

Monk Lakes, Staplehurst Road, Marden

Maidstone Borough Council Public Inquiry

Proof of Evidence of:

Janice Gooch FRSA MA MSc CHE IHBC
Principal Conservation Officer
(Heritage, Landscape and Trees)

Appeal against refusal of:

Part retrospective planning application for the retention of two lakes known as Bridges and Puma and works to create 3 additional lakes all for recreational fishing, erection of clubhouse building and associated works and landscaping.

PINS Reference: APP/U2235/W/20/3259300

LPA Reference: 11/1948

Date/Revision: 18/01/25 – DRAFT

1 Introduction

1.1 About the Witness

1.1.1 I am Janice Gooch FRSA MA MSc CHE IHBC, Principal Conservation Officer (Heritage, Landscape and Trees) at Maidstone Borough Council.

1.1.2 I am a full member of the IHBC and have a Master's degree in Conservation of the Historic Environment and a Master's degree in Historic Interiors and Decorative Arts.

1.1.3 I have over 20 years' experience of working with listed buildings and heritage assets. Starting as a Building Surveyor (former Assoc RICS), I moved to working as a Conservation Officer, initially in 2011 for Cherwell District Council for two years. I worked as a freelance Heritage Consultant between 2016 – 2022, when I was employed by Maidstone Borough Council.

1.2 Involvement with the Case

1.2.1 I am involved with this case as an expert witness on behalf of Maidstone Borough Council. My evidence is confined to heritage issues, such as understanding the significance of, and impact of the proposals upon, the surrounding heritage assets.

1.2.2 I have been involved with this case since for the Public Inquiry, after my former colleague, Jeremy Fazzalano, who dealt with the previous Inquiry left the council.

1.3 Scope of Evidence

1.3.1 The Case Officers Report provided one reason for refusal which had reference to heritage.

1.3.2 The key heritage issues are:

- The impact on the setting of the Grade II listed Hertsfield Barn

1.4 Structure of Evidence

1.4.1 The evidence is set out in three sections. Firstly, I describe the relevant planning policy and guidance. Secondly, I describe the site and its context, identifying the heritage assets and their significance. Thirdly I will undertake an impact assessment of the works on the heritage assets.

2 Relevant Planning Policy and Guidance

2.1.1 In producing this proof of evidence, I have considered both national and local planning guidance.

2.1.2 I have considered the:

- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework (Dec 2024) – Section 16
- Historic England guidance GPA3, The Setting of Heritage Assets 2nd edition (2017)
- Kent Historic Environment Record
- Kent Farmstead Guidance
- Kent Farmsteads and Landscape Project
- BS 7913: 2013 Guide to the conservation of historic buildings
- LPRSP14(B): Historic Environment
- LPRENV1 (parts 1 and 4)

3 Site and Context

3.1 Background and Planning History

- 3.1.1 The site is located to the south of Linton, and comprises of a number of fishing lakes, some of which are the subject of this Appeal.
- 3.1.2 The development proposals (retrospective) comprise of the
- 3.1.3 The designated heritage assets which have the potential to be affected by the development are:
- Old Hertsfield Farmhouse (Grade II)
 - Hertsfield Barn
- 3.1.4 The original application (11/1948) was submitted and validated on 9.12.2011. The Conservation Officer at the time, Mike Parkinson raised no objection (comments 6/12/2016).
- 3.1.5 Further consultation was undertaken with the replacement Conservation Officer, Paul Robertshaw, who advised that he had no objection to the proposed scheme (comments dated 21/11/2019), but on further consultation, Paul Robertshaw amended his comments and advised that there was ‘negligible impact on the setting and significance of the farmhouse’.
- 3.1.6 The Case Officer submitted the Case Officers Report (COR) to Planning Committee (23/02/2020) for Approval. The Planning Committee refused the planning application on the grounds provided for this Appeal. The Decision was issued on 12 March 2020.
- 3.1.7 The application has since been subject to a Planning Appeal (21/11/2022) and two Court Hearings (CO/12225/2012 – 22/01/2014 & CO/4860/2022 AC-2022-LON-003687 – 7/05/2024) which were for procedural considerations, and therefore not discussed within this Proof of Evidence.

3.2 Change of Position of the Conservation Officer

3.2.1 The initial consultation (6.12.2011) raised no objection to the proposed scheme, with the Mike Parkinson, who stated:

The existing and proposed lakes have no adverse impact on the settings of listed buildings in the vicinity. However, given the substantial amount of excavation proposed I would recommend that we consult with KCC heritage section regarding archaeological impact prior to determination

3.2.2 Paul Robertshaw undertook the same consideration, but amended his consideration (20.12.2019) to state:

Old Hertsfield is a Grade II listed farmhouse dating from the 18th century or earlier (list entry number 1281781). The building is separated from the development site by Hertsfield Oast and Hertsfield Barn (Grade II), which together with their associated landscaping limits any potential inter-visibility. In my view the development therefore has a negligible impact on the setting and significance of the farmhouse.

