

Examination of the Tunbridge Wells
Borough Local Plan

**Tunbridge Wells Borough Council
Hearing Statement**

**Matter 8: Meeting Housing
Needs (Policies H1, H2, H3,
H4, H5, H6, H7, H8, H9, H10,
H11 and H12)
Issue 7: Rural Workers' Dwellings**

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Issue 7 – Rural Workers’ Dwellings

Inspector’s Question 1: [Policy H7 consistency with national policy]

Is Policy H7 positively prepared and consistent with national planning policy?

TWBC response to Question 1

1. As set out in paragraph 6.371 of the supporting text to Policy H7 on page 412 of the Submission Local Plan (SLP) [[CD 3.128](#)], one of the main objectives of both national and local planning policy is to protect the countryside from sporadic and isolated development that is not sustainable. One exception to this is the provision of accommodation for rural workers where it is essential that they should reside close to their place of work, in the interests of sustaining thriving rural enterprises.
2. Paragraph 80 a) of the NPPF states:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;”
3. In addition, Planning Policy Guidance (Paragraph: 010 [Reference ID: 67-010-20190722](#)) advises on considerations that may be relevant when applying NPPF paragraph 80(a) above. These are set out below, alongside the provisions made in the criteria of SLP Policy H7 [see pages 413 and 414 of [CD 3.128](#)]:

- *“evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)”*
 - It is considered that provision is made for this under criterion 1 of Policy H7 and paragraphs 3.671 and 3.672 of the supporting text to the policy.
- *“the degree to which there is confidence that the enterprise will remain viable for the foreseeable future”*
 - It is considered that provision is made for this under criterion 5 of the Policy and paragraphs 3.675 and 3.676 of the supporting text to the policy.
- *“whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process”*
 - It is considered that provision is made for this under criteria 1 and 4 of the policy.
- *“whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context”*
 - It is considered that provision is made for this under criterion 2 of the policy.
- *“in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period”*
 - It is considered that provision is made for this under the Temporary Permission section of the Policy.

4. It should be noted, that Policy H7 does not just apply to isolated dwellings (as specified in paragraph 80), but for all rural workers’ dwellings generally in rural areas, outside the Limits to Built Development.
5. Although Policy H7 [see pages 413 and 414 of [CD 3.128](#)] is worded to be restrictive in order to justify exceptional circumstances and an essential need for a rural worker’s dwelling, it is considered to be positively prepared in that its key aim is to avoid sporadic and isolated development and to conserve the natural and rural environment of the borough and protect the intrinsic beauty and landscape character of the countryside and

openness of the Green Belt. This is especially important as almost 70% of the borough is designated as High Weald AONB which is of national significance, and around 22% in the western part of the borough is designated as Green Belt. Together, the AONB and Green Belt cover 75% of the borough, with substantial overlaps.

6. In summary, Policy H7 is considered to be positively prepared and consistent with national policy, as its primary aim is to support rural workers' dwellings where necessary and appropriate, giving consideration to the economic needs/interests of establishing a new, or meeting the needs of a current rural business/enterprise. However, this is in the context of restricting sporadic and isolated development in the countryside that is not sustainable, as well as protecting the intrinsic beauty and landscape character of the countryside and openness of the Green Belt from inappropriate development.

Inspector's Question 2: [consistency with paragraph 80 of NPPF]

Is the Plan consistent with paragraph 80 of the Framework, which, in addition to homes for rural workers, permits residential development in other circumstances?

TWBC response to Question 2

Introduction

7. Paragraph 80 of the NPPF states:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.”

How are these circumstances addressed and/or provided for in the Local Plan?

8. With regard to all the circumstances listed in paragraph 80 of the NPPF above, it is considered that criterion 9 of Strategic Policy STR1: The Development Strategy of the Submission Local Plan (SLP) (see page 42 of [CD 3.128](#)) makes general provision for such development outside the Limits to Built Development, in that:

“9. Development in the countryside (being defined as that outside the Limits to Built Development) [is] normally limited to that which accords with specific policies of this Plan and/or that for which a rural location is fully demonstrated to be necessary.”

Circumstance a) – The provision of rural workers’ dwellings

9. Circumstance a), the provision for rural workers’ dwellings in the Local Plan is addressed under Question 1 above.

Circumstance b) – Heritage Assets

10. With regard to circumstance b) relating to heritage assets, paragraph 6.65 in the supporting text to SLP Policy EN5: Heritage Assets (see page 342 of [CD 3.128](#)) states:

“There is a presumption in favour of preserving listed buildings, and consent will only be given in very exceptional circumstances for their demolition. Poor condition is no justification for demolition, and where a building is redundant, every effort must be made to find an optimum viable new use, which should be consistent with the character, appearance, and fabric of the building.”

