
Appeal Decision

Site visit made on 9 November 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/U2235/W/20/3254286

The Oast House, Polhill Lane, Harrietsham, Kent ME17 1LG

- 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 Anthony Hammick against the decision of Maidstone Borough Council.
 - The application Ref 19/505738/FULL, dated 16 November 2019, was refused by notice dated 31 January 2020.
 - The development proposed is described as 'removal of existing carport roof structure and erection of two storey dwelling including refurbishment and rehabilitation and retention of existing historic (non-designated heritage asset) cast iron mill wheel and historic walling. New vehicular access formed off existing driveway accessing Polhill Lane'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appellant has submitted bat emergence surveys with his appeal. These have been reviewed by the Council's Biodiversity Officer. In their written response they have confirmed that the proposal would not have a harmful impact on bats subject to conditions. Accordingly, the Council has confirmed that it no longer wishes to contest its fourth reason for refusal. As this is no longer a point in dispute, I have not considered it further. The main issues in this appeal are therefore:
 - Whether the appeal site is a suitable location for the proposed development, with particular reference to the spatial strategy in the development plan and the accessibility of services and facilities;
 - Whether the proposal would preserve the setting of the Grade II listed buildings known as The Barn and Polhill Mill; and
 - The effect of the proposed development on the character and appearance of the countryside.

Reasons

The suitability of the appeal site for the proposed development

3. Policy SS1 of the Maidstone Borough Local Plan 2017 (LP) outlines the spatial strategy for development in the Borough. The supporting text to the policy explains that development will be delivered at the most sustainable towns and

villages in line with a settlement hierarchy. To this end, Maidstone will be the principal focus for development with rural service centres such as Harrietsham identified as a secondary focus followed by larger villages. In other locations, protection will be given to the rural character of the borough.

4. Policy SP17 of the LP is specifically concerned with development in the countryside and flows from Policy SS1. It explains that the 'countryside' is defined as all those parts of the plan area outside the defined settlement boundaries. Development will not be permitted in the countryside unless it accords with other policies in the plan and will not result in harm to the character and appearance of the area.
5. The appeal site is located outside the settlement boundary of Harrietsham, which is the nearest settlement with a defined boundary, and on the southern side of the M20. It is therefore in the countryside for the purposes of applying the policies of the development plan. As it would be outside Harrietsham, the proposal cannot amount to infilling or the redevelopment of previously developed land permitted in principle by Policy SP5 of the LP. The remnants of the mill would require almost complete reconstruction to function as a dwelling and therefore the proposal would not amount to the conversion of a rural building. I have not been directed to any other specific policy within the LP that would support the principle of development. Therefore, the appeal scheme would be at odds with Policy SP17 regardless of whether it harms the character and appearance of the area (a matter I will return to).
6. In its first reason for refusal the Council have alleged that the proposal would be removed from services and facilities resulting in future occupants being car reliant. Preventing car reliance, however, is not a specific requirement overtly outlined in any of the policies listed in the reason for refusal. That said, the general thrust in Policy SS1 of seeking to locate housing within settlements, and in accordance with a settlement hierarchy, can be taken as an indication that windfall housing schemes should be located with reasonable access to services and facilities. In addition, as a material consideration. Paragraph 127 (f) of the National Planning Policy Framework seeks to create accessible places which promote health and well-being. The ability to safely walk, and perhaps cycle, to facilities is an important component of this.
7. The nearest collection of services and facilities to the appeal site are found in Harrietsham. Most of these are about 700m to 1300m away and include a shop, primary school and public transport connections. This is not an unreasonably long distance to travel on foot on occasion, but it is at the upper limits for regular travel, particularly when considering the return trip.
8. In addition to distance, the walking environment needs to be considered with reference to the safety of the route and its attractiveness. The route between the appeal site and the facilities in Harrietsham is reasonably level but it is unlit and devoid of pavements until the busy A20 is reached. This will deter some residents from walking or cycling to the village, such as young children or those with constrained mobility. This is unlikely to be as great a problem in Polhill Lane because it is a quiet, intimate rural lane with low traffic volumes. Pedestrians in the lane would have space to pass a car if encountered, particularly as the vehicle would likely be moving slowly. The same would be true to an extent in Fairbourne Lane, but the road is straighter and therefore

vehicles could be moving quicker. It also necessary to walk over the noisy M20 and along the busy A20, which further reduces the attractiveness of the route.

