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## Appeals Decisions

Inquiry opened on 8 September 2015

by **William Fieldhouse BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2015

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### **"Appeal A" Ref: APP/M2270/A/14/2228680**

#### **Land to the west of Highgate Hill, Hawkhurst, Kent**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Countryside Properties against the decision of Tunbridge Wells Borough Council.
  - The application Ref 13/02828/OUT, dated 27 September 2013, was refused on 5 August 2014<sup>1</sup>.
  - The proposal is an outline application for residential development with all matters other than means of access reserved for future consideration (development to comprise up to 62 dwellings, access, parking, garages, car barns, and hard and soft landscaping).
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### **"Appeal B" Ref: APP/M2270/W/14/3001586**

#### **Land to the west of Highgate Hill, Hawkhurst, Kent**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Countryside Properties against the decision of Tunbridge Wells Borough Council.
  - The application Ref 14/503346/FULL, dated 8 September 2014, was refused by notice dated 28 November 2014.
  - The proposal is residential development comprising 62 dwellings, access, parking, garages, car barns, and hard and soft landscaping.
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### **Application for Costs**

1. An application for costs was made by Countryside Properties against Tunbridge Wells Borough Council. That application is the subject of a separate decision.

### **Decisions**

*Appeal A: APP/M2270/A/14/2228680*

2. The appeal is allowed and outline planning permission is granted for residential development with all matters other than means of access reserved for future consideration (development to comprise up to 62 dwellings, access, parking, garages, car barns, and hard and soft landscaping) on land to the west of Highgate Hill, Hawkhurst, Kent in accordance with the terms of the application,

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<sup>1</sup> Whilst the decision notice is not dated, the agreed statement of common ground refers to the decision being made on 5 August 2014.

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Ref 13/02828/OUT, dated 27 September 2013, subject to the conditions set out in the attached schedule (Annex A).

*Appeal B: APP/M2270/W/14/3001586*

3. The appeal is allowed and planning permission is granted for residential development comprising 62 dwellings, access, parking, garages, car barns, and hard and soft landscaping on land to the west of Highgate Hill, Hawkhurst, Kent in accordance with the terms of the application, Ref 14/503346/FULL, dated 8 September 2014, subject to the conditions set out in the attached schedule (Annex B).

### **Preliminary Matters**

4. The Inquiry was held on 8, 9, 10, and 15 September 2015. I carried out an unaccompanied visit to the surrounding area on 7 September and an accompanied visit to the site on 15 September.
5. As set out in the header above there are two appeals relating to the same site. Whilst the first application originally sought full planning permission, it was amended prior to determination to seek outline permission with all matters other than access reserved. The plans submitted with that application, other than those indicating the location of the site and the proposed access, were therefore treated by the Council as being for illustrative purposes only, rather than a formal part of the proposal. This was confirmed to be the case at the Inquiry and I have dealt with appeal A accordingly.
6. The second application was made shortly after the first was refused. This sought full planning permission for a revised scheme to that shown on the plans submitted with the earlier application, the intention being to address concerns expressed about the indicative design and layout of the first proposal. Appeal B arose as a consequence of the Council's decision to refuse that second planning application.
7. The Council's six reasons for refusing planning permission for both the outline and full applications are similar. As the proposals relate to the same site and the significant issues in dispute are common to both, I have dealt with them together other than where indicated.
8. The statutory development plan for the area comprises saved policies from the Tunbridge Wells Borough Local Plan adopted in 2006 ("local plan") along with the Tunbridge Wells Borough Core Strategy adopted in 2010 ("core strategy"). The reasons for refusal include reference to local plan policies H3 and EN26 but the Council has confirmed that these were included in error, those policies having been superseded by the core strategy.
9. The core strategy is clear that the mechanism by which additional land will be identified to implement its policies will be a Site Allocations Development Plan Document (SADPD). Work began on the SADPD sometime ago, and the appeal site was included as a housing allocation in a consultation draft published in 2013. However, the site is not included as a housing allocation in the draft submitted for examination in June 2015, other sites having been added which, in the Council's opinion, would meet the needs of Hawkhurst as identified in the core strategy. The SADPD has reached an advanced stage, but there are outstanding objections,

including to some of the proposed housing allocations at Hawkhurst and the designation of the appeal site outside the defined limits to built development. These matters will be considered through the examination process over the coming months.

10. The Council has also now started preparatory work on a new local plan that will ultimately replace the existing local plan saved policies and the core strategy, potentially in 2017. An important part of the evidence base for the new local plan is an up to date Strategic Housing Market Assessment (SHMA), a near final draft of which was submitted shortly before the Inquiry.
11. Hawkhurst Parish Council has commenced work on a neighbourhood plan; consultation events have been held and an interim report was published in July 2015. This sets out some emerging policy themes based on consultation responses, including in relation to housing provision and landscape protection.
12. I have been referred to a number of other appeal decisions, including two made in the 1980s that relate to part of the current site<sup>2</sup>, and another that relates to a recent proposal for 120 dwellings on a site elsewhere on the edge of Hawkhurst<sup>3</sup>. In so far as they are relevant to the current proposal I have had regard to the findings of my colleague Inspectors in coming to my decisions.
13. Executed planning agreements made under section 106 of the Town and Country Planning Act 1990 relating to each of the proposals were submitted and discussed during the Inquiry. Evidence given at the Inquiry, and in writing by Kent County Council, makes it clear that the reasons for refusal relating to primary education, youth services, adult social care and community learning are no longer deemed relevant in the context of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). I have not, therefore, considered those reasons for refusal further, other than in so far as they relate to matters raised by interested parties. With regard to the planning obligations, in order for me to take them into account in the determination of these appeals it is necessary for the legal requirements set out in the CIL Regulations to be met. I return to this matter later.

### **Main Issues**

14. In light of the above and all of the evidence before me including that presented at the Inquiry, the main issues are:
  - the effect that the proposal would have on the objectives of national and local planning policies relating to the location and supply of new housing;
  - the effect that the proposal would have on the character and appearance of the area, having particular regard to the natural beauty of the High Weald Area of Outstanding Natural Beauty (AONB), nearby heritage assets, and the existing character of Hawkhurst; and
  - whether safe and suitable access would be provided.

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<sup>2</sup> APP/M2270/A/85/040308 dismissed 13 March 1986 (3 detached houses) and APP/M2270/A/89/119453 dismissed 18 December 1989 (20 bungalows).

<sup>3</sup> APP/M2270/A/13/2198919 dismissed 14 April 2014 (120 dwellings on land at Fowler's Park, Hawkhurst).

