



Appeal Decision

Site visit made on 27 November 2023

by S M Holden BSc (Hons) MSc CEng MICE CTPP FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2023

Appeal Ref: APP/U2235/W/22/3308387

Land adjoining Little Dane, Thurnham Lane, Thurnham, ME14 3LG

- 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 S White against the decision of Maidstone Borough Council.
 - The application Ref 22/502934/FULL, dated 13 June 2022, was refused by notice dated 18 August 2022.
 - The development proposed is the demolition of an existing structure and residential conversion of an existing storage barn with associated parking, landscaping and private amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 22 November 2023 all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales become National Landscapes. This has not changed the legal or policy status of AONBs, but I have adopted the new terminology in this decision.

Main Issues

3. The main issues are:
 - a) Whether a residential conversion would be an acceptable use of a rural building and if not, would the site be a suitable location for housing;
 - b) The effect of the proposal on heritage assets;
 - c) The effect of the proposal on the character and appearance of the Kent Downs National Landscape (KDNL), including protected and veteran trees.

Reasons

Suitability of building for a residential use

4. The appeal site lies between The Bungalow and Little Dane within the hamlet of Thurnham and in the countryside for the purposes of planning policy. The driveway to The Bungalow provides access to the site which is occupied by two buildings currently used for domestic storage. The first is a storage barn/stable dating from the mid-19th century which was previously ancillary to Little Dane. The second is a wartime structure built around 1940 (the WWII building). The Council considers both these buildings to be non-designated heritage assets (NDHAs). The proposal seeks to demolish the WWII building and convert the storage barn into a dwelling.

5. Policy DM31 of the Maidstone Local Plan 2017, (MLP) is supportive of the conversion of rural buildings in some circumstances and sets out a series of criteria that any such re-use and adaption must meet. Section 3 of the policy makes it clear that conversion to residential use will be more strictly controlled. The first criterion is that every reasonable attempt to secure a suitable business re-use for the building must be made. However, neither the policy nor the supporting text gives any indication as to what would constitute a "reasonable attempt".
6. There have been no attempts to market the appeal site which would ascertain whether there would be any interest in an alternative use to that of domestic storage. Although the building would require investment, it may well be that the storage barn could be restored for use as an office or for a small rural business. This could be explored, even though the site is highly constrained spatially by the presence of the WWII building, could not accommodate a significant number of people, goods, or traffic movements, and the location is not readily accessible by modes other than private transport.
7. However, following the rejection of a scheme to demolish both buildings and erect two dwellings, there is no evidence to suggest that the appellant has given serious consideration to any options other than a residential use within one of the two buildings on the site. Even if the investment required to make the storage barn suitable for a business or tourist use is unlikely to be forthcoming, without substantive evidence to confirm this, the policy requirements have not been met. Consequently, I cannot be certain that a residential conversion is the only means of providing a viable use for the storage barn as an NDHA. The proposal therefore conflicts with section 3 of Policy DM31.
8. In the absence of evidence to demonstrate compliance with all the requirements of Policy DM31, there is no justification for introducing a residential dwelling in the countryside where there is limited access to services and facilities to meet the day-to-day needs of future residents. The proposal would conflict with Policies SS1 and DM5 of the MLP, which set out the spatial strategy for the Borough and only permit residential development in the countryside where the site is, or can be made, accessible by sustainable modes to a larger settlement. As Policy DM1 is relevant to design matters I find no conflict with it in respect of this main issue.

Effect on heritage assets

a) Storage barn/stables

9. The mid-19th century storage barn is thought to be contemporary with Little Dane. It is single storey, with an 'L' shaped footprint constructed from yellow stock brick and some dark weatherboarding. The roof has clay tiles on its shorter element whilst the lower ridge of the longer range is covered with slates. Its quality as an ancillary building reflected the importance of Little Dane at the time of its construction. However, the physical and functional links with Little Dane, as the vicarage to St Mary's church, were lost in the 1940s when it reverted to a private dwelling. The storage barn is not a building of exceptional quality, nor could it be described as rare, unusual or of any value as a landmark. Its limited heritage value derives from its association with the Little Dane when it was a vicarage during the 19th and early 20th centuries.

