

## **Planning policy considerations for development on the injunction land and the wider area**

The injunction land is highly sensitive and subject to the following planning constraints:

- Agricultural Land Grade 3 which is classified as such is protected by policy EN20 of the Tunbridge Wells Local Plan 2025
- High Weald National Landscape (NL) - the LPA has a statutory duty to seek to further the purpose of conserving and enhancing the natural beauty of the AONB - National Parks and Access to the Countryside Act of 1949, Countryside and Rights of Way Act, 2000 and Levelling-up and Regeneration Act 2023 and NLs are protected by policies STR8 and EN19 of the Tunbridge Wells Local Plan 2025 and L1 of the Goudhurst Neighbourhood Development Plan
- Limits to built development (OUTSIDE) and therefore there is a presumption against development by virtue of policies STR1 STR8, PSTR/GO1 and EN18 of the Tunbridge Wells Local Plan 2025 and L3 of the Goudhurst Neighbourhood Development Plan
- Designated Rural Lane (Church Road) which is protected by the Rural Lanes Supplementary Planning Document
- Public Rights of Way – WC55A to east of site – which means the development has a visual impact within its landscape setting.
- 1. Woodland to the east is Ancient Woodland which is defined as irreplaceable habitat in national policy and protected by policies EN12 and STR8 of the Tunbridge Wells Local Plan 2025 and L7 of the Goudhurst Neighbourhood Development Plan.
- The land is adjacent to a Site of Special Scientific Interest which means it is protected by policies EN9, EN10 and STR8 of the Tunbridge Wells Local Plan 2025 and L6 of the Goudhurst Neighbourhood Development Plan. Proximity to heritage assets and protected by policies STR8 and EN4 of the Tunbridge Wells Local Plan 2025 and L4 of the Goudhurst Neighbourhood Development Plan.

The current lawful use of the wider site is agricultural. The site covered currently by the Injunction Order dated 6<sup>th</sup> June 2025, is to the south of Kilndown, a small village within the Parish of Goudhurst, and is 440m north-east of the A21. Prior to unlawful development, the site was undeveloped, greenfield land. The boundaries of the site are generally comprised of dense hedgerows with mature trees situated on the south, east, and north boundaries. The wider area is predominantly rural with dense areas of ancient woodland situated in close proximity to the site in all directions. With the exception of Kilndown to the north, there is very limited development within the vicinity.

The site is outside the settlement of Kilndown which is located 270m to the north and the settlement boundary has now been removed in the Local Plan. The site is wholly within the High Weald National Landscape. Church Lane is adopted highway as well as a Kent County Council (KCC) designated Rural Lane. The site is categorised as Grade 3 agricultural land, the woodland to the east and west is Ancient Woodland, two Sites of Special Scientific Interest (SSSI) are located 350m to the north-west and 450m to the south-east, a Public Right of Way (WC55A) runs through the woodland 60m to the east of the site, the site is situated within an Area of Archaeological Potential, Evanden Farm (a Grade II Listed Building) and the Evanden Farm Post-Medieval Historic Farmstead are located 170m to the north, the Grade II Listed Kilndown Poultry Farmhouse and Kilndown Poultry Farm Post-Medieval Historic Farmstead are located 250m to the south, and Scotney Castle Historic Park and Garden is 620m to the north-west at its closest point (Scotney Castle itself is approximately 1.1km to the north-west).

There is therefore no policy support for any form of proposed development on the wider site, due to the designations and the unsustainable rural location, with no facilities, public transport links or footpaths to link this site to any form of wider development. It would therefore be unacceptable in principle, contrary to the Framework and development plan policies. Any development within the area is also likely to harm the landscape character of the High Weald National Landscape and cause unacceptable harm.

An application has already been refused for Plot 2 on a number of grounds but the following reasons relate to the principle of development, notwithstanding ecology, biodiversity and highway safety.

2. The development causes significant harm to the character and appearance of the countryside, the setting of the rural lane and fails to conserve and enhance the special landscape and scenic beauty of the High Weald National Landscape. As such the proposal would be contrary to Paragraphs 187 and 189 of the National Planning Policy Framework 2024 (amended 2025), Policies STR1 STR8, , EN1, EN12, EN13, EN18, EN19 and EN20 of the Tunbridge Wells Local Plan 2025 and Policies L1, L4, L6, L7 and T3 of the Goudhurst Neighbourhood Development Plan. The proposal also conflicts with the objectives of the High Weald Area of Outstanding Natural Beauty Management Plan and Rural Lanes SPD.
3. There is insufficient evidence before the Local Planning Authority for it to be satisfied that the development does not have a detrimental impact upon the biodiversity of the site, including protected species and the Site of Special Scientific Interest which is

part of an area of Ancient Woodland. No ecological survey/s or biodiversity net gain calculations have been submitted in relation to the development and therefore it is not possible for the Local Planning Authority to assess the ecological impact of development and whether it would result in harm to any protected species, habitats, or whether it would achieve biodiversity net gain. As such, the development is contrary to Paragraphs 192 and 193 of the National Planning Policy Framework 2024 (amended 2025), Policies EN1, EN9, EN12, EN13, EN18 & EN19 of the Tunbridge Wells Local Plan 2025 and Policies L1, L4, L6 and L7 of the Goudhurst Neighbourhood Development Plan.

### **List of relevant planning policies**

#### **National Planning Policies**

[National Planning Policy Framework \(NPPF\) 2024 \(amended 2025\)](#)

[National Planning Practice Guidance \(NPPG\)](#)

[Planning Policy for Traveller Sites 2024 \(PPTS\)](#)

#### **Tunbridge Wells Local Plan 2025 Policies:**

STR 1 The Development Strategy

STR 2 Place Shaping and Design

STR 7 Climate Change

STR8 Conserving and Enhancing the Natural, Built, and Historic Environment

STR10 Neighbourhood Plans

PSTR/GO1 The Strategy for Goudhurst Parish

EN1 Sustainable Design

EN2 Sustainable Design Standards

EN3 Climate Change Mitigation and Adaption

EN4 Historic Environment, Including Heritage Assets

EN8 Outdoor Lighting and Dark Skies

EN9 Biodiversity Net Gain

EN10 Protection of Designated Sites and Habitats

EN12 Trees, Woodland, Hedges and Development

EN18 Rural Landscape

EN19 The High Weald Area of Outstanding Natural Beauty

EN20 Agricultural Land  
EN24 Water Supply, Quality, and Conservation  
EN25 Flood Risk  
EN26 Sustainable Drainage  
H9 Gypsies and Travellers  
TP2 Transport Design and Accessibility  
TP6 Safeguarding roads

**Goudhurst Neighbourhood Development Plan: Policies:**

L1 Development within the AONB  
L3 Retain the Profile of our Hilltop Villages  
L4 Conserve Landscape and Heritage Assets  
L6 Biodiversity  
L7 Trees  
L8 Protection of the Rural Landscape at Night ('Nightscape')  
L9 Local Green Spaces  
L10 Views  
C2 Accessibility  
D1 Design Considerations  
D2 Boundary Treatments  
D3 Climate Change  
T1 Parking in New Development  
T2 Safe Access and Sustainable Transport  
T3 Traffic Mitigation

**Supplementary documents**

High Weald AONB Management Plan 2024 -2029  
Rural Lanes

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