## **Reasons**

### *The Site and Surroundings*

15. Hawkhurst is a village with a population of around 4,400 people located in the attractive, hilly countryside of the High Weald. The main part of the village, which includes a good range of shops and services, is centred on the junction of two busy through roads, the A229 and A268; the latter running in an east-west direction along a significant ridgeline. Linear development extends outwards in each direction from the village centre, with a modest amount of development on side roads mainly to the north west, north east and south east of the crossroads.
16. Highgate Hill is the section of the A229 running southwards down from the crossroads. On the east side are three residential side roads, and on the west a limited amount of essentially linear development which extends intermittently towards the valley bottom. A short distance away to the south, on the north facing slope of the valley and on the hill top, is another part of the village known as The Moor.
17. The appeal site consists of 3.2 hectares of agricultural land on the south facing slope of the valley a short distance to the south west of the main crossroads. To the north and north west are residential properties on Fairview and Theobalds; to the east Highgate Hill; and to the south and west agricultural land. Most of the site is open pasture, although there a number of large deciduous trees within the site and substantial hedgerows interspersed with trees along the west, east and south boundaries<sup>4</sup>. A narrow access track runs from the northern part of the site to Highgate Hill, and the southern part of the site also fronts that road. The land between those parts of the site that front Highgate Hill comprises a detached residential property, the White House, with a large curtilage much of which includes a significant number of trees and shrubs.
18. A public footpath runs from Highgate Hill in a westerly direction on the other side of the hedgerow and trees along the southern boundary of the site. This links to another public footpath a short distance to the west which connects High Street (A268) to the north and The Moor to the south.

### *The Proposals*

19. As appeal A relates to an application for outline planning permission with all matters other than access reserved, it is in effect seeking only to establish whether the principle of developing up to 62 dwellings on the site is acceptable. The scale, layout, appearance and landscaping of a scheme would all be for the Council to agree at a later stage if the appeal were to be allowed meaning that they are not matters that bear significantly on my decision. The proposed access arrangements are similar to those included in proposal B, including a single point of vehicular access from Highgate Hill in the south east corner of the site.
20. Appeal B relates to a detailed scheme for 62 dwellings, including one and two bedroom apartments, and two, three, four and five bedroom houses. All of the dwellings would be two storeys in height and there would be a variety of detailed designs and materials reflecting the local vernacular. The buildings would be arranged around a central spine road which would run from Highgate Hill along

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<sup>4</sup> The most significant trees on the site are protected by Tree Preservation Order 004/2013.

the southern part of the site before curving to run northwards up the hill. Four areas of public open space would be provided in the central part of the site and close to the west and south boundaries. Existing trees and hedgerows on and around the site would be largely retained with additional landscaping carried out. A pedestrian link to Highgate Hill would be provided using the existing access track from the northern part of the site.

*National and Local Planning Policies relating to the Location and Supply of Housing*

21. Core strategy policy CP1 states that development will be delivered in a managed way through the allocation of sufficient sites in the SADPD to meet known development needs and that priority will be given to the allocation and release of previously developed land. Selected greenfield sites within and/or adjacent to the limits to built development of settlements in the main urban area and small rural towns will also be allocated and released as appropriate to maintain a sufficient phased supply of deliverable and developable land.
22. Core strategy policy CP6 states that sufficient sites will be allocated and released in order to enable a net increase of 6,000 dwellings in the period 2006 to 2026 (300 per year on average) and that development on sites providing affordable housing will generally provide 35% of the total as affordable. Policy CP13 defines Hawkhurst as a "small rural town" (the second tier in the settlement hierarchy) where new development will contribute towards supporting and strengthening its role serving the wider rural area. Policy CP13 goes on to state that approximately 240 net additional dwellings will be allocated and released at Hawkhurst in accordance with policy CP1, and that sites capable of accommodating 10 or more dwellings will be required to provide affordable housing in accordance with policy CP6.
23. The site is outside the limits to built development defined on the local plan proposals map meaning that saved policies LBD1 and EN25 apply.
24. Policy LBD1 states that outside the limits to built development as defined on the proposals map, development will only be permitted where it would be in accordance with all relevant policies in the local plan. Policy EN25 requires development to satisfy a number of criteria including that there would be minimal impact on the landscape character of the locality and that there would be no detrimental impact on the landscape setting of settlements.
25. Draft SADPD policy AL/STR3 states that saved policies of the local plan will continue to be relevant in considering details of the proposed uses inside, and outside of, the defined limits to built development.
26. In summary, the above development plan policies relating to the supply and location of housing do not rule out housing development in a location such as that proposed. However, compliance with those policies depends on whether the proposal would meet the tests set out in saved local plan policies LBD1 and EN25, as well as with any other relevant policies in the core strategy. This is a matter that I return to later in relation to the other main issues.
27. However, it is necessary for me to consider further this first main issue as the extent to which housing needs are being met in the borough will be relevant to my overall assessment of the proposals. This is because the National Planning Policy Framework (NPPF), which was published after the core strategy was

adopted, aims to boost significantly the supply of housing and requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional 5% buffer to ensure choice and competition in the market for land<sup>5</sup>. Furthermore, the NPPF goes on to explain that relevant development plan policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply<sup>6</sup>.

28. The Council's latest annual assessment concludes that the current five year requirement (as at 1 April 2015) is for 1,729 dwellings, having taken account of completions since 2006 and the shortfall against core strategy requirements since that date, and made allowance for a 5% buffer<sup>7</sup>. The current supply of dwellings on sites that the Council considers to be deliverable is stated to be 1,767 meaning that there is a modest surplus of 38 dwellings against the requirement. In other words, the Council claims that there is 5.1 years supply.
29. The appellant disagrees with this assessment, both in terms of the way in which the five year supply has been calculated and with regard to whether a number of the identified sites are in fact deliverable.
30. It is common ground that a total shortfall of 322 net additional dwellings has built up since 2006. The Council approach seeks to make this up over the remaining 11 years of the core strategy period on the grounds that 87% of the remaining requirement after currently deliverable sites and windfalls have been accounted for is expected to come from the development of four large sites<sup>8</sup>. However, whilst it may well be the case that it is unlikely that these sites could be developed earlier, this does not mean that it would be impossible to boost the supply sooner through other means including by granting planning permission for non allocated sites provided that appropriate regard was had to relevant planning policies and other material considerations. To assume that could not be done, which is in effect what the Council's approach entails, is to my mind clearly contrary to one of the key objectives of the NPPF and associated guidance which advises that local planning authorities should aim to deal with any undersupply within the first five years of the plan where possible<sup>9</sup>.
31. Making up the shortfall of 322 dwellings over five rather than eleven years would have the effect of increasing the current five year requirement by 177<sup>10</sup>, meaning that even if all of the sites identified by the Council were deemed to be deliverable they would represent less than five years supply. Accordingly, it is not necessary for me to consider the deliverability of all of the sites in dispute between the main parties to conclude that the Council is unable to currently demonstrate a five year supply against the core strategy requirement of 300 dwellings per year.
32. Furthermore, the Council accepts that the core strategy housing requirement is out of date in that it does not reflect more recent evidence about population and

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<sup>5</sup> NPPF paragraph 47.

