



Appeal Decision

Site visit made on 17 September 2024

by E Catcheside BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 December 2024

Appeal Ref: APP/E2205/W/23/3331985

**1 Jennings Farm Cottage, Fairview, Charing Road, Pluckley, Kent
TN27 0QL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Lucas against the decision of Ashford Borough Council.
 - The application Ref is PA/2023/0736.
 - The development proposed is repair and conversion of existing outbuilding to create supplementary accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for repair and conversion of existing outbuilding to create supplementary accommodation at 1 Jennings Farm Cottage, Fairview, Charing Road, Pluckley, Kent TN27 0QL in accordance with the terms of the application, Ref PA/2023/0736 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with plan nos: 05046-MH01 Rev B, 05046-MH02 Rev E, and 05046-MH03 Rev B.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 05046_MH02 Rev E.
 - 4) The development shall not be occupied at any time other than as an integral part of the residential use of the dwelling known as 1 Jennings Farm Cottage.

Preliminary Matters

2. Although not cited as a reason for refusal, the Council identifies concerns that the appeal building is not suitable for conversion. However, it does not provide any substantive evidence to support this assertion and I have not been referred to any development plan policies that set out the criteria for the conversion of buildings. The description of the development is clear that the proposal is for a conversion, and I have considered the appeal on this basis.

3. The decision notice does not refer to any relevant development plan policies, but rather cites that the incorrect application form was completed. However, the Council accepted the householder application form when it validated the application. I have had regard to the development plan policies referred to in the evidence in my consideration of the appeal.

Main Issue

4. The main issue is whether the proposed development would form an integral part of the residential use of 1 Jennings Farm Cottage.

Reasons

Whether integral to the residential use

5. 1 Jennings Farm Cottage forms part of a small cluster of buildings, served by an access track from Charing Road.
6. The outbuilding that is the subject of this appeal lies opposite No 1, on the other side of the access track. Nonetheless, the appeal building is close to the host property, and it is orientated to enable convenient access from it. The evidence is not conclusive as to the lawful use of the land to the rear of the outbuilding. However, that land is physically separated from the appeal building by well-established hedging, and the outbuilding has a close physical relationship with residential parking and bin storage areas.
7. The proposal could necessitate utility connections being provided to serve the building. However, this does not in and of itself mean that an independent dwelling would be created. Indeed, due to the small size of the outbuilding, there would be insufficient space between walls for the full range of storage and other furniture that would typically be required to meet the needs of an independent residence. Moreover, the internal dimensions of the annexe would not be conducive to the delivery of a full-sized kitchen and bathroom, without unacceptably impeding circulation space. Consequently, future occupiers of the annexe would be dependent on the facilities associated with the main house, in addition to the provision within the annexe. It follows that the proposed annexe would have a direct, functional link with the cottage, despite its physical separation.
8. Moreover, the description of the development is for supplementary accommodation rather than for a separate dwelling. In the event that a material change of use were to occur in the future to create a dwelling, then a separate grant of planning permission would be required. Therefore, the annexe could not simply become an independent dwelling.
9. Overall, I conclude that the proposed development would form an integral part of the residential use of 1 Jennings Farm Cottage. Therefore, there would be no conflict with Policy HOU9 of the Ashford Local Plan 2030 (adopted February 2019), which supports detached annexe accommodation in certain circumstances, including where it would be sited to achieve a clear dependency between the annexe and the main building at all times.
10. Because the proposal would not constitute a new dwelling, Policy HOU5 of the LP and the provisions for rural housing set out in the National Planning Policy Framework are not determinative to the outcome of the appeal.

Other Matters

11. The Jennings' Farm Cottages is a Grade II listed building and is afforded statutory protection under Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The listing description indicates the significance of the asset lies in its architectural details, which reflect the era in which it was constructed. There would be no changes to the footprint or dimensions of the outbuilding, and its external appearance would be sympathetic to the historical context. Therefore, the setting of the listed building would be preserved.
12. Given that the building's use would form an integral part of the main dwellinghouse, the proposal would not result in an increase in vehicle or pedestrian movements to and from Charing Road, and no alterations are proposed to the existing access and parking arrangements for neighbouring residents. Whilst guests utilising the accommodation may require space for parking, this would be no different to the current scenario whereby visitors could travel to the dwelling by car. It follows that there would be no harm caused to highway safety and it would not be necessary to secure alterations to the access to make the development acceptable in planning terms.
13. A third party has raised concerns about the existing utility connections to the outbuilding. However, there is no substantive evidence to indicate that safe and functional utility connections could not be provided as part of the development, and the Council has not raised any objection on this point. Based on the evidence, it is unlikely that any material harm would arise due to the installation of utility connections to the building.

Conditions

14. In addition to the standard time limit condition, I have attached a condition to define the permitted plans to provide certainty.
15. I have imposed a condition requiring the development to be constructed with external materials as shown on the approved plans. This is to protect the character of the area and to preserve the setting of the nearby listed building.
16. A condition that restricts the use of the annexe to that associated with the existing dwellinghouse is necessary to ensure the building is not used or occupied as a separate or independent dwelling.

Conclusion

17. The proposal is in accordance with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above the appeal should be allowed.

E Catchside

INSPECTOR