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## Appeal Decision

Site visit made on 31 October 2016

**by Grahame Gould BA MPhil MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 14<sup>th</sup> November 2016**

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**Appeal Ref: APP/J2210/D/16/3156166**

**Poors Farm, Chapel Lane, Marshside, Canterbury, Kent CT3 4EP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr J Newman against the decision of Canterbury City Council.
  - The application Ref 16/01039, dated 13 May 2016, was refused by notice dated 15 July 2016.
  - The development proposed is erection of a new three bay implement store.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The development has been completed in that a three bay implement store (the store) has been erected. I have therefore determined this appeal as being one for development that has been implemented.
3. Reference has been made to conflicts with various policies of the Canterbury District Local Plan Publication Draft of June 2014 (the emerging Local Plan). The examination of the emerging Local Plan is on-going and as such that plan remains subject to change. I therefore find that limited weight can be attached to the emerging Local Plan's policies and as such I have treated them as not being determinative.

### Main Issue

4. The main issue is the effect of the development on the setting of Poors Farm, which is a grade II listed building<sup>1</sup>, and the character and appearance of the Marshside Conservation Area (the CA).

### Reasons

5. The store has been constructed around two metres to the east (rear) of a carport, the latter benefitting from a planning permission granted under file reference CA/15/01265. The store is bounded to the north and east by a tarmacked drive and parking area that is enclosed by post and rail fencing.
6. The listed house originally dates from the 16<sup>th</sup> century and lies within substantial lawned grounds, with there being various outbuildings to the south and east of the house. Those outbuildings are being used for purposes associated with the house's occupation. There is also a former barn

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<sup>1</sup> The property being referred to as Old Mead Farmhouse on the statutory list entry

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immediately to the south east of the house that is currently in the process of being converted into a studio under the terms of planning permission CA/15/02615. Poors Farm is situated within the CA, which is generally characterised by ribbon residential development along Northstream and Chapel Lane, with the individual plots being occupied by dwellinghouses and some outbuildings.

7. The store is sited between 30 to 40 metres to the south east of the main house within a part of Poors Farm's grounds that until recently would appear to have been free from built development. The setting of the listed building historically would have been characterised by open grounds with ancillary and/or incidental buildings being sited closer to the house than the store that has been built. I find that the siting of the store, notwithstanding its comparatively small size, has not preserved the listed building's setting because of the encroachment of further built development into the otherwise open grounds to the south of the listed building.
8. In reaching the above mentioned finding I am mindful of the fact that the boundaries of Poors Farm with Northstream and Chapel Lane are marked by dense and mature hedge and tree planting, which means that the store is not readily visible from public vantage points. However, the degree of visibility from public vantage points is not the relevant consideration with respect to the fulfilment of the statutory duty to '... have special regard to the desirability of preserving ...' a listed building's setting.
9. The store is of a quite simple design and shares the external finishes of the recently constructed carport. However, I found the store to have a somewhat incongruous appearance relative to the carport. That is because the store has a much shallower pitched roof and the limited separation between it and the carport means that the store has the appearance of being an afterthought rather than being a part of a comprehensively planned development within the listed building's setting. The poor relationship between the store and the carport also means that the development has failed to preserve the CA's appearance.
10. I therefore conclude that this development is not preserving the setting of the listed building or preserving the CA's appearance. There is therefore conflict with saved Policies BE1, BE5 and BE7 of the Canterbury District Local Plan First Review of 2006 in that the development is not of a high quality design and the listed building's setting and the CA's appearance have not been preserved. With regard to the provisions of the National Planning Policy Framework, I consider that the harm to the listed building's setting and the CA's appearance are less than substantial when considered within the context of paragraphs 133 and 134. That being said I find that there are no public benefits associated with this development that outweigh the harm to the heritage assets that I have identified.

## **Conclusion**

11. For the reasons given above the appeal is dismissed.

*Grahame Gould*

INSPECTOR