<sup>6</sup> NPPF paragraph 49.

<sup>7</sup> Tunbridge Wells Borough Council Five Year Housing Land Supply 2015 table 1 (August 2015).

<sup>8</sup> Tunbridge Wells Borough Council Five Year Housing Land Supply 2015 paragraph 11 (August 2015).

<sup>9</sup> Planning Practice Guidance (PPG) ID-3-035.

<sup>10</sup> Overview of Housing Supply Summary Table (position as at 1 April 2015) as amended 8/9/15 (submitted by the appellant).

household growth. The latest draft SHMA suggests that the objectively assessed need is for 648 additional homes per year in the borough. Whilst this will be considered in the preparation and testing of the new local plan, which is the process by which an up to date housing requirement figure will be established, it is an appropriate benchmark against which to assess whether needs are currently being met and are likely to be in the future. It is significant to note that the latest objectively assessed need figure is more than double the core strategy housing requirement.

33. In the context of the above, it is clear that policies for the supply of housing set out in the existing local plan and core strategy are out of date and that housing needs are not currently being met in the borough. I am mindful that my colleague Inspector in the Fowler's Park case concluded that the core strategy requirement need not be considered out of date, but that was before the latest SHMA evidence about housing needs was available. The Council accepts that this represents a significant change in circumstances.
34. With regard to Hawkhurst, of the 240 net additional homes required by the core strategy, 94 remain to be provided. The draft SADPD identifies the following sites to meet this residual requirement: former Springfield garden centre (40 dwellings); land at Woodham Hall (12-15 dwellings); Hawkhurst Castle (residential care home and/or up to 30 dwellings); and Birchfield (26 dwellings). These sites will be considered in the SADPD examination and, for the reason that I have already stated, it is not necessary for me to reach a definitive conclusion as to whether they should currently be regarded as deliverable.
35. However, I note that the Birchfield site has a recent planning permission for 26 dwellings, and that development companies are expecting to soon complete the purchase, and submit planning applications for the development, of Woodham Hall and part of the Springfield garden centre site<sup>11</sup>. It is, therefore, likely that further housing development will take place in Hawkhurst in the foreseeable future, irrespective of whether the current appeals are allowed. Furthermore, as the SADPD is at an advanced stage, there is a reasonable prospect that there will be site allocations in place in order to meet the remaining requirements of the core strategy in the period to 2026. Whilst the latest SHMA identifies the objectively assessed need for the borough, it provides no analysis specific to Hawkhurst, and any future housing requirement for the village will be a matter to be addressed in the proposed new local plan meaning that it would be inappropriate at this stage to make any specific assumptions about how much additional housing development in or around the village may be needed over and above that set out in the core strategy.
36. The appellant advises that if the appeals were to be allowed development of the site would commence in the near future; this has not been disputed by the Council or other interested parties in any meaningful way.
37. Drawing together my findings on the first main issue I conclude as follows. The site is not allocated for housing development, and lies outside the limits to built development as defined in the current development plan and emerging SADPD. However, by virtue of being adjacent to the limits to built development at

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<sup>11</sup> Bellway Homes letter (7 August 2015) and Warberry Estates Limited email (4 September 2015) attached to the Supplementary Note on Housing Land Supply Sites (submitted by the Council during the Inquiry).

Hawkhurst, it is in a general location deemed potentially appropriate for housing development if additional greenfield housing sites are needed, subject to consideration against other relevant development plan policies. The Council cannot currently demonstrate a five year supply of deliverable housing sites against the existing current core strategy requirement, and current housing needs in the borough are now understood to be significantly greater than those reflected in the core strategy. However, the need for further housing development specifically at Hawkhurst beyond that identified in the core strategy is not quantified.

38. Therefore, I conclude on the first main issue that the proposal would help to deliver the national planning policy objective of boosting significantly the supply of housing; help to meet housing needs in the borough that are highly unlikely to be met by out of date local plan and core strategy policies for the supply of housing; and would be located in a part of the borough that accords with the objectives of core strategy policy CP1.

#### *Character and Appearance of the Area*

39. Much of the borough, including all of Hawkhurst and its surroundings, is within the AONB. Accordingly, in considering this issue I attach great weight to the objective of conserving and enhancing the landscape and natural beauty of the area<sup>12</sup>. Furthermore, the size of the site and number of proposed dwellings in relation to the existing village mean that the proposals would represent major development in the AONB and therefore should only be permitted if there are exceptional circumstances and it would be in the public interest to do so<sup>13</sup>.
40. The AONB as a whole is characterised by dispersed historic settlements, ancient routeways, an abundance of ancient woodland, wooded heaths and shaws, and small irregularly shaped fields draped over a deeply incised and ridged landform<sup>14</sup>. Much of the landscape is intimate, with the topography, trees and hedgerows limiting long distance views. The appeal site and its surroundings exhibit many of these key characteristics of the wider AONB by virtue of the size of the fields, landform, vegetation, ponds and public footpaths. Furthermore the site, which is an integral part of the attractive countryside and visually and physically outside the built up area, contributes positively to the rural setting of Hawkhurst by bringing key AONB qualities to the edge of the village.
41. However well designed and landscaped, the erection of up to 62 dwellings and associated infrastructure on the site would significantly detract from its intrinsic qualities and fail to conserve the natural beauty of this specific part of the AONB. The retention of most of the trees and hedgerows, additional planting, and the retention and provision of ponds would help to mitigate the impact, but even so the harm would, to my mind, be significant. That said, the fact that the site is partly contained by the existing built up area, the presence of substantial boundary vegetation to the south and west, and the topography mean that the impact on the wider countryside of the AONB would be limited.
42. The proposal would have some effect on the character of the village by virtue of introducing a significant amount of additional development in the mainly

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<sup>12</sup> Section 85 of the Countryside and Rights of Way Act 2000 and NPPF paragraph 115.

