



Appeal Decision

Site visit made on 4 June 2024

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2024

Appeal Ref: APP/C3620/W/23/3334031

Glory Farm Cottage, Chart Lane, Dorking, Surrey RH4 2QJ

- 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 the executor of Mr Barry Dawson (deceased) against the decision of Mole Valley District Council.
 - The application reference is MO/2023/1100.
 - The development proposed is the conversion of brick built outbuilding into dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Glory Farm Cottage is a grade II listed building. As required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), special regard has been paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
3. The Council refused the original application under the requirements of policies in the Mole Vally Core Strategy (2009) and the Mole Valley Local Plan (2000). In October 2024 a new Mole Valley Local Plan (LP) was adopted by the Council, and it replaced the other two development plans. The appellant was provided with an opportunity to comment on the recently adopted LP.
4. The appeal site is within the Metropolitan Green Belt. The main parties are in agreement that the site comprises the conversion and alteration of an existing building to a dwelling, with no increase in the building's floorspace. The conversion would not be harmful to the openness of the Green Belt, and further development could be controlled by the removal of permitted development rights. On that basis the scheme would not be inappropriate development in the Green Belt having regard to the policies of the National Planning Policy Framework (the Framework) and those of the LP. Given this, the appeal turns on the impact of the scheme upon the setting of the listed building.

Main Issue

5. The main issue is the effect of the proposal on the setting of a nearby listed building.

Reasons

6. The appeal site comprises a single storey outbuilding, an outdoor swimming pool, patio and gardens that is positioned to one side of the access track to Glory Farm Cottage. The building is constructed of a mix of blockwork and brick under a felt flat roof and has a conservatory to its southern elevation. Beyond the building to the north is a steeply sloping overgrown garden, which is accessed via a gate within the walls that surround the pool and patio area.
7. Higher up the hillside than this outbuilding is Glory Farm Cottage. Positioned within the open countryside, this seventeenth century listed building is a red brick, partly timber framed cottage under plain tiled roofs. The cottage shows evidence of having been extended over time, with its ranges and intricate complexity of gabled and lean-to roofs giving it a distinctive appearance. The form of the cottage, along with the use of local vernacular materials and detailing, such as the hanging tiles, the rich red brickwork, and the presence of imposing stacks, are elements of the building's special architectural interest. The age of the cottage, its elevated position above a main route into Dorking, and that it is set apart from the town and any nearby houses in a rural area, are all part of the historic interest of this listed building.
8. In addition to the appeal building and the walls enclosing the swimming pool area, there are other modern outbuildings near to the cottage, including a garage, polytunnel, and barn. There is a conservatory upon the northern side of the cottage which looks out onto the appeal site, and an area of hardstanding that provides vehicle parking. These uses and the outbuildings have a legible visual and functional ancillary relationship to the cottage, and they form part of the setting of the listed building.
9. When viewed from the public realm the cottage can be seen above the outbuilding. The nearby fields and woods form part of the rural setting to the cottage as well as emphasising its separation from the town. Although the outbuilding and pool are of a modern age and style, the cottage remains the dominant and focal building. The organic form of the outbuilding, its modest size and flat roof, as well as it being lower down the hillside than the cottage, are such that it appears as one of the assortment of subservient ancillary residential outbuildings and uses that comprise part of the setting of the listed building.
10. The conversion would necessitate both internal and external alterations, including the provision of a kitchen and a new door and associated flight of steps into the garden area. The latter leading to a door would conspicuously erode the dominance of the cottage, as the converted outbuilding would appear as a discrete residential unit. The suggestion to provide parking to the north of the outbuilding would further exaggerate the independent appearance and nature of the dwelling, and even the presence of a small home would result in a conspicuous duplication of domestic uses and activity. When viewed from Chart Lane, it would be the new dwelling that would draw the eye, in part because it would be close to the road, but also because of the focal presence of a "front" door and the increased intensity and duplication of domestic paraphernalia. Rather than being a discrete dwelling in the countryside, the listed cottage would be seen as part of a small cluster of homes, thereby eroding the rural positioning that is part of its historic significance.

