



Appeal Decision

Site visit made on 29 September 2022

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2022

Appeal Ref: APP/U2235/Y/21/3277293

Bicknor Farm, Sutton Road, Maidstone, Kent ME17 3NG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr J Mills against the decision of Maidstone Borough Council.
 - The application Ref 20/505745/LBC, dated 2 December 2020, was refused by notice dated 7 June 2021.
 - The works proposed are demolition of a curtilage listed building at Bicknor Farm to allow for a new residential development granted under planning application 20/500713/FULL.
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Decision

1. The appeal is allowed and listed building consent is granted for the demolition of a curtilage listed building at Bicknor Farm to allow for a new residential development granted under planning application 20/500713/FULL at Bicknor Farm, Maidstone, Kent ME17 3NG in accordance with the terms of the application Ref 20/505745/LBC, dated 2 December 2020, subject to the following conditions:
 - 1) The works to which this consent relates shall begin not later than three years from the date of this decision.
 - 2) The works hereby permitted shall be carried out in accordance with the following approved plans:

DHA/13022/01 received on 02/12/20 and DHA/13022/02 and DHA/13022/05A received on 14/12/20.

Applications for costs

2. There was an application for costs by Mr J Mills against Maidstone Borough Council. This application is the subject of a separate decision.

Preliminary matters

3. As the appeal relates to an application for listed building consent, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. As recorded above, the appeal is against the Council's refusal to grant listed building consent. The Council's decision notice is in error in that it is headed "*planning decision notice*" and states that "*the Council hereby refuses planning permission for the following reason(s):*". However, it is clear from the appeal documents as a whole that the Council intended to refuse listed building consent. Both the Council and the appellant have approached the appeal on the basis that the Council did in fact refuse listed building consent.

5. If it is subsequently determined that the decision notice was a nullity, it would follow that the application was never determined. In those circumstances, there would be no prejudice to any party if the appeal were considered as if it had been made against a failure to determine the application within the prescribed period. I have drawn this procedural matter to the attention of the Council and the appellant. Neither party has objected to me continuing to determine this appeal. Consequently, I consider that it is appropriate to determine the appeal on the basis of the evidence before me, notwithstanding the errors in the decision notice.
6. The subject building, which is marked Building G in the application documents, is not referred to in the listing description for Bicknor Farmhouse. The Council considers that it is within the curtilage of the listed building and that the works therefore require listed building consent. This is disputed by the appellant, who argues that the subject building should not be regarded as a curtilage listed building. However, in view of my findings on the merits of the appeal, it is not necessary for me to comment further on this matter.

Main issue

7. The main issue is the effect of the proposed works on the special interest of Bicknor Farmhouse, which is a Grade II listed building.

Reasons

8. The listing description notes that Bicknor Farmhouse dates from the 17th century, with later alterations and extensions. The ground floor is in brick and the first floor is clad in weatherboarding. It has a steeply pitched plain tile roof with a central chimney stack. I consider that it has architectural interest, in that it is an example of a vernacular building of the period. It also has historic interest in that it provides evidence of an earlier time when this was a rural area.
9. There are extensive ranges of former agricultural buildings to the north and east of the farmhouse. These appear to date mainly from the 20th century. Some have been converted to residential use and others are in commercial use or are vacant. Adjoining areas on the northern side of Sutton Road have recently been developed for housing and there is modern retail and leisure development to the south of Sutton Road.
10. The Council asserts that Building G is likely to date from the early 19th century. However, this is not supported by historic mapping. The buildings of Bell's Farm, shown on the Ordnance Survey (OS) Map of 1871, were quite extensive. However, other than the farmhouse itself, they do not appear to coincide with anything that is on the site now. Indeed, those buildings appear to have been removed by the end of the 19th century. The OS Map of 1900 shows a rectangular building in what appears to be the same location as Building G. A building is shown in the same position on the OS Map of 1950.
11. Building G was converted to residential use in 1982. These works seem to have involved extensive structural changes. Whilst some of the stone walls may have formed part of an earlier structure, the corners of the building and the window and door surrounds are in modern brickwork. The tile roof appears to be modern. There is a mixture of modern timber and UPVC windows and doors,

with one older door on the south elevation. There is a poorly proportioned side extension with a mono-pitch roof.

12. Drawing all this together, I consider that Building G has minimal intrinsic value as a heritage asset.
13. The setting of Bicknor Farmhouse includes the 20th century former farm buildings described above. Building G is surrounded by these buildings, such that there is very limited inter-visibility between Building G and the farmhouse. Although it is possible to glimpse a small part of Building G in some views from Sutton Road, the degree of visibility is so slight that there is no material effect on the ability to experience the farmhouse in such views.
14. It is important to note that, by 1900, there were few buildings on the site. The listed building was described on the OS Map as Bicknor Cottage, with no reference to any farm or farmhouse. With the possible exception of parts of Building G, the complex of former farm buildings seen today dates from the 20th century. To my mind, the complex as a whole does not provide any evidence of how the farm group may have operated before that time. Neither the 20th century buildings, nor any 19th century fabric contained within Building G, add to the ability to appreciate the significance, or the special interest, of the listed building.
15. In purely aesthetic terms, the former farm buildings detract from the street scene. However, in terms of heritage values, I consider that they have a neutral effect on the ability to experience the heritage asset.
16. I conclude that Building G has minimal intrinsic value as a heritage asset. Moreover, it makes no contribution to the setting or the significance of Bicknor Farmhouse. Consequently, I consider that the proposed works would preserve the special interest of the Grade II listed building, thus satisfying the requirements of the Act, the National Planning Policy Framework and Policies SP 18 and DM 4 of the Maidstone Borough Local Plan, which seek to protect the historic environment, insofar as they are relevant to this appeal.

Other matters

17. The works are proposed to enable residential development, which already has the benefit of planning permission, to be carried out. The Council and the appellant disagree on the amount of public benefit this would bring. However, as I have not found any harm in relation to the listed building, it is not necessary for me to comment further on this matter.

Conditions

18. The Council has suggested conditions which I have considered in the light of Planning Practice Guidance. I agree that a condition requiring the works to be carried out in accordance with the approved plans is necessary in the interests of clarity and certainty. However, it would not be necessary or reasonable to require recording of the structure, given the minimal heritage value that it represents.

Conclusion

19. For the reasons given above, the appeal should be allowed.

David Prentis

Inspector