10. For the conversion of a rural building to be acceptable, the scheme's design must comply with the criteria set out in Section 1 of Policy DM31. The building is in a somewhat neglected condition. Nevertheless, it is common ground that it would be capable of conversion into a single storey dwelling without major or complete reconstruction. Its scale, bulk and design are appropriate to its context between St Mary's Church and Little Dane, and adjacent to the open fields. There is adequate space within the site to provide for parking and appropriate boundary treatments. The proposal would therefore comply with criteria i), ii), iv) and v) of Section 1 of Policy DM31.
11. Criterion iii) requires alterations to be designed in keeping with the building. The proposal would result in the loss of some historic brickwork and original windows. Although existing openings would be partially retained, original doors would be replaced, and the amount of black weatherboarding would be increased. Large areas of glazing would be introduced into the southwest elevation with two pairs of full-height bi-fold doors and the insertion of three rooflights. Collectively these changes would significantly alter the appearance of the building.
12. However, these interventions would respect its previous use by avoiding pastiche additions and the use of dark timber frames for openings. The roof's mix of slate and tiles would be retained, and the building's overall size would be unchanged. Consequently, its character as a 19th century ancillary structure previously linked to Little Dane, would remain evident and appreciable. Furthermore, the removal of the WWII building would make the previous functional connection between the two properties more apparent when seen from the surrounding area, including St Mary's churchyard. The proposed conversion would increase the spaciousness around the storage barn and secure the building's future long-term conservation and maintenance by providing it with a viable use.
13. The proposal would therefore comply with all the criteria set out in Section 1 of Policy DM31 and the requirements of Policy DM4 of the MLP which requires development to conserve the significance of the heritage asset. I am therefore satisfied that the alterations would not harm the building's significance as a NDHA.

b) War-time structure (WWII building)

14. To the rear of the storage barn is a wartime water tower and accommodation block thought to have been constructed in the early 1940s, the WWII building. It has a predominantly single storey footprint with a taller, rectangular shaped tower on its southern side. The building is utilitarian in appearance and has an asbestos roof. The height of the tower, which projects above other nearby buildings appears incongruous, particularly given its location within an area characterised by domestic gardens. It also looks out of place adjacent to the open fields of the KDNL and a short distance from the churchyard of St Mary's.
15. The WWII building's significance primarily comes from its role in the war effort in this part of Kent. It was erected hurriedly and at low cost following the loss of buildings at Detling airfield and when Little Dane was requisitioned for accommodation by the military. The building is now in a poor state of repair but retains some limited historic interest as one of the few wartime buildings that has survived in the area, and the only one of its kind in Thurnham. Although it can be seen from some public viewpoints, its current use does not

enhance its significance or contribute to a public understanding of the role that it played during WWII. It is apparent from a visual inspection that considerable investment would be required to restore it. In these circumstances, the possibility of it being adapted for any useful purpose in the future would seem to be extremely limited. Nevertheless, the loss of the building would sever any link between it and the use of Little Dane during WWII, which contributes to that building's evolution over time and its historic interest as an NDHA. Whilst its loss would be regrettable, the benefits of retaining the WWII building would be increasingly limited as, if only used for domestic storage, it is likely to continue to deteriorate over time.

16. Nevertheless, the loss of the building would conflict with Policies DM4 and SP18 of the MLP which seeks to conserve the borough's heritage assets. Policy DM4 also requires the application of the relevant tests set out in the National Planning Policy Framework (the Framework), a matter I address later.

c) St Mary's Church

17. St Mary's church dates from the 12th century and has many features of architectural interest and merit, hence its status as a Grade I listed building. Its age demonstrates the longstanding occupation of the village of Thurnham. Its primary significance relates to the combination of architectural, archaeological and historic interest, with surviving fabric from the 12th-17th centuries. These demonstrate its role as a place of worship with strong social links in the local community.
18. The semi-rural character and location within the hamlet of Thurnham are key elements of the church's setting which contribute to its significance. The churchyard is enclosed by a low stone wall and contains several monuments which are Grade II listed. This area provides a sense of tranquillity in which to appreciate the building's heritage quality, especially its value as a communal and spiritual place.
19. The siting of the WWII building impinges on the setting of St Mary's which extends beyond the churchyard to the surrounding, open rural area and the residential development within the hamlet. There is intervisibility between the northerly most part of the churchyard and the appeal site. At present the WWII building appears incongruous due to its odd shape and bulk, and the poor-quality materials used in its construction. The use of cement render and asbestos is an awkward contrast with the ancient stonework of the church and the high-quality brickwork of Little Dane. Its demolition would remove an otherwise anomalous structure which occupies some of the space between the church and the storage barn. I consider this would be beneficial to the setting of the church.
20. On the other hand, the demolition would expose the elevation within the proposed conversion which would include the large bi-fold doors and rooflights. Light from these openings would be seen from the northernmost part of the churchyard and intrude into the tranquil and otherwise predominantly unlit surroundings. However, as most visits to graves are done in daylight hours, it seems unlikely that these would occur frequently in the dark. In any event it is likely that there would be blinds or other coverings on the windows of the conversion which would reduce the incidence of light spillage. I am therefore satisfied that there would be no material harm to the setting of the church arising from the proposed conversion.

