
Appeal Decision

Site visit made on 21 January 2025

by **A James BSc (Hons) MA MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th February 2025

Appeal Ref: APP/E2205/W/24/3346398

Church Elms Farm, Redbrook Street, Woodchurch, Kent TN26 3QR

- 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 Andrew McCartney against the decision of Ashford Borough Council.
 - The application reference is PA/2023/2237.
 - The development proposed is demolition of existing outbuilding, replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 12 December 2024. In this case, the most relevant parts of the Framework remain broadly the same. As a result, I have not sought comments on this matter and I am satisfied that no party has been prejudiced by my approach.
3. As the appeal site forms part of the setting of a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are:
 - whether the appeal site represents a suitable location for the proposed development;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on heritage assets, having particular regard to the desirability of preserving the setting of a Grade II listed building, known as 'Elms Farmhouse' (Ref: 1362946).

Reasons

Location

5. Elms Farmhouse is a detached two storey dwelling, which is sited within a large plot. The appeal site lies within the countryside. The area is characterised by sporadic development and includes residential, industrial and agricultural

buildings. The appeal site lies some distance away from the nearest settlement. However, given the proximity of other development in the locality, the appeal site is not isolated in the context of paragraph 84 of the Framework.

6. The proposal seeks to demolish an existing outbuilding and construct a new two-bedroom bungalow on land adjacent to Elms Farmhouse. Policy SP1 of the Ashford Local Plan 2030, adopted February 2019 (the Local Plan) seeks to focus new development at accessible and sustainable locations. Policy HOU5 of the Local Plan sets out the Council's policy regarding housing development in the countryside. This policy is split into two sections – the first dealing with sites that adjoin or are close to the existing built up confines of a settlement and the second relates to sites elsewhere in the countryside. Given the distance of the appeal site to the nearest settlement boundary, the second section is applicable to this appeal.
7. Policy HOU5 sets out a number of exceptions where residential development would be acceptable 'elsewhere in the countryside'. The proposal would not fall within any of these exceptions. While the appellant argues that the proposed dwelling would be a similar size to the outbuilding, prior to parts of it being removed due to disrepair, the proposal would still result in the creation of a new dwelling in the countryside. Consequently, when applying policies concerning the provision of housing in rural areas, the proposed development would not be a suitable location and would conflict with the adopted evidence based spatial strategy for rural housing, which is set out within the development plan.
8. The proposal would be some distance away from the nearest settlement, where facilities/services are available. There are no pavements or streetlights along this stretch of the highway. To access the nearest settlement on foot, future residents would have to walk along the grass verge at the edge of the highway, which is uneven and would not be suitable for all users, particularly in hours of darkness.
9. The appellant advises that there are bus stops at the end of the road, which provides services to Ashford, Tenterden and to local schools. However, there are limited details before me of the frequency of these services. Nevertheless, the lack of footway and streetlighting to the bus stops is likely to deter future residents from using this form of transport.
10. While it would be possible to cycle to the nearest settlement, the speed of traffic is likely to deter future occupants from doing so. As a result, future residents are likely to be heavily reliant on private motor vehicles to meet their day-to-day needs. Consequently, accessibility to services and facilities from the appeal site using sustainable modes of transport would be poor and this weighs heavily against the proposal.
11. For the reasons given above, the appeal site would not be a suitable location for the proposed development and would conflict with Policies SP1, SP6 and HOU5 of the Local Plan. These policies among other things seek to focus new development in accessible and sustainable locations.

Character and appearance

12. The appeal site lies within the Woodchurch Undulating Farmlands Landscape Character Area. The area is characterised by sporadic development, consisting of a mix of historic and modern architecture. The area is rural in character and consists of undulating countryside, comprising of irregular shaped fields, which are

typically bound by hedgerows and trees. The appeal site by reason of its open and verdant character makes a positive contribution to the character and appearance of the area.

13. The proposed dwelling would be single storey in height and have its flank elevation facing the highway. The proposed dwelling would be set well back from the highway and would be partially screened by the existing vegetation. While the design of the proposed dwelling and its external materials would not be dissimilar in its appearance to other modern bungalows in the locality, the other bungalows typically front the highway. I appreciate that given its relatively small size, its orientation and the fact that it would be set well back from the highway behind existing vegetation, means that it would not be highly prominent from the public realm. Nevertheless, the proposed dwelling would still be visible from the public realm and in combination with any associated domestic paraphernalia would diminish the rural character of the appeal site.
14. Furthermore, the proposal also includes an area of hardstanding, which would be used for vehicular parking and turning. The proposed area of hardstanding would be highly visible from the public realm and would have an urbanising impact on the locality. Cumulatively, the provision of a new dwelling, area of hardstanding and associated domestic paraphernalia would erode the open and verdant nature of the site, diminishing its rural appearance and causing harm to the character and appearance of the area.
15. For the above reasons, the proposal would harm the character and appearance of the area and would conflict with Policies SP1, SP6, HOU5 and ENV3a of the Local Plan. These policies among other things seek to conserve and enhance the Borough's natural environment and ensure that new development responds to the character and distinctiveness of the area.

