



Appeal Decision

Site visit made on 26 June 2024

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2024

Appeal Ref: APP/E2205/D/23/3332739

Mersham Manor, Church Close, Mersham, Kent TN25 6NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr W Puxley against the decision of Ashford Borough Council.
 - The application Ref is PA_2023_0561.
 - The development proposed is for a close boarded fence.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been implemented. I am therefore considering the appeal retrospectively.
3. The proposed development relates to the setting of listed buildings. Accordingly, I have had regard to the statutory duties set out in section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the surrounding area; and
 - whether the development preserves the settings of adjacent listed buildings.

Reasons

5. The appeal site comprises a parcel of land along Church Close, at its junction with Church Road. The land is associated with Mersham Manor, a large residential property to the south of the site.
6. The development comprises a section of fencing along the boundary of the site along Church Close. This measures approximately 1.8 metres high and encloses what was a grass verge. The enclosed area also includes a mature beech tree.

Character and appearance

7. The stretch of fencing that forms part of this appeal is directly linked with fencing along the wider boundary of Mersham Manor. That other fencing is

understood to form part of a previous consent and I have not considered it any further in making my decision.

8. The fencing that forms part of the appeal scheme is highly prominent along Church Road and Church Close. The evidence before me shows that the site previously consisted of an open grass verge with boundary treatments setback from the road. The full extent of the mature beech tree was also visible.
9. The position of the previous boundary treatment and open nature of the verge would have allowed a greater sense of openness in this location, retaining a verdant and rural lane character along Church Close in particular. This has been lost to the highly prominent and urban domestic feature. Whilst the mature tree, and other planting, is still visible over the existing fence, its presence has been lessened. Ultimately, the fencing has a harmful effect on the character and appearance of the surrounding area.
10. That contemporary interventions and fencing exist in other parts of Church Close and within the surrounding area are not sufficient reasons to overcome or outweigh the harm that I have identified. I also note that the fence panels have weathered somewhat since their original installation and that the site is argued to be within the village confines. However, this does not outweigh or overcome the harm identified.
11. Overall, I conclude that the proposal harms the character and appearance of the surrounding area, conflicting with the relevant provisions of Policies SP1, SP6, ENV3a and ENV5 of the Ashford Local Plan (LP, 2019). These policies, in summary and when taken as a whole, seek to ensure a high standard of development which respects its context, including where it relates to important rural features and vernacular buildings. This is in a similar vein to the provisions of the National Planning Policy Framework (the Framework) insofar as they relate to high quality design.

Heritage - special interest and significance

Mersham Manor and Barn about 30 metres north west of Mersham Manor, hereafter referred to as 'the Barn')

12. Mersham Manor is a Grade I listed building. It dates from the early-to-mid fourteenth century with later extensions and alterations. It is finished, predominantly, in painted ragstone with plain tiles over a prominent hipped roof structure. Based on the evidence before me, the special interest and significance of Mersham Manor is largely derived from its historic and architectural interests. Important contributors in these regards, which are pertinent to the appeal, are its age and surviving historic fabric.
13. The Barn is a Grade II* listed building. It is a timber framed building that dates from the early-to-mid fourteenth century. It is finished in timber weatherboarding and ragstone, with a plain tile hipped roof over. Based on the evidence before me, the special interest and significance of the barn is largely derived from its historic and architectural interests. Important contributors in these regards, which are pertinent to the appeal, are its surviving historic fabric and its historic association with Mersham Manor as vernacular farmstead buildings.
14. Pertinent to this appeal, the special interest and significance of Mersham Manor and Barn are also derived, in part, from their settings. The well enclosed

grounds of Mersham Manor are largely set away from public views. It is from these closely related grounds that the assets are best appreciated. This forms the immediate setting of the assets. The immediate setting contributes to the special interest and significance of the assets. Beyond this, the surrounding area is made-up of established development, open fields and mature landscaping. This surrounding area, which includes the appeal site, forms the wider setting of the assets. There is some, but limited, intervisibility between the wider setting and heritage assets. This moderates, to a degree, the contribution the wider setting makes to the special interest and significance of the assets.