<sup>13</sup> NPPF paragraph 116.

<sup>14</sup> High Weald AONB Management Plan 2014-2019.

undeveloped area to the south west of the main crossroads and to the north of Cockshot and The Moor. However, whilst 62 dwellings served by a single cul de sac may not be a form of development that already exists in the village, the amount of new housing would not be disproportionate to the size of the main part of the settlement, and residential development in such a location close to the centre would be in character with the built form elsewhere around the crossroads.

43. The provision of the proposed access road would clearly alter the appearance of that part of Highgate Hill, not least through the removal of trees and hedgerow for a distance of around 15 metres. However, the perception at this point is that one is within the settlement, despite the fact that parts of Highgate Hill are undeveloped, and an additional side road would be in keeping with the pattern of development opposite. Furthermore, a significant amount of open countryside would remain to the south of the site meaning that the proposal would not lead to the coalescence of the main part of Hawkhurst and The Moor.
44. There are a wide variety of buildings in the village in terms of age, size, design and layout. The proposed two storey dwellings and the density of the development proposed in the detailed scheme would be in keeping with the existing built form, and the design and materials would reflect the local vernacular. The layout of the dwellings around the main cul de sac, private drives and open spaces would provide a high quality and attractive residential environment provided that landscaping was carried out as indicated on the submitted masterplan and in accordance with appropriate details which could be ensured by planning conditions if the appeals were to be allowed.
45. The proposed road and parking bays would be close to the southern boundary of the site, and a number of buildings would be not far from the western boundary. However, neither the technical reports submitted by the appellant nor the assessments carried out by Council officers suggest that existing trees and hedgerows would be put at undue risk, and provided that earthworks and construction were to be carried out in an appropriate way I have no good reason to conclude otherwise.
46. The existing settlement edge defined by the properties on Fairview to the north of the site, which appears on the skyline when seen from certain vantage points to the south, lacks any significant landscaping and does not contribute positively to the character of the village. The proposal, by introducing a high quality, well landscaped, development on the hillside below Fairview would, to my mind, create a more attractive interface between that particular part of the village and the surrounding countryside.
47. "The Clearing", which is a grade II listed building located within Hawkhurst High Street conservation area, abuts the north west corner of the site. In accordance with national policy and relevant legislation, I attach great weight to the objective of conserving those heritage assets and their settings<sup>15</sup>. The main value of the building lies in its design, and it contributes positively to the character and appearance of this part of High Street. The proposal would not be visible from any parts of, or intrude on any views towards, the conservation area other than the rear of The Clearing. That said, the introduction of development into the

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<sup>15</sup> NPPF paragraph 132 and sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

countryside to the rear of The Clearing would cause some harm to the setting of the listed building and of that particular part of the conservation area. However, the position of the development lower down the hillside, and the presence of 20<sup>th</sup> century housing development to either side of The Clearing mean that the effect on the setting would be limited and that less than substantial harm would be caused to the heritage assets.

48. The proposal would be seen from a number of vantage points, particularly during the months of the year when the deciduous vegetation around the site is without leaf. Those points include the rear of properties on Theobalds and Fairview; Highgate Hill in the vicinity of the proposed access; parts of the public footpaths to the south, west and south west of the site; and from one point on Talbot Road in The Moor. However, only parts of the development would be seen from any particular perspective, and this would generally be in the context of substantial vegetation and the existing development at Fairview. Users of the footpaths would be conscious of the presence of houses on the hillside, but views of the countryside to the south and west would be largely unaffected. Moreover, the character of these footpaths is partly defined by the fact that they connect to different parts of the settlement which are always within a relatively short distance meaning that users are already likely to be aware of the village being nearby.
49. In summary, I consider that the proposal would cause significant harm to the intrinsic natural beauty of the appeal site; limited harm to the wider AONB; limited harm to the setting of heritage assets; and that it would preserve the character of the settlement of Hawkhurst.
50. Therefore, I conclude that overall the proposals would materially harm the character and appearance of the area, and that they would be contrary to the objectives of national policy<sup>16</sup>, local plan policies EN5 and ENV25, and core strategy policies CP4 and CP13 which collectively seek to ensure that development has a minimal impact on the landscape character of the locality, conserves the natural beauty of the AONB, and conserves the setting of heritage assets and Hawkhurst.

#### *Safe and Suitable Access?*

51. The site is located a short distance from the centre of Hawkhurst and not far from the good range of local facilities in the village. The proposed pedestrian link from the north of the site would mean that future residents would be likely to access these destinations on foot or, provided that the detailed design of the roads and paths was appropriate, by bicycle. Bus stops are located on Highgate Hill and elsewhere in the village not far from the site meaning that future residents would have convenient access to the available bus services. For these reasons, residents and visitors would not be reliant on the use of private motor vehicles to travel to and from the development, particularly if bus services were improved to connect to good quality rail services from Staplehurst station in the early mornings and early evenings, a matter I return to under my consideration of the planning obligations.

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<sup>16</sup> NPPF paragraph 115 and 131.

52. The proposed vehicular access to Highgate Hill would, subject to detailed engineering design and the provision of visibility splays, meet or exceed the requisite standards, as would the internal layout of roads, footways and parking areas shown on the detailed plans.
53. The proposals would be likely to generate an increase in the amount of traffic using the already busy local roads, including the crossroads in the centre of the village which are congested at certain times with lengthy queues on all four approaches. The crossroads are controlled by traffic signals that also provide opportunities for safe crossing times for pedestrians. The highway authority has advised that any additional housing to that identified in the core strategy would need to show how it would mitigate the impact on the highway network, including the A229/A268 junction, and that the layout of development around the crossroads limits opportunities for improvement. However, the highway authority has not objected to the proposals.
54. Hawkhurst Parish Council and the appellant both provided additional evidence during the Inquiry regarding the potential effect on the use of the crossroads. This indicates that a total of around 15,000 vehicles, including a significant number of HGVs, use the junction every day; that queues can extend to around 500 metres in length; and that there have been a cluster of accidents at or near the junction in recent years. However, there is no substantive evidence to indicate a particular pattern or cause of accidents, and the appellant's analysis shows that there may be opportunities to improve pedestrian crossing facilities and capacity for vehicles at the junction through the installation of improved traffic signals sufficient to accommodate the increased number of vehicles that would be associated with the proposal in addition to the sites allocated in the draft SADPD.
55. The NPPF is clear that development should only be prevented on transport grounds where the residual cumulative impacts would be severe<sup>17</sup>. Given that development of the appeal site would lead to only a marginal increase in the amount of traffic using the local road network, the lack of definitive evidence that this would cause safety problems, and in the absence of objections from the highway authority and the Council, it would be unreasonable to prevent the proposals from going ahead on transport grounds or to require improvements to be made to the A229/A268 junction at this time.
56. I conclude on this issue that safe and suitable access would be provided to serve the development and that the proposals would be consistent with the objectives of national policy, local plan policy TP4, and core strategy policy CP3 which collectively encourage the provision of sustainable modes of transport, and seek to ensure that the road hierarchy and function of routes have adequate capacity to cater for traffic that will be generated by development, that a safely located access with adequate visibility could be created, and that the proposal does not compromise the safe and free flow of traffic or safe use of the road by others.

