



Appeal Decision

Site visit made on 29 February 2024

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2024

Appeal Ref: APP/M2270/W/23/3323460

Matfield House, The Green, Matfield, Tonbridge TN12 7JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr and Mrs John Garthwaite against the decision of Tunbridge Wells Borough Council.
 - The application Ref is 21/03759/OUT.
 - The development proposed is erection of 22 dwellings, access, and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Despite the description of development set out above, the description found on the Decision Notice (DN) and Appeal Form better reflects the scheme before me and that which the Council considered, as it confirms the number of dwellings is a maximum. I have therefore dealt with the appeal based on the proposal being *Erection of up to 22 dwellings, access and landscaping*.
3. The planning application was submitted in outline with all matters reserved except for access. I have had regard to the Illustrative Site Layout Plan (Drawing Ref 100D) and the Indicative Landscape Masterplan (Drawing Ref 6027-LLB-XX-XX-DR-L-0001 Revision P01), but have treated each element of the drawings as indicative, apart from details of the access, when considering the likely impact of the proposal on the matters set out in the main issues.
4. The DN refers to the plans, and documents, considered in reaching the **Council's decision. However, it has confirmed the latest iteration of the appellants' Transport Statement (rev D)**, received before the determination of the application, includes 21114/10 Issue H and 21114/11 Issue C, whereas the DN refers to Issues F and A respectively. The last comments of Kent County Council as Local Highway Authority (LHA), dated 14 April 2023, were based on that document. The Council has also confirmed it did not consider the *Technical Note for Footway Provision for Proposed Residential Development* (dated 24 May 2023) before it made its determination, as it was not received, but the LHA had opportunity to comment on its content during the appeal.
5. The National Planning Policy Framework was revised on 19 December 2023 (the Framework). The main parties have had the opportunity to comment upon the relevance of any revised content of the Framework and I have had regard to any responses received in my decision.

Reasons for Refusal

6. In seeking to defend the first reason for refusal on the DN, the Council has chosen to rely on its Officer Report (OR) and the statement and appendices prepared by the LHA.
7. The appeal is also accompanied by a Unilateral Undertaking (UU). While the Council is aware of it, it has not confirmed if it meets the obligations referred to in the second, third and fourth reasons for refusal on the DN. Whether the UU meets these obligations and, in so doing, satisfies the requirements of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (the Regulations) and the development plan therefore forms a main issue.

Heritage Assets

8. The OR refers to harm that could be caused to the setting of two listed buildings, namely Matfield House and the Oasthouse to its north, and the setting of the Matfield Conservation Area. These harms did not form a reason for refusal, as the Council determined the public benefits would outweigh the harms. Most of the site is outside of the Matfield Conservation Area, but the proposed pedestrian link to The Green is within it. Accordingly, Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) apply to the appeal. Hence, given my statutory duties it is necessary for me to undertake my own consideration of any effects to the setting of listed buildings and the character and appearance of the Matfield Conservation Area. There is no duty upon me to reconsider the effects to the setting of the latter, as the PLBCAA does not currently extend to this.
9. **Further to the listed buildings referred to above, the Council's Conservation Officer's comments** refer to the presence of other listed buildings near to the site and the Questionnaire included listing descriptions for nine other buildings. **While the OR states "No other harmful impacts to designated heritage assets are identified"**, the main parties were asked to comment on their significance, whether the site would be within their setting and if this contributes to significance, and if any harm would result to them by virtue of the proposal. The appellants rely on their Heritage Statement but the Council produced a separate note accompanying a Statement of Common Ground (SoCG) between the main parties that clarified matters of agreement and disagreement.
10. Where relevant, the consideration of the effects to the setting of the identified listed buildings, and to the Matfield Conservation Area therefore form a further main issue for the appeal.

National Landscapes

11. On 22 November 2023, all designated Areas of Outstanding Natural Beauty in **England and Wales became "National Landscapes"**. The appeal site falls within the High Weald Area of Outstanding Natural Beauty (the AONB) becomes the High Weald National Landscape (HWNL). However, the legal designation and policy status of the AONB is unchanged and it remains an AONB in both, so I have used both terms where relevant.
12. On 26 December 2023, Section 245 of the Levelling-Up and Regeneration Act (LURA) amended the duty on relevant authorities in respect of their interactions with statutory purposes of AONBs, as set out in Section 85 of the Countryside and Rights of Way Act 2000 (as amended) (CRWA). In so far as it

relates to this appeal, the amendment now requires relevant **authorities** "in exercising or performing any functions in relation to or so as to affect land in **an AONB...to seek to further** the purpose of conserving and enhancing the **natural beauty of the AONB**" [my emphasis].

13. There are currently no regulations or guidance to assist, but the explanatory **note to the LURA states "The clause strengthens the duty on certain public authorities when carrying out functions in relation to these landscapes to seek to further the statutory purposes and confers a power to make provision as to how they should do this." As such, it is incumbent upon me to evidence** consideration of possible ways to further the purpose of conserving and enhancing the natural beauty of the AONB and HWNL. This therefore forms another of the main issues for the appeal and I am satisfied there is sufficient information before me to make my determination in respect of these matters.
14. The Planning Practice Guidance (PPG) refers to the relevance of management plans for AONBs for assessing planning applications. Whilst these do not form part of the development plan, they help to set out the strategic context for development and provide evidence of the value and special qualities of these areas¹. The High Weald AONB Management Plan 2019-2024 is therefore a material consideration, as its objectives align with the **Framework's**.

Main Issues

15. The main issues are:

- whether the proposal makes suitable provision for safe and suitable pedestrian access;
- whether the proposal would conserve and enhance the landscape, scenic and natural beauty of the High Weald Area of Outstanding Natural Beauty and National Landscape;
- whether the proposal makes suitable provision for affordable housing and towards infrastructure and service provision; and
- whether the proposal would preserve the setting of two Grade I listed **buildings, known as 'Matfield House' and 'Stable Block Immediately North East Of Matfield House'**, the Grade II* listed building known as **'Coach House About 40 Metres North East Of Matfield House'**, and the Grade II listed building known as **'Oasthouse About 100 Metres North Of Matfield House'**; the extent to which it would preserve or enhance the character or appearance of the Matfield Conservation Area.

Reasons

Pedestrian Access

16. The proposal includes pedestrian accesses via Chestnut Lane, along the route **of the track leading to the Oasthouse ('the northern route'), and through to The Green, next to Matfield House Cottages ('the southern route')**.
17. The latter would link dwellings in the site to The Star public house, Hammonds Butchers, the village hall, and the village green and its pavilion. While the onward footpath to the east in The Green is narrow and there is no footpath to

¹ Planning Practice Guidance Paragraph: 040, Reference ID: 8-040-20190721, Revision date: 21 07 2019.

the west, this is the situation around the remainder of The Green. Pedestrians in this carriageway are therefore commonplace and I found it to be lightly trafficked. Hence, pedestrians utilising the southern route would not be at any greater risk than those already using the carriageway.

18. The Poet, and bus stops near the Ebenezer Chapel in Maidstone Road, are further north of other services and facilities in Matfield, but a reasonable **distance from the southern route. Despite the appellants' transport consultants** stating across several documents the northern route and its crossing are not needed these remain part of the proposal. Furthermore, vehicular access to serve the site is taken from Chestnut Lane, so it stands to reason occupants of dwellings within the site could theoretically seek to access some facilities and services via the lane. Pedestrian permeability is also to connect existing residents with new developments, so pedestrian provision to the northern end of Matfield would be reasonable and proportionate to serve the proposal and should be provided in a safe manner.
19. The initial Road Safety Audit (RSA), dated March 2022, recommended a crossing point with dropped kerbs be identified and visibility checked to include vehicles parked in the western end of the layby fronting dwellings south of Chestnut Lane. A crossing point from the existing track to the footpath on the northern side of the lane was subsequently illustrated next to the layby, and considered in the updated RSA, dated December 2022, with no issue identified with it. Conversely, the RSA for the LHA, dated October 2023, found parking in the layby may mask the presence of pedestrians at the crossing and restrict intervisibility between them and traffic. It also identified issues with visibility associated with the presence of planting to the west of either side of the crossing point. The consequence of these constraints is the potential for vehicle to pedestrian collisions, or sudden braking and rear end shunt collisions. The proposed details do not include any visibility splays, and the RSA of December 2022 does not explain why visibility would be acceptable.
20. Manual for Streets 2 (2010) indicates encroachment of vehicles into visibility splays may be acceptable where vehicle speeds are low. However, the mean or 85th percentile speeds recorded immediately east of the proposed crossing point, would not amount to low speeds as they are at the higher end of the speeds to which the document provides guidance for visibility.
21. I note the appellant and LHA have both referred to an alternative location of the crossing further west and a new footway to that at Wish Court. There are no details of such a scheme before me, including to demonstrate whether it is achievable on the land available. Furthermore, the LHA has indicated parking could be prevented in the layby and each property south of it has space within its frontages for parking, but there is no substantive evidence before me to demonstrate the layby does not serve any other beneficial purpose to nearby residents or other users of the highway. Hence, I cannot be certain planning conditions could be implemented or enforced for such provisions. Similarly, although a condition could stop up and thereby prevent use of the existing track by pedestrians in future, such controls would not be enforceable to prevent pedestrian use of the new vehicular access.
22. I understand that there have been three vehicle related accidents recorded at the junction of Chestnut Lane and Maidstone Road, east of the site², but there

² Crash Map statistics for the period 2017-2021.

is no information before me regarding explanation for these. This is a low level of incidents in the context of the junction, and I note there are no recorded incidents associated with occupants of houses south of the lane crossing the lane in the layby. Nonetheless, this does not evidence that use of the crossing point would be without risk or that inadequate visibility would not lead to future collisions. Moreover, use of the crossing could significantly increase the potential for undertaking unsafe pedestrian movements across the lane.

23. For the above reasons and having regard to the circumstances of this case, I must conclude there is insufficient evidence before me to demonstrate that safe and suitable pedestrian access would be available from the northern route for the passage of pedestrians to the east along Chestnut Lane. Hence, the proposal would fail to accord with the aims of BMNDP³ Policies AM1 and AM2, LP⁴ Policies EN1 and TP4, and Framework paragraphs 114 and 116.

High Weald Area of Outstanding Natural Beauty and National Landscape

24. The High Weald AONB Management Plan sets out what comprises its natural beauty, this includes five components of character, its land-based economy and related rural life and other qualities. The latter two being intrinsically linked to the first, which refers to its geology, landform, and water systems, dispersed historic settlement pattern, dense network of historic routeways and ancient woodland, the pattern small and irregular enclosed fields and areas of lowland heaths and inner river valleys. The other qualities are diverse, but include locally distinctive features and historic buildings which enrich character, including oast houses and orchards.
25. The pattern of development in Matfield is one of contrasts, with dwellings arranged in cul-de-sacs and other similar configurations to its north and east, and a predominantly linear focus to its centre and south. The former are found north of Chestnut Lane, and east and west of Maidstone Road, the largest being in the triangle between Brenchley Road, Coppers Lane, and Maidstone Road. While these bring greater variety and informality to the pattern of development in the village, they are spatially distinct from the more open, spacious, and greener parts to the historic core at its centre and south.
26. Some dwellings are arranged in depth, to the centre and south, at **Central Villas and Webb's Orchard, but these are small groupings with direct access** from Maidstone Road. The remaining properties at the perimeter of the village green, and the roads leading from it, are generally arranged in a linear form, with irregular spacing, and set against the backdrop of the network of undeveloped fields, paddocks, orchards, and planting between, that envelope the historic core containing numerous listed buildings.
27. While the site is set against the planting and other enclosures to dwellings in Chestnut Lane and Maidstone Road, both it and the other parcel of land through which access would be taken share common characteristics with the undeveloped network of land enveloping the village, especially as they contain remnants of orchard. Moreover, the Oasthouse is next **to the site's southeast corner** and the land surrounding, including the site and what remains of the orchards, survive as a strong reminder of the contribution made by agriculture **to Matfield's historic development**. They also separate the historic core and

³ Brenchley and Matfield Neighbourhood Development Plan 2020-2038, Made December 2022.

⁴ Tunbridge Wells Borough Local Plan, Adopted March 2006.

- other parts of the village, and provide evidence of farming and non-agricultural industries that led to its growth.
28. Taken together these stated features, including the layout of properties and streets within Matfield, the undeveloped nature of the site and other land around it, and the presence of the Oasthouse and other historic buildings nearer to the street frontages, give rise to a clear and distinct pattern of development. This makes a significantly positive contribution to the landscape, scenic, and natural beauty of the AONB and HWNL.
29. The SoCG refers to the Distribution of Development Topic Paper September 2019 (DDTP) submitted in support of the Regulation 18 version of the ELP, and sets out why the main parties consider the proposal would not amount to major development. The SoCG has regard to its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined, as required by Framework Footnote 64. I note that the DDTP continues to be used by the Council for this purpose. On this basis, there are no compelling reasons for me conclude the proposal is for major development in this context, so it is not necessary to meet the tests required by Framework Paragraph 183.
30. The submitted layout plan is only illustrative and the details of appearance, **layout, and scale of a scheme could be refined at 'Reserved Matters'**. However, with the other application and appeal documents, it demonstrates the layout of dwellings within the site is likely to share more similarities with the configuration of houses found to the north and east in Matfield. This would be unlikely to assimilate with, so would appear discordant in relation to the established grain of linear frontage development to its centre and south.
31. Similarly, the indicative landscape strategy would be likely to be integral to the layout of the appeal scheme and reflect planting found in the locality, particularly in respect of the planting of the orchard west of the dwellings. **However, existing vegetation that would assist the proposal's assimilation** within its context would need to be removed to provide the new access. Landscaping would also be unlikely to have matured enough in its initial years of development to soften the visual effect of the physical presence of the proposed development in its sensitive location. Despite its relationship with existing built form in Matfield, the proposal would therefore stand out against the backdrop of existing planting to the east in views from Chestnut Lane and, to a lesser extent, Maycotts Lane.
32. **The conclusion of the appellants' Landscape and Visual Appraisal that the proposal's effect on the** landscape and visual character of the area would be localised is reasonable and proportionate. However, this would not validate the resultant intrinsically harmful visual effects to the established grain of development in Matfield or how the loss of the **site's undeveloped qualities and** its relationship with nearby historic buildings, including the Oasthouse, would affect how the village currently blends more naturally into the surrounding rural landscape of the AONB and HWNL. This would set it apart from the large scheme north of Brenchley Road, which has greater scale and visual presence but does not appear to be situated in a comparatively sensitive context to the appeal site.
33. For the above reasons, the proposal would appear as a visually intrusive extension into the countryside that would neither conserve nor enhance the

landscape, scenic and natural beauty of the AONB and HWNL. Hence, it would fail to accord with Section 85 of the CRWA, as amended by LURA; the aims regarding the built and natural environmental of the Borough, particularly to the landscape of the AONB, as expressed in BMNDP Policy LE1, CS⁵ Core Policies 4 and 14, and LP Policy EN25; and Framework paragraph 180.

34. Despite the localised effect of the proposal, I am mindful the Framework gives great weight to conserving and enhancing landscape and scenic beauty in AONBs, as they have the highest status of protection in relation to these issues. Hence, I afford great weight to the harm to the AONB and HWNL.