3.2.3 The justification for the revised advice would be difficult to fully understand without discussing with the Conservation Officers, however, it is my opinion that the change was due to increased scale of the bunding, the changes to the understanding and consideration of setting of a listed building since 2011, and to reflect the views of the Planning Committee.

4 The Site and Context

4.1 The Site and Heritage Assets

4.1.1 The site sits to the east of the designated heritage assets that formed Hertsfield Farm. The site sits outside of the setting of other heritage assets.

4.1.2 The application site has no heritage assets.

4.1.3 Within the setting of the site are:

- 'Barn about 50 metres east of Old Hertsfield Farmhouse (1344432) – Grade II
- Old Hertsfield Farmhouse (1281781) – Grade II

4.1.4 Within the much wider landscape are several listed farmhouses to the NE, E, SE and W of Monks Lakes, but due to the topology and/or distance, the proposed development is not considered to cause harm to their setting.

4.2 Understanding Significance and Impact Considerations

4.2.1 In order to assess the impact of a development on a heritage asset it is first necessary to understand its significance. In relation to the significance of heritage assets, the NPPF Glossary states that *“interest may be archaeological, architectural, artistic or historic”* and that *“Significance derives not only from a heritage asset’s physical presence but also its setting”*.

4.2.2 There are two designated heritage assets adjacent to the site near its western boundary: Old Hertsfield Farmhouse (NHLE ref: 1281781) and Hertsfield Barn (NHLE ref1344432). The group also includes the unlisted former oast house and former workers’ cottages. The two historic farm buildings form part of a small cluster of buildings historically known as Hurtsfield Farm, identified on the Kent Historic Environment Record as a dispersed multi-yard farmstead with driftway.

4.3 Statement of Significance

4.3.1 Map Regression

4.3.1.1 The 1868 OS map shows 'Hurstfield' shows a partially moated site, lined with trees on the outer edge, with the island divided into four areas, with the two the south planted with trees and indicated as laid to gardens, on the island is a small outbuilding to the NW corner of the site, and the main house. To the east is a large pond, with a small outbuilding to the NW of the pond, and a smaller barn than the existing barn, to the east of the large pond. To the south is an Oast and five small outbuildings is a shattered location heading south towards the access. The surrounding landscape appears to be agricultural with isolated strips of wooded areas.

4.3.1.2 The 1895-1896 OS map shows a partially moated site, that has been divided into five areas, with the two the south planted with trees, a small outbuilding to the NW corner of the site, and the Farmhouse, with a large pond by the barn, and two smaller ponds to the south / south-west of the farmhouse. The barn has an extension to the east of open bays.

4.3.1.3 The 1907 OS map identifies the overall farmstead as 'Hurtsfield', with the barn and oasthouse. The barn and the oast house have been extended. The barn appears to have open bays to either side of the original barn, with enclosed fencing up to the southern edge of the barn. A small linear building (with external pens) is connected to the eastern open bays. (These appear to no longer be in-situ). The scattered small outbuildings have been replaced with the workers cottages, and larger outbuildings. On the island the small outbuilding has been replaced with a larger outbuilding in a slightly different location.

4.3.1.4 The OS maps indicate that the setting of the Old Hertsfield Farmhouse has altered slightly over, and has changed from being a domestic dwelling, to a farmstead. The Barn has been extended in the early 1900s.