#### *Other Matters*

57. Local residents advise that a variety of wildlife has been observed on and around the site, including bats, badgers, deer, great crested newts and numerous species

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<sup>17</sup> NPPF paragraph 32.

of bird. However, the appellant has submitted a range of expert ecological reports, and the Council is satisfied that, subject to appropriate planning conditions, the proposal would not be likely to material harm the ecology of the area. There is no substantive evidence before me to lead me to a different conclusion.

58. The proposal would lead to the loss of around 3 hectares of agricultural land, much of which is grade 3a with the remainder being 3b. However, much of the land in the local area is also grade 3a, and the site's particular drainage characteristics, its proximity to the village, and the lack of any agricultural infrastructure reduce its agricultural value. These factors, and the limited scale of the site, mean that the proposal would not lead to a significant loss of agricultural land and I therefore attach only limited weight to the harm that would be caused in this regard.
59. In addition to concerns relating to issues that I have already considered, the Parish Council and a significant number of local residents are concerned that local infrastructure, including schools, doctors' surgeries, and drainage, could not accommodate the additional demands that would be placed on it if the development were to go ahead. However, neither the local education authority nor the Council have advised that education facilities would need to be improved as a result of the proposal, and there is no substantive evidence to indicate that health facilities could not continue to be provided to meet the needs of existing and future residents. A planning condition could be imposed if the proposals were to be allowed to ensure that adequate drainage infrastructure was provided.
60. There is obviously local preference for the development of previously developed land in the village, opposition to the loss of greenfield land in the AONB, and a strong desire to determine locally where new homes should be built. However, whilst the SADPD is at an advanced stage, the Council does not consider the proposal to be so significant that it would prejudice the outcome of that plan making process. Given the fact that the SADPD relates to the whole borough, that the core strategy requires additional housing at Hawkhurst but does not set an absolute limit to how much there should be, and the limited scale of the proposal in relation to the size of the village and the number of new homes needed in the borough, I concur with the Council's assessment. Furthermore, the neighbourhood plan is at an early stage of preparation, and there is no justification for preventing the proposals from going ahead on prematurity grounds in relation to that process<sup>18</sup>.

### *Planning Obligations*

61. The legal agreements submitted during the Inquiry include similar obligations for each of the two planning applications, the only substantive differences being those that are necessary to reflect the fact that the outline proposal does not specify the precise number of dwellings that would be developed on the site meaning that certain provisions are expressed in terms of formulae rather than fixed amounts.
62. The obligations would ensure that each proposal would include 35% of the total number of dwellings as affordable homes, and include appropriate and effective

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<sup>18</sup> PPG ID-21b-014.

mechanisms for delivery and management. This would be in accordance with core strategy policies CP6 and CP13, ensure that an important element of the proposals was delivered, and therefore help to meet identified housing needs. Accordingly, I am satisfied that the necessary legal and policy tests would be met.

63. Obligations would ensure that open space, including a children's play area, buffer zones and attenuation ponds, would be provided on site; that this would be to a specification approved by the Council; and that these areas would be appropriately managed in accordance with a landscape and ecological management plan. This would be in accordance with local plan policy R2, and ensure that important elements of the proposals were provided and managed for the benefit of residents and to safeguard the character, appearance and ecology of the area. Accordingly, I am satisfied that the necessary legal and policy tests would be met.
64. A financial contribution of £1,902 per dwelling would be provided to improve bus services from Hawkhurst to Staplehurst, Cranbrook, Maidstone and Sandhurst in the early mornings and early evenings, along with an additional monitoring fee of 5% of the total contribution. Bus stops are located close to the site meaning that future residents would be likely to utilise such improved bus services, and this would reduce reliance on the use of private motor vehicles, not least in providing a realistic opportunity to commute to places of employment by public transport, including to London on train services from Staplehurst railway station. The NPPF encourages opportunities for sustainable transport modes to be taken up<sup>19</sup>, and such improvements would be in accordance with core strategy policies CP1 and CP3 and local plan policy TP3. The scale of the contributions is reasonably related to the proposals and based on costs provided by the highway authority and bus operator. The contributions would be pooled with one other contribution associated with another approved development nearby. Accordingly, I am satisfied that the necessary legal and policy tests would be met.
65. A total contribution of £2,976.98 would be provided to improve stock at Hawkhurst library. The library is currently stocked with an appropriate level of books to meet existing demands, and the proximity of the site means that it would be likely to be used by future residents. The contribution would be in accordance with core strategy policy CP1, proportionate in scale to the development, and based on cost estimates provided by Kent County Council. The Council advises that there have not been more than four other obligations relating to book stock at Hawkhurst library. Accordingly, I am satisfied that the necessary legal and policy tests would be met.
66. In summary, therefore, all of the planning obligations comply with relevant legal and policy requirements and I will take them into account in making my decisions.

*Benefits that the Proposal would Deliver*

67. The proposals would deliver a significant number of additional market and affordable homes. As I have found that existing development plan policies relating to the supply of housing are out of date and are not likely to be capable of meeting housing needs, and because of the accessible location of the site and

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<sup>19</sup> NPPF paragraph 32.

the fact that future residents would be likely to support local businesses and services in the village, I attach substantial weight to the social and economic benefits that the proposals would bring. There would also be further social and economic benefits during the construction phase due to increased economic activity.