Affordable Housing and Infrastructure and Service Provision

35. The UU includes detailed provisions for affordable housing to be provided through the development of the site. Core Policy 6(4) of the CS requires 35 percent of the proposed dwellings to be affordable housing would be required. The **Council's guidance on affordable housing**⁶ requires that 75 percent be social rented and the remainder shared ownership. The proposal in the UU is aligned with Policy H3 of the Emerging Local Plan (ELP)⁷, which is also referred to in BMNDP Policy H6. A higher contribution of 40 percent, with a 60/40 split in the tenure would therefore be provided. As the guidance is not adopted policy, the affordable housing would not conflict with the CS or BMNDP.
36. The UU also incorporates provisions for contributions to infrastructure and services. These are to adult social care including, amongst other things, specialist care accommodation, assistive technology and equipment to adapt homes and community facilities; to community learning and skills; integrated **children's services** to enable expansion of capacity within hubs and provision of outreach work in the vicinity of the proposal; to library registration and archives services in respect of additional resources, equipment and book stock at local libraries serving the development, including Pembury and Paddock Wood; towards land and facilities for a new primary school at Paddock Wood, secondary education through expansion of Mascalls Academy or other alternatives, and to the provision of places and/or additional facilities to serve special education needs and disabilities; towards additional provision at the Tunbridge Wells waste transfer station and household waste recycling centre, both situated at North Farm Lane; towards refurbishment, reconfiguration and/or extension of Howell Surgery, Woodlands Health Centre and Waterfield House Surgery and/or towards new general practice premises development in the area for NHS Healthcare; and a fee for UU monitoring and administration.
37. All the provisions meet the tests set out in the Regulations and the Framework. Moreover, they are directly related to the development, as they are proposed **to mitigate against affordable housing need and the proposal's impact on infrastructure and services**. They are also reasonable in scale and kind, as they are informed by the latest evidence.
38. Accordingly, I conclude that suitable provision would be made for affordable housing and towards infrastructure and service provision. Hence, the proposal would accord with the relevant requirements and aims of CS Core Policies 1

⁵ Tunbridge Wells Borough Local Development Framework, Core Strategy, Development Plan Document, Adopted June 2010.

⁶ Affordable Housing Supplementary Planning Document – October 2007.

⁷ Tunbridge Wells Borough Submission Local Plan 2020-2038.

and 6, BMNDP Policies CLR1 and H6, LP Policy CS4, the Affordable Housing SPD, the Framework and Planning Practice Guidance.

39. I have not found in relation to LP Policy R2, as it refers to recreational open space, which is not one of the infrastructure provisions referred to on the DN or the UU.

Heritage Assets

40. **The appellants' Heritage Statement associates *Matfield House***⁸ with Thomas Archer, the same architect-builder of Finchcocks, near Goudhurst. It is a Grade I listed two-storey house with a half-basement and attic rooms, and the rainwater heads date the principle south-facing range to 1728. The rear wing is a later addition and was probably built in the early 20th Century.
41. The front is the most opulent with seven symmetrical bays, the central three of which are slightly broken forward and have window openings in pronounced arches. Dressings of pilasters, openings, arches, and cornices are in contrasting red brick, with pink bricks laid in Flemish bond between. Chimneystacks are large and project somewhat above the peg-tiled hipped roof at the outer edge. The roof is partly concealed behind a tall parapet and incorporates a central valley. The half-basement is exposed and finished in stone ashlar, with the ground floor is elevated with a stone-stepped access. Historic doors and windows are also elaborately detailed. The later rear wing is constructed in half brick and half tile-hanging with a mix of window styles and proportions, including attic dormers. A further lower range steps down and inward and runs much further north of the house and encloses the east of the walled garden.
42. In so far as it is relevant to this appeal, the special interest of *Matfield House* lies in its architectural and historic interest, as a prominent and domineering country house of grand scale and appearance that demonstrates the wealth and prestige of the Marchant family it was constructed for.
43. The *Stable Block Immediately North East of Matfield House*⁹ lies between the House and Coach House in its stable courtyard. The clock turret atop its roof dates it to 1736. Its detailing is opulent and befitting of its status as a Grade I listed building and was evidently designed to match the House and further illustrate the wealth and status of its occupants. Moreover, it is a two-storey rectangular building, with its principal façade to the yard incorporating a symmetrical arrangement of five bays. The central bay is wider and projects forward, with a wider doorway and more-pronounced window arch above. A modern door is inset from the outer, with glass to either side associated with its current residential use. There are narrower doors to either side.
44. The front façade is finished in Flemish bond, with vertical and horizontal brick divisions of pilasters and banding, beneath its tall peg-tiled roof. The roof is also marked by a finely detailed clock turret, which incorporates a timber cupola. The eaves are prominent and detailed with delicate mouldings, and the openings are finished with leaded pane windows within segmental arched openings. The building has an architectural hierarchy, as the rear is simpler with an English wall bond but, nevertheless, features similar arched windows and a central hipped attic dormer. The rear sliding door has been replaced with a modern glazed alternative.

⁸ List Entry Number: 1250644.

⁹ List Entry Number: 1250646.