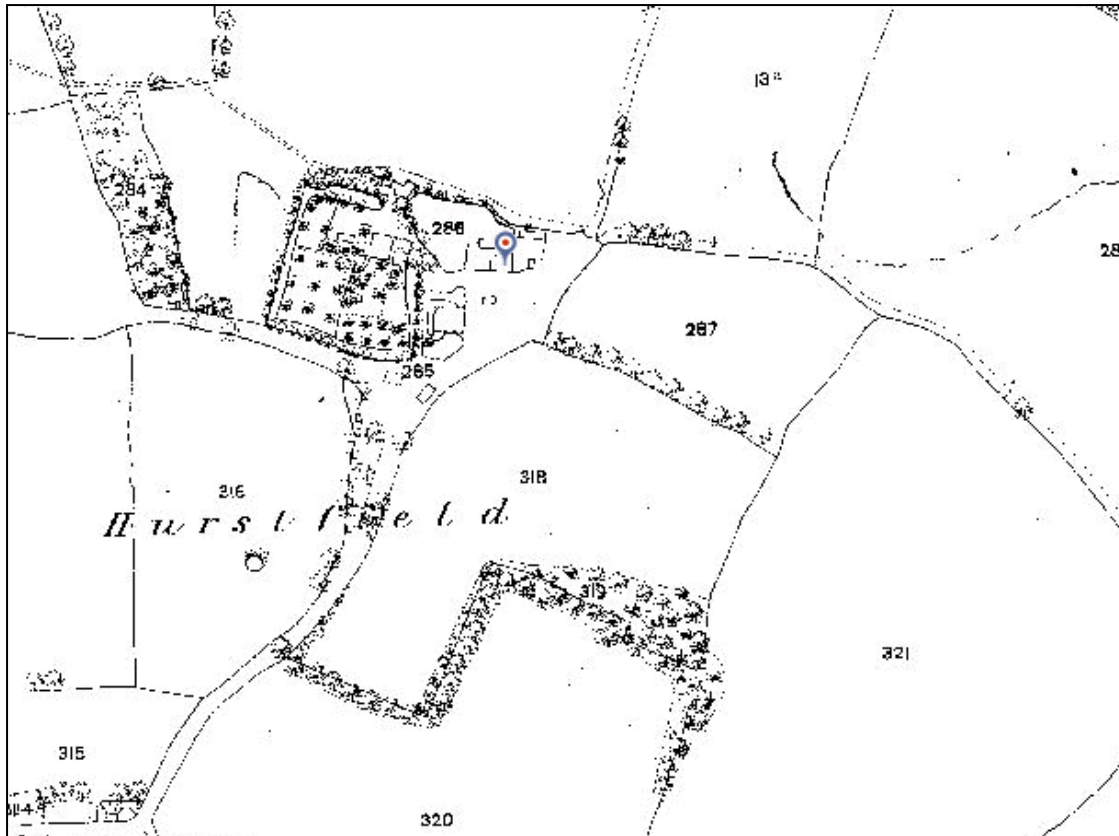


Figure 1 - 1876-1895 Ordnance Survey Map



Figure 2 - 1960 aerial image (KCC/Google Earth)

4.3.2 Significance - Old Hertsfield Farmhouse

4.3.2.1 Old Hertsfield Farmhouse was listed in 1987. The list description states:

Farmhouse. C18, possibly with earlier core. Ground floor red and grey brick, first floor tile-hung. Plain tile roof. 2 storeys. Gabled. Gable-end stacks. Irregular fenestration of 3 windows; two two-light casements with top lights, and one central eight-pane sash. Central half-glazed double doors. Parallel rear range, with rear stack to left. Interior not inspected. Included for group value.

4.3.2.2 The farmhouse is highly significant as a grade II listed building retaining 18th century and earlier fabric and is considered to possess both architectural and historic value in relation to its architectural appearance. The list description identifies its group value, due to its connection with the associated historic farmstead.

4.3.3 Significance - Hertsfield Barn

4.3.3.1 Hertsfield Barn was listed as 'Barn about 50m east of old Hertsfield Farmhouse' in 1986. The list description states:

Barn. C15 or early C16. Timber framed, weatherboarded, on ragstone plinth. Plain tile roof. 4 timber-framed bays, with midstrey to second bay from north. South end bay shorter than rest. Steeply-pitched hipped roof with gablets. Low gabled weatherboarded porch to east. Lean-tos to east and west sides of two south bays. Single-storey C19 weatherboarded cattle shelter with plain tile roof, running east from north end, open to south side with posts on tapering padstones, and retaining wooden feeding troughs at time of re-survey. Interior: gunstock jowls to principal posts. Arch-braced tie-beams. Plain crown posts, each with two foot and two head braces. Lapped collars. Full-height intermediate posts to bays flanking midstrey. Stave, lath and daub infilling above midrail to east side of two south bays. Tension braces. Threshing - floor brace.

4.3.3.2 As identified in the list description, the principal medieval threshing barn element of the building has two 19th-century wings, the western wing understood to date from the early 19th century and the eastern wing to the later 19th century based on historic mapping evidence.

4.3.3.3 Historically, the barn was the dominant element of the farmstead. The Kent Farmsteads guidance states that:

In Kent the barn was a building for the dry storage and processing of the harvested corn crop, and for housing straw after threshing before it was distributed as bedding for animals and trodden into manure to be returned to the fields.... Wealden barns retain evidence – either in partitions and floors or in evidence for lost partitions and floors - for being combination buildings in that they housed both animals (primarily cattle) and crops. Lean-to additions rather than aisles are more common in this area. (p.25)

4.3.3.4 Hertsfield Barn was converted to a residential dwelling following the grant of permission in 1986 and was altered accordingly at that time. The internal and external alterations to facilitate residential use were numerous, the principal timber frame and general character of the barn are essentially as the listing description at the time of designation.

