
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: 21 FEBRUARY 2025

Appeal Ref: APP/E2205/W/24/3350758

Wilks Farmhouse, Lenham Heath Road, Lenham Heath, Kent ME17 2BT

- 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 Mr Thomas Kirby against the decision of Ashford Borough Council.
 - The application reference is PA/2023/0004.
 - The development proposed is natural swimming pond in rear of garden. Timber shed to side of house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the planning application, the appellant submitted amended plans and an Arboricultural Method Statement (AMS). The Council made their decision based on the amended plans and AMS, which included a new location for the swimming pond. The shed was omitted from the plans that the Council based their decision on; however, it still formed part of the description of the development on the Council's decision notice.
3. The appellant has submitted additional plans, as part of their appeal submission, which show the location of the shed and the absence of a Category A Oak tree (T14) adjacent to the proposed shed (which is shown to be retained in the AMS). In this case, the acceptance of the additional plans has the potential to prejudice the Council and other interested parties who have not had the opportunity to comment on them. As a result, I am not prepared to accept the additional plans as part of this appeal.
4. 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 Issue

5. The main issue is whether the proposal would preserve the setting of a Grade II listed building, known as 'Wilks Farmhouse' (Ref: 1185842).

Reasons

6. Wilks Farmhouse is a Grade II listed building, which dates back to at least the 18th century. It is two storeys high and is constructed of red brick and weatherboarding and has a tiled roof. Wilks Farmhouse sits within a well landscaped plot.

7. Based on the evidence before me and my site visit, the special interest of the listed building insofar as is relevant to this appeal derives from its historic and architectural interest as an illustration of a historic farmhouse, which dates back to at least the 18th century. The buildings timber frame, use of traditional materials and the rural landscape in which the building sits contribute towards its special interest.
8. The proposed swimming pond would be sited to the north-east of the farmhouse on higher level land. The land levels within the appeal site gently undulate. The appellant argues that the swimming pond would be an organic shape, utilise natural materials and would blend into the landscape. However, the plans show that the proposed swimming pond would have a geometric shape and have concrete footings and flooring. While a cross section of the swimming pond was submitted with the original planning application, this relates to a different location, where the levels are different. Furthermore, the cross section fails to adequately show any changes in levels required to accommodate the proposed development.
9. The appellant argues that the proposal would be an environmentally friendly alternative to a traditional pool, would promote biodiversity and would be reversible. However, there is limited information before me on the sustainability credentials of the pond or the nature of any changes required to the land levels within the site and I therefore give these arguments limited weight in my decision.
10. The appellant has suggested that the proposal would not harm the listed building because it is sited away from key viewpoints. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
11. In this case, there is insufficient information before me to fully consider the impact of the proposed development on the setting of the listed building. Consequently, I am unable to conclude that the proposal would preserve the setting of the listed building and therefore satisfy the requirements of the Act and the historic environment policies within the National Planning Policy Framework.

Other Matters

12. While the Council's Heritage Officer raised no objection to the proposal, this does not alter my findings set out above.

Conclusion

13. For the reasons given above, the appeal is dismissed.

A James

INSPECTOR