45. Despite modern alterations to this listed building, which emanate from its conversion to housing, in terms of its relevance to this appeal, its special interest lies in its architectural and historic interest, as a striking stable block formerly associated with an 18th Century country house, Matfield House.
46. The *Coach House About 40 Metres North East of Matfield House*¹⁰, is a Grade II* listed building situated in the northeast corner of the stable courtyard and was likely constructed along with the House and Stable Block. It faces south and is arranged on a rectangular plan with large doors in a segmental-arched central opening. A rear outshut incorporates a tall porch with a hipped roof, flanked by lower outshuts beneath the continuing roof slope. Like the Stable Block, the courtyard façade is finished in Flemish bond, with pilasters to either end and a plat band and moulded brick eaves cornice. In so far as it is relevant to the appeal before me, its special interest lies in its architectural and historic interest as a particularly fine example of an early-18th Century Coach House, within a fine courtyard of buildings associated with Matfield House.
47. The *Oasthouse About 100 Metres North of Matfield House*¹¹ is a Grade II listed building. It likely originates from the mid- to late-19th Century, but modern alterations have been made to facilitate its conversion to a dwelling. Its three brick kilns are of circular form and topped with tiled conical roofs and striking timber cowls; and the stowage building attached is part weatherboarded. The Oasthouse **provides evidence of Matfield House's income and a locally distinctive historic hops industry**. Although there have been modern alterations to the property, based on the above, its special interest today is derived from its architectural and historic interest, as a mid- to late-19th Century former oast house with later alterations.
48. **I am mindful of the definition of 'setting' in the Framework as being the surroundings in which a heritage asset is experienced.** This is not fixed, and historic mapping indicates the settings of these listed buildings have changed through introduction of built forms in their surroundings. Principally this relates to the construction of housing to Chestnut Lane and Maidstone Road that has influenced the proportions of the site. Nevertheless, it has formed part of the landholding of Matfield House since the early-18th Century. Maps of 1872 and 1897 show it to be a field, whereas the parcel to its west was an orchard of greater proportions that extended further south toward the rear of the House. This was partially replaced by formal lawns beyond its kitchen garden. The extent of fruit tree coverage, including in the site, has diminished over time.
49. It is unclear whether it was a specific design objective of its location, but the three brick kilns of the Oasthouse are aligned with the gap between the Coach House and Stable Block. This is likely due to the axial route to Chestnut Lane having previously been in place prior to its construction.
50. There is also now mature planting around the Oasthouse and its garden has been enclosed by hedges and the route of the axial access track to the rear of Matfield House has been partially severed and rerouted around a tennis court to provide more garden and space for garaging. This has altered its setting and reduced visibility between the listed buildings, and to and from the site, but the site remains evident from land northeast of the listed buildings and vice versa. I am also mindful that vegetation is subject to seasonal change and is, in any

¹⁰ List Entry Number: 1263150.

¹¹ List Entry Number: 1263151.

event, ephemeral. Furthermore, the height and distinctive form of its conical roofs and cowls can still be observed from The Green and remain prominent features within the local landscape, particularly from Maycotts Lane and Chestnut Lane. The Oasthouse therefore has a similar dominance to Matfield House over its immediate surroundings. The clock turret atop the Stable Block is also visible from these streets. The elements of both buildings therefore make prominent contributions to the character and appearance of the Matfield Conservation Area (CA).

51. Evidence before me suggests the site has not previously been developed and either remained open or planted. The openness and undeveloped qualities of the site therefore contribute to the understanding and significance of the agricultural landscape associated with the House and growth of the village.
52. The openness and undeveloped characteristics of the site and the functional relationship of the buildings to one another therefore form an integral part of the historic rural setting of the listed buildings, which contributes to their understanding and significance as heritage assets. Moreover, the relationship of the Stable Block, Coach House, and Oasthouse with Matfield House, and the settings they share, are fundamental to understanding their significance within the land historically associated with the House.
53. **The CA is concentrated on Matfield's historic core around the green and streets** leading from it. It contains numerous notable listed buildings, including those to which I have referred above and in *Other Matters*. It also encompasses the open and undeveloped land between the House and the Oasthouse, to the east of Maidstone Road, and forming the rear gardens of houses around The Green. Hence, its significance is derived from the contribution made to its character and appearance by the high-quality design and layout of the numerous listed buildings, and open and undeveloped spaces therein.

Effect to Heritage Assets

54. The historical use of the Oasthouse would still be evident alongside the proposal due to the prominent nature of its form and appearance, and its relationship would remain with the countryside to the northwest, including the remnant orchard that is proposed to be managed. Nevertheless, while the layout is indicative, it demonstrates the Oasthouse would be enclosed to its east by the significant and permanent erosion of the open and undeveloped qualities of the site. The presence of unrelated built forms so close to the Oasthouse, within the site, would therefore cause a demonstrably high level of harm to a key part of its rural setting. This would weaken the contribution its setting makes to its understanding and significance, as a heritage asset.
55. The appeal scheme would also bring considerable development closer to the historic core of Matfield, within the setting of Matfield House, the Stable Block and Coach House. Moreover, the open and undeveloped qualities of the site are prominent in views from the land surrounding each of these listed buildings. Accordingly, the proposal would fundamentally alter and be harmful to their settings and, thereby, the understanding and appreciation of their significance in the development of the historic core of Matfield.
56. While the relationship of the listed buildings with the countryside would not disappear, the clear visual link between would be significantly weakened by the **extent of the proposal's protrusion into the open and undeveloped land**

surrounding the listed buildings. However, given the extent of the garden and other land associated with Matfield House and the other buildings that would remain between them, the harm to each would be of a moderate extent.