11. Low railings separate the lawns of the cottage from the patio area below, and their recessive appearance retains the visual and functional linkage of the appeal site with the listed building, as well as defining the change of levels between these two sections of the garden. Boundary screening between the cottage and outbuilding has been suggested, but whether hard or soft, the steep slope of the hillside is such that the outbuilding would be visible, particularly when viewed from the public realm. Furthermore, landscaping cannot be relied upon to screen a development for its lifetime, and occupiers of the cottage would be aware of the presence of a nearby dwelling both visually and also from the disturbance arising from the presence of the day-to-day activity associated with a separate household.
12. This would be particularly so if parking provision were provided near to the cottage. The increased presence of parked vehicles near to the listed building would have a dominating appearance and one that would erode the primacy of the cottage. It might be that future occupiers would not own a vehicle, albeit this could not be relied upon, and it could be that parking could be provided to the north of the outbuilding. However, the garden area to the north of the outbuilding slopes steeply and is raised above the level of the access road. Near to the public highway there are several mature trees, which make a positive contribution to the verdant character and appearance of the area. In light of these constraints and consequential uncertainties, including the extent of any engineering works, conditioning parking provision could not be relied upon to protect the setting of the cottage and the health and well-being of nearby trees.
13. Examples of other dwellings permitted near to listed buildings have been provided by the appellant (Refs: APP/W0530/A/12/2175086 and MO/2020/0629). The former was a dwelling of a more traditional design and was near to other dwellings, whilst the other case was over 90m away from the listed building. Having regard to these differences between the permissions and the case before me, these comparisons do not form binding precedents for allowing the appeal.
14. At the time of my site inspection the outbuilding was being used for miscellaneous storage rather than as a dwelling. Although the appellant has referred to the outbuilding having been lived in as a separate unit of accommodation from the cottage, it has no kitchen. It is not the role of the appeal process for the consideration of a planning application to conduct an exercise as to the lawful use or operation of a site, and in this case neither party has provided a Certificate of Lawfulness of Existing Use for the outbuilding as a separate residential unit. Furthermore, both internal and external alterations, including the provision of a kitchen, are proposed with the appeal scheme to enable it to be lived in. In such circumstances, little weight can be attributed to a fallback situation of the outbuilding being occupied as a separate unit of accommodation.
15. The original application form refers to the dwelling being an open market one, albeit the home would be required for a relative of the appellant with a condition tying this home to the cottage. Even with such a linkage, the scheme has been designed and would appear as a separate dwelling, and the condition would not ameliorate the resultant harm to the setting of the listed building.

16. The Framework requires 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. The scheme would have a negative effect upon the visual, functional and historic aspects of the setting to the listed building. These harms would be less than substantial given the size of the site when compared to that of the setting of the listed cottage as a whole. Nevertheless, they would be of considerable importance and have to be weighed against the public benefits of the proposal.
17. The provision of an additional dwelling that would utilise an existing building and which would be close to services and facilities would be modest social and environmental public benefits. However, these benefits would not outweigh the significant harm to the setting of the listed building, and the continued viable use of the cottage is not dependant on the scheme as it already has an ongoing residential use that would not cease in its absence.
18. For these reasons the scheme would unacceptably harm the setting of a listed building, contrary to the requirements of the Act. The suggested conditions would not mitigate this harm, and as this harm would not be outweighed by public benefits, so the scheme would fail to accord with the Framework. There would also be conflict with the requirements of LP Policies EN4, EN6 and INF2, as these policies seek, amongst other things, high quality design that makes a positive contribution to local character, the conservation and enhancement of the settings of heritage assets and the contribution they make to local identity and distinctiveness, and the provision of off-street vehicular parking spaces.

Conclusion

19. For the above reasons the adverse impacts arising from the scheme would significantly and demonstrably outweigh the aforementioned benefits. The scheme would be contrary to the development plan and there are no other considerations, including the provisions of the Framework that outweigh this finding. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR