation on the Benenden Neighbourhood Plan. I have also included details about information sent out by Benenden Parish Council (these details have been provided by the Parish Council).

Information sent out by TWBC to publicise the Benenden Neighbourhood Plan Reg 16 Public Consultation

Notifications of the Reg 16 Consultation for the Benenden Neighbourhood Plan were sent on Thursday 29th October to all Benenden residents and local organisations whose details TWBC hold on the Local Plan database to inform them that consultation would start on Friday 30 October. This included all those who had previously made comments on the Regulation 18 Draft TWBC Local Plan in 2019. We also contacted people who responded to the Reg 18 consultation with reference to proposed policies for Benenden and who resided outside of Benenden Parish.

With regard to the petition signed by 65 people, notification was emailed to you as the person who submitted the petition on behalf of East End residents at Reg 18 Draft Local Plan stage.

We also contacted adjoining parish/town councils, local and county councils, district and county councillors, local and national organisations.

In total, therefore, three emails were sent to your personal email address: one as a responder to the TWBC Draft Local Plan Reg 18 consultation, one as the submitter of the petition representing residents at East End, and one for comments submitted on behalf of a third party.

We have subsequently checked with you to confirm that we do hold your correct email address; you have also confirmed that your husband has received his email.

Information available on the TWBC Website

The details of the Neighbourhood Consultation were available on the TWBC webpages from 6pm on the evening of Thursday 29th October and the consultation portal went live on Friday 30th October at 9am. The webpages and portal were thoroughly checked by a number of officers (including links to documents) and were found to be in working order.

Information provided by Benenden Parish Council

Benenden Parish Council has confirmed that the consultation start date of 30th October was discussed and minuted at the Parish Council meeting on 19th October. The Parish Council also posted details and links on 6th November on the Benenden Parish Council website, Benenden Parish Council facebook page and on Benenden residents 'Nextdoor'.

We are therefore of the opinion that not only has the Council met its legal duty under the relevant regulations, but has gone considerably further in working with the Parish Council to publicise the NDP and contacting interested parties and providing the necessary documents for the Reg 16 consultation.

The information below provides some recent information concerning government guidance about carrying out consultations on Neighbourhood Plans during these current times of Covid. It is not mandatory for consultation to include 'face-to face' events, or for hard copies of documents to be made available at a physical location.

I trust the above information covers your recent queries.

Many thanks,



Deborah Dixon
Principal Planning Officer

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From: Hazel Strouts [<mailto:hstrouts@hotmail.com>]

Sent: 13 November 2020 11:02

To: Deborah Dixon

Cc: Stephen Baughen; Nancy Warne (Cllr); Tom Dawlings (Cllr); Sean.Holden@kent.gov.uk; Caroline Levett

Subject: Re: Benenden Neighbourhood Plan

Dear Ms Dixon

I understand, according to the email you kindly sent me, that the regulations require the local authority to “demonstrate that all groups in the community have been sufficiently engaged, such as with those without internet access (when) more targeted methods may be needed including by telephone or in writing”. May I ask what have you done in this regard? How have you contacted those for example who objected by writing handwritten letters or those without internet?

I further read that “local planning authorities (are required) to publicise the neighbourhood planning proposal and publish details of where and when documents can be inspected. They may be held available online.” May I ask where we may view the plans safely and in line with Covid security regulations?

May I underline, since in your email you appear unaware of these facts, that those in Benenden who object to the Benenden NDP proposals have **taken the trouble to sign not one, but three petitions, each time giving their name and postal address**: On 4 April, 2019, 127 local residents presented a petition protesting the NDP; On 31 October, 2019, 164 local residents protested again; and On 11 November 2019, 167 protested again this time, against the Benenden section of the Local Plan which largely echoes the Benenden NDP.

Why is it then that so few were informed by TWBC on October 29, 2020 about the Regulation 16 consultation? I have consulted 24 of those who objected and of those 24 only 12 received an email from you on 29th October. Among those who heard nothing from you are myself, who organized all three petitions, and Euan Burrows, who, along with others on his lane, took the trouble to hire a London barrister to write an opinion on the plan. You therefore did NOT include, as you claim, “all those who had previously made comments on the Regulation 18 Draft TWBC Local Plan in 2019.”

Benenden Parish Council similarly sent an email to some but not all objectors on November 5th at 19.44, that is over a week into the consultation. Among those who was not contacted was myself.

I regret very much that you appear to have been unaware of these petitions and ask you, in the light of this information, to reconsider the time TWBC is allotting for the Regulation 16 consultation.

With best wishes, Hazel Strouts

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Deborah Dixon <Deborah.Dixon@Tunbridgewells.gov.uk>
 Mon 11/16/2020 2:00 PM

Dear Ms Strouts

As background to the current Regulation 16 consultation on the Benenden Neighbourhood Plan, the organisation and administration of the consultation process is the responsibility of the Local Planning Authority (Tunbridge Wells Borough Council, TWBC), as required by The Neighbourhood Planning (General) Regulations 2012.

The Borough Council's Statement of Community Involvement <https://www.tunbridgewells.gov.uk/planning/planning-policy/statement-of-community-involvement> Statement of Community Involvement (SCI) sets out how TWBC will involve the community in the preparation and review of planning policy for the borough, through the Local Plan and Supplementary Planning Documents, and in decision making on planning applications. Since first adopting the SCI in 2006, the document has been reviewed and updated periodically, with the latest revised version adopted in October 2020. Paragraphs 2.18 onwards set out how this relates to Neighbourhood Plans, paragraph 2.28 being relevant for the Regulation 16 stage. This is set out below with explanatory comments *in italics*:

During this consultation period (*that is the Regulation 16 Consultation on the Benenden Neighbourhood Plan*), the Council (TWBC) will:

- work closely with the relevant parish/town council or neighbourhood forum to publicise the consultation using methods such as leaflets, posters, social media channels, press releases, and a press notice

Benenden Parish Council (BPC) were asked by TWBC to publicise the Reg 16 consultation, and (from information supplied to TWBC by BPC) Benenden Parish Council has confirmed that the consultation start date of 30th October 2020 was discussed and minuted at the Parish Council meeting on 19th October 2020. The Parish Council also posted details and links on 6th November 2020 on the Benenden Parish Council website, Benenden Parish Council facebook page and on Benenden residents 'Nextdoor' and in the Parish Magazine - November edition. I understand this was delivered to all Benenden addresses (within the Parish) between around 28 October and 7 November, although BPC cannot confirm which date to each address.

Benenden Parish Council have confirmed that they sent an email to you with details of the consultation being carried out by TWBC, and have informed me that they have a report showing the email was opened on the day of arrival and again two days later.

- publicise the Neighbourhood Plan on its website and ask the qualifying body to do the same

This has been carried out. Information relating to BPC is provided in the bullet point above. For TWBC, the information provided in the email sent to you on 12th November is provided again:

The details of the Neighbourhood Consultation were available on the TWBC webpages from 6pm on the evening of Thursday 29th October and the consultation portal went live on Friday 30th October at 9am. The webpages and portal were thoroughly checked by a number of officers (including links to documents) and were found to be in working order.

- contact any consultation bodies who are referred to in the Consultation Statement

I am able to confirm that the emails sent to you on Thursday 29th October 2020 by TWBC publicising the Benenden Neighbourhood Plan consultation were delivered to your email address, hstrouts@hotmail.com. This has been confirmed by TWBC ICT Services (Mid Kent ITC Services).

- respond proportionately to emails/telephone queries upon request

TWBC officers in the planning department have replied to all of your current telephone and email queries promptly; and on all occasions have promptly provided a detailed verbal or email response.

- make consultation documents available to download from the Council's website

This has been done – please see information above about the availability of documents on the TWBC planning policy webpages and consultation portal

Para 2.29 states that the Council will also liaise with the relevant qualifying body to have a paper copy of the NDP and other submission documents available for inspection, particularly during consultations and once the plan has been made.

And para 2.30 states that the commitments set out in paragraphs 2.28 and 2.29 will be subject to the availability of resources, accommodation, and to any restrictions that may be in force (see paragraph 3.22 for further details)

The requirements set out in para 2.28 and 2.29 have been updated at para 3.22 that states

'There may be consultations where it is not possible to meet face to face or to publicise consultations by usual means, due to circumstances beyond the Council's control, such as the Covid-19/Coronavirus pandemic, by which the Government has imposed restrictions on movement in its efforts to combat the virus (see Government guidance). In light of any restrictions, the Council will endeavour to use appropriate temporary methods for consultation on its own and neighbourhood planning documents, such as digital and site notice publications, virtual exhibitions, digital consultations, video conferencing, social media, and providing documents for inspection on its website, to ensure that it remains committed to effective community engagement, in line with the most up-to-date Government guidance.'

