



Appeal Decision

Hearing held on 18 April 2023

Site visit made on 18 April 2023

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 09 May 2023

Appeal Ref: APP/U2235/W/22/3312659

Burford Farm, Redwall Lane, Linton, Maidstone, Kent ME17 4BD

- 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 Grant Tomlin of GHK Developments Ltd against the decision of Maidstone Borough Council.
 - The application Ref 21/504236/FULL, dated 9 August 2021, was refused by notice dated 24 October 2022.
 - The development proposed is redevelopment of buildings on site (including Grain Store, Implement Store, Granary and Threshing Barn) and erection of 6(no) dwellings including associated works and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted for conversion of the barn, the granary, and the adjoining 'waggon lodge' in 2019 (the previous permission), with the approved scheme subject to a recent non-material amendment (NMA). The latter allowed for a more strongly domesticated design than was originally approved. The appellant claims that the previous permission has been commenced and part implemented through full conversion of the threshing barn, whose appearance and layout for the most part matches the plans approved in relation to the NMA. Though apparently content in terms of the latter, the Council considers that the works did not constitute 'conversion', and that they are not therefore covered by the previous permission.
3. The works undertaken in relation to the threshing barn had not commenced at the time the application subject of this appeal was submitted. This covered all the buildings subject of the previous permission as well as others. Insofar as the schemes overlapped, the plans differed. Even given the changes subsequently authorised by the NMA, differences still exist between the 2 sets of plans, which are furthermore physically expressed by the building currently on site. As such, and although the Council has sought to present the appeal scheme as seeking retrospective approval for works undertaken in relation to threshing barn, the previous permission and the appeal proposal can be logically viewed as showing 2 alternative schemes of development.
4. The appellant stated at the Hearing that the appeal scheme did not seek planning permission for the works undertaken to the threshing barn, and that no works for which permission was sought had therefore been commenced. It

nonetheless remains the case that the threshing barn forms a component of the appeal scheme. I therefore deduce that the appellant has, in effect, already sought to implement the previous permission in preference to the appeal scheme. This raises some doubt as to whether, if allowed, the appeal scheme would itself remain capable of implementation.

5. The broader question of whether or not the previous permission has itself been correctly or validly implemented falls beyond the scope of this appeal. It will therefore remain a matter for the Council to resolve whatever my decision.
6. Given all the above I shall proceed to determine the appeal as set before me, and on the basis of the submitted plans, whilst taking account of the fact that the threshing barn both no longer exists in its previous form, and has been subject of a separate scheme of development.
7. Since the application subject of the appeal was submitted the implement store has been demolished due to storm damage, as has the upper portion of the granary. Elements of the timber framing of the latter have however been stored on site, and the appellant believes that it could be reassembled. The submitted plans and photographs otherwise provide details of both buildings when intact. I have therefore taken this evidence into account in assessing the scheme.

Main Issues

8. The main issues are whether the site would be a suitable location for the proposed development having regard to:
 - its effects on the character and appearance of the area, including non-designated heritage assets; and
 - the potential for future occupants to access services by means other than use of private motor vehicles.

Reasons

Background

9. Policy SS1 of the Maidstone Borough Local Plan 2017 (the Local Plan) sets out the Council's spatial strategy. This aims to achieve a sustainable distribution of development focussed within identified broad locations and named settlements, neither of which would be applicable in relation to the appeal site. Policy SS 1 does not prevent development elsewhere but states that in other locations the rural character of the Borough will be protected. This is reiterated by Policy SP 17 of the Local Plan which relates to development in the countryside. In this regard the Council's concerns chiefly relate to the effect of the development on the character and appearance of the area, and to a lesser extent on future access to services.

