



Appeal Decision

Site visit made on 7 November 2023

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2023

Appeal Ref: APP/U2235/W/22/3307921

Land south of South Cottage, High Street, Staplehurst TN12 0BH

- 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 Nigel Sennington against the decision of Maidstone Borough Council.
- The application Ref 22/502233/FULL, dated 18 May 2022, was refused by notice dated 14 July 2022.
- The development proposed is the creation of a new vehicular access.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the Council's description of development as this more concisely describes the proposal.
3. The proposed development relates to the setting of listed buildings and lies within a conservation area. Accordingly, I have had regard to the statutory duties set out in sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. Permission was recently granted on appeal¹ at the site for a residential development comprising the erection of a detached dwelling. I have taken this into account in making my decision. At the time of my site visit, there was no hedge along the site's frontage.

Main Issue

5. The main issue is whether the proposal would preserve the settings of grade II listed buildings, Little Loddenden and North Cottage and South Cottage, and the extent to which the proposal would preserve or enhance the character or appearance of the Staplehurst Conservation Area.

Reasons

Special interest and significance

Little Loddenden

6. Little Loddenden is positioned to the south of the appeal site, set within a modest garden plot. It forms two cottages which are setback from High Street. It is a grade II listed building², which originates from the 17th century, with late

¹ APP/U2235/W/20/3265707

² List Entry Number: 1040049

18th or early 19th century addition and façade. It is a timber framed building, rendered to the front.

7. Based on the evidence before me, the special interest and significance of Little Loddenden is largely derived from its historic and architectural interests. Important contributors in these regards are its illustration of a vernacular domestic pair of cottages and the use of traditional materials and construction techniques. The building also has group value with nearby properties, including North Cottage and South Cottage.
8. The small, landscaped gardens to the front, with side and rear gardens are clearly defined by boundary treatments and planting. These areas form part of the immediate setting of the listed building. This immediate setting contributes positively to the asset's special interest and significance. The surrounding area, including High Street and the appeal site, allows an appreciation of the building as part of the linear pattern of development along High Street. This area forms the wider setting of the asset and contributes to the special interest and significance of the asset.

North Cottage and South Cottage

9. North Cottage and South Cottage is positioned to the north of the appeal site, set within a garden plot. It forms two cottages which front directly onto High Street. It is a grade II listed building³, which originates from the 17th century. It is a timber framed building, with red brick infilling.
10. Based on the evidence before me, the special interest and significance of North Cottage and South Cottage is largely derived from its historic and architectural interests. Important contributors in these regards are its vernacular domestic style and the use of traditional materials and construction techniques. The building also has group value with nearby properties, including Little Loddenden.
11. The landscaped gardens to the side and rear are clearly defined by boundary treatments and planting, forming part of the immediate setting of the listed building. This immediate setting contributes positively to the asset's special interest and significance. High Street, onto which the property faces, includes a prominent grass verge and bank from which the building and its context can be appreciated. This area, which includes the appeal site, forms part of the asset's wider setting. The wider setting contributes positively to the asset's special interest and significance.

Conservation Area

12. The appeal property is located within the Staplehurst Conservation Area (the CA).
13. The special interest and significance of the CA is largely derived from the preservation of a tightly knit collection of architecturally-rich buildings around the central high street, becoming more open and dispersed in character to the north. Consistent building materials of brick, hung tiles, render and timber boarding dominate the village and CA. The main part of the appeal site, to the east of the footpath, forms an undeveloped site with limited vegetation. This creates a gap in established built form, and makes only a limited contribution

³ List Entry Number: 1060722

to the character and appearance of the CA and thereby to its significance as a designated heritage asset. However, the verdant grass verge is prominent from High Street and makes a positive contribution to the significance of the CA.

Heritage assets - appeal proposal and effects

14. The proposal involves the creation of a vehicular access, connecting High Street with the main part of the appeal site, which has planning permission for a single dwelling.

Little Loddenden

15. Although positioned close to Little Loddenden, the extent and nature of the proposal is such that the physically and functionally separate relationship between the appeal site and listed building would be maintained. The asset's historic and architectural interest would remain unaffected by the proposed development.
16. The proposal would not compromise the setting of the listed building, rather it would have a neutral effect that would not detrimentally alter how the asset would be experienced and would not adversely affect the ability to appreciate its significance. Consequently, the setting of the listed building and the contribution that it makes to the asset's significance would be preserved.

North Cottage and South Cottage

17. There would be some inevitable intervisibility between the proposed development and North Cottage and South Cottage. Nevertheless, by reason of the position and nature of the proposal, the physically and functionally separate relationship between the appeal site and listed building would be maintained and the asset's historic and architectural interest would remain unaffected by the proposed development.
18. The proposal would not compromise the setting of the listed building, detrimentally alter how the asset would be experienced or affect the ability to appreciate its significance. Consequently, the setting of North Cottage and South Cottage, and the contribution that it makes to the asset's significance, would be preserved.