57. Turning to the CA, the land immediately south of the site, that falls within the CA, would not be developed apart from the proposed southern route, and this would not, of itself, be harmful to the character and appearance of the CA, which would be preserved. Moreover, with careful consideration of its layout and appearance, it should be possible to accommodate the route.

Public Benefits and Conclusions

58. The statutory duty in Section 66(1) of the PLBCAA is a matter of considerable importance and weight, as are the aims of the Framework. The proposal would be harmful to the setting of the Oasthouse, Matfield House, the Stable Block, and the Coach House, which would harm their significance as designated heritage assets.
59. **The Framework identifies harm as 'substantial' or 'less than substantial', it does not introduce a further spectrum in relation to either category for decision makers to place any identified harms to the significance of a heritage asset, including the contribution made by its setting. Notwithstanding the extent of harm identified above, the Framework's division of harm is sufficient to undertake the balancing exercise to determine whether the proposal would be acceptable. Moreover, the harm to these heritage assets each equates to less than substantial harm and Framework paragraph 208 identifies this should be weighed against public benefits of the proposal.**
60. In its Statement of Case, the Council has confirmed its supply of deliverable housing land for April 2023 stands at 4.29 years, which is lower than the 4.49 years stated in the OR. The evidence before me indicates the ELP is some way from adoption due to issues with housing allocations and alteration of Green Belt Boundaries, including regarding a new settlement at Tudeley Village. It is therefore possible that sites such as that containing the proposal will be needed in the short- to medium-term to address the Borough's unmet housing need. The Council has no objection to the location of the development in respect of the settlement boundary. The Framework also states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. In this case, the proposal would also deliver a mix of houses and apartments to provide choice in the market. These each amount to social benefits of the proposal, to which I afford significant weight.
61. The appeal scheme would go above the development plan policy requirement for affordable housing and provide a greater percentage of such homes, which would amount to a social benefit of significant weight.
62. There would be short-term benefits to the local and wider economy from the application of the New Homes Bonus and direct and indirect employment associated with construction and associated industries. Future occupants would be likely to support the vitality of Matfield and neighbouring settlements through expenditure in local shops, services, and facilities. These would all constitute benefits in social and economic terms and, given the magnitude of the proposal, they would be afforded moderate weight. Furthermore, Council Tax receipts in conjunction with the proposal would only be likely to make a

- modest contribution within the Borough, which would amount to an economic benefit of limited weight.
63. I am mindful biodiversity net gain is not a mandatory requirement for the proposal, but the Framework is supportive of measurable attempts to secure such benefits. The indicative scheme would provide, amongst other things, enhancement and future management of the remnant orchard, and planting throughout the site. This provides sufficient assurance, in the absence of a worked-up scheme, that it should be possible to achieve gains through the proposal that I afford moderate weight as environmental benefits. The planting, in isolation, would also amount to a heritage benefit through improvement to the settings of Matfield House and the Oasthouse to their north and northwest.
64. The proposal also includes potential for views to be revealed of the CA and the listed buildings, which have not previously been open to the public, thereby increasing visibility of their context. However, this would be achieved through use of the pedestrian route north, to which there are safety concerns, and by fundamentally harming the setting of the buildings, so I afford this heritage benefit limited weight.
65. The other contributions and provisions of the UU are proposed to mitigate an impact, in this case that of up to 22 dwellings. However, there would also be some limited social benefits to existing residents from the contribution to a new **doctors' surgery and other social provisions**.
66. I note the site was a proposed allocation in the Regulation 18 version of the ELP but was subsequently removed based on its ecological potential. That has since been disproven, but the site and policy relevant to its consideration are not part of ELP going through Examination. It is therefore uncertain whether the **site's allocation** would have brought other objections, so I afford this very limited weight.
67. The dwellings within the site and services and facilities in Matfield could be reached by various means including sustainable travel opportunities, such as walking and cycling, including through use of the proposed southern route; and the village is situated on a bus route to other settlements. While this would generally equate to an absence of harm, the use of the southern route by other existing residents may also amount to a limited social benefit.
68. Given my findings in relation to the effect of the proposal to the AONB and HWNL, and the setting of numerous heritage assets, it would not amount to an effective use of land within the site, as it would not safeguard or improve the environment as required by the Framework.
69. Taking the above stated benefits together, while there would be significant public benefits associated with the provision of housing, including affordable homes, and other moderate and limited benefits, the harm that would be caused to the setting of the Oasthouse, Matfield House, the Stable Block, and Coach House, by allowing the proposal, would be of greater significance.
70. Framework Paragraph 205 states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight **should be given to the asset's conservation (and the more important the asset, the greater the weight should be)**. Moreover, Paragraph 206 states Grade I and II* listed buildings are assets of the highest significance.

71. In accordance with Framework paragraphs 205 and 208, considered together, there would not be wider public benefits of sufficient magnitude to outweigh the great weight to the conservation of the setting of the Grade II listed Oasthouse, and the greatest of weight to the conservation of the Grade I listed Matfield House and Stable Block and the Grade II* listed Coach House, and the considerable importance and weight to the less than substantial harm identified to the significance of each of these heritage assets.
72. Despite my findings in relation to the character and appearance of the CA, I conclude that the proposal would fail to preserve the setting of the Oasthouse, Matfield House, the Stable Block and Coach House. Hence, it would fail to satisfy the requirements of Section 66(1) of the PLBCAA, and would conflict with the heritage aims of Framework paragraphs 203 and 205, BMNDP Policy LE3, and CS Core Policies 4 and 14.