11. While paragraph 3 of Policy EN5 (in the policy box on page 346 of the SLP), states:

“Proposals that will assist in bringing a heritage asset at risk back into a use consistent with its conservation will be encouraged.”

12. There is also a section relating to Heritage Assets at paragraph 6.483 in the supporting text to SLP Policy ED5: Conversion of Rural Buildings outside the Limits to Built Development (see page 443 of the SLP) which makes reference to the NPPF in terms of optimum viable use and enabling development:

“Development proposals that would affect designated and non-designated heritage assets, such as listed buildings and conservation areas, or other traditional rural buildings, including those forming part of an historic farmstead, will be carefully assessed in terms of the impact they would have on the special character (and fabric where applicable), appearance, amenity, and setting of these assets in accordance with Policy EN 5: Heritage Assets. The NPPF advises that planning policies and decisions should avoid isolated homes in the countryside, unless it would represent the optimum

viable use of a heritage asset, or would provide enabling development to secure the future of the asset.”

Circumstance c) - re-use redundant or disused buildings and enhance its immediate setting

13. Firstly, the Plan recognises, at paragraph 6.475 in the supporting text to Policy ED5: Conversion of Rural Buildings outside the Limits to Built Development (see page 440 of the SLP), that it is possible to convert existing buildings from agricultural and other commercial uses to residential use without requiring full planning permission under ‘permitted development’ rights; however, there may also be restrictions; for example, if an application site is in the High Weald AONB, a Conservation Area, or the building in question is a Listed Building, where a proposal for conversion would not normally benefit from permitted development rights and would therefore require full planning permission.
14. Where full planning permission is required, Policy ED5 makes provision for the conversion of buildings to residential use, where the implementation of a commercial use is not possible, as set out in criteria (a) to (d) (see Policy box on page 445 of the SLP). In relation to enhancing its immediate setting, criterion (a) makes specific reference to making a positive contribution to landscape character:

“a. the building shall be worthy of retention for its historic or architectural value and makes a positive contribution to the landscape character”

15. In addition, paragraph 6.17 in the supporting text to Policy EN1: Sustainable Design (see page 324 of the SLP) also states that:

“Sustainable design should also recognise that demolition and rebuild is not always appropriate, and that structurally sound buildings, including historic buildings, should be reused in preference to demolition.”

Circumstance d) - subdivision of an existing residential building

16. No specific reference is made to the subdivision of dwellings in the Local Plan, as this type of application is rarely received by the Council. However, provision is made for the assessment of any such proposal, on its individual merits, under Policy EN1: Sustainable Design (see pages 323 to 331 of the SLP), particularly in respect of any

impacts on residential and highway amenity; and other relevant policies such as Policies EN18: Rural Landscape (see pages 376 to 379 of the SLP) and EN19: The High Weald Area of Outstanding Natural Beauty (see pages 379 to 381 of the SLP).

Circumstance e) - design of exceptional quality

17. SLP Strategic Policy STR2: Place Shaping and Design (see Section 4, pages 45 and 46 of the SLP) states:

“All new development must aim to meet high standards of urban and architectural design and have regard to national and local design guidance, including the National Design Guide 2019, the Kent Design Guide, or any subsequent version, and any design guidance adopted by the Council....

All new development must use the following principles relevant to its location, scale, and use:

- 1. Respond positively to local character and context to preserve and enhance the quality of existing communities and their environs, as well as taking the opportunity to create a new identity informed by local character and context, where appropriate;*
- 2. Provide buildings that exhibit architectural quality within well-considered public and private realms;”*

18. However, it is also recognised under paragraph 6.13 of Policy EN1: Sustainable Design, that:

“While, in general, development should be designed to complement the character of a particular place, it should be equally recognised that exceptional design (as defined by paragraph 80 (e) of the NPPF July 2021) does not simply replicate the form and appearance of existing development, but rather responds to it.”

19. In all cases, each proposal would be assessed on its merits having regard to national and local policy, including regard to the list of guidance documents set out under paragraph 6.24 in the supporting text to Policy EN1: Sustainable Design (see page 325 of the SLP), where relevant.
20. In summary, the Plan is considered to be consistent with paragraph 80 of the NPPF, in that it makes provision under a range of policies for the consideration of proposed

residential development in the countryside under the exceptional circumstances listed above.