Character and appearance

10. The site occupies an isolated rural location within a strongly agricultural setting. It contains a small group of buildings comprising a modern grain store, the dwelling held to have been formed through implementation of the previous permission, the ground floor walls of the building described as the granary, and another structure in poor condition described as a 'waggon lodge'. The latter appears more likely to have once functioned as a shelter shed. The immediate

setting contains other large modern agricultural buildings, together with a historic oast house which has been the subject of a previous residential conversion, and stands apart from the buildings on site.

11. In assessing the scheme, the Council identified the granary, waggon lodge and threshing barn as non-designated heritage assets. All, together with the oast house, appear to be shown on the 1838 tithe map, at which time they were associated with a farmhouse which ceased to exist at some point in the late C19th. Based on the evidence before me, when intact, the building described as the granary appears to have held significance due to its age, traditional vernacular construction, and its historic functional character and identity. The same was true of the threshing barn, and remains true in relation to the waggon lodge, despite its poor condition. The integrity and identity of the group has been eroded by the works already undertaken in relation to the threshing barn, and by partial demolition of the granary. To the now limited extent that historic fabric survives and remains externally visible, some interest is however retained, and this makes a broader positive contribution to local distinctiveness.
12. The grain store is in contrast a large metal clad structure of functional modern design. It is however a building type consistent with the agricultural location and setting, and so it does not appear in any way incongruous, even if it does lack any obvious visual merit. Similar was also true of the implement store, albeit this was a building of much more modest size.
13. The development would entail demolition of the waggon lodge and the remains of the granary, and their replacement with a building of a different design and dimension, and whose pattern of openings, and use of materials would also differ. Though the replacement building would exhibit some generalised similarities in terms of form and layout, and some salvaged material could be incorporated within its construction, it would clearly lack the character or identity of the buildings replaced. Indeed, the differences would be such that the replacement building would present itself as a modern domestic dwelling styled to appear vaguely agricultural. This impression would be reinforced viewed relative to the 4 dwellings proposed on the sites of the grain and implement stores, which would all be similarly styled. To the extent that the granary and waggon lodge retain significance, this would be lost, and the general contribution they make to local distinctiveness would also be significantly diminished. I shall return to this matter again below.
14. The parties dispute whether or not the previous permission exists as a fallback. As this relates to the appellant's claim to have part implemented the previous permission, resolution of the matter again lies outside the scope of this appeal. However, it is relevant to note that even were the appellant's claim to be accepted, the previous permission approved an apparently sensitive change of use of the granary and waggon lodge, not their replacement with a new building of differing design and dimension.
15. Though the appellant further states that the appeal scheme would bring the granary and waggon lodge back into use, this would clearly not be the case given that the buildings would effectively cease to exist.
16. As noted above, the dwelling held to have been formed through conversion of the threshing barn itself exhibits a strongly domesticated form and appearance. This was not what the scheme approved by the previous permission originally

envisaged, and, until the NMA, was more closely reflective of the outcome proposed in relation to the appeal scheme. The dwelling indeed exhibits only a loose external resemblance to the threshing barn as it previously existed, again appearing more like a modern new build dwelling. Even if it benefits from the previous permission, which is nonetheless a matter that remains to be determined, this does not provide a basis to consider that the separate harm that would arise in relation to the granary and waggon lodge would be acceptable.

