



Appeal Decision

Site visit made on 23 July 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2019

Appeal Ref: APP/U2235/W/19/3227319

Thorford Hall Farm, Goudhurst Road, Staplehurst TN12 0HQ

- 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 Mr & Mrs J Watmough against the decision of Maidstone Borough Council.
 - The application Ref 18/503495/FULL, dated 2 July 2018, was refused by notice dated 30 October 2018.
 - The development proposed is the construction of a new access at Thorford Hall Farm.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted drawing No. DHA/11982/02 Rev C with the appeal, which was not considered by the Council when they determined the planning application. I shall consider the drawing as part of the appeal because it does not materially change the nature of the proposed development and so there would be no prejudice caused to any party.

Main Issues

3. The main issues are:
 - Whether the proposed development would preserve the setting of the Grade II listed buildings at Thorford Hall Farm; and,
 - The effect of the proposed development on the character and appearance of the countryside; and,
 - The effect of the proposed development on the living conditions of Bathurst Farm, with particular regard to noise disturbance and light intrusion.

Reasons

Setting of Listed Buildings

4. The duty imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of listed buildings. Paragraph 193 of the

National Planning Policy Framework states that “*great weight should be given to the [designated heritage] asset’s conservation*”.

5. The farmhouse at Thorford Hall Farm and the adjacent barn positioned about 5 metres west of the farmhouse are Grade II listed buildings. The farmhouse is a timber-framed building of early 18th Century and the barn dates from around the 17th Century. The appeal site was originally part of a farmstead, including the farmhouse; agricultural buildings and service areas. The site is served by a vehicular access from a track serving 2 other properties, which connects to Goudhurst Road. The buildings on the appeal site are grouped around a gravelled driveway.
6. In addition to the farmhouse and barn, the buildings include a brick-built outbuilding opposite the farmhouse, which is used for habitable living accommodation; a wide garage building; 2 timber-clad buildings and an open-sided structure. The Council has granted conditional planning permission (Ref 15/509490) for the removal of agricultural buildings at the end of the driveway and the erection of a dwelling, which would be served by the existing vehicular access at Thorford Hall Farm. Whilst the agricultural buildings have been removed, the dwelling has not been constructed at the time of my site inspection. The new vehicular access proposed in the appeal scheme would provide a separate access for the previously approved dwelling.
7. The land to the south contributes to the significance of the listed buildings because of the historical relationship of the farmhouse to the farm. This relationship would be eroded by the formation of a new vehicular access because it would fragment the agricultural land. I note that there is an existing timber post and rail fence with a gate around the land immediately to the south of the listed buildings. However the proposed vehicular access would exacerbate the visual separation of the land. Furthermore, the provision of a second access to the group of buildings at the appeal site would obfuscate the historical access to the farmstead. The appellant has stated that aerial view photographs from the 1960’s shows evidence of an alternative access leading off the track to the south of Thorford Hall farmhouse and therefore it is apparent that the complex has not always been served solely by the current access.
8. However, based on the image in Figure 2.4 of the appellant’s statement, it is not clear to me that the area to the south of the farmhouse was an access or what purposes the space was used for. The appellant has suggested that the “Grasscrete” construction of the proposed access would reduce its visual impact. Nonetheless it would have the appearance of a vehicular access. Taking the above factors into account, I find that the proposed development would cause less than substantial harm to the setting of the listed buildings.
9. Paragraph 196 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
10. The appellant states that the new access road would avoid vehicle movements arising from the dwelling approved under Ref 15/509490 from passing beside the listed buildings; it would also be beneficial to the residential amenities of the occupiers of Thorford Hall Farm; and it would be beneficial to safety

because it would avoid a thoroughfare through the existing farm courtyard. However, the amount of vehicular movements associated with the previously approved dwelling would be low and would have minimal impact on the listed buildings and their setting. Furthermore, the vehicular movements associated with the previously approved dwelling would have minimal impact on the residential amenities of the occupiers of Thorford Hall Farm due to the relatively low number of movements. There is no evidence before me to indicate that the access arrangements to the previously approved dwelling would be unsafe.

11. As such, I conclude that the less than substantial harm to the setting of the Grade II listed farmhouse and barn is not outweighed by the limited public benefits of the proposed development. The proposal is therefore contrary to Policies SP18, DM1 and DM4 of the Maidstone Borough Local Plan (2017), which amongst other things, seeks to conserve the significance of the heritage asset and, where appropriate, its setting.

Effect on the countryside

12. Paragraph 170 of the Framework states that planning decisions should contribute to and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside. The track that provides access to the appeal site and 2 other properties includes a public right of way, which at the end of the track diverts and runs along the boundary of the agricultural land associated with Thorford Hall Farm. The track is lined on both sides by hedging and trees, which provides a verdant feel.
13. The proposed vehicular access would result in a section of the hedging being removed to the side of the track, which would erode the verdant character of the public right of way. Furthermore, the laying out of a vehicular access on agricultural land would be visible from the public right of way and would be harmful to the character and appearance of the countryside. The appellant states that "Grasscrete" construction of the proposed access would reduce its visual impact, however, it would have the appearance of a vehicular access. The appeal scheme would not provide substantive agricultural or other benefits to justify the impact on the character and appearance of the countryside. As such, I find that the proposed development is contrary to Policy SP17 of the Maidstone Borough Local Plan (2017), which, amongst other things, seeks to ensure that development does not cause harm to the character and appearance of the countryside.

Living conditions

14. The neighbouring dwelling at Bathurst Farm is set back a sizeable distance from the position of the proposed vehicular access. Furthermore, there would be a low amount of vehicular movements associated with the proposed vehicular access. As such, I find that the proposed development would not cause significant noise disturbance or light intrusion to the occupiers of the neighbouring property. The proposal therefore accords with Policy DM1 of the Maidstone Borough Local Plan (2017), which amongst other things, seeks to respect the amenities of occupiers of neighbouring properties.

Other Matters

15. The Council has referred to Policy DM33 (change of use of agricultural land to domestic garden land) of the Maidstone Borough Local Plan (2017) in the first reason for refusal. However, the appeal scheme does not propose the change of use of agricultural land to domestic garden land and so this policy has had no bearing on my determination of the appeal.
16. The appellant has stated that they would agree to a condition which secures the existing boundary treatment and requires the planting of new trees and hedgerows where necessary. However, this would not mitigate the harm that I have identified.

Conclusion

17. I find that the proposed development would be harmful to the setting of the Grade II listed farmhouse and barn at Thorford Hall and would also cause harm to the character and appearance of the countryside. Although I have found that the proposed development would not have a significant impact on the living conditions of the neighbouring occupiers at Bathurst Farm, this does not outweigh the harm that I have identified. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR