



Appeal Decisions

Site visit made on 12 April 2023

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2023

Appeal A Ref: APP/H2265/W/22/3302252

Bells Farm, 501 Bells Farm Road, Hadlow TN11 0JR

- 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 and Mrs Philip Vernon against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/22/00824/FL, dated 8 April 2022, was refused by notice dated 21 June 2022.
 - The development proposed is described as *demolition of existing pole barn and erection of a detached garage with first floor studio to be used ancillary to main dwelling*.
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Appeal B Ref: APP/H2265/Y/22/3302250

Bells Farm, 501 Bells Farm Road, Hadlow TN11 0JR

- 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 and Mrs Philip Vernon against the decision of Tonbridge and Malling Borough Council.
 - The application Ref TM/22/00825/LB, dated 8 April 2022, was refused by notice dated 21 June 2022.
 - The works proposed are described as *demolition of existing pole barn and erection of a detached garage with first floor studio to be used ancillary to main dwelling*.
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary matters

3. As the proposal relates to listed buildings, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main issues

4. The main issues for Appeal A are:
 - whether the proposal would be inappropriate development in the Green Belt;
 - the effect of the proposal on the special interest and settings of a Grade II listed barn and Bells Farmhouse, which is also a Grade II listed building; and

- whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.
5. The main issue for Appeal B is the effect of the proposal on the special interest and setting of the Grade II listed barn.

Reasons

Appeal A – Green Belt

6. The appeal site is located in the Green Belt, where Policy CP3 of the Tonbridge and Malling Core Strategy (CS) applies national planning policy in relation to Green Belt matters. The National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to say that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight is to be given to any harm to the Green Belt.
7. The proposed building would be sited adjacent to a 19th century barn. There is currently a 20th century pole barn attached the northern gable of the historic barn. The pole barn also abuts a brick-built stable block, such that the three structures together form an L shaped footprint.
8. Paragraph 149 of the Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, unless one of the exceptions set out in that paragraph apply. The appellant argues that the proposal would be a replacement for the pole barn. This would be one of the exceptions allowed for, provided the new building would be in the same use and not materially larger than the one it replaces. However, the proposed building would have a substantially larger footprint than the pole barn and would also be taller. It would be materially larger than the building it would replace, so the exception would not apply.
9. The appellant also suggests that the proposal could qualify as limited infilling or the partial redevelopment of previously developed land. This exception is subject to a requirement that the proposal should not have a greater impact on the openness of the Green Belt than the existing development. In this case, not only would the proposed building have a larger footprint and greater height than the pole barn, it would also have the effect of spreading development away from the current L shaped footprint. The site would appear more developed than it does now. The proposal would have a greater impact on openness than the existing development.
10. I conclude that none of the exceptions set out in paragraph 149 apply. The proposal would amount to inappropriate development which would be harmful by definition. There would also be harm to openness. Mindful of the Framework, I attach substantial weight to the Green Belt harm.

Appeal A – effect on listed buildings

11. The listed barn is an early 19th century timber framed structure, clad in weatherboarding under a clay tile roof. It has architectural and historic interest as an example of a specific building type from that period and it provides evidence of farming techniques at the time. The stable block is not listed in its

own right but is listed by virtue of being within the curtilage of the barn. The pole barn is physically attached to the 19th century barn and was in place at the time the building was listed. It therefore forms part of the listed building.

12. The farmhouse dates from the 16th century, with later additions. It has historic and architectural interest as a well-preserved example of the vernacular architecture of that period. Together, the farmhouse and barn form a farmstead group. Although there was no sign of continued agricultural use at the time of my visit, the origins of the group can readily be appreciated. This adds to the individual significance of each listed building.
13. The pole barn dates from the mid-20th century. It comprises a flat, slightly sloping roof supported by telegraph poles and roof timbers that have been fixed to the 19th century barn. The pole barn is an obviously modern addition which detracts from the appearance of the historic barn and adds nothing to the ability to understand the significance of the heritage asset. Subject to careful making good, which could be controlled by a condition, I consider that demolition of the pole barn would not harm the special interest of the historic barn. There would be a modest heritage benefit, in that removal of the pole barn would better reveal the gable end of the historic barn.
14. The proposed building would be a substantial structure, 9m in width and 6.6m in height, set close to the barn, facing towards the farmhouse. The central bay would have a gable, fully glazed at first floor level, rising to the same level as the main ridge. There would be dormer windows on either side of the glazed central bay. Although the proposed building would not be as high as the barn, it would rise well above its eaves level. It would be a dominant feature in views of the barn from the direction of the farmhouse.
15. The proposed design would have an obviously domestic character, due to the extent of glazing and the design of the dormer windows and glazed gable feature. Together with the height, bulk and siting of the proposal, this would compete with, and distract from, important views of the listed barn. To my mind this would cause harm to the significance of the barn, through development in its setting. I would characterise the degree of harm as less than substantial, in the terms of the Framework.
16. The appellant points out that the dormer windows would be similar to those installed on the southern elevation of the farmhouse. However, those windows are not visible in views from within the farmstead group, being on the other side of the farmhouse.
17. The appellant suggests that the proposal would preserve the character of the nucleated farmstead by forming a courtyard. I disagree. Far from reinforcing the character of the farmstead, the proposal would erode the agricultural character and appearance of the barn by introducing a substantial domestic building in close proximity to it. The appellant also suggests that there would be a heritage benefit from screening parked cars. However, any cars that may be parked around these buildings would largely be screened by existing boundary walls and structures. In my view this is not a significant factor.
18. In conclusion, whilst there would be a modest enhancement to the setting of the barn through removal of the pole barn, this would be outweighed by the harmful impact of the proposed structure. Overall, the proposal would cause less than substantial harm to the significance of the barn. It would erode the

agricultural character of the farmstead, which would detract from the group value described above. This would amount to less than substantial harm to the significance of the farmhouse.

19. The proposal would fail to preserve the settings of the barn and farmhouse. It would conflict with CS Policy CP24, which seeks to ensure that the scale and design of new development respects its surroundings. The Framework requires any public benefits to be weighed against less than substantial harm to a designated heritage asset. In relation to the barn, the modest heritage benefit of removing the pole barn would be outweighed by the harmful impacts described above. I have not identified any other relevant public benefits.
20. Removal of the pole barn would not be a benefit in relation to the farmhouse because it is located at the other end of the 19th century barn and its removal would have little effect on the setting of the listed building. I have not identified any relevant public benefits in relation to the farmhouse.
21. The proposal would therefore be contrary to the historic environment policies set out in the Framework, in respect of both listed buildings.

Other considerations

22. The other considerations claimed by the appellant to weight in support of the proposal have been discussed above. I have not identified any other considerations that weigh in support of the appeal. The modest benefit of removing the pole barn would not clearly outweigh the heritage harm together with the Green Belt harm, so the very special circumstances required to justify inappropriate development do not exist. The proposal would therefore conflict with CS Policy CP3 and with the Framework.

Conclusion – Appeal A

23. For the reasons given above, the appeal should be dismissed.

Conclusion – Appeal B

24. I have concluded that the alterations to the fabric of the listed barn would not be harmful to the special interest of the listed building. However, section 16(2) of the Act also requires me to have regard to the desirability of preserving the setting of the listed building. Although the appeal scheme (as a whole) would benefit the setting in one respect, by removing the pole barn, the overall effect on setting would be harmful for the reasons given above. The setting would not be preserved. The appeal should be dismissed.

David Prentis

Inspector