

Date: 28<sup>th</sup> November 2023  
Your ref: APP/M2270/V/21/3273015

**CPRE Kent - The Countryside Charity**  
CPRE Kent, Queen's Head House,  
Ashford Road, Charing,  
Kent  
TN27 0AD

████████████████████  
**By email only.**

Dear Mr Barber,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77 APPLICATION MADE BY BERKELEY HOMES (EASTERN COUNTIES) LTD LAND ADJACENT TO TURNDEN, HARTLEY ROAD, CRANBROOK**

**Call-in Reference: APP/M2270/V/21/3273015**

Thank you for your letter of 22<sup>nd</sup> November, inviting us to comment on the representations made by other parties by 29<sup>th</sup> November.

We take this opportunity to comment upon the representations contained in the letter from Tunbridge Wells Borough Council dated 16<sup>th</sup> November and the cover letter from Ashurst on behalf of the Applicant dated 21<sup>st</sup> November and the updated Statement of Common Ground referred to in that letter.

We note that the Applicant has also provided detailed and lengthy proofs of evidence on planning and design, prepared by the same experts who appeared on their behalf in the hearings. We do not, in the short time available to us, seek to comment upon this new expert evidence and would invite the Secretary of State to disregard such evidence in making his decision on the present application, for the following reasons:

1. No such expert evidence was sought by the Secretary of State in his letter of 31<sup>st</sup> October.
2. This evidence falls wholly or mainly outside the scope of the matters on which the Secretary of State invited information or comment in that letter. The attempt to introduce entirely new Urban Design evidence as a response to the Secretary of State's question regarding the progress of the Neighbourhood Plan is particularly tenuous.
3. To the extent that such evidence addresses matters other than those on which the Secretary of State has agreed that his original decision should be quashed, it is irrelevant to the decision which now falls to be taken by him.
4. All parties, apart from the Applicant, have confined their representations to matters falling within the scope of the letter of 31<sup>st</sup> October.

5. It would be procedurally unfair for the Secretary of State to have regard to such expert evidence, which the Applicant's experts have had at least three weeks to prepare, while giving the other parties only one week to respond. The length and complexity of the new evidence precludes a properly considered response within such a short period.

Should the Secretary of State nevertheless be minded to take such new expert evidence into consideration in making his decision, we would ask to be given a period of at least three weeks in which to submit our comments upon it.

We note that all parties agree that the Inquiry should not be restarted.

We make no comment upon the representations made by Natural England, the High Weald AONB Unit or Cranbrook and Sissinghurst Parish Council.

With regard to the representations made by Tunbridge Wells Borough Council, we would comment only that CPRE Kent also wrote to the Local Plan Inspector following the Secretary of State's decision on the present application, in which we drew conclusions from that decision which differ from those of the Council, quoted on page 3 of their letter dated 16<sup>th</sup> November 2023. A copy of CPRE Kent's covering email and letter to the Local Plan Inspector, sent on 18<sup>th</sup> April 2023 is attached.

With regard to the representations made by the Applicant in Ashurst's letter, it is noted that we have a difference of opinion as to, among other things:

- 1) The weight to be attributed to the emerging Local Plan.
- 2) The extent to which the application is consistent with various policies within the Neighbourhood Plan.
- 3) The significance of the Council's five-year housing land supply position.
- 4) The implications of Section 245 of the Levelling up and Regeneration Act 2023.

In relation to paragraph 2 of Ashurst's letter, the length of time which the process has taken is not a matter which should influence the decision now to be taken by the Secretary of State.

In relation to paragraph 3.1(b) of Ashurst's letter, we would point out that the Secretary of State's decision was still awaited at the time of the Local Plan Inspector's Initial Findings and no significance should therefore be attached to the omission of any reference to Policy CR/AL3 therein. The acknowledged relevance of the Secretary of State's decision to the policy was demonstrated by repeated deferrals of the Examination of that policy, in the hope that the decision would clarify the position.

In relation to paragraph 3.4(e) of Ashurst's letter, it is our understanding that the "changes on the ground" since the Inspector's report, namely completion of construction of what it now called Tannersbrook Farmstead and commencement of construction on the Brick Kiln Farm site, with associated changes to the highway, are all matters which were anticipated and taken into account as part of the base case in the evidence provided to the Inspector, by Mr Pullen and others, in the course of the Hearings.