Findings on heritage

21. Drawing the threads of my assessment together, I find that the proposed conversion would not harm the significance of the storage barn, Little Dane or the setting of St Mary's church. However, it would lead to the total loss of a WWII building which, whilst of no particular architectural merit, has some limited historic interest due to its role during the war effort in this part of Kent.
22. Consequently, I conclude that the proposed conversion would comply with Section 1 of Policy DM31 and Policies DM1, DM4 and DM30 of the MLP which seek good design and an appropriate response to the value of the historic environment. However, the loss of the WWII building would be contrary to Policies DM4 and SP18 of the MLP which seeks to restore, re-use and conserve all the borough's heritage assets.

Character and appearance of the Kent Downs National Landscape (KDNL)

23. The site forms part of the pattern of existing residential development of Thurnham which is within the KDNL. It is separated from the open countryside by a vegetated boundary which clearly delineates residential development from the surrounding rural landscape. The removal of the WWII building would give the appeal site a more open appearance. The conversion of the storage barn would retain an existing building of some historic value in a manner that would be compatible with other rural buildings within the KDNL.
24. There is a large veteran beech tree in the grounds of Little Dane, just outside the boundary of the appeal site and close to the easternmost corner of the storage barn. It is the subject of a Tree Preservation Order (TPO) and makes a positive contribution to the character and appearance of this part of the KDNL. It is common ground that the storage barn is of sound construction and the conversion would not require major reconstruction. There was no evidence to suggest that work would therefore be required to the building's foundations. Repairs to the roof and the insertion of new windows and doors would not affect the tree or its roots. Based on this there is no reason to conclude that the construction works associated with the conversion would result in harm to the protected tree.
25. The windows serving the main habitable rooms of the conversion would be on the opposite side of the building away from the influence of the tree. They would not be affected by any significant overshadowing. However, the tree's canopy partially overhangs part of the building, and this could make bedroom 2 rather gloomy. However, the presence of a second window serving this bedroom would provide a good reason to resist future applications for significant pruning. This would ensure that the amenity value of the tree would be preserved.
26. I therefore conclude that the proposed conversion would not harm the character and appearance of the area or protected trees that contribute positively to the landscape and scenic beauty of KDNL. The scheme would comply with Policies SP17, DM1, DM30 and DM31 of the MLP which seek to protect the countryside, particularly landscapes designated for their scenic beauty. As Policy SS1 does not refer to the KDNL and DM5 is primarily concerned with the site's accessibility, they are not directly relevant to my assessment in relation to this main issue.

Heritage Balance

27. The proposal would directly affect two NDHAs and the setting of a Grade I listed church. The Framework advises that all heritage assets should be conserved in accordance with their significance. However, for NDHA the tests are not as stringent as those which relate to designated heritage assets. When considering the impact of a development on the significance of a designated heritage asset, great weight should be given to its conservation and any harm requires clear and convincing justification. With an NDHA its significance should be taken into account and a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.
28. I have concluded that the proposal would not harm the setting of St Mary's church, which would be preserved. The demolition of the WWII building would result in the loss of a low-quality building of no particular architectural merit and limited historic interest associated with its significance to the war effort in this part of Kent. Its removal would better reveal the historic relationship between the storage barn and Little Dane. The significance of Little Dane's contribution to the war effort would be unaffected by the proposal. The scheme would also give opportunities for the storage barn to be restored, preserving its significance in the longer term. I found the design of the proposed residential conversion to be acceptable.
29. This leads me to conclude that the harm arising from the loss of the WWII building would be outweighed by the restoration and conversion of the storage barn. The scheme would therefore be acceptable in terms of its effect on heritage assets.

Planning Balance and Conclusion

30. However, although the scheme would be satisfactory in respect of its impact on heritage assets, in the absence of any reasonable efforts to secure a business use for the storage barn, there is no justification for permitting its conversion to a residential use. The proposal is contrary to Policy DM31 of the MLP.
31. The proposal conflicts with the development plan and there are no other considerations, including the benefits associated with the provision of a new dwelling, that indicate that a decision should be taken other than in accordance with the development plan. For this reason, the proposal is unacceptable, and the appeal should be dismissed.

Sheila Holden

INSPECTOR