4.3.3.5 As a grade II listed building dating to the C15 or C16 the barn is inherently of high significance. It is considered to be of high significance particularly in relation to its architectural and historical value, as it is an important example of its type, and it demonstrates the vernacular architecture, craftsmanship and agricultural practices of the region. The barn has been sympathetically converted without seriously undermining these values. The conversion has changed its setting from an open farmstead by introducing boundary treatments and domestic clutter, and the replacement of the Oast House with a contemporary interpretation.

4.4 Impact Assessment

4.4.1 Contribution of setting to significance

4.4.1.1 The Historic environment Section of the Planning Policy Guidance (Gov.uk) (PPG) provides guidance on assessing the setting of a heritage asset, stating that “The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development...” and “Although views from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as (...) other land uses in the vicinity” and furthermore that “The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to access or experience that setting.” (PPG, paragraph 013)

4.4.1.2 Historic England guidance GPA3, The Setting of Heritage Assets 2nd edition (2017), provides a best-practice methodology for identifying and assessing setting. The guidance states that: “Setting is not itself a heritage asset, not a heritage designation, although land comprising a setting may itself be designated. Its importance lies in what it contributes to the significance of the heritage asset or the ability to appreciate that significance” (p.4) and in identifying the extent to which the setting contributes to the significance of the heritage asset, the guidance recommends taking account of “the physical surroundings of the asset, including its relationship with other heritage assets; the asset’s intangible associations with its surroundings, and patterns of use” (p.10).

4.4.1.3 The HE guidance sets out a staged approach to the assessment of understanding the significance of setting:

- Identification of heritage assets and the extent of their settings;
- Assess whether, how and what degree the settings make a contribution to the significance of the heritage assets;
- Assess the effects of the proposed development, whether beneficial or harmful on the significance;

- Explore ways to maximise enhancement and avoid or minimise harm; and
- Record the process.

4.5 Setting

4.5.1 Old Hertsfield Farmhouse

4.5.1.1 As identified above, the significance of Hertsfield Farmhouse is enhanced by its relationship with other heritage assets. This relationship relates to the historic association of the (farm)house and its associated farm buildings, rather than a pure visual relationship as the house is within an enclosed setting surrounded by treed boundaries that have been in existence since at least the early 19th century. Therefore, the house is experienced largely within this enclosed setting, with the land of the application site not directly contributing to its physical setting.

4.5.1.2 As a result of this enclosed, historically domestic setting, the land of the appeal site is not considered to contribute to the significance of the farmhouse and therefore it has not been assessed further in relation to the development.

4.5.2 Hertsfield Barn

4.5.2.1 Hertsfield Barn has group value with the farmhouse, and this contributes to its significance. The barn has historically been experienced in an open agricultural landscape comprising irregularly enclosed fields with minimal built development other than the ancillary farm buildings. The land immediately to the east of the barn and its associated yard, which now comprises the appeal site, is considered to contribute to its setting and significance as set out below.

4.5.2.2 The Kent Farmsteads and Landscape Project sets out the evolution of this type of agricultural landscape within Kent:

The fields and the patterns of roads, tracks and woodland around the farmstead reflects centuries of change. The pattern is piecemeal enclosure, where successive change has removed or retained patterns of land use extending into the medieval period and beyond. The farmstead was in an isolated location rather than part of a nucleated settlement, and therefore the land associated with it would be the result of ancient private enclosure from the 14th century, rather than common land.
(p.29)

And goes on to summarise the importance of historic farmsteads in relation to their context with great relevance to this site and area:

Much of the Low Weald, together with the High Weald is remarkable in a national context for the very high numbers of farmsteads that retain early, pre-1750 buildings. The north part of this character area in particular has a major concentration of pre-1550 barns set within a framework of tracks, droveways and dens, fields and woodland that largely took its present form in the early medieval period. The close association of these early farmsteads and landscapes is highly significant (p.37)

4.5.2.3 In this instance, historic maps from the 1841 tithe map, late 19th and early-20th-century Ordnance Survey maps to the 1945 and 1960 aerial maps illustrate a consistent arrangement of the farmhouse, barn and oast surrounded by irregularly enclosed land, intersected by tracks and access routes. Near the farm and across the landscape there are small ponds and the moat, which was used as part status, and part ground water management systems. Trees or hedgerow lining some of the boundaries are clear throughout.

