



Appeal Decision

Site visit made on 20 April 2022

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2022

Appeal Ref: APP/C1435/D/21/3282614

Park Farm Barn, Park Farm Lane, Maresfield, TN22 2EE

- 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 A Farrell against the decision of Wealden District Council.
 - The application Ref WD/2021/1082/F, dated 23 April 2021, was refused by notice dated 6 August 2021.
 - The development proposed is for the erection of a 1.3M close boarded fence with electric gates, a 1.8M close boarded fence and formation of a shingle parking area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the setting to the farm, the setting of the listed farm buildings and the character, appearance and significance of the Maresfield Conservation Area (MCA).

Reasons

3. The MCA includes the historic medieval core of the village, along with the recreation ground, the Park Farm farmstead, small-scale fields, an abundance of trees and individual dwellings on spacious landscaped plots. This together with the topography, narrow lanes and well wooded rural setting contributes to the character, appearance and significance of the MCA.
4. Park Farm is a grade II listed medieval farmstead, which comprises a group of three main buildings, including a farmhouse, barn and oast house arranged in a U shape, which are all now in residential use. Park Farm Barn comprises a large timber framed barn with black weather-boarded walls sitting on a stone base and which has a half hipped tiled roof. It has an attached single storey stable structure on its west elevation. Its large gardens are located to the southwest of the barn and are sited just outside the MCA.
5. Access to the farmstead is from Park Farm Lane, which is a private narrow rural access lane and public footpath, which connects the farmstead to the core of the village. The land to the north, east and south of Park Farm is open and reinforces the farmsteads historic agricultural character, appearance and physical separation from the historic core of the village.

6. These features, which are evident from the private road and footpath contribute to the character, appearance and significance of the listed farmstead buildings and the MCA.
7. A modern housing estate has been constructed to the west of Park Farm Barn, which is currently being extended further to the southwest, away from the appeal site. These developments are accessed off Batts Bridge Road and form an extension to the developments at Field End. Whilst the housing estate has had a suburbanising impact on the local area, the estate does not project beyond Park Farm Lane and the footpath. The lane and footpath provide a clear boundary between the modern housing estate, the farmstead buildings and the rural character of this part of the MCA. As a result, the rural and agricultural identity of the listed buildings and this part of the MCA are clearly identifiable and visually distinct from the housing estate.
8. The appellant has confirmed that Park Farm Barn was converted to a dwelling in the 1980's and that since then planning permission has been granted for various additions and alterations. This includes a triple bay open fronted garage building, along with ranch fencing and entrance gates near the approved garage. Subsequently planning permission was granted to extend the properties residential curtilage to the south and for the enclosure of parts of the property with a combination of 0.9 metre high post and rail fencing; 0.5 metre wide native hedging; 1.3 metre high wicker fencing and a 3 metre wide field gate. The post and rail fence has already been erected.
9. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires that when assessing proposals for new development which affects the setting of a listed building, special attention shall be paid to the desirability of preserving its setting. Section 72 of the LBCA Act requires that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions referred to, special attention shall be paid to the desirability of preserving or enhancing its character or appearance.
10. Together, paragraphs 199, 200 & 202 of the National Planning Policy Framework 2021 (The Framework) state that when considering the impact of a development on the significance of a designated heritage asset great weight should be given to its conservation. Any harm to the significance of a designated heritage asset from development within its setting requires clear and convincing justification. Where a proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy SPO2 of the Wealden Core Strategy Local Plan 2013 (CS) seeks to protect the intrinsic quality of the historic environment.
11. With the proposal the approved ranch style fencing to the front of the triple bay garage would be replaced with a 1.8 metre high close boarded fence. The proposed fencing would be located immediately adjacent to the lane and the footpath, where it would be highly prominent and would have a suburbanising and enclosing impact on the footpath. It would partially obscure views towards and would dilute and materially harm the rural and agricultural setting of the listed buildings and this part of the MCA.
12. It is noted that there is already a tall close-boarded fence further within the appeal site. However, that fence is set back from and at right angles to the

footpath. As a consequence, it is neither prominent nor has an enclosing impact on the footpath and the setting of the listed buildings. The fence opposite at 36 Rolling Mill Way, is set back slightly from the path by a narrow verge and there are hedges on either side of it which project forward of the fence. Notwithstanding this, it highlights the suburbanising effect tall close-boarded fences can have on their surroundings. As such, it does not set a favourable precedent for the proposed 1.8 metre high close boarded fence.

13. I appreciate that currently there is no barrier between the open fronted garage/parking area and the public footpath and that this has led to trespassing. However, planning permission has already been granted for ranch style fencing and a gate, which would form a clearly defined boundary and barrier between the parking area and the footpath. This would address indiscriminate trespass and help dissuade deliberate trespass. As indicated by the Council, if necessary, wire mesh could be placed at the bottom of the ranch style fencing to prevent dogs from accessing the parking area.
14. The proposed 1.3 metre high close boarded fence, electric timber gates, brick piers, hard surfaced parking area and any vehicles parked on the parking area would encroach into the undeveloped area beyond the converted barn and its outbuildings. Both individually and collectively they would look out of keeping and would have a suburbanising impact on this rural parcel of land. Whilst the close boarded fence would be located to the rear of the proposed native hedge, it would still be clearly visible through the hedge during the winter months. Conversely the approved wicker fence would more readily blend in with the texture of the native hedge and would be visually softer.
15. For these reasons I find that the proposal would be visually stark and suburban and would materially harm the immediate and wider rural setting of the group of listed farmstead buildings and the MCA. Whilst the harm that would be caused to the significance of the listed buildings and the MCA would not be substantial, it nonetheless needs to be weighed against any public benefits that would result from the proposal. In this instance no public benefits have been cited by the appellant.
16. I have taken into account the level of privacy and security for the appellant and his family that would result from the use of the proposed solid fences and gate. However, permission has already been granted for a variety of fences and hedges, which are designed to define boundaries and provide screening and security. In addition, I note that the public footpath, the appeal site and its boundaries are visible from a number of dwellings on the adjacent housing estate, which provides surveillance. Overall, I find that the additional security and privacy proposed would not outweigh the harm that would be caused by the proposal. Further, this harm could not be satisfactorily addressed through the imposition of conditions.
17. I conclude that the proposal would unacceptably harm the character, appearance and significance of the setting of the adjacent listed buildings and the MCA. It would detract from their significance and this harm would not be outweighed by any public benefits. Accordingly, the proposal conflicts with CS objective SPO2 and paragraphs 199, 200 and 202 of the Framework.

Other matter

18. The Council has confirmed that no objections have been received to the proposed footpath diversion and that it the diversion will be approved as soon as the agreed vehicle barrier has been constructed. Accordingly, I consider that this is a matter that could be satisfactorily dealt with by condition.

Conclusion

19. The conclusion on the main issue amounts to a compelling reason for dismissing this appeal.

Elizabeth Lawrence

INSPECTOR