



Elite Pubs
C/O John Bullock Design
FAO Glenda Egerton
11 -13 High Street
Tunbridge Wells
TN1 1UL

31 July 2018

PLANNING DECISION NOTICE

APPLICANT:	Elite Pubs
DEVELOPMENT TYPE:	All other minor development
APPLICATION REFERENCE:	18/01767/FULL
PROPOSAL:	Erection of building for 6 B&B rooms associated with The Poacher
ADDRESS:	The Poacher Hartlake Road Tudeley Tonbridge TN11 0PH

The Council hereby **REFUSES** Planning Permission for the above for the following Reasons:

- (1) The proposal would constitute inappropriate development within the Metropolitan Green Belt, which by definition is harmful to its openness. There is insufficient evidence of the necessary 'very special circumstances' to overcome this harm. The proposal is thus contrary to Policy MGB1 of the Tunbridge Wells Borough Local Plan 2006, Core Policy 2 of the Tunbridge Wells Borough Core Strategy 2010, and the National Planning Policy Framework 2018.
- (2) The proposal, by virtue of creating new buildings with associated domestic paraphernalia, works to alter the land levels and potential additional impacts from further parking and works in close proximity to the trees at the rear would have more than a minimal impact on the landscape character of the locality. It would not conserve and enhance the rural landscape, nor would it protect the countryside for its own sake, nor preserve the interrelationship between the natural and built features of the landscape. The overall impact is harmful to the rural character of the area. It would thus be contrary to saved Policies LBD1, EN1 and EN25 of the Tunbridge Wells Borough Local Plan 2006, Core Policies 4, 5, and 14 of the Tunbridge Wells Borough Core Strategy Development Plan Document 2010, the National Planning Policy Framework 2018 and the Planning Practice Guidance.

- (3) It has not been demonstrated that the occupiers of the development would not be at risk from flooding or that the development would not increase flood risk elsewhere. Therefore the development is likely to result in a risk to human life from flooding and is contrary to policies EN18 of the Tunbridge Wells Borough Local Plan 2006 and Core Policy 5 of the Tunbridge Wells Borough Core Strategy 2010, guidance in the National Planning Policy Framework 2018 and the Planning Practice Guidance.

Informative:

- (1) The plans taken into consideration in reaching the decision to refuse planning permission are:

Application form
Drawing number 1598-P02A

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

- The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict.

The applicant is advised to seek pre-application advice on any resubmission.



Stephen Baughen
Head of Planning (Interim)
Tunbridge Wells Borough Council

IMPORTANT: YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF CONSENT OR GRANT OF CONSENT SUBJECT TO CONDITIONS

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990 or Control of Advertisements Regulations 1989.

Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant for the following:

- If this is a decision to refuse permission for a Householder application or a Minor Commercial application and you want to appeal the decision, or any of the conditions imposed, then you must do so within 12 weeks of the date of this notice.
- In all other cases, you will need to submit your appeal against the decision, or any of the conditions imposed, within 6 months of the date of this notice.

For applications relating to Enforcement Notices:

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is subsequently served and relates to the same or substantially the same land and development and if you want to appeal against the decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder or minor commercial application decision] of the date of this notice, whichever period expires earlier.

Appeals must be made using a form which you can get from The Planning Inspectorate, Room 3/13, Temple Quay House , 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted advertisement consent for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.