9. Taken in the round, the distance, lack of pavements and lighting and noisy unattractive nature of part of the route would likely suppress the desire to walk regularly to services and facilities in Harrietsham when compared to the convenience of travel by car. Future occupants would not be entirely car reliant as walking and cycling would be an occasional option, but the appeal site is nevertheless not particularly well placed to promote sustainable transport. This would further undermine the spatial strategy in the LP.
10. In conclusion, the proposal would be at odds with, and harmfully undermine, the adopted spatial strategy for housing in the LP and therefore the appeal site is not a suitable location for the proposed development.

The effect on heritage

11. The appeal site is located within a cluster of historic buildings that once comprised a farmstead. Polhill Mill was the original farmhouse. The Barn, which is next to Polhill Mill and of agricultural origins, has been converted to a dwelling. Their traditional vernacular style has endured, and this provides a rustic aesthetic value that is enhanced by the rural riverside setting. In addition, both buildings support an understanding of local agriculture and industry and thus have evidential value. Old maps demonstrate that the historic farmstead is reasonably legible and intact save for the removal of most of the watermill. In this respect the buildings have significance individually but also as the survivors of a farmstead grouping.
12. It is understood that the watermill was demolished in around 1929 save for some of the stone walling, the waterwheel and pentrough. These archaeological remains have significance as a heritage asset. They provide evidential value of the former watermill and contribute to the setting and significance of the historic grouping. The site of the watermill is now occupied by a small cart lodge type building that is a quiet, subtle addition to the group that does not compete with the scale of the nearby listed buildings.
13. The appeal scheme has been designed to appear similar to the historic 19th Century watermill, which was a locally important structure, through the use of weatherboarding and a Kentish hipped roof finished in clay tiles. The small windows in the north elevation would have some visual affinity to those evident in historic photographs of the former watermill set out in the appellant's Heritage Impact Assessment. The retention of the water wheel would also directly link the new structure back to the long since demolished watermill. Thus, in some respects the proposal is sensitive to the history of the site and the Len Valley.
14. However, the proposal would have the overt appearance of a dwelling due to features such as the chimney and the fenestration. The large areas of aluminium framed glazing to the rear alongside bi fold doors would be particularly domestic in character. It is also unclear whether the canter levered rear element has a historic precedent. The building would therefore appear as a discordant and inauthentic modern insertion in the historic grouping, adversely impacting how it is experienced as a largely intact farmstead.

15. The building would also have considerably more bulk and massing than the mellow visual presence of the existing cart lodge. This, taken with the limitations identified in the preceding paragraph, would result in the new structure harmfully competing with the nearby listed buildings when view from the east to the detriment of their aesthetic value. This would be the case despite the presence of an intervening hedge because the listed buildings are still spatially and visually apparent from within the appeal site and when viewed along the footpath.
16. Historic photographs demonstrate that The Oast House has been in situ since at least the 1920s. It has a settled historic character and is located on the edge of the historic mill complex. It is therefore a non-designated heritage asset, but the proposal would not have an adverse impact on how it is experienced because the new dwelling would be on lower ground and much smaller in scale.
17. Nevertheless, the proposal would harm, and thus fail to preserve, the setting of the two listed buildings. Policy DM4 of the LP states that the relevant tests specified in the Framework will be applied when determining applications for development which would harm the setting and significance of a heritage asset. The harm that would occur to the setting of the listed buildings would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal.
18. The renovation of the existing waterwheel and remnants of the former mill can be considered a public benefit as they are heritage assets. However, it has not been demonstrated that a house must be constructed to preserve these features. Moreover, the evidential value of the watermill's remains would be eroded from an inauthentic version of the former watermill being constructed on top of them.
19. The proposal would modestly support the vitality of a rural community as well as services nearby. However, there is little substantive evidence before me to suggest an additional household would have a notable economic or social effect. For example, there is nothing to suggest local services are failing for lack of patronage. The proposal would provide some support to the construction industry, but this would be limited in scale and short lived. The socio-economic benefits are therefore of limited weight. The proposal would support housing supply, but there is nothing of substance before me to suggest the Council are currently unable to demonstrate a five-year housing supply and therefore failing to significantly boost the supply of housing. In this context, the delivery of one home is a very limited benefit.
20. Thus, the proposal would have some limited public benefits but Paragraph 193 of the Framework states that great weight should be given to the conservation of designated heritage assets. Considerable importance and weight must be given to the statutory duty¹ of having special regard to the desirability of preserving the listed building's setting. Accordingly, there is a strong presumption in favour of the preservation of heritage assets. In this context I find that the less than substantial harm that would arise from the proposal would not be outweighed by its public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to the setting of the listed building would not have clear and convincing justification. The