17. The 4 dwellings proposed on the sites of the grain and implement stores would all be readily identifiable as domestic buildings. Indeed, given my findings above, when viewed as a whole, the development would present itself as a small housing estate arranged around a cul-de-sac. The resultant sense of suburbanisation would be starkly at odds both with the character of the isolated rural location and its agricultural setting.
18. The 3 dwellings proposed on the site of the grain store would stand in a roughly similar location to that of the farmhouse shown on old maps. The farmhouse has however been absent for well over a century, and I have been given no reason to suppose that the group of 3 dwellings proposed would in any way resemble or recall its past presence in any meaningful way. The simple fact that a farmhouse once stood at the site does not therefore provide a basis to consider that its suburbanisation would be acceptable.
19. Prior approval has previously been given for the change of use of the grain store to 3 dwellings together with reasonably necessary building operations. This remains extant, and an acknowledged fallback. The schemes however again differ in significant ways, principally given that the prior approval scheme would see the existing building reused. In this regard its essential characteristics would remain intact, and it would continue to be identifiable as a modern agricultural shed, despite the addition of windows and doors. Consequently, its character and appearance would not be at odds with that of the location, unlike the 3 domestic dwellings proposed as part of the appeal scheme. This fallback does not therefore alter my findings above.
20. Insofar as a similar prior approval was also previously given in relation to the implement shed, this cannot be considered as a fallback as the building no longer exists. In any case, the schemes once again differ.
21. My findings above indicate that the appeal scheme would cause significant harm to the rural character and appearance of the area. Paragraph 203 of the National Planning Policy Framework further states that a balanced judgement will be required having regard to any harm or loss arising to the significance of a non-designated heritage asset. Insofar as I have identified such harm above, modest social and economic benefits would be generated by the appeal scheme's provision of new housing. These benefits would not however be wholly unique to the appeal scheme, given the existing potential to provide housing on site, and to do so more sensitively. Harm arising to the significance of non-designated heritage assets, taken in combination with broader harm that would be caused to the character and appearance of the area, would not therefore be outweighed.
22. For the reasons outlined above I conclude that the site would be an inappropriate location for the proposed development based on the unacceptable effect it would have on the character and appearance of the area,

including non-designated heritage assets. It would therefore conflict with Policy SS 1 and Policy SP 17 of the Local Plan as outlined above; Policy DM 4 of the Local Plan which seeks to secure development that conserves and where possible enhances non-designated heritage assets; and Policy DM 30 of the Local Plan, insofar as this requires development to maintain and where possible enhance local distinctiveness.

Access

23. The nearest settlement named within Policy SS 1 of the Local Plan is Coxheath, which is classified as a third tier 'larger village'. This supports services held to provide for the day-to-day needs of local communities and the wider hinterland, but it lies some distance from the site. Linton, which is not named within Policy SS 1, lies closer and supports a bus stop, but otherwise contains far fewer services. Neither can be safely reached on foot given the reasonably long distance a pedestrian would be required to walk along narrow unlit lanes lacking footways, which, on route to Linton, are regularly used by HGVs. Cycling would be similarly hazardous. It is therefore probable that future occupants of the development would be reliant on the use of private motor vehicles to access services. This could give rise to environmental harm related to exhaust emissions.
24. Taking account of the previous permission and the extant prior approval, the Council has raised objection only in relation to the dwelling proposed on the site of the implement shed. This is notwithstanding its claim that the previous permission does not exist as fallback. It is otherwise logical to take account of the effects likely to arise from implementation of a fallback scheme.
25. It remains the case that the likely effects in relation to each future occupant would be broadly similar. Within this context, the 2-bed dwelling proposed on the site of the implement shed would be the smallest of the dwellings proposed, and thus likely to generate the least number of trips. As such, it is unlikely that it would contribute any more than a minor fraction of the overall vehicle exhaust emissions likely to be generated by future occupants of the development in accessing services; emissions which are otherwise held to be acceptable. Set within this context, and considering the development as a whole, the harm arising from trips generated by future occupants of the 2-bed dwelling would not be unacceptable.
26. For the reasons outlined above I conclude that the site would not be an inappropriate location for the proposed development in relation to the likely reliance on private motor vehicles to access services. No clear conflict would thus arise with Policy SS1 of the Local Plan as set out above.

Conclusion

27. For the reasons set out above the effects of the development in relation to the character and appearance of the area, including non-designated heritage assets, would be unacceptable, giving rise to conflict with the development plan. There are no other considerations which alter or outweigh these findings. I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR

APPEARANCES

For the Appellant

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For the Council

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Interested parties

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Documents presented at the Hearing

NMA plans and supporting statement