



Appeal Decisions

Site visit made on 18 October 2022

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2022

Appeal A Ref: APP/G2245/W/22/3295560

1 and 2 Stables Flats, High Street, Penshurst TN11 8BL

- 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 and Mrs Neil Wadey against the decision of Sevenoaks District Council.
 - The application Ref 21/03452/FUL, dated 13 October 2021, was refused by notice dated 20 December 2021.
 - The development proposed is described as *removal of part of lower boundary wall and pedestrian gate and proposed new vehicular access and timber vehicular gate off The Cottage, which is a converted stables and coach house within the grounds of The Old Rectory.*
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Appeal B Ref: APP/G2245/Y/22/3295563

1 and 2 Stable Flats, High Street, Penshurst TN11 8BL

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Neil Wadey against the decision of Sevenoaks District Council.
 - The application Ref 21/03453/LBCALT, dated 13 October 2021, was refused by notice dated 20 December 2021.
 - The works proposed are described as *removal of part of boundary wall and pedestrian gate and proposed new vehicular access and timber vehicular gate off The Cottage, which is a converted stables and coach house within the grounds of The Old Rectory.*
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Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Main issues

3. The main issue for Appeal A is the effect of the proposal on the historic environment, including on the character and appearance of the Penshurst Conservation Area and the special interest of The Old Rectory, which is a Grade II listed building¹.
4. The main issue for Appeal B is the effect of the proposal on the special interest of The Old Rectory.

¹ Referred to as The Rectory in the listing description

Reasons

5. The appeals relate to a listed building, including structures that are listed by virtue of being within the curtilage of a listed building, and to a conservation area. I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as appropriate) in determining the appeals.
6. The Penshurst Conservation Area Appraisal (CAA) states that the conservation area was designated because Penshurst is an interesting example of a medieval village, tightly concentrated around the church and the great house (Penshurst Place). The Old Rectory stands immediately to the west of the Church of St John the Baptist and is an integral part of that concentration. The CAA notes that Leicester Square and the church occupy a dominant position adjacent to the lodge to Penshurst Place, emphasising the link between the great house and the ecclesiastical life of the village. The appeal relates to a boundary wall fronting Penshurst Road immediately adjacent to Leicester Square. It is therefore in a prominent and sensitive location within the conservation area.
7. The Old Rectory is set well back from Penshurst Road, in a large plot. The front boundary is enclosed with walls and vegetation, such that The Old Rectory is not readily seen from Penshurst Road. Nos 1 and 2 Stables Flats have been created through the conversion of a former coach house/stables. Although they are in separate residential occupation, access to them is gained from the drive leading to The Old Rectory.
8. The listing description notes that the Old Rectory dates from the Queen Anne period. It has considerable historic and architectural interest. The setting of the listed building includes its own extensive grounds, the close relationship it has with the church and the relationship it has with other listed buildings including Leicester Square and the entrance to Penshurst Place. Features such as boundary treatments and access arrangements affect the way in which the building is experienced. I consider that this is an asset for which setting makes an important contribution to significance.
9. The Ordnance Survey (OS) map of 1866 – 69 shows that there were two accesses from Penshurst Road at that time, one adjacent to Leicester Square (leading to the coach house) and one aligned with the front of The Old Rectory. On the OS map of 1895 – 97 the access to The Old Rectory had been moved further west, providing a curving approach route. On the OS map of 1907 – 09 the access adjacent to Leicester Square is no longer shown, leaving the western drive as the sole means of access to The Old Rectory and the coach house/stables.
10. The section of boundary that would be altered comprises a low sandstone wall with a timber fence above. This is backed by a tall hedge, which extends across the frontage of The Old Rectory as well as Stables Flats. There is a pedestrian gate leading to Stables Flats. This pedestrian access forms a narrow opening in the boundary. Although plainly in view from close up, it is an inconspicuous feature in views along Penshurst Road. The eye is drawn to the buildings at Leicester Square and to the tall boundary vegetation.
11. The appellant argues that the section of wall to be removed is of limited significance because there was previously an entrance in this location. The historic maps referred to above show that there was an access here in the 19th

century. Even so, the sandstone wall has, most probably, been in place since that access was closed (before 1907). It therefore comprises historic fabric in its own right, pre-dating the listing of The Old Rectory by many years. It provides evidence of the way access arrangements have changed over time, no doubt reflecting the needs and tastes of the occupants. Moreover, it is formed of materials that are characteristic of the conservation area. In my view it makes a positive contribution to the significance of the listed building and the conservation area.

12. The appellant also suggests that the proposal would reinstate an earlier access arrangement, thereby enhancing the significance of the listed building. However, the earlier access arrangements related to a different era in the life of the listed building when the coach house/stables was a functional service building. That functional link has been lost with the creation of Stables Flats. Even so, the current layout enables the historic relationship between The Old Rectory and its former service building to be readily understood. The proposed access would emphasise the separation of Stables Flats from The Old Rectory. Rather than reinforcing the ability to understand the hierarchy of the buildings, this change would have the opposite effect. I do not consider that the proposal would, in reality, represent an enhancement to the ability to appreciate the listed building.
13. The proposal would result in a significant loss of enclosure. The new gate would be wider than the existing gate. It would also be set back into the site, with fencing either side at a 45 degree angle to the frontage. Triangular raised flower beds would be formed on either side of the new drive. Whilst efforts have been made to use sympathetic materials, the new entrance would be seen as an obviously modern intervention designed to address highway engineering requirements. To my mind it would appear as an uncharacteristic feature in a prominent and sensitive part of the conservation area.
14. My overall assessment is that the proposal would fail to preserve the special interest of the listed building, through loss of historic fabric and a harmful change to setting. It would also fail to preserve the character and appearance of the conservation area. In the terms of the National Planning Policy Framework (the Framework), this would be less than substantial harm, in respect of both the listed building and the conservation area. However, such harm is not to be regarded as minor or unimportant. The Framework states that any harm to a designated heritage asset requires clear justification.
15. The appellant suggests that there would be public benefits arising from the proposal, through an enhancement to the setting of the listed building and through an improvement to highway safety. For the reasons discussed above, I do not consider that there would be an enhancement to the setting of the listed building.
16. I saw that, when emerging from the current access to The Old Rectory, visibility to the right is restricted by a wall and vegetation. Such conditions are not unusual in historic environments and there is no evidence before me that this has, in practice, resulted in unacceptable hazards to road users. In any event, even if a new access were provided, the existing access would remain in place serving The Old Rectory and the new Rectory. Consequently, I attach limited weight to this matter. I appreciate that the proposal may provide a more convenient arrangement for the occupiers of The Old Rectory and Stable

Flats. However, there is no evidence that the existing arrangement causes harm that is relevant in planning terms. I do not see this as a public benefit.

Conclusion

17. The proposal would fail to preserve the special interest of The Old Rectory. It would also fail to preserve the character and appearance of the Penshurst Conservation Area. The limited public benefits flowing from the proposal would not outweigh the harm to the listed building or to the conservation area. The proposal would conflict with Policy EN4 of the Sevenoaks Allocations and Development Management Plan, which seeks to protect heritage assets. Accordingly, the appeal should be dismissed.

David Prentis

Inspector