¹ In Section 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 – the 'Act'

development would therefore fail to satisfy the expectations of the Act, the Framework and Policy DM4 of the LP.

The effect on the character and appearance of the countryside

21. The appeal site is in an attractive river valley landscape and in a reasonably tranquil and bucolic setting. As such, there is a discernible rural character to the hamlet of Polehill which can be appreciated from the footpath.
22. As established, the proposed dwelling would have a domestic appearance and would be larger than the existing cart lodge. It would therefore be more visually prominent and thus intensify and consolidate the extent of development in the countryside. The long driveway would be a particularly urbanising feature and the new dwelling would accrue domestic paraphernalia. Thus, the proposal would erode the rural character of the Len Valley and thus fail to preserve this valued landscape.
23. However, the new building would be viewed as part of an established cluster of buildings and would replace an existing structure. In this respect, it would not appear as a discordant intrusion into an otherwise open countryside setting. The building would also use vernacular materials. These factors would go a significant way to offsetting the proposal's impacts on the countryside in this instance. However, it would not eradicate them, particularly the driveway, and therefore the proposal overall would harm the rural character of the countryside in the Len Valley.
24. I therefore conclude that the proposal would result in some modest harm to the character and appearance of the countryside of the Len Valley. It would therefore be at odds with Policies SS1, S17, DM1 and DM30 of the LP, which seek to secure development that responds positively to local character, including the distinctive landscape of the Len Valley, which is to be conserved and enhanced.

Other Matters

25. Various concerns have been raised by interested parties including reservations regarding the effect on living conditions and highway safety and from flooding. However, given my findings above it has not been necessary for me to address these matters further as the appeal has failed on the main issues.
26. The proposal would not amount to an isolated home because there are existing properties around the appeal site. Thus, as a material consideration, there would be no conflict with Paragraph 79 of the National Planning Policy Framework. However, the Framework does not say that a proposal should be approved if it is not isolated. Of more relevance in this instance is Paragraph 15 of the Framework, which states that the planning system should be genuinely plan led and Paragraph 12 confirms that planning permission should not usually be granted for development that conflicts with an up to date development plan. Accordingly, the conflict with the spatial strategy, as well as the other development plan conflicts identified, are matters of force weighing against the appeal scheme. The evidence before me does not suggest Paragraph 11d) of the Framework is relevant in this instance.
27. The appellant has referred to other developments approved nearby, but they do not exhibit the specific circumstances relevant to the case before me, including an impact on the setting of the two listed buildings. They also

predate the local plan. Accordingly, they are of very limited weight in my assessment, which turns on a discrete analysis of the relevant considerations.

Conclusion

28. The proposed development would harm the setting of designated heritage assets and this harm would not be outweighed by public benefits. In addition, the proposal would be at odds with the spatial strategy in the LP and harm, in a modest way, the character and appearance of the countryside in the Len Valley. It follows that the benefits of the proposal would not outweigh the totality of harm I have identified.
29. Thus, the proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Graham Chamberlain
INSPECTOR