Other Matters

73. The appeal site is also near to other listed buildings to which I have been referred, so I have had regard to the statutory duty referred to in the Act.
74. The *Stable Building About 50 Metres East of Matfield House*¹² is a two-storey former stable block, now two houses, that encloses the east side of the stable courtyard. It is also Grade II* listed and finished with Flemish bond brick to the ground floor and tile-hanging above. Its roof is half-hipped to either end, clad in peg-tiles and features a moulded fascia to its eaves. Signage to the 19th Century lean-to to its southern end, next to The Green, indicates it alone or more of the building may have been used as a fire station, with central double doors either side of casement windows. In so far as it is relevant to this appeal, its special interest lies in its architectural and historic interest as a highly notable stable building within a fine courtyard of buildings associated with Matfield House. The site forms part of the extended setting of the stables, but its curtilage is separated from it by the Coach House, the gardens of Matfield House Cottages and other intervening land. As such, its setting would be preserved, and the proposal would not detract from it.
75. *Matfield House Cottages*¹³ comprise a row of three two-storey cottages fronting The Green. They are Grade II* listed and likely originate from around the time of Matfield House. The building is partly clad in hanging tiles to its first floor, with the ground floor finished in Flemish bond brick with blue headers, separated by a corbelled brick cornice. The roof is peg-tiled and gabled to the east and half-hipped to the west. It also features two tall chimneystacks, with banding and a moulded eaves cornice. The front façade is also finished with fielded panel timber doors, with flat hoods over, and flush metal casement windows and leading. In light of this, its special interest lies in its architectural and historic interest as a well-preserved row of early-18th Century cottages built as part of the estate of Matfield House. The gardens to the rear of Matfield House Cottages are long and narrow and meet the boundary of the east garden to Matfield House, situated between the cottages and the southern extent of the site. These would remain in situ alongside the proposal, and it is the gardens of the cottages between that is of greatest importance to their setting, together with their relationship with the village green and the important enclosure they provide to The Green, alongside the House. Despite the

¹² List Entry Number: 1250647.

¹³ List Entry Number: 1250648.

southern route through the garden of No 3 reducing its size and introducing a throughfare to the site, with careful consideration of its layout and appearance, it should be possible to accommodate the route without harming and preserving the setting of the Cottages.

76. *The Star Public House*¹⁴ is of two storeys and consists of two elements, and the original part likely originates from the early-17th Century. It is perpendicular to the road and is constructed in the vernacular of the village with half brick and tile-hanging to its facades and a peg-tile roof with brick stacks. The extension toward and parallel with Maidstone Road is from the late-18th or early-19th Century. It is three bays wide and almost symmetrically composed with a central projecting doorcase and vertical sliding sash windows above and to either side within flat-arched openings, those at ground floor being tripartite. However, there is a further door to the northern end of the façade. The flank elevations are marked by end stacks and there is fine joinery detailing to windows and doors. The building is Grade II listed and, in so far as it relates to the appeal before me, its special interest lies in its architectural and historic interest as an early-17th Century public house, with a prominent later addition to its front. It would have served the village and those travelling through it. The site is part of the open land to the west and north of the public house, but this makes a limited contribution to the understanding of its significance as a rural public house. Rather, it is its association with Maidstone Road and proximity to The Green that are of greater importance. Hence, the presence of the proposal, visible through trees within the northwest backdrop of the public house would not affect this understanding or have a harmful effect on its setting, which would be preserved.
77. The *Mounting Block Immediately East of Matfield House*¹⁵ is contemporary with the House and other buildings in the stable courtyard, and positioned on the circular green east of the House. It is constructed of four stone treads on a brick base and a timber post with a finial atop is fixed to its northwest corner. Its special interest lies in its architectural and historic interest as a mounting block likely used to assist in mounting or dismounting horses, carriages or carts. Despite being visible through the gates into the courtyard, given its stature its setting is largely contained within this space. The site is also separated from it by the other buildings in the courtyard, so it does not contribute to its setting or significance, which would be preserved.
78. The *Walls, Gate Piers, Railings and Gates to the Garden South and West of Matfield House*¹⁶ are Grade II* listed and of early-18th Century origin, but have been repaired. The walls are partly laid in English and Flemish bonds with piers. The gates and railings are elaborate and enclose the south garden but still enable the prominent façade of the House to be seen. In so far as it is relevant to the appeal before me, its special interest lies in its architectural and historic interest as a splendid example of opulent early-18th walled and iron enclosure of the gardens of a high-status country house, Matfield House.
79. The Grade II listed house *Maycots*¹⁷ lies northwest of the House on Maycotts Lane. It likely originates from the late-16th Century, but was subject to extension and alteration in 1910. It was evidently designed to face east over its

¹⁴ List Entry Number: 1250189.

¹⁵ List Entry Number: 1250645.

¹⁶ List Entry Number: 1263149.

