



Appeal Decision

Site visit made on 30 January 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th February 2025

Appeal Ref: APP/U2235/D/24/3354224

Reed Court Barn, Hunton Road, Chainhurst, Marden, Kent TH12 9SX

- 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 Danny Ashley of Construction Industry against the decision of Maidstone Borough Council.
 - The application Ref is 24/502840/FULL.
 - The development proposed is erection of fencing and change of surfacing materials.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposed development from the planning application form although I note it is expressed differently on other documents.
3. Some fencing and surfacing materials were in place at the time of my visit. However, it is not clear whether those developments accord fully with the proposal that is before me. Indeed, the Council officer's report notes that the submitted plans do not show all of the boundary treatments that have been installed at the site. I must consider the proposal that is before me. For the purposes of clarity, I have considered the appeal as a standalone development on the basis of the plans that are before me.
4. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

5. The main issues raised by this appeal are the effect of the proposed development on: -
 - a. The setting of the Grade II Listed former agricultural barn;
 - b. The character, appearance and openness of the countryside; and
 - c. Public footpath KM230.

Reasons

Listed former agricultural barn

6. The site hosts a 17th Century Grade II Listed former barn in a rural location. The barn forms part of a former farmstead of buildings that have since been converted. There is little separation between and around the buildings that relate to this former farmstead, therefore the farmstead can still be understood as a group. Furthermore, the relationship between the farmhouse and the main barn is clearly still discernible. The entrance to the site also provided access to the farmhouse and the former Oast. The entrance offers a rural appearance as it would have appeared as part of the former farmstead. The Hay Barn, a large longstanding feature at the site, was removed in 2015. This has opened up the central area of the site allowing the Listed barn to become more visible since its removal.
7. The age and status of the former barn forming part of the discernible farmstead makes this barn of historic and architectural value and this attracts special interest for these reasons. This gives it significance in its own right given its age, as well as significance forming part of the historic farmstead.
8. Solid close boarded fencing provides an urbanised appearance. Whilst the fencing would not directly impact the heritage asset such a formal urbanised entrance would not be in keeping with the former agricultural use of the Listed barn building. The height of the fencing would be subservient in relation to the buildings at this site. Whilst a fence may appear as a lightweight structure when compared to that of a wall or a building, it is nonetheless a structure that has an appearance and a presence to which consideration in its own right should be given. The urbanised appearance of the front boundary fence would not relate well to the rural setting and characteristics of the Listed former agricultural barn and for this reason the development would be visually harmful.
9. It is contended that there are only limited views of the barn from the public realm. However, this does not influence the considerations pertaining to the setting of the Listed building and would not justify the erection of fencing that would further obscure the appreciation of the setting of the barn in public views.
10. It has been advised that the proposed fences are required to protect the property from anti-social behaviour and theft, following the theft of larger machinery. However, this does not justify such developments within and around this former rural barn where harm would take place to the setting of the Listed building.
11. The plans show a vehicle access or parking space within the site proposed to be block paved. However, from the information before me it appears that the hard surfacing put in place at the site may cover a larger area to that which is shown on the plans that are before me. The Council's Conservation officer recognises that the drawings show a smaller, more sympathetic parking area than has been constructed at the site.
12. Notwithstanding the above, tarmac, whether permeable or impermeable and block paving are materials generally found in urban areas. The extent of the hard surfacing within the frontage of the Listed building, along with the urbanised material to be utilised, would not be in character with the historic setting of the historic farmstead. Consequently, it would be visually harmful by reason of its

urbanising appearance even if the surfacing would weather to a darker shade of grey in the future.

13. The appellant suggests that the alternative use of gravel would not be a suitable surface material given it is a loose surfacing material that is not easy to traverse on foot or by wheeled vehicles, wheel chairs, prams, bikes and scooters. Furthermore, the surfacing material would only be seen from the access. However, the use of tarmac or block paving is not acceptable as this is a rural development within a rural setting despite tarmac being used on rural highways. Tarmac may feature at other rural sites, such as at the car park at Marden Hockey Club and roads around Leeds Castle, which is an Ancient Monument. However, those are very different sites to that of the former farmstead that is central to the considerations here that can and should be considered on its own merits.
14. Taken collectively, the fences and hard surface features would cause harm to the heritage setting of the Listed former barn. Consequently, the proposed development would be harmful, close to and within the setting for the Grade II Listed barn and would fail to preserve the character, appearance and special interest of the adjacent Listed building and its setting.
15. Given the size and scale of the proposal, along with its close proximity to the Grade II Listed former barn, I consider there would be less than substantial harm to the setting of the Listed building. In accordance with paragraph 215 of the Framework, I must weigh the harm against the public benefits of the proposal.
16. It is advised that the development would be of good quality and utilise more expensive materials than that of the previously approved proposal. I acknowledge that the fencing could potentially provide improved security at the site. Nonetheless, these matters do not represent public benefits. Moreover, any benefits would relate to private welfares. There are also sustainability concerns expressed regarding the replacement of the existing surfacing. However, this does not indicate significant public benefit. Therefore, there would be no clear benefit to the public that would sufficiently outweigh the harm identified. I conclude therefore that the proposed development would fail to accord with national policy.
17. For these reasons, I conclude that the proposed development would be harmful to the setting of the Grade II Listed former agricultural barn. The proposal would, therefore conflict with Policies LPENV1 and LPRSP14(B) of the Maidstone Local Plan Review 2024 and the provisions of the Framework. These policies seek, amongst other matters, development not to result in harm to the significance and setting of a designated heritage asset and to respond positively to, or enhance, the local and historic character.