With regard to the updated Statement of Common Ground, it would be helpful to receive a note from either party to it of the changes incorporated in this lengthy document, as compared with the version previously agreed.

Save as expressly stated to the contrary in this letter, our position remains as stated in our letter to you of 21<sup>st</sup> October and we make no admission as to the correctness or otherwise of the representations made by the other parties.

Yours sincerely,



Dr Hilary Newport

Director

CPRE Kent

Enclosed – CPRE Kents covering email and letter to the Local Plan Inspector, sent on 18<sup>th</sup> April 2023

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**Sent:** Hilary Newport <hilary.newport@cprekent.org.uk>  
18 April 2023 14:30  
**To:** banksolutionsuk@gmail.com  
**Cc:** John Wotton; Julie Davies; Richard Thompson  
**Subject:** Tunbridge Wells Borough Council Local Plan Examination in Public: Policy AL/CR4  
Turnden, Cranbrook  
**Attachments:** Letter to Tunbridge Wells Local Plan Inspector from CPRE Kent re Turnden.pdf

Dear Ms Glancy,

Please see the attached letter, sent for the attention of the Tunbridge Wells Local Plan Inspector.

Yours sincerely

**Dr Hilary Newport**

Director

CPRE Kent

[hilary.newport@cprekent.org.uk](mailto:hilary.newport@cprekent.org.uk)



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*(by email only to: [bankssolutionsuk@gmail.com](mailto:bankssolutionsuk@gmail.com))*

Matthew Birkinshaw  
Planning Inspector

Via Programme Officer  
C/O Banks Solutions  
80 Lavinia Way  
East Preston  
West Sussex  
BN16 1DD

Dear Mr Birkinshaw,

**Tunbridge Wells Borough Council Local Plan Examination in Public: Policy AL/CR4  
Turnden, Cranbrook**

We are writing to draw to your attention the decision of the Secretary of State in Called in Decision - Land Adjacent to Turnden, Hartley Road Cranbrook - APP/M2270/V/21/3273015, dated 6<sup>th</sup> April 2023 (copy attached). The Secretary of State has decided to refuse the application made by Berkeley Homes (Eastern Counties) Ltd to build 165 new dwellings on this site. The Secretary of State concluded that, for the reasons given in the decision:

“exceptional circumstances do not exist to justify the proposed development in the AONB and that the development would not be in the public interest. Therefore, paragraph 177 of the Framework provides a clear reason for refusing the development proposed and as such under paragraph 11(d)(i) of the Framework the presumption in favour of sustainable development is no longer engaged.”

He considered that the weight of the scheme's benefits was substantial, but not exceptional. He thought that the case for a development of this type in Cranbrook was “not very compelling”. Overall the Secretary of State agreed with the Inspector that there would be some harm to the HWAONB, which would be limited, and that the harm to the landscape and scenic beauty of the HWAONB attracts great weight. The Secretary of State also agreed with the Inspector that there would be conflict with policies EN21 and 22 of the new Local Plan, to a limited extent. None of the proposed planning conditions or obligations altered the Secretary of State's conclusions.

Having regard to the terms of the decision and in particular the harm, identified by the Secretary of State, which the proposed development would cause to the High Weald AONB landscape, a policy in the Local Plan to allocate this site for major development would clearly not be sound nor can be made sound through modification.

We do not at this stage know what the Council's intentions are with respect to policy AL/CR4 which is in all material respects consistent with Berkeley's proposed development. We note this this policy was not identified in your Initial Findings dated November 2022 setting out major issues with respect to the Local Plan. We would invite you now, subject to any revisions to this policy which may be submitted by the Council, to consider whether the allocation of the Turnden site for major development should be identified as a matter preventing the Plan from being found to be sound.

Yours sincerely,



Dr Hilary Newport

Director

CPRE Kent



W. [www.cprekent.org.uk](http://www.cprekent.org.uk)

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**Enc: [Decision Letter and Inspector's Report for Land Adjacent to Turnden, Hartley Road Cranbrook - APP/M2270/V/21/3273015](#)**