¹⁷ List Entry Number: 1263148; the spelling on the sign for the house is 'Maycotts'.

large front garden and is set some distance back of the lane behind a low brick wall and tall hedgerow. Moreover, it is a two-storey house constructed on a timber frame above a sandstone rubble plinth. The ground floor is clad in brick, with tile-hanging above and a hipped peg-tile roof. The attic is served by matching gabled dormers either side of a lower central gable, the verge of which aligned with the articulate detailing of a central axial chimneystack. Accordingly, its special interest lies in its architectural and historic interest as a noteworthy late-16th Century house, with later alterations. The two key phases of its development have resulted in an architectural designed house with intricate detailing, including in the joinery of its fenestration.

80. *Canterbury Cottage Hodge Cottage*¹⁸, is a pair of 18th Century Grade II listed houses west of the House and The Green. They are both of two-storeys and arranged in a rough L-shape, with Hodge Cottage fronting the lane and Canterbury Cottage perpendicular to it. The latter was formerly two houses. Like the other listed buildings, it is part clad in Flemish bond and tile-hung and its roof finished in peg-tiles, with stacks atop. Both cottages also feature traditional joinery detailing to windows and doors. Despite later alterations, the special interest of the building lies in its architectural and historic interest as a well-proportioned and detailed pair of 18th Century cottages.
81. Given the proximity and physical relationship of the proposal with these remaining three listed buildings, their settings would be preserved and the proposal would not detract from them. Moreover, Maycots and the pair of cottages are some distance west of the site and separated from it by their own grounds and those of the House and Oasthouse. The extensive setting to Maycots within its north, east and west gardens would remain. Similarly, the walls etc. are also south and west of the House, such that their setting is primarily associated with the House and the street environment adjacent.

Planning Balance

82. While the BMNDP, CS and LP all predate the current Framework, it is clear existing policies should not be considered out-of-date simply because they were adopted or made prior to its publication. Due weight should be given to policies according to their consistency with the Framework.
83. **Given the Borough's housing land supply position, CS Core Policy 14 is 'out of date' for the purposes of Framework paragraph 11(d). It refers to development** outside of the limits to built development, i.e. settlement boundaries. In isolation of other considerations, this would not be wholly aligned with the more flexible and balanced approach implicit in the objectives outlined in the Framework. However, this does not fundamentally undermine the continued relevance of such an approach, particularly as its aim is to protect the countryside from development that does not need to be there. This differs only slightly from the aim in the Framework to recognise the intrinsic character and beauty of the countryside. There is therefore still a clear rationale for settlement boundaries to protect the countryside while focusing growth within designated settlements. The policy also seeks to conserve and enhance designated buildings and areas of historic importance, so it is also generally consistent with the heritage aims of the Framework. Despite these considerations, until such time as the ELP has been adopted, to meet current and future housing needs, this is likely to need to be accommodated beyond

¹⁸ List Entry Number: 1250643.

existing settlement boundaries. While I have regarded the underlying objectives of the policy as being partially consistent with the Framework, I am only able to afford limited weight to the conflict of the proposal with this policy.

84. LP Policies EN1 and TP4 and BMNDP Policies AM1 and AM2 are generally consistent with the sustainable transport aims of the Framework. Despite the absence of a balancing exercise in relation to heritage harms in BMNDP Policy LE3 and CS Core Policy 4, these policies are also generally consistent with the heritage aims of the Framework, particularly the statutory duties of the PLBCAA. BMNDP Policy LE1, CS Core Policy 4, and LP Policy EN25 are generally consistent with the **Framework's** natural environment and design aims.
85. In light of the above, my overall judgement is that the most important policies, **taken as a whole, are not to be regarded as 'out of date' for the purpose of the decision**; and these are the policies that are more important than Core Policy 14 in determining the appeal because of the bearing they have on the decision to be made in the context of statutory duties to the listed buildings and the AONB and HWNL. As such, I afford significant weight to the **proposal's** conflict with CS Core Policy 4, LP Policy EN25, and BMNDP Policies LE1 and LE3.
86. The proposal would accord with the aims of the development plan regarding provisions in the UU and there would not be harm to the setting or several listed buildings or the character and appearance of the CA, but these amount to absences of harm, so are neutral considerations. I have also already identified the benefits of the appeal scheme through assessment of public benefits in undertaking the necessary balancing exercise in relation to the heritage assets. In terms of harm, there is insufficient evidence before me to demonstrate that safe and suitable pedestrian access would be available to serve the proposal; it would fail to preserve the setting of the Oasthouse, Matfield House, the Stable Block and the Coach House; it would also neither conserve nor enhance the landscape, scenic and natural beauty of the AONB and HWNL. These harms would result in conflict with the development plan in the context of the relevant policies referred to above.
87. The appeal scheme would not accord with the development plan, when considered as a whole. Furthermore, the harm identified to the AONB and the outcome of the balancing exercise for the designated heritage assets is that the application of policies in the Framework that protect these provide clear reasons for refusing the development proposed.
88. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, when considered as a whole, and there are no other relevant material considerations, including the provisions of the Framework, that indicate the proposal should be determined otherwise than in accordance with the development plan.

Conclusion

89. The proposal would be contrary to the development plan and there are no other considerations, including provisions of the Framework, that outweigh this finding. Thus, for the reasons given, I conclude the appeal should be dismissed.

Paul Thompson

INSPECTOR