Character, appearance and openness of the countryside

18. The site falls within the open countryside. Prior to the conversion of the barn, the Council advises that the entrance was a simple track, shared with the Oast, screened by a hedge. This offered a rural, agricultural appearance to the entrance of the site.
19. The appeal site, as noted previously, has a rural context. Whilst the topography of the site is not affected by the proposal the close boarded fencing has an urbanising appearance. Such fencing would be out of keeping and would be inappropriate within this rural setting. Furthermore, the fence's solid enclosing form would detract

from the openness of the countryside. It would create a visually enclosing appearance to the site.

20. I saw at my visit that shrubbery has been planted alongside the fence that sides onto the verge of Hunton Road. This, to some extent, screens the fencing that has been erected. However, planting can die or be removed. As such, vegetation screening offers little support in favour of the proposal.
21. It has been suggested that the change of use of the former barn to residential has altered the character of the site to one of urban form such that it now represents a residential development within and surrounded by countryside. However, the agricultural character has not been lost and the barn is still seen in its original setting. I accept that in certain views, due to existing buildings, openness of the site is not perceivable. However, it is perceivable in other views, such as, at the access to the site and in some views from the public highway. Indeed, the removal of the Hay Barn has improved openness in these views since its removal.
22. For these reasons, I conclude that the proposed development would be harmful to the character, appearance and openness of the countryside. The proposal would, therefore conflict with Policies LPRSP9, LPRSP15 and LPRQ&D4 of the Maidstone Local Plan Review 2024 and the Supplementary Planning Document “Residential Extensions”. These policies seek, amongst other matters, to prevent development that would result in harm to the rural character and appearance of the area.

Public footpath

23. The appellant has provided two plans in which the public footpath differs in its location. During the course of the consideration of the planning application Kent Council Council’s (KCC) Public Rights of Way (PROW) and Access Services adviser provided a plan that is held by them. That plan illustrates where the route enters the site at Hunton Road and traverses the appeal site. I consider the records held by KCC would be those that would provide the most accurate record of PROW routes within the county. Furthermore, the location of the public footpath as shown on the KCC plan generally conforms with the location of the footpath sign post within the Hunton Road grass verge adjacent to the site that I saw at my site visit.
24. From the information before me, PROW KM230 crosses the appeal site and the access route of the public footpath at Hunton Road would be obstructed by the proposed boundary fencing shown on the plans.
25. For this reason, I conclude that the proposed development would be harmful to the continued access of public footpath KM230. The proposal would, therefore conflict with Policy LPRSP15 of the Maidstone Local Plan Review 2024. That policy seeks, amongst other matters, development to be accessible to all and to maintain opportunities for linkages to surrounding areas.
26. Further to this, the obstruction of the PROW would prevent the appreciation of the former Listed barn to be perceived and enjoyed by those using the PROW. This would be a further harm arising from the proposed development.

Other Matters

27. It is contended that there is little opportunity at the site to erect a building large enough to store and/or protect equipment that would not impact on the setting of

the Listed building or affect openness. Whilst this may be so, this does not outweigh my above concerns or justify the proposed development.

28. It is also suggested that the proposed development would assist in maintaining the Listed former barn and ensure its longevity. The proposal would also facilitate access by emergency services in the event of an emergency, such as, a fire. These are benefits of the scheme. Nonetheless, these matters do not overcome my above concerns or justify the proposed development.
29. The appellant has commented upon the use of an aerial image included within the Council officer's report. Whilst the visual harm arising from the development could be seen from the air, I have found that it is nonetheless prevalent in public views on the ground.
30. Concern has been raised over the Council's handling of the planning application. It is contended that the Council had adequate time and opportunity to bring its concerns to the knowledge of the appellant, noting that there have been previous planning applications pertaining to the site. Copies of email exchanges with the local planning authority have been included as part of the appeal submission. However, this is a matter that, if necessary, should be raised with the Council away from this appeal. In any event, these concerns would not lead me to alter my above findings.

Conclusion

31. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR