



Appeal Decision

Site visit made on 27 July 2021

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2021

Appeal Ref: APP/V2255/W/20/3271083

Elm Tree Cottage, Butlers Hill, Dargate ME13 9HG

- 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 Paul Marsh against the decision of Swale Borough Council.
 - The application Ref 19/504625/FULL, dated 12 September 2019, was refused by notice dated 13 January 2020.
 - The development proposed is demolition of existing garage and erection of replacement garage building as approved under 17/501081/FULL but with minor amendments and associated car parking. First floor to be used as holiday accommodation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would result in unsustainable residential accommodation in the countryside and whether it would preserve or enhance the character or appearance of the Dargate Conservation Area (the CA) and the effect on the setting of a Grade II Listed Building.

Procedural Matters

3. Since Swale Borough Council's (the Council) refusal of the application Ref 19/504625/FULL the Government has published a revised National Planning Policy Framework. Therefore, in line with Planning Practice Guidance, my consideration of the issues of this appeal has been on the basis of the National Planning Policy Framework (2021) (the Framework) and the Swale Borough Local Plan (2017) (the Local Plan). Neither the appellant nor the Council have indicated that this is prejudicial to their cases.

Reasons

4. The appeal property is a detached Grade II listed building located prominently on a bend of Butlers Hill. It forms part of a small cluster of dwellings with large gardens, outside of any defined built-up area, surrounded by fields within the countryside, and which forms part of the Dargate Conservation Area (the CA).
5. Within its curtilage is an outbuilding that appears to be contemporary with the cottage, which has been converted to a residential annexe. To the rear of this

annexe, the appellant has commenced the construction of a detached double garage with first floor storage, the subject of planning permission 17/501081/FULL. This replaces an earlier single storey detached double garage with a smaller footprint.

6. The proposal is for a building with double garage at ground level, with a first floor providing holiday let accommodation. This building would replicate the footprint of the approved garage currently under construction to what appears to be damp proof course level but that, to accommodate the proposed holiday let accommodation, would be approximately 0.25 Metres taller than the approved garage.
7. The appellants statement sets out their view that, as the proposal replaces a previously demolished garage on the site, it does not constitute a new build development. I find, however, that as the original double garage has been demolished to accommodate the building under construction, the proposal does not constitute an alteration to an existing building and would be a new building or new build development within the curtilage of an existing dwelling and not, therefore, development of previously developed land.
8. The proposal would clearly make a contribution to the local rural economy, not only through the letting of the proposed accommodation, but also to the wider local economy through the use of other local services. However, rather than being for the reuse or extension of an existing building in the countryside, the proposal would create a new residential building in the countryside, albeit with a restricted use as holiday let accommodation.
9. The proposal would, therefore, result in the creation of an isolated dwelling in the countryside that, given the remote rural location away from public transport services, would also be dependent on private car use.
10. The part of the CA within which Elm Tree Cottage is located is recognised for its loose scatter of frontage development, surrounded by fields and orchards, of which Elm Tree Cottage is recognised as occupying a crucial position on the turn on Butlers Hill, where its Kentish vernacular appearance and uncluttered setting is identified as adding to the significance of the CA. The significance of Elm Tree Cottage as a heritage asset is further recognised by its designation as a Grade II listed building.
11. These are heritage assets to which I have a statutory duty under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must have special regard to preserving the setting of a listed building and pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
12. Although only slightly taller than the approved garage under construction, the additional height of the eaves of the proposal would be apparent in views of Elm Tree Cottage from both public and private viewpoints, including views from Butlers Hill, where Elm Tree Cottage, due to its prominence, makes a particularly significant contribution to the character and appearance of the CA.
13. Due to its scale, height and massing the proposal would, therefore, appear unduly prominent when viewed in conjunction with the Grade II Listed Elm Tree Cottage. In views from within and of the CA, the proposal would not,

therefore, appear as subservient to Elm Tree Cottage but would rather appear as unduly assertive in the local scene, which would not preserve or enhance the character or appearance of the CA.

14. I do not agree with the appellant that the proposed development would be in keeping with the character and appearance of the CA and would have no impact on the significance of the CA or that of the listed building. Rather, I find that the proposal would not respond positively in terms of its height, bulk and massing to the character and appearance of the local area and adjacent development. Thereby promoting an unduly prominent addition to the local area that would not fully take into account the character or appearance of the Conservation Area and the setting of the Grade II Listed Elm Tree Cottage
15. I find, therefore, that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area, thereby harming its significance. In views from within the Conservation Area, the proposal would also cause harm to the setting of the Grade II Listed Elm Tree Cottage.
16. For the reasons given above I find that the proposed development would be contrary to Policies ST3, CP4, DM14, DM32, DM33 of the Local Plan and Paragraphs 11 and 80 and Section 16 of the Framework, which collectively seek to avoid the development of isolated homes in the countryside, that development is of good design and contributes to protecting the value, setting, tranquillity and beauty of the countryside, has due regard to the importance of preserving or enhancing heritage assets and conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings, thereby promoting sustainable development.
17. Although I find within the context of paragraph 202 of the Framework, the harm to the listed building and the Conservation Area would be considered less than substantial, in accordance with the Framework, great weight should be given to the conservation of those assets. I address the balance against public benefits in my conclusions below.

Other Matters

18. The appellant has drawn my attention to other approvals for holiday let accommodation in the Hernhill/Dargate area, however, very limited information has been provided. These developments would have been considered on their own individual merits, a key principle that underpins the planning system and I have done likewise in considering this appeal.
19. The appellant is undoubtedly right in stating that holiday let accommodation has been in demand and provides an important resource during the current pandemic. However, whilst I have given this moderate weight in my considerations, the short term benefits of the proposal in this regard do not outweigh the harm that I have identified above in the long term.
20. The appellant points to supporting correspondence in their appeal statement from neighbouring residential occupiers, however, there is also unsupportive correspondence. I have had due regard to all this correspondence, in so far as it raises matters relevant to the issues of this appeal.

Conclusion

21. Given the benefits of a single additional dwelling, limited for use as holiday let accommodation on the local rural economy would be limited, I have given moderate weight to the public benefits that would arise from this proposal. I must give considerable importance and weight to the conservation of the heritage assets. Overall, I consider that, these benefits do not outweigh the harm I have identified.
22. For the reasons given above and having regard to all other matters raised, I consider that the appeal should be dismissed.

Victor Callister

INSPECTOR