



Appeal Decision

Site visit made on 13 March 2025

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2025

Appeal Ref: APP/J2210/W/24/3351117

Land to west of Heaselands Stable, South Barham Road, Canterbury, Kent, CT4 6QA

- 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 Michael Wilkey against the decision of Canterbury City Council.
 - The application Ref is CA/23/02294.
 - The development proposed is a new single storey residential unit designed for disabled access and use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was submitted by Mr & Mrs Wilkey. The appeal has been submitted in the name of Michael Wilkey only and proceeds on that basis. I have used the site address from the appeal form as it more accurately describes the location of the appeal site. I have removed extraneous wording from the description of development used in the application form.
3. The plans the appellant submitted with the appeal are the same as those the Council used to make its decision. Concerns regarding the manner in which the Council dealt with the application do not fall within the remit of this appeal.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to the effect on the setting of heritage assets.

Reasons

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I am also mindful of the advice in paragraph 212 of the National Planning Policy Framework (the Framework) that great weight should be given to the asset's conservation.
6. Heaselands is a Grade II listed building whose significance is derived from its historic interest as a farmhouse with the remains of an oasthouse and its architectural interest from its historic fabric. Its setting is informed not only by its immediate garden surrounds, but by its relationship to the surrounding agricultural

fields and the form of the surrounding buildings. Ivy House, also Grade II listed, derives its significance from the architectural interest in its historic fabric and its historic significance in evidencing the development of Derringstone. Its setting is informed by not only the adjacent properties which face onto Railway Hill, but by the open space to the rear of its garden. Ivy Cottage and Heaselands Barn have been identified as non-designated heritage assets (NDHA), with their value coming from their architectural interest and historic interest in supporting the significance of the adjacent listed buildings.

7. With the exception of Ivy Cottage, both listed buildings and much of the surrounding development have predominantly pitched or hipped roof forms which reinforce the rural character of the village. While there is more complexity to the roof form of Heaselands Farm, this is indicative of its historic status as the primary building within the farmstead and its previous multifunctional use. It also retains the primarily clean lines of a hipped roof.
8. The proposed dwelling would have a more complex roof form demonstrating a range of features including gables features and a roof lantern. It would have a clearly modern appearance and would lack the straightforward rural vernacular of the surrounding properties which contributes to the setting of the listed buildings. This would result in harm to the setting of the listed buildings. On balance, there would be a neutral effect to both NDHA, given the position of Heaselands Barn some distance from the appeal site, and more complex roof form of Ivy Cottage.
9. While the Conservation Officer considered that the farmstead layout was still evident, I have not been provided with any of the historic maps referred to which demonstrate that layout. The historic farmstead layout is not readily apparent in the approach to the site from Railway Hill due to the changes in layout arising from the residential conversion of the former agricultural buildings and the changing levels within the site. As a result, the proposed dwelling would not appear as disproportionately large in comparison to the listed properties. In this respect, there would be a neutral effect on the setting of the listed buildings.
10. The harm to the setting of the listed buildings would be less than substantial. Paragraph 215 of the Framework sets out that in such circumstances, this harm should be weighed against the public benefits of the proposal.
11. The public benefits of the proposed development are the contribution to the supply of housing including a more accessible dwelling, biodiversity enhancements and the economic benefits during the construction and occupation stages of the development. However, these benefits would be limited due to the small scale of the proposal and the lack of mechanism to secure the dwelling for older people or people with a mobility impairment. These benefits would not outweigh the harm I have identified, to which I give considerable importance and weight.
12. The site also lies within the Barham (Derringstone) Conservation Area (CA) where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The significance of the CA is derived from its historic value in demonstrating the development of the settlement and the informal street pattern. The proposal would have a neutral effect on this, given its position to the rear of the street and the layout of the surrounding development.

13. The proposal would therefore have an adverse effect on the character and appearance of the area with particular regard to the effect on the setting of heritage assets. The proposal would therefore be contrary to Canterbury District Local Plan 2017 Policies DBE3, HE1, HE4, and HE8 which require development that affects the setting of a listed building to preserve and enhance its character and appearance.

Other Matters

14. The proposal would contribute a dwelling to the supply of housing. It would be designed for ease of use for older persons, including disabled access. However, there is no mechanism before me which would ensure it would be occupied by such persons in perpetuity. I therefore attach limited weight to this. There would be economic benefits during the construction and occupation stages of the development. Biodiversity enhancements could be secured by condition. These would also be of limited weight given the small scale of the proposal.
15. There is no substantive evidence before me to demonstrate that the energy efficiency of the proposed dwelling would be beyond that required by the building regulations such that it would constitute a benefit of the proposal.
16. The site falls within the Kent Downs National Landscape (NL) which is designated for the purposes of conserving and enhancing natural beauty and section 85(1) of the Countryside and Rights of Way Act 2000 (CRoW) places a duty on me to seek to further these purposes. Paragraph 189 of the Framework confirms that great weight should be given to conserving and enhancing landscape and scenic beauty of the NL, and that the scale and extent of development should be limited.
17. The Kent Downs Area of Outstanding Natural Beauty Management Plan 2021-2026 acknowledges the historic settlements as a component of the NL. The position of the site within the developed footprint of Derringstone means that the proposal would have a neutral effect, and so would conserve, the natural beauty of the NL.
18. The appeal site lies within an area where it is necessary to demonstrate nutrient neutrality to prevent an adverse effect on the Stodmarsh Nature Reserve Special Area of Conservation and Ramsar site. The appellant has proposed measures to address this. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the European site and if any mitigation had been appropriately secured. However, it has not been necessary for me to pursue this issue as a finding that the proposal would not have an adverse effect on the integrity of the European sites, with or without any mitigation, would be at best a neutral matter.
19. Appropriate boundary treatments, including the retention of the hedges could be secured which would mitigate the effect of the proposal on surrounding occupiers and integrate the development into the rural character of the settlement. Suitable access to the highway and sufficient parking to meet the needs of the development could be provided. The use of clay tiles and blackened boarding would be consistent with materials used in other properties in the area. Effects on biodiversity could be mitigated. Appropriate drainage could be provided. However, these are to be expected of any well designed development and would be neutral in my assessment.

Conclusion

20. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be made otherwise. For the reasons given, I conclude that the appeal should be dismissed.

J Downs

INSPECTOR