Church of St John the Baptist

15. The Church of St John the Baptist (hereafter referred to as 'the Church') is a Grade I listed building, which dates from the twelfth century, with many additional elements and alterations through the centuries. The building is predominantly finished in ragstone with a plain tiled roof over. Based on the evidence before me, the special interest and significance of the Church is largely derived from its historic and architectural interests. Important contributors in these regards are its age, surviving historic fabric and its ongoing ecclesiastical use.
16. Pertinent to this appeal, the building's special interest and significance are also derived, in part, from its setting. The grounds and graveyard of the Church have an historic, visual and functional connection with the heritage asset. These grounds are clearly defined by boundary treatments including walls and mature landscaping. These grounds form the asset's immediate setting, and it is from here that the asset is best appreciated. This immediate setting contributes considerably to the asset's special interest and significance.
17. Beyond this, the surrounding area, of which the site forms a part, is made up of loosely arranged, predominantly residential, development together with open fields. The built form is indicative of the evolution of the surrounding village over time. Some glimpsed views of the asset are possible between gaps in landscaping, including from Church Close. This surrounding area forms the asset's wider setting. The surrounding village development has altered how the asset is experienced to a degree. This moderates the contribution this wider setting makes to its special interest and significance.

Heritage – appeal proposal and effects

Mersham Manor and Barn

18. The fence is stark and dominant in appearance. It has notably and harmfully eroded the historic and rural wider setting of Mersham Manor and Barn. Although Mersham Manor itself has historically formed a residential property, the addition of the overtly domestic fence has had a harmful urbanising effect. This diminishes the contribution that the wider setting makes to the significance of the heritage assets. Additionally, the fence detracts from and dilutes the modest and rural appearance of the access road to adjoining Mersham Manor, weakening its contribution to the listed buildings.

Church

19. The position and nature of the proposal relative to the Church, together with the limited intervisibility between it and the appeal site, means that the visually

and physically separate relationship between the appeal site and the asset is maintained. The historic and architectural interests of the asset remain unaffected. Ultimately, the immediate and most of the wider setting that contributes to the significance of the assets remain undisturbed by the proposal.

20. Taking these factors into account, the proposal does not compromise the setting of the Church, rather it has a neutral effect that does not determinably alter how the asset is experienced and does not adversely affect the ability to appreciate the significance of the asset. Consequently, the setting of the Church, and the contribution that setting makes to the significance of the asset, is preserved.

Conclusion

21. Overall, I conclude that the development fails to preserve the Grade I listed building, Mersham Manor, and Grade II* listed Barn, and their settings. Consequently, the development has harmed the significance of these designated heritage assets. In doing so, it is contrary to the requirements of Section 66(1) of the Act.

Heritage - Public benefits and balance

22. Paragraph 205 of the Framework advises that when considering the impact of a development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 206 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.
23. With reference to Paragraphs 207 and 208 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 relative to the listed buildings and their settings, as a whole, I find the harm to be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the development, which includes securing the asset's optimum viable use.
24. I accept that listed buildings need to evolve. However, I am not persuaded that the scheme before me is fundamentally necessary to secure the optimum viable use of the building. There is no substantive evidence before me setting out the public benefits of the scheme. As such, clear and convincing justification for allowing the appeal has not been demonstrated. The primary outcome of the proposal is a private benefit to the appellant.
25. Overall, there are insufficient public benefits before me to outweigh the considerable importance and weight that I attach to the harm I have found. Accordingly, the development fails to preserve the settings of Grade I listed building, Mersham Manor, and Grade II* listed building, the Barn. Accordingly, the development is contrary to the requirements of Section 66(1) of the Act, and the relevant provisions of the Framework which seek to conserve and enhance the historic environment. The development also conflicts with the relevant provisions of LP Policies ENV3a and ENV13 which, taken as a whole, seek to protect heritage assets.

26. Even were I to find the proposal to be acceptable in respect of heritage, this would not overcome the harm I have identified under the other main issue.

Other Matters

27. The appellant has set out the option of removing the appeal scheme fencing and replacing it on the same alignment as the former fence panels. The appellant argues that this is their fallback position.
28. Given that the fallback scheme would not wholly achieve the desired outcome of the appellant, and the appeal scheme has already been implemented, I cannot be certain that there is any greater than a theoretical possibility that the fallback scheme would be implemented. More importantly, in omitting the appeal scheme, the fallback scheme would be considerably less harmful to the character and appearance of the surrounding area and to the significance of the nearby listed buildings. As such, it does not justify allowing the appeal. In this respect, I attach little weight to the fallback position.
29. Previously approved works are noted. However, these do not appear to relate directly to the area relating to the appeal scheme. Accordingly, that those permissions exist does not change my conclusion on the main issues.

Conclusion

30. The proposal conflicts with the development plan. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

A Price

INSPECTOR