Heritage

16. Elms Farmhouse is a Grade II listed building. The front of Elms Farmhouse dates back to the 18th century and is attached to an earlier building. Elms Farmhouse is constructed of red brick and has a half hipped tiled roof. To the west of Elms Farmhouse is a walled garden and a paddock/former orchard. While a number of buildings have been erected to the rear of the listed building, this side of the building generally retains an open and rural aspect.
17. Based on my site visit and the evidence before me, I find that the listed building's special interest, insofar as is relevant to this appeal is derived from its historic and architectural interest, as an illustration of architecture from at least the 18th century. The building's pleasing architectural style and design, its timber frame, use of traditional materials and remaining green and open space surrounding the building make important contributions in these regards.
18. The proposal seeks to demolish an existing outbuilding, which according to the historic maps dates back to at least the 1870s. While the outbuilding has been subjected to some modern alterations, including new weatherboarding and fibre board between the timber frame, the building has a well-preserved timber frame. I appreciate that the building is leaning and there are signs of woodworm. However, it is not clear from the evidence before me whether this is an active or historic beetle infestation. Furthermore, there is also no compelling evidence before me that the existing outbuilding is structurally unsound.

19. It is also not clear from the evidence before me whether the outbuilding is curtilage listed. However, as I am dismissing this appeal on other grounds, I do not consider this matter further. Nevertheless, given the building is clearly of some age and has a well-preserved timber frame, it has significant evidential historic value in its own right. Accordingly, for the purposes of this appeal, I treat this building as a non-designated heritage asset.
20. While the appellant in their appeal submission states that the outbuilding does not have to be demolished, the demolition of the outbuilding forms part of the proposal description and is shown on the proposed plans. I have therefore determined the appeal based on the plans before me.
21. The proposal would result in the loss of a historic building, which retains significant historic fabric. The demolition of the existing outbuilding and the construction of a new dwelling in a different location would erode the historic spatial relationship between Elms Farmhouse and this outbuilding. Furthermore, it would also diminish the rural surrounds of the listed building, resulting in harm to its setting.
22. The proposal would fail to preserve the setting of a Grade II listed building. I find that the harm would be less than substantial, but nevertheless of considerable importance and weight. In accordance with paragraph 215 of the Framework, that harm should be weighed against any public benefits of the proposal.
23. The proposal would align with the objectives of the Framework, which seek to significantly boost housing supply. The proposal would provide one new dwelling, which would make a small contribution to the supply of housing within the borough, which I afford limited positive weight. There would be a small economic benefit from the proposal during the construction phase of the development. Furthermore, future residents of the proposed dwelling would help to contribute towards the economic vitality and viability of the nearest settlement. I give the economic benefits of the proposal limited weight in my decision as a public benefit.
24. For the reasons given above, I conclude that the proposal would fail to preserve the setting of the Grade II listed building and would result in the total loss of a non-designated heritage asset. Accordingly, the proposal would conflict with Policies SP1, SP6, HOU5, ENV3a and ENV13 of the Local Plan. These policies among other things seek to conserve and enhance designated and non-designated heritage assets and preserve the landscape character of the area.

Other Matters

25. The appellant argues that a barn adjacent to the farmhouse was sold off and converted to residential, without consideration to whether it was curtilage listed or any regard had to the loss of historic fabric or historic space. Full details of the circumstances of this other case are not before me. Nonetheless, the appeal scheme is materially different, as it relates to an entirely new building, rather than the conversion of an existing building. I therefore give this other scheme limited weight in my decision.
26. The appellant has drawn my attention to a housing development at Eleven Acre Shaw (19/01785/AS), which is sited towards the end of the road. While this other scheme was supported by the Parish Council, the Borough Council advises that this site was previously developed land and significant ecological enhancements were proposed. As a result, it is therefore materially different and I give it limited

weight in my decision. The appellant also advises that there have been numerous other applications for dwellings along this road, but there are limited details of the other schemes before me and I therefore give them very limited weight in my decision.

27. While there are no objections from local residents, this does not alter my findings set out above.

Planning Balance

28. The Council is unable to demonstrate a 5 year supply of deliverable housing sites. In such circumstances, paragraph 11 d) of the Framework advises that planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusing the development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
29. The Council states that their housing land supply position is 4.39 years. It is therefore evident that there is a pressing need for housing when considering this shortfall. The proposal would align with the objectives of the Framework, which seek to significantly boost housing supply. The proposal would provide one new dwelling, which would make a small contribution towards the Council's housing land supply, which I give limited weight in my decision. There would also be short-term economic benefits, as outlined above, which I give limited weight. Overall, I give the social and economic benefits of the proposal limited weight in my decision.
30. However, the proposal would fail to preserve the setting of a Grade II listed building, which is a designated heritage asset. The proposal would also not be a suitable location for residential development; would result in harm to the character and appearance of the area; and, result in the total loss of a non-designated heritage asset. In this case, the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development. Consequently, the presumption in favour of sustainable development does not apply.

Conclusion

31. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no other material considerations, including the Framework, that would outweigh that conflict. Therefore, I conclude that the appeal should be dismissed.

A James

INSPECTOR