### *Overall Assessment*

68. By virtue of the location of the site outside the defined limits to built development of Hawkhurst and the conflict that I have identified with local plan policies EN5 and EN25 and core strategy policies CP4 and CP13, the proposals would not be in accordance with the development plan. Planning permission should not therefore be granted unless material considerations indicate otherwise<sup>20</sup>.
69. The proposals would also not be in accordance with the draft SADPD. However, whilst this has reached an advanced stage, there are unresolved objections to relevant policies meaning that the weight that I attach to them is limited<sup>21</sup>. As the neighbourhood plan is at such an early stage I can attach very little weight to its emerging policy themes.
70. The proposals would cause significant harm to the intrinsic natural beauty of the appeal site; limited harm to the wider AONB; and limited harm to the setting of heritage assets. In accordance with the national policy and legal requirements to which I referred earlier, I attach considerable weight to the harm that would be caused in those respects. There would also be limited harm arising from the loss of agricultural land, and potentially some harm due to the marginal increase in the amount of traffic using the busy local roads.
71. On the other hand, the proposal would help to deliver the national planning policy objective of boosting significantly the supply of housing; help to meet the pressing need for more market and affordable homes in the borough that is highly unlikely to be met by out of date local plan and core strategy policies for the supply of housing; and would be located in a part of the borough that accords with the objectives of core strategy CP1. I attach substantial weight to the social and economic benefits that the proposal would bring in these regards.
72. These benefits would clearly outweigh the less than substantial harm that would be caused to the setting of heritage assets<sup>22</sup>.
73. The lack of a five year housing land supply means that there is a clear need for the development, and limited scope for meeting it in some other way. Furthermore, the core strategy identifies the potential need for development sites on the edge of settlements in the AONB. The detrimental effect on the landscape would be moderated by the high quality design and landscaping; this could be ensured by planning conditions in relation to both the outline and detailed schemes. For these reasons I am satisfied that there are exceptional circumstances to justify major development in the AONB, and that it would be in the public interest for the development to go ahead<sup>23</sup>.

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<sup>20</sup> Town and Country Planning Act 1990 section 70(2) and Planning and Compulsory Purchase Act 2004 section 38(6).

<sup>21</sup> NPPF paragraph 216.

<sup>22</sup> NPPF paragraph 134.

<sup>23</sup> NPPF paragraph 116.

74. Overall, therefore, I conclude that the proposal would represent sustainable development as defined in the NPPF taken as a whole, and that there are material considerations that indicate that planning permission should be granted.

### **Conclusion**

75. For the reasons given above, I conclude that the appeals should be allowed.

### **Conditions**

76. Lists of conditions that the Council and appellant agreed would be appropriate to include in relation to both proposals were included in the statement of common ground and discussed during the Inquiry. I agree that many of these are necessary, subject to some alterations to improve clarity, brevity and ensure consistency with national policy and guidance<sup>24</sup>.

#### *Appeal A - Conditions*

77. A list of 26 conditions was included in the statement of common ground for the outline proposal. However, it was agreed that several of these relate directly to reserved matters and that it was not, therefore, necessary to impose them at the outline stage<sup>25</sup>.
78. In addition to standard conditions stipulating the reserved matters, timing of development and the approved plans, it is necessary to ensure that details of the distribution and tenure of the affordable homes proposed in the planning obligation are provided so that an important element of the scheme is delivered in an appropriate way.
79. Details of existing and proposed ground levels, and finished slab levels, are needed due to the sloping nature of the site and to protect existing trees and hedgerows.
80. Whilst landscaping is a reserved matter, it is necessary to ensure that all existing trees and hedgerows, other than those shown to be removed on the approved access plans, are retained in the interests of the character and appearance of the area. A condition is also required to ensure that the landscaping details to be submitted in accordance with conditions 1 and 2 include details of all existing trees and hedgerows and identify which are to be retained and which are to be removed. It is not, however, necessary to attach conditions relating to the timing of the implementation of the landscaping scheme, as that can be done when the reserved matters are approved.
81. A scheme for the enhancement of biodiversity, as recommended in the appellant's ecological reports, is needed due to the nature of the existing landscape features on the site including trees, hedgerows and ponds, and the associated wildlife.
82. A programme of archaeological work needs to be approved and carried out as recommended in the appellant's archaeological report in order to ensure that any remains found as a result of the development are appropriately dealt with.
83. A condition is required to ensure that the approved access is implemented, and that visibility splays are provided, in the interests of highway safety. However, as

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<sup>24</sup> NPPF paragraphs 203 and 206, and PPG ID-21a: *Use of Planning Conditions*.

<sup>25</sup> PPG ID-21a-025.

the site layout, including internal access roads, is a reserved matter it is not necessary at this stage to impose conditions relating to the provision of roads, footways, cycle routes and parking areas.

84. Drainage details are required to prevent pollution and flooding on the site and in the surrounding area.
85. A construction method statement needs to be submitted, approved and adhered to in the interests of highway safety and to safeguard living conditions in nearby dwellings and the ecological value of the site.
86. There is no evidence that the agricultural land is likely to be contaminated and therefore it is not reasonable or necessary to impose a condition relating to remediation.
87. Finally, the other suggested conditions relating to phasing, materials, boundary treatment, cycle storage, ancillary buildings, and external lighting can all be dealt with when the reserved matters are submitted for approval.

*Appeal B - Conditions*

88. A list of 37 conditions was included in the statement of common ground for the detailed proposal.
89. In addition to the standard conditions relating to the timing of development and approved plans, it is necessary for a phasing programme to be agreed due to the scale of the development and to ensure that it is carried out in a coordinated way including in terms of implementing other planning conditions.
90. Notwithstanding the list of approved plans, full details of the elevations and floorplans of the approved dwelling on each plot are required as there are a number of discrepancies with regard to matters such as the position of some windows and chimneys. The condition will ensure that the dwelling on each plot is built as approved and that all such details are appropriate with regard to living conditions and the character and appearance of the area.
91. Details of external materials, external lighting, and any ancillary buildings and structures to be provided as part of the development are required in the interests of the character and appearance of the area.
92. All existing trees and hedgerows, other than those shown to be removed on the approved plans, need to be retained and appropriately protected during development and further landscaping needs to be carried out as shown on the indicative masterplan in accordance with details to be submitted to and approved by the Council in the interests of the character, appearance and ecology of the area. The proposed landscaping scheme can include such matters as boundary treatment as well as planting. This can be achieved through the imposition of two conditions rather than the six suggested in the statement of common ground.
93. Details of existing and proposed ground levels, and finished slab levels, are needed due to the sloping nature of the site and to protect existing trees and hedgerows.

