



Appeal Decision

Site visit made on 22 June 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2023

Appeal Ref: APP/U2235/D/23/3314653

Barnside, Headcorn Road, Grafty Green, Kent ME17 2AP

- 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 Thompson against the decision of Maidstone Borough Council.
 - The application ref. 22/503480/FULL, dated 12 July 2022, was refused by notice dated 28 October 2022.
 - The proposal is for the demolition of the existing outbuilding and erection of 1no. outbuilding and associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing outbuilding and erection of 1no. outbuilding and associated landscaping in accordance with the terms of the application ref. 22/503480/FULL, dated 12 July 2022, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the site and surrounds, including the setting of the Listed Buildings at The Barn and Stocks House.

Reasons

3. The appeal site consists of a detached, two-storey house on the southern peripherals of Grafty Green. The surrounding area predominantly comprises sporadic residential properties and agricultural buildings set in wider open countryside.
4. The appeal site has a substantial front garden area containing a relatively large single storey outbuilding. I observed that there are examples of outbuildings in the front garden areas of other properties in the vicinity; for example The Barn immediately to the northeast has its own detached double garage lying in close proximity to the road, which is clearly evident from the public highway.
5. The appeal proposal would have a traditional rural appearance with timber cladding to the external elevations. Approaching the site from the centre of Grafty Green, it would be screened to a significant degree by the adjacent detached double garage in the curtilage of The Barn. The proposed block plan indicates that space would be available for soft landscaping on the front boundary to further screen the development at this point.

6. Travelling along Headcorn Road in a broadly north-easterly direction towards Grafty Green, the site is barely perceptible due to dense and mature trees and hedgerows on this side of the highway. Consequently, given the existing and proposed vegetation and the sympathetic design of the building, I am of the view that there would be no undue harm to the character and appearance of the site and surrounding area.
7. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states 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. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
8. The appeal scheme would be relocated within the front garden area such that it would be marginally further away from The Barn than the existing structure in the front garden of the appeal site. Although it would be nearer to Stocks House, there is a substantial and mature tree line running along the common boundary between the properties. With these mitigating arguments in mind, together with the unfussy, rustic appearance of the proposal, I consider that on balance the scheme would not adversely affect the setting of the Listed Buildings. Consequently no material harm would result to their significance as heritage assets.
9. I note the Conservation Officer's concerns regarding the solar panels and skylights. To my mind the skylights are minor in scale and number and would have no detrimental effect on the heritage assets. I acknowledge that the solar panels are more extensive, however, I am aware that the Framework states that the planning system should support the transition to a low carbon future in a changing climate, and recognises that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
10. The proposal would have a positive impact in terms of localised energy production and a reduction in energy consumption from the grid. Given the lack of harm to the significance of the Listed Buildings outlined above, I conclude that the environmental benefits of the scheme are a sufficient consideration to outweigh the detriment caused and thus to warrant these elements of the appeal.
11. Overall, I consider that the proposal would assimilate with the character and appearance of the site and surrounds, including the setting of the Listed Buildings at The Barn and Stocks House. It would meet Policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan October 2017, which seek to secure new development of acceptable scale and appearance. It would also be consistent with the advice in the Framework, which states that good design is a key aspect of sustainable development, and it is desirable for new proposals to make a positive contribution to local character and distinctiveness.

Conditions

12. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. In addition to the standard implementation condition, the approved plans are listed for certainty.

A condition requiring details of external materials to be submitted – the plans and application form do not indicate any how the roof is to be finished – would provide for a satisfactory appearance.

13. Conditions relating to soft landscaping, biodiversity enhancements and tree protection would ensure the provision of new natural features as well as conserving existing specimens.

Conclusion

14. Given my reasoning above and all other factors put forward, I allow the appeal.

C Hall

INSPECTOR

Schedule of 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: 3815_01, 3815_04C, 3815_05B, 3815_06B
- 3) Except for demolition, no development shall take place above slab level until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority (LPA). Development shall be carried out in accordance with the approved details and retained thereafter.
- 4) Prior to the occupation of the development a scheme of landscaping shall be submitted to and approved in writing by the LPA. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

The landscaping works shall be carried out in accordance with the approved details. The completed soft landscaping scheme shall be retained for the lifetime of the development. Any trees or shrubs which die, or are damaged, removed or seriously diseased shall be replaced by those of a similar size and species to those originally planted.

- 5) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one integrated method into the design and appearance of the extension by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of the extension/s and all features shall be maintained thereafter.

- 6) Except for demolition, no development shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the LPA. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.