



Appeal Decision

Site visit made on 20 June 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/H2265/D/22/3298031

The Oasthouse, The Street, Mereworth, Maidstone ME18 5LS

- 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 David Miller against the decision of Tonbridge and Malling Borough Council.
- The application Ref TM/21/03228/FL, dated 6 December 2021, was refused by notice dated 4 March 2022.
- The development proposed is described as "replacement of existing driveway gates on private road. The proposed gates will not be visible from a highway, do not exceed two metres in height (from ground level) and do not exceed the neighbour's existing fence".

Decision

1. The appeal is allowed and planning permission is granted for replacement of existing driveway gates on private road at The Oasthouse, The Street, Mereworth, Maidstone ME18 5LS in accordance with the terms of the application, Ref TM/21/03228/FL, dated 6 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: *Proposed Elevations Gates received 07.12.2021, Location Plan received 17.12.2021, Site Plan Proposed received 23.12.2021.*

Preliminary Matters

2. In the interests of clarity and conciseness, in my decision I have omitted superfluous information relating to the proposed gates' visual prominence and height. The dimensions of the gates are illustrated on the approved plans.
3. The appellants statement indicates the height of the proposed gates could be slightly reduced. However, no revised plans have been formally provided. I have therefore considered the proposal on the basis of the submitted plans.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and
 - The effects of the proposal on the character and appearance of the appeal property and area, with particular regard to the desirability of preserving

and enhancing Mereworth Conservation Area and The Farmhouse Grade II listed building and its setting.

Reasons

Whether inappropriate

5. The appeal site is a detached dwelling set with a large garden enclosed by a continuous boundary treatment comprised of tall hedges and fencing, with a large wooden gate securing the access to a private road. The site is located in the Green Belt. As set out at paragraph 149 of the Framework, the construction of new buildings within the Green Belt is generally regarded as inappropriate.
6. However, the Framework provides certain exceptions that are not inappropriate including at paragraph 149 d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. The proposal would replace the existing gate with a pair of gates. For the purposes of Green Belt policy, the proposed gates are regarded as a 'replacement building'.
7. The proposed gates would be sited in the same location as the existing gates and would be of equal width. The area occupied by the gate's footprint would therefore be unchanged and the area enclosed by the site's boundary treatment would be unaltered. A gate does not possess built volume in the manner of a typical building and therefore the spatial effects of the proposal would be an increase in height only.
8. The proposed gates would be around 1.83m tall and the existing gate is understood to be around 1.2m tall. The proposed gates would therefore be approximately 50% taller than the existing gate. Whilst proportionately taller, the proposal represents a height increase of just 0.6m (approx.). The proposal would therefore result in only a very modest increase in the overall scale of the development. On this basis, I do not consider the proposed gates to be materially larger than the gate they replace.
9. The proposal would not therefore be inappropriate development within the Green Belt, thereby satisfying paragraph 149 d) of the Framework, and implicitly the proposal would not harm openness. The proposal would not therefore conflict with Policy CP3 of the Tonbridge and Malling Core Strategy 2007 (CS), which applies national Green Belt policy to the area within which the appeal site is located.

Character and appearance

10. The proposed gates would be set back on a shared private access road which serves the appeal property and one neighbouring dwelling. The gates would not be visible from the public highway and would be seen only by residents and visitors using the private drive. Therefore, the proposal would not be visually prominent within the street scene.
11. The proposed gates would adjoin the site's existing boundary treatment, which at this location comprises a tall dense hedge. On either side of the private drive is a tall, close boarded timber fence and a tall hedge. The gates would not appear dominant or strident from the private drive since they would be viewed within the context of these existing tall boundary treatments.

12. The gates would be of solid hardwood construction, with a simple, rectangular form. Likewise, the existing gate is rectangular and made of timber. During my site visit, I noted many examples of similar driveway gates along frontages along The Street. Notably a large, solid wooden gate serves the neighbouring dwelling at the shared private road. The design of the gates would not therefore appear out of keeping with other gates in the area.
13. To the rear of the appeal property is 'The Farmhouse', a former 18 Century inn and Grade II listed building. The Farmhouse is a two-storey, brick building with a plain tiled roof and front roof dormers. Its form and architectural details, including its large sash windows, panelled door, brick stringcourse and ornate cornice, provide visual interest and contribute to the building's historic significance. The appeal property has a historic connection to The Farmhouse, formerly falling within its curtilage. The appeal property is itself of special interest. Its former function as an oast house is apparent from its two cylindrical kilns with tiled roundels and cowls, which contribute to its architectural and historic significance. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that I have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
14. From the private access road, the appeal property's kiln towers are visible over and through the existing five-bar gate. Due to their height, the kiln towers would remain visible above the height of the proposed solid gate. Longer distance views along the private road are partly obscured by existing trees and therefore any reduction in views would be highly localised to the area to the immediate front of the gate. Therefore, the height and solid construction of the gates would not significantly reduce views of the appeal property from the private road. Moreover, the proposed gates would have no effect on views of the appeal property from publicly accessible vantage points, such as the public highway at The Street where the appeal property is visible above hedges.
15. From the private road, The Farmhouse is partly visible beside the appeal property and above existing boundary treatments, outbuildings and trees. The proposed gates would have no effect on views of The Farmhouse from the private road or other locations, and therefore would not harm its significance or setting.
16. The appeal site is located within The Street Mereworth Conservation Area (CA), which includes buildings along The Street and Butchers Lane. To my mind, the CA's significance derives from its linear form and groups of historic buildings, set within a rural landscape. Section 72(1) of the Act requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. As set out above, the proposed gates would not be out of keeping with gates typically found in the area, and therefore would not harm the character of the CA.
17. For these reasons, the proposal would not harm the character and appearance of the appeal property and area and would thus preserve the significance of The Street Mereworth Conservation Area and The Farmhouse listed building and its setting. The proposal would therefore satisfy paragraph 189 of the Framework which requires heritage assets be conserved in a manner appropriate to their significance.

Conditions

18. In addition to the standard time limit of the planning permission granted, in the interests of certainty I have attached a condition specifying the approved plans.

Conclusion

19. For the reasons given above, having regard to the development plan taken as a whole, and all other relevant material considerations, I conclude the appeal should be allowed.

E Dade

INSPECTOR