- 4.5.2.4 Smaller buildings of unknown use appear to the south and are later demolished, with the exception of workers cottages (Hertsfield Farm Cottages). The irregularity of the enclosures implies they were established in the medieval period at the time the barn was originally constructed.
- 4.5.2.5 As part of an agricultural holding constrained by natural features, patterns of use and land ownership boundaries, the land would have been configured for functional reasons rather than any aesthetic consideration. There is not considered to have been any formal or designed setting around the barn and farmstead, which has developed incrementally and organically.
- 4.5.2.6 Furthermore, the barn was not intended to have an outlook, nor was it designed as an aesthetic feature in the landscape. Views that may have been appreciated from within the barn or its immediate curtilage, albeit attractive and rural, are largely the result of its conversion to residential accommodation. The visual contribution of the barn to the landscape is a quality appreciated in more recent years when vernacular architecture has become more widely appreciated and protected through planning policy and heritage designation.
- 4.5.2.7 The historic mapping evidence leaves no doubt that the agricultural land (Appeal Site) has historically had a direct relationship with the Hertsfield farmstead. The location of the barn directly addresses this land across an open service yard, reached by access lanes to the north, east and south, indicates that the use of the land was intrinsically connected to the building, to allow for ease of access.

4.5.2.8 While it is evident that the patterns of land use have changed in the centuries since the barn and farmstead were established, the available mapping demonstrates that this has been within a long-established framework of land enclosures that directly reflect the functional relationship between the land and buildings. This functional relationship, as demonstrated by the layout and form of the land in relation to the buildings, indicates that the land of the site contributes to the significance of the listed barn.

4.6 Impact Assessment on the significance of Hertsfield Barn

4.6.1 NPPF paragraph 212 states that, ‘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). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’ while the NPPG states that ‘...harm may arise from works to the asset or from development within its setting.’ (para 018).

4.6.2 As set out above, Hertsfield Barn is considered to be highly significant, and that the appeal site prior to development contributes to the setting and significance due to the setting relating to the land’s open character, former agricultural uses and associated historic pattern of enclosure.

4.6.3 The development of fishing lakes has altered the landscape immediately adjacent to Hertsfield barn due to the formation of the proposed bunding for the lakes and the wider loss of the field boundaries. This has removed the (possible) medieval intricate patchwork of fields. The height of the bund prevents wider views across the farmland from the historic farmstead, with the man-made land-form considered out of character with the barn’s historic setting.

4.6.4 It is considered that the impact of these changes has resulted in ‘less than substantial’ harm to the setting and significance of the heritage asset. Under the NPPF (para. 212) ‘great weight’ should be given to the asset’s conservation, though any harm could be weighed against public benefits (para.215). This is a planning balance and is undertaken by the Case Officer or the Planning Committee of the LPA.

4.7 Mitigation and Justification

4.7.1 The scheme includes measures that are intended to minimise the visual impact of the development, specifically landscaping of the western bund closest to the barn. However, this would not overcome the fundamental harm in relation to loss of openness and historic enclosure patterns.

4.7.2 It is acknowledged that parts of the land were planted as orchards until the later 20th century, and that these had been removed prior to the development of the lakes. In para. 6.46 of their statement the appellant asserts that “...*the height of planting, in the form of trees...would likely have prevented long-distance views from the yard across the fields...*”.

4.7.3 However, it should be noted that orchards are carefully managed plantations with evenly spaced trees or up to 3m allowing for visibility across the land and a general sense of openness. Furthermore, it has been common practice to replant orchards on a cyclical basis, meaning that there would have been periods during which the land was empty of trees and open in character before being replanted. This is demonstrated by the historic aerial images and maps referenced above that indicate periods of openness followed by periods of being planted.

4.7.4 While it is acknowledged that a change to the setting of a heritage asset need not be inherently harmful, where it has been concluded that the elements of that landscape which contributed to the asset’s significance would be lost, there is a presumption of harm.

5 Summary and Conclusion

- 5.1.1 The proposal is considered to fail to meet the requirements of the national and local policy due to the harm (less than substantial) caused to the setting of Hertsfield Barn. Whilst it is acknowledged that the setting of the barn has altered over its lifetime, and the use of the barn has changed from agricultural to domestic use (complete with associated boundary treatments and domestic clutter), the creation of the lakes has resulted in a loss of visual connection with the wider (former) agricultural land that contributes to its significance.
- 5.1.2 Under the NPPF (Dec 2024), where harm to designated heritage asset has been identified, 'great weight should be given to the assets conservation' (para. 212). This harm can be weighed against public benefits (para. 216), as assessed by the Case Officer or the Planning Committee.