
Appeal Decision

Site visit made on 10 February 2020

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State

Decision date: 19 February 2020

Appeal Ref: APP/L2250/W/19/3236052
Glebe Farm, Stone Hill, Sellindge TN25 6EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Jim Ransley against Folkestone & Hythe District Council.
 - The application Ref Y18/1628/FH, is dated 21 December 2018.
 - The development proposed is residential dwelling.
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Decision

1. I dismiss the appeal.

Main Issues

2. These are:
 - The effect of the proposal on the character and appearance of the area and the setting of a listed building.
 - The effect of the proposal on the aims of policies which seek sustainable patterns of development.

Reasons

Character and Appearance and Listed Building

3. Saved Local Plan Policy HO1 sets out the circumstances and locations for permitting residential development, and Policy CO1 states that the countryside will be protected for its own sake; development is to be of a high standard of design, and sympathetic in scale and appearance to the setting.
4. Paragraph 124 of the 2019 National Planning Policy Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. With regard to the countryside, paragraph 170 states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
5. Glebe Farm house is listed Grade II and Policy BE5 of the Local Plan Review states that applications for development which would adversely affect the setting or character of a listed building will be refused. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Paragraph 193 of the Framework 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.

6. The site is a grassed bank sloping from the north boundary down to the driveway between Glebe Farm house and Old Tanyard Cottage, and which leads to Glebe Farm Barn among other buildings that formed the farmstead. Whilst to that extent it is within the cluster of existing buildings, it backs onto open land, and provides a natural setting to the farmhouse which extends further to the north and is in contrast to the managed garden setting to be found to the south along the stream. The site provides a reminder of the former rural agricultural use of the farmstead and a link with the wider agricultural landscape.
7. The proposed 2-storey dwelling would be set partly into the bank with the ground floor a little above the level of the driveway and the ground to the rear would be at cill level of the first-floor windows. Above that would be a standing-seam copper roof arranged across the building, with full hip ends. To the west end there would be a courtyard and single storey building set within the same line of excavation and hence there would be a retaining wall visible above the outbuilding.
8. The building would therefore present a full 2-storey façade to the driveway and set back behind an expanse of level forecourt, the precise nature of which is not detailed, but would require a continuation of the west retaining wall, albeit reducing in height alongside what is denoted as the boundary, and a wing retaining wall from the south-east corner. The proposal would introduce an alien form of development, poorly related to the context of the former, but still recognisable, farmstead arrangement.
9. The elevation of the proposed dwelling, the highly engineered retaining walls and the forecourt frontage would not reach the standard of design sought in Policy CO1 and the Framework and would cause visual harm to the wider farmstead group. As a result, although not widely visible, there would be harm to the intrinsic character of the countryside.
10. Whilst the relationship with the listed building would be less direct, due to the other buildings to the west, the reduced level dig required to form the forecourt and the extent of front elevation and retaining structures would introduce a discordant feature in the important remaining rural setting of the house. The copper roof would be visible above the cottage building to the west and in a gap between it and the main house, when viewed from the driveway south of the listed building. That is a private view, but the preservation of the listed building does not rely on there being a public view. The proposal would introduce a uncharacteristic feature that would erode the former agricultural setting which remains on this side of the house, contrary to Policy BE5, the statutory test in the 1990 Act and the requirements of the Framework with regard to designated heritage assets.
11. The level of harm to the designated heritage asset would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies, and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. That will be considered in the planning balance which follows the next main issue.

Sustainable Development

12. The site is outside the settlement boundary, and hence is in the countryside in policy terms. Core Strategy Local Plan Policy DSD sets out how sustainable development will be delivered, Policy SS1 details the spatial strategy with development in the countryside being only allowed exceptionally, and Policy SS3 states that development will be directed towards existing sustainable settlements to protect the countryside. Development that could be acceptable in principle outside settlements is listed in Policy CSD3 and that does not include the appeal proposal. Local Plan Policy SD1 seeks sustainable development.
13. The site is not truly isolated as determined in the 'Braintree' judgements, due to being within a cluster of buildings and across the road from further development, although the first main issue has found the proposal to cause harm to the rural character and appearance of the area. It may well be the case that car journeys would be limited, and a bus was noted passing the end of the driveway, linking the site to Ashford in one direction, including the hospital there, and Folkestone and Hythe in the other, also calling at intermediate villages and a supermarket. The service runs on a Sunday albeit at a wider frequency, but the existence of a service on that day is notable. The appellant has given details of distances to a shop and other facilities and that information indicates that the site is not truly isolated on that measure either.
14. To conclude on this issue, the location of the site is in the countryside and outside areas where residential development would normally be permitted. However, whilst there would be policy harm, the level of actual harm to the aims of sustainable patterns development would be more limited. This will be placed in the planning balance which follows.

Planning Balance and Conclusions

15. The appellant has put forward various matters for consideration. With regard to the listed building and the 'less than substantial harm' that has been found to occur, the Glebe Farm house appears to be in a viable use and one for which it was first built. Whilst the appellant refers to medical reasons why the gardens may not be so easy to tend now, there is no evidence of the listed building being at risk of falling out of residential use, and no case is put forward on the need for 'enabling development'. Paragraph 79b of the Framework does not apply in this case.
16. A new house, partly built into the ground and facing south, could be designed to achieve good comfort levels at low energy usage. However, that would be true of a site within a settlement and with less harmful effects. The credentials of the house as put forward are mitigation of those effects to be balanced with the harm.
17. The dwelling would assist in the supply of housing, and paragraph 59 of the Framework states the Government's objective of significantly boosting that supply. A single house is limited in its effect but is another matter to be balanced.
18. The appellant has referred to health problems and uses the term 'reduced mobility' which the Council has reasonably interpreted as a difficulty using stairs. It is accepted that a lift could be retrofitted, and that works to the listed

building for long-term use may not be permitted, but there is limited evidence of the dwelling having been designed for future eventualities. However, the stated personal need carries only limited weight when considering the development of a permanent building, although a stock of accessible or easily adaptable houses would further the aims of paragraph Framework 61 on providing housing for different groups in the community. Disability is a protected characteristic under the Equality Act 2010, and the Public Sector Equality Duty applies. Due regard has been had to that duty in this Decision.

19. Looking at the 3 objectives in achieving sustainable development as set out in paragraph 8 of the Framework, there would be a limited economic benefit, although the land is not really in the right place. The social objective would be furthered by additional occupiers supporting the community services and facilities, and in increasing the number and range of housing, but as set out previously, the proposal is not considered to be well-designed. Lastly, the proposal would cause unacceptable and unjustified harm to both the natural and the historic environment and that is not offset by the dwelling being designed to have a low carbon footprint; the environmental objective would not be met.
20. In the planning balance the conclusion is that permission should be withheld in this case due to the adverse effect on the countryside character and the setting of the listed building, the latter being a matter covered by a statutory duty with great weight being given to the asset's conservation. For the reasons given above it is concluded that policies of restraint should prevail and the appeal should be dismissed.

S J Papworth

INSPECTOR