The government guidance referred to can be found at <https://www.gov.uk/guidance/coronavirus-covid-19-planning-update> and was summarised in the previous email I sent to you (presented again at the end of this email)

To clarify comments in my previous email, the two petitions received from you have been in response to the TWBC Local Plan Regulation 18 consultation carried out by TWBC during October to November 2019. We have not received any other petitions that you have organised. The petition submitted as a paper hard version had 143 hand written signatures and the submission was registered by TWBC with your email address. The petition submitted electronically on behalf of Euan Burrows and residents of the East End did not specify the number of residents being represented (or their names/addresses) and again was registered with your name and email address.

I am therefore of the opinion that the processes followed by TWBC in the administration of the Regulation 16 consultation for the Benenden Neighbourhood Plan as explained above has been done in accordance with the requirements of the relevant planning legislation and guidance

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(including the recent update to reflect the circumstances presented by the current Covid 19 event),
and with TWBC's Statement of Community Involvement.

There is no other information that I can provide to you on this matter.



Deborah Dixon

Principal Planning Officer

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From: Hazel Strouts [mailto:hstrouts@hotmail.com]
Sent: 01 December 2020 12:37
To: Stephen Baughen
Cc: Sean.Holden@kent.gov.uk; Tom Dawlings (Cllr); Nancy Warne (Cllr)
Subject: Bendenden Neighbourhood Plan Regualtio 16

Dear Stephen,

I am writing to the Independent Examiner on a process issue but you might like to deal it with yourself, before we get to the Examiner stage.

I am particularly interested in the AECOM Strategic Environmental for the Benenden Neighbourhood Plan (SEA1), but when I go to the supporting documents, which are incidentally, not accessible at

<https://www.tunbridgewells.gov.uk/planning/planning-policy/neighbourhood-plans/benenden>

but rather at

https://consult.tunbridgewells.gov.uk/portal/planning_information/spp/np/benenden_ndp/benenden_ndp?tab=files

I find that SEA1 is available for pages 311 and 394 only; that is to say the cover and final page, with no text available for us to read in between. Further, when my arrow is over the top left small title I see the words "Graham Beveridge 01/10/2020 08.08.39" and on the top right hand side in faint lettering the words "imagine it delivered".

So I am at a loss as to what is going on.

It is not appropriate in our view, to conduct a consultation when the documents relied upon are not available. Nor is it appropriate to advise viewers to access supporting documents, as you do under

<https://www.tunbridgewells.gov.uk/planning/planning-policy/neighbourhood-plans/benenden>

where the Plan itself directs you to www.benendenneighbourhoodplan.org for supporting documents but if you click on that link there are none there. We had to go back to the TWBC planning website to track these documents down. It was no simple task.

Much of our view of this plan relates to supporting documents and either these are not there at all or they are as good as hidden.

Best wishes, Hazel

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Stephen Baughen <Stephen.Baughen@Tunbridgewells.gov.uk>
Tue 12/1/2020 2:45 PM

Dear Hazel

I refer to your email below.

The SEA was always available on the webpage you refer to.

Thank you for highlighting the issue with the document itself to us.

We have investigated immediately and determined that the file had become corrupted.

We have rectified this immediately and the full document is now available in both locations.

Thanks

Steve



Stephen Baughen
Head of Planning

Hazel Strouts
Tue 12/1/2020 3:30 PM
Dear Stephen,

Perhaps I didn't state the situation clearly enough.

To view the report we are told to visit

<https://www.tunbridgewells.gov.uk/planning/planning-policy/neighbourhood-plans/benenden>

Click on [Benenden Neighbourhood Development Plan \(submission plan\)](#)

Scroll down to "Supporting Documents (listed below available to view online at: www.benendenneighbourhoodplan.org)"

Click on the above.

Can you find any supporting documents?

Regards, Hazel

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BE_84: Woolf Bond Planning for Millwood Designer Homes

Land at Iden Green Road, Benenden



Figure 3: Landscape Strategy

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