Listed buildings - conclusion

19. Overall, I conclude that the proposal would preserve the settings of the grade II listed buildings, Little Loddenden and North Cottage and South Cottage, causing no harm to their significance. Consequently, the proposed development would accord with the requirements of Section 66(1) of the Act and the relevant provisions of Policies SP18 and DM4 of the Maidstone Borough Local Plan (LP, 2017). These policies, in summary, seek to conserve and enhance heritage assets and their settings. In a similar vein, the proposed development would comply with the provisions of the National Planning Policy Framework (the Framework) insofar as they seek to sustain and enhance the significance of heritage assets.

Conservation area

20. Whilst I note that several vehicular access points exist along High Street, and that the townscape of the surrounding area is varied, the grass verge at the

appeal site remains unadulterated. This verdant stretch of verge makes a positive contribution to the character and appearance of the CA. The proposed development would be highly visible from High Street, in both directions, introducing a vehicular crossover across part of the prominent grass verge. Moreover, further details would likely be required under a Section 278 Agreement, which sits outside of this appeal. From what I saw on site, significant engineering operations would inevitably be required to implement the scheme, mindful of the change in levels between High Street and the main part of the site and the position of the existing footpath.

21. Such an intervention would result in a harmful change to the appearance of the site and CA, at odds with the prevailing character of this part of the CA. Further, I am unaware of any other examples of crossovers in the area that include raised sections or a 'bridge', nor where a scheme involves timber retaining posts, as referenced within the appeal statement and heritage statement (albeit limited detail of this has been provided as part of the appeal). Despite the reason for refusal and commentary by the Council, there is no significant hedge that would be lost as part of the proposal. I therefore find no harm in that respect. However, that does not overcome or outweigh the harm identified.
22. The appellant sets out that the pedestrian carriageway along the front of the site is varied in height and features modern pedestrian safety and crossing apparatus. This is true. However, I do not agree that the presence of those features noticeably detracts from the character or appearance of the area, or that their existence should automatically mean that other harmful interventions be allowed.
23. Overall, I conclude that the proposal would fail to preserve the character or appearance of the CA, contrary to the requirements of Section 72(1) of the Act and the relevant provisions of LP Policies SP18, DM1 and DM4, which seek to achieve high quality design and to conserve heritage assets. This is in a similar vein to the objectives of Policy PW4 of the Staplehurst Neighbourhood Plan (NP, 2016) and the Framework insofar as the protection of the historic environment is concerned.

Public benefits and balance

24. Paragraph 199 of the Framework advises that when considering the impact of a proposed development or works on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
25. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the development, I find the harm to the CA would be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal.
26. Economic benefits would be brought about through the construction phase. However, the scale of those benefits is very limited by the extent of the

proposal and would be short-term. I further note comments made that the proposed development would sustain and preserve the future use of the site, which sits redundant and empty. However, the appeal scheme and the previously approved residential dwelling on the site are not linked and could come forward independently of one another. I am not of the view that the approved dwelling would be at risk if the appeal scheme failed. This is not a benefit. The primary outcomes of the proposed development and works, namely the provision of vehicular access to the appeal site, would be private benefits to the appellant, or future occupiers, that do not provide clear and convincing justification for allowing the appeal.

27. Overall, the weight that I ascribe to the public benefits that would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Accordingly, the proposed development would fail to preserve or enhance the character or appearance of the CA, contrary to the requirements of section 72(1) of the Act, LP Policies SP18, DM1 and DM4, NP Policy PW4 and the relevant provisions within the Framework which seek to conserve and enhance the historic environment.

Other Matters

28. The appeal site is located within the wider surroundings of grade II* listed building, Loddenden Manor⁴, and a further grade II listed building, referred to as Railings and Entrance Gates about 90 metres West of Loddenden Manor⁵. Mindful of the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving the settings of these assets. The verdant surroundings of the listed buildings contribute somewhat to their significance. Nevertheless, given the location and nature of the proposal, together with its physical and visual separation from the listed buildings, I consider that it would preserve the settings of the listed buildings and the contribution they make to their significance. I note the Council had no concerns in this regard either.
29. I accept that there are no objections from a highway safety perspective. However, this does not outweigh or overcome the harm that I have identified in respect of the main issue.
30. I also note the comments in respect of landscaping proposals linked to the approved property on the site. However, landscaping would not overcome the harm here and, in any case, those schemes are not linked and could come forward independently of one another. This matter does not lead me to an alternative conclusion on the main issue.

Conclusion

31. For the reasons given above, I conclude that the appeal should be dismissed.

A Price

INSPECTOR

⁴ List Entry Number: 1040054

⁵ List Entry Number: 1344401