94. A scheme for the enhancement of biodiversity, as recommended in the appellant's ecological reports, is needed due to the nature of the existing landscape features on the site including trees, hedgerows and ponds, and the associated wildlife.
95. A programme of archaeological work needs to be approved and carried out as recommended in the appellant's archaeological report in order to ensure that any remains found as a result of the development are appropriately dealt with.
96. Details of the proposed access to Highgate Hill, including a bell mouth and visibility splays, need to be provided and implemented in the interests of highway safety as these are not shown on the approved plans. The approved access, internal roads and footways, and parking areas need to be provided to serve each dwelling before that particular part of the development is occupied, in the interests of highway safety.
97. A scheme to encourage future residents to use sustainable means of transport is necessary to minimise the amount of traffic that it is likely to be generated by the development and thereby minimise any effects on highway safety, congestion, and pollution. For the same reason, appropriate pedestrian and cycling facilities need to be incorporated into the site layout, and cycle storage facilities for the approved apartment blocks need to be provided.
98. Drainage details are required to prevent pollution and flooding on the site and in the surrounding area. A construction method statement needs to be submitted, approved and adhered to in the interests of highway safety and to safeguard living conditions in nearby dwellings and the ecological value of the site.
99. There is no evidence that the agricultural land is likely to be contaminated and therefore it is not reasonable or necessary to impose a condition relating to remediation. A refuse strategy is not required as details are shown on one of the approved plans and the spine road will be suitable for use by refuse vehicles. Finally, as there are no specific reasons relating to any of the plots or approved buildings, to remove normal permitted development rights for future occupants would not be reasonable.

*William Fieldhouse*

INSPECTOR

## **ANNEX A**

### **Schedule of Conditions for "Appeal A"**

#### **Ref APP/M2270/A/14/2228680**

- 1) Details of the scale, layout, internal access roads, appearance, and landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: N00247/PL004; T0302/01 rev P3; and T0303/02 rev P1.
- 5) Details submitted in accordance with condition nos. 1 and 2 shall show the provision, distribution and tenure of affordable housing to be provided as part of the development. Development shall be carried out in accordance with those approved details.
- 6) Development shall not begin until details of the existing and proposed ground levels, and finished slab levels for all buildings, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) None of the existing trees, shrubs or hedgerows on the site, other than those shown to be removed on the plans hereby approved, shall be lopped, topped, felled, uprooted, or wilfully destroyed. Details of the proposed landscaping to be submitted in accordance with condition nos. 1 and 2 shall include measures to protect all existing trees, shrubs and hedgerows to be retained.
- 8) Development shall not begin until a scheme to enhance the ecological value of the site, including an implementation timetable, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the agreed timetable.
- 9) Development shall not begin until a scheme for a programme of archaeological investigation, works, analysis, recording and reporting, along with an implementation timetable, has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and timetable.
- 10) The vehicular access to the site from Highgate Hill hereby approved, along with visibility splays within which there shall be no obstruction to vision above 0.9 metres in height measured from the carriageway edge, shall be provided in accordance with details and an implementation timetable which shall have been submitted to and approved in writing in advance by the local planning authority.

- 11) Development shall not begin until details of the proposed means of foul and surface water disposal, including an implementation timetable, have been submitted to and approved in writing by the local planning authority. The details shall be implemented in accordance with the approved timetable.
- 12) Development shall not begin until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the period of construction. The Statement shall provide for:
  - a) the hours during which construction works are to take place;
  - b) the parking of vehicles of site operatives and visitors;
  - c) loading, unloading and storage of plant and materials;
  - d) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing;
  - e) wheel washing facilities;
  - f) measures to control the emission of dust and dirt during construction;
  - g) a scheme for recycling / disposing of waste resulting from construction works; and
  - h) measures to protect the ecology of the site.

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*End of List of Conditions for Appeal Ref APP/M2270/A/14/2228680*

## ANNEX B

### Schedule of Conditions for "Appeal B"

#### Ref APP/M2270/W/14/3001586

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: N00247-PL-001 rev E; N00247-PL-002 rev B; N00247-PL-003 rev B; N00247-PL-004; N00247-PL-005 rev B; N00247-PL-006 rev B; N00247-PL-007 rev B; N00247-PL-100 rev C; N00247-PL-101 rev C; N00247-PL-102 rev C; N00247-PL-103 rev D; N00247-PL-104 rev B; N00247-PL-105 rev C; N00247-PL-106 rev C; N00247-PL-107 rev C; N00247-PL-108 rev C; N00247-PL-109 rev B; N00247-PL-110 rev B; N00247-PL-111 rev B; N00247-PL-112 rev C; N00247-PL-113 rev C; N00247-PL-114 rev B; N00247-PL-115 rev B; N00247-PL-116; N00247-PL-117; N00247-PL-118 rev B; N00247-PL-119 rev B; N00247-PL-120 rev A; N00247-PL-121 rev A; N00247-PL-122 rev A; N00247-PL-123 rev A; N00247-PL-124 rev A; N00247-PL-125 rev A; N00247-PL-126 rev A; N00247-PL-127 rev A; N00247-PL-128; N00247-PL-129; N00247-PL-130 rev A; N00247-PL-131 rev A; N00247-PL-132 rev A; N00247-PL-133 rev A; N00247-PL-134; N00247-PL-135 rev A; N00247-PL-136 rev A; N00247-PL-137 rev A; N00247-PL-138 rev A; N00247-PL-139; N00247-PL-140 rev A; N00247-PL-141 rev A; N00247-PL-142 rev A; N00247-PL-143 rev A; N00247-PL-150; N00247-PL-151; N00247-PL-152; N00247-PL-153; N00247-PL-154; N00247-PL-155; N00247-PL-156; N00247-PL-157; N00247-PL-158; N00247-PL-159; N00247-PL-160; N00247-PL-161; and N00247-PL-170 rev A.
- 3) Prior to the commencement of development, details of the existing and proposed ground levels, and finished slab levels for all buildings, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of development, a phasing programme for the development of the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved phasing programme.
- 5) Prior to the commencement of each phase of development, details of the materials to be used in the construction of the external surfaces of the approved development within that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) Prior to the commencement of each phase of development, detailed floor plans and elevations of each of the dwellings within that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) Prior to the occupation of any of the dwellings within each phase of development, details of all external lighting to be installed within that phase

- shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 8) Prior to the commencement of each phase of development, details of any ancillary buildings and structures to be erected within that phase shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
  - 9) None of the existing trees, shrubs or hedgerows on the site, other than those shown to be removed on the plans hereby approved, shall be lopped, topped, felled, uprooted, or wilfully destroyed. Prior to the commencement of each phase of development, details of measures to protect all existing trees, shrubs and hedgerows to be retained within that phase shall be submitted to and approved in writing by the local planning authority. The measures shall be implemented as approved and retained throughout the period of construction of that phase of development. Any existing trees, shrubs or hedgerows which within a period of five years from the completion of the relevant phase of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
  - 10) Prior to the commencement of development, details of all hard and soft landscape works, including all boundary treatment, along with an implementation timetable, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and timetable. Any trees or plants which within a period of five years from the completion of the relevant phase of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
  - 11) Prior to the commencement of development, a scheme to enhance the ecological value of the site, including an implementation timetable, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the agreed timetable.
  - 12) Prior to the commencement of development, a scheme for a programme of archaeological investigation, works, analysis, recording and reporting, along with an implementation timetable, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme and timetable.
  - 13) Prior to the commencement of development, details of the proposed vehicular access to the site from Highgate Hill, including a bell mouth, visibility splays and junction protection, shall be submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the proposed vehicular access to Highgate Hill has been provided in accordance with the approved details.
  - 14) Within three months of the commencement of development, details of pedestrian and cycle routes within the site, along with an implementation timetable, shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in accordance with the agreed timetable.
  - 15) No dwelling shall be occupied until the proposed means of vehicular and pedestrian access, and parking and turning areas, serving that dwelling have

- been provided in accordance with the approved plans and further details which shall have been submitted to and approved in writing in advance by the local planning authority. Those areas shall thereafter be permanently retained and used only for their intended purposes.
- 16) None of the apartments hereby approved shall be occupied until cycle storage facilities have been provided in accordance with details which shall have been submitted to and approved in writing in advance by the local planning authority. Those facilities shall thereafter be permanently retained and used only for their intended purpose.
  - 17) Prior to the commencement of development, a scheme to encourage the use of sustainable forms of transport by future residents, along with an implementation timetable, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the agreed timetable.
  - 18) Prior to the commencement of development, details of the proposed means of foul and surface water disposal, including an implementation timetable, shall be submitted to and approved in writing by the local planning authority. The details shall be implemented in accordance with the approved timetable
  - 19) Prior to the commencement of development, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the period of construction. The Statement shall provide for:
    - a) the hours during which construction works are to take place;
    - b) the parking of vehicles of site operatives and visitors;
    - c) loading, unloading and storage of plant and materials;
    - d) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing;
    - e) wheel washing facilities;
    - f) measures to control the emission of dust and dirt during construction;
    - g) a scheme for recycling / disposing of waste resulting from construction works; and
    - h) measures to protect the ecology of the site.

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*End of List of Conditions for Appeal Ref APP/M2270/W/14/3001586*

**ANNEX C**

**Appearances at the Inquiry**

*For the Appellant*

Mark Beard	of Counsel <i>instructed by</i> DHA Planning
<i>called:</i>	
Matthew Chard	Barton Willmore
Matthew Woodhead	DHA Planning

*For the Local Planning Authority*

William Upton	of Counsel <i>instructed by</i> Tunbridge Wells Borough Council
<i>called:</i>	
Tom La Dell	LaDellWood
Michael Goddard	Goddard Heister

*Interested Parties*

Nicole Malem	Clerk to Hawkhurst Parish Council
Margaret Brinsley	Vice Chair of Hawkhurst Parish Council
Julia Newman	Hawkhurst Parish Council
Godfrey Bland	Tunbridge Wells Borough Councillor
Colin Williamson	Hawkhurst Parish Council
Peter Dartnell	Chair of Hawkhurst Parish Council
Chris Austen	Local Resident
Nathan Gray	Tunbridge Wells Borough Councillor
Louise Wellsford	Local Resident

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*End of list of appearances at the Inquiry*

**Documents Submitted at and after the Inquiry**

*8 September 2015*

Email regarding SHMA Timeline (submitted by TWBC).

Supplementary Note on Housing Land Supply Sites (submitted by TWBC).

Statement by Margaret Brinsley (submitted by HPC).

Statement by Julia Newman (submitted by HPC).

Statement by Godfrey Bland (submitted by HPC).

Statement by Colin Williamson (submitted by HPC).

Statement by Peter Darnell (submitted by HPC).

Report on the Traffic Signals at Junction of A628/A229 by AC Rollings Consulting Engineer (submitted by HPC).

Hawkhurst Neighbourhood Plan Interim Report July 2015 (submitted by HPC).

Statement by Chris Austen.

*9 September 2015*

Overview of Housing Supply Summary Table (position as at 1 April 2015) as amended 8/9/15 (submitted by appellant).

Site Allocations DPD Submission Draft Consultation 2015 (submitted by TWBC).

*10 September 2015*

Supplementary Transport Statement September 2015 (submitted by the appellant).

Ground level changes from footpath on southern boundary to nearest points on northern boundary of the site (submitted by TWBC).

Letter from HPC regarding prematurity and Bowles Lodge dated 10 September 2015 (submitted by HPC).

Note by Michael Goddard regarding prematurity (submitted by TWBC)

Note by Matthew Woodhead regarding prematurity (submitted by the appellant).

SADPD Proposals Map (annotated to show other sites in Hawkhurst referred to in evidence) (submitted by the appellant).

Amended lists of planning conditions (track changes to those included in SOCG) (submitted by TWBC).

Planning obligations – consideration against CIL Regulations 2010 (as amended) and NPPF paragraph 2014 (submitted by TWBC).

SADPD Examination – letter from examining Inspector (28 July 2015); Inspector’s matters, issues and questions for discussion at examination hearings; and hearings programme (submitted by TWBC).

Letter (dated 10 September 2015) and plan from HPC regarding walking route for the accompanied site visit (submitted by Chris Austen).

*15 September 2015*

Letter from HPC (dated 14 September 2015) in response to the appellant’s Supplementary Transport Statement (IQ13) (submitted by HPC).

Executed Planning Obligation Agreements (submitted by TWBC and the appellant).

Costs application on behalf of the appellant (submitted by Mr Beard).

Closing submissions on behalf of the Council (submitted by Mr Upton).

Closing submissions on behalf of the appellant and annex of relevant legal principles (submitted by Mr Beard).

*17 September 2015*

Letter dated 16 September 2015 from Jason Lewis (DHA Transport) in response to HPC letter dated 14 September 2015 (submitted by the appellant).

Costs application – LPA response, and appendices (submitted by TWBC).

*18 September 2015*

Costs application – appellant’s reply (submitted by the appellant).

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*End of list of documents submitted at and after the Inquiry*