



Appeal Decision

Site visit made on 23 April 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2nd May 2025

Appeal Ref: APP/E2205/W/24/3351180

The Compasses Inn, Accommodation, Sole Street, Crundale, Kent CT4 7ES

- 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 John Barnes on behalf of Shepherd Neame Ltd against the decision of Ashford Borough Council.
 - The application Ref is PA/2023/0198.
 - The development proposed is redevelopment of Mobile Home / lodge (CLEUD) for cart barn (Class C3: Residential Use) plus hard and soft landscape works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal relates to the setting of a listed building, I have had special regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCAA). In addition, as the appeal site is within a National Landscape, I have had regard to s245 of the Levelling-up and Regeneration Act 2023 (LURA).
3. At time of my site visit, signage indicated the public house was trading under the name 'Timber Batts'. In my decision I have retained reference to 'The Compasses Inn' to reflect the address details provided in the application form, Historic England's listing information, and details provided in the written submissions.

Main Issues

4. The main issues in this appeal are:
 - the effect of the proposed development on the character and appearance of the area, including the setting of Grade II Listed Building 'The Compasses Inn' and landscape and scenic beauty of the Kent Downs National Landscape; and
 - whether the proposed development would be in a suitable location, having regard to the local development strategy.

Reasons

Character and appearance

5. The application site comprises a narrow strip of land situated along the eastern side of a public house car park. The pub occupies a prominent position close to the main road in the centre of the hamlet of Sole Street. The pub is therefore an important local landmark.

6. There is a row of modern housing beyond the pub to the west, set back from the street and well-screened in views from the pub's frontage by mature boundary vegetation. Opposite the site to the south of the main road, are detached dwellings within large plots behind a dense hedgerow. A historic trackway, set down from the site's ground level, runs beside the site's eastern boundary and connects to agricultural land to the north. The site's wider landscape context provides a rural backdrop which has a spacious, green, countryside character.
7. The pub is a drinking establishment with landlord accommodation on the first floor and is a Grade II listed building. The pub building dates from the 17th century and has a timber frame, channelled render, and a plain tile roof. The two-storey building has a hipped roof with a catslide, irregular fenestration, and partly tile-hung rear and side wings. It represents a well-preserved example of Kentish vernacular architecture. The building has operated as a pub for at least two hundred years and is the only pub in the hamlet, and therefore is of historic cultural importance. The pub building's significance is derived from both its architectural and historic interest.
8. The pub building, car park and beer garden are adjacent to the appeal site, and the site adjoins the main road at the pub's vehicular access. The appeal site is close to the pub building and as indicated by historic mapping has comprised a part of the pub's curtilage since at least the 1870s. The site is therefore within the listed building's setting.
9. The appeal site comprises a bin store, mobile home, hardstanding with parking bays, trees and other vegetation. Behind the mobile home structure, the site is heavily overgrown. Trees and shrubs within the site and along its boundaries provide natural greenery which assimilate the site into its landscape context and contribute positively to the pub's setting.
10. Whilst described as a mobile home, the on-site structure has various linked extensions and outbuildings and is presently in a dilapidated condition. Nonetheless, the structure retains a low height and roof form and is generally screened from view from the street by a fence and boundary vegetation.
11. The close boarded fence and hardstanding are modest features that do not compete with the listed pub building and the on-site structure has a limited visual impact within the street scene. Overall, at minimum, the site has a neutral effect on the setting of the listed pub building.
12. The proposal would replace the existing mobile home structure and bin store with a permanent residential dwelling and combined refuse bin and cycle store and would utilise the existing pub access from Sole Street.
13. The proposed dwelling would result in a modest increase in footprint relative to the existing structures on the site. However, the proposed dwelling would be a 1.5 storey dwelling with living accommodation in its roof space that would be significantly greater in scale and mass than the existing on-site structures. The proposal would therefore substantially increase the scale of built form on the site.
14. The proposed dwelling would be set back further into the site than the existing structures. However, the proposed dwelling would be clearly visible within the street scene and would appear to be sited close to the pub building.

15. Whilst the sloping roof profile would serve to minimise the bulk of the first-floor accommodation, the proposed dwelling would be substantially greater in height than the existing mobile home and would exceed the eaves height of the pub's front elevation. By virtue of its height, mass, and siting of the proposed dwelling would appear overly dominant within the curtilage of the pub.
16. The proposed dwelling has sought to achieve the appearance of an outbuilding through a rustic cart-shed design and would be constructed with materials which complement the appearance of the listed building. The appellant suggests there is precedent for built form in close proximity of the listed building. However, the former outbuildings were demolished in the late 20th century and do not comprise a part of the current setting of the listed building, and thus do not justify the construction of independent built form of the scale proposed.
17. The proposal includes retention of some boundary vegetation and identifies opportunities for additional planting along boundaries and to the front of the site. However, to accommodate the proposed development would inevitably require loss of trees and vegetation, with the potential to increase views into the site.
18. In addition to the dwelling, the development would include parking spaces, garden paths, and lawn areas. The establishment of boundary treatments would create a more formal, landscaped appearance, in stark contrast to the natural, vegetated character of the site. Overall, the development would not appear as a subservient outbuilding but would have the domestic appearance of a dwelling plot.
19. For these reasons, the proposed design would not be sympathetic to the listed pub building. Rather, the height, scale, and mass of the proposed dwelling would detract from the prominent appearance of the pub within the street scene. The formation of a dwelling plot and siting of an independent dwelling within the pub's curtilage would appear visually intrusive within the setting of this listed building.
20. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of this appeals.
21. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through development within a heritage asset's setting and that this should have a clear and convincing justification.
22. Given the harm relates to the listed building's setting, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
23. The appellant is of the opinion that the proposal would be beneficial. The proposal would include new planting and creation of new habitat to the north of the beer garden, providing an 18% net gain in habitat units.
24. The proposal would improve the quality of accommodation on site. However, a replacement mobile home could be stationed on the site within the scope of the Certificate of Lawfulness of Existing Use or Development (CLEUD) that exists for

the site. The proposal would include resurfacing of the pub car park, removal of flood lights, and provision of a more discreet bin and cycle store. However, any visual enhancement would be negated by the harm identified above in respect of the proposed built form.

25. The proposed planting would be secured through planning conditions, whereas no controls exist to prevent removal of vegetation on site. However, other mechanisms may be available to the Council to conserve trees and vegetation.
26. Whilst the proposal would secure a net gain in biodiversity, the modest scale of this public benefit would not outweigh the harms identified above. Therefore, I conclude that, on balance, the proposal would fail to preserve the setting of the Grade II listed building. This would fail to satisfy the requirements of the PLBCAA, paragraph 210 of the Framework.
27. The site is within the Kent Downs National Landscape (KDNL). The statutory purpose of National Landscapes is to conserve and enhance the natural beauty of the area. Section 245 of the LURA amended the duty on relevant authorities in respect of their functions which affect land in National Landscapes; relevant authorities must 'seek to further' the statutory purposes of Protected Landscapes, including National Landscapes.
28. Furthermore, paragraph 189 of the Framework instructs that great weight be given to conserving and enhancing the landscape and scenic beauty in National Landscapes, which have the highest status of protection in relation to these issues and recognises that conservation and enhancement of cultural heritage are also important considerations in these areas. Therefore, harm to the setting of the listed building would fail to conserve or further the statutory purpose of the KDNL.
29. The appellant refers to other pub sites within their ownership where planning permission has been granted for residential development within the setting of heritage assets. I have not been provided with full details of the schemes listed, therefore information regarding the effects on heritage assets and provision of any public benefits are not available to me. Therefore, the extent of similarities to the appeal proposal are unclear.
30. For the reasons set out above, the proposal would fail to preserve the setting of the listed building and would not conserve the cultural heritage of the KDNL. It would therefore harm the character and appearance of the area.
31. The proposal would conflict with Ashford Local Plan 2019 (ALP) Policies SP1 and ENV13 which seek to conserve and enhance heritage assets, their settings, and contribution to local character and distinctiveness. In addition, the proposal would be contrary to ALP Policy SP6, which requires proposals be of high-quality design and demonstrate a careful consideration and positive response to character, distinctiveness and sense of place, and ALP Policy ENV3b which permits development within the KDNL only where it would enhance the area's special qualities, distinctive character and tranquillity.

Whether in a suitable location

32. ALP Policy SP1 directs development to accessible and sustainable locations which utilise existing infrastructure, facilities and services, to ensure development is

supported by necessary social, community, physical and e-technology services and facilities, and to promote access via a choice of sustainable transport modes.

33. The appeal site is within a rural location and, whilst in close proximity of other dwellings, farmsteads, and the pub, the site is not within a settlement offering the accessibility or scale of infrastructure described by Policy SP1. Furthermore, the appeal site is not close to or adjoining any settlement identified as acceptable for residential windfall development by ALP Policy HOU5.
34. The site is deemed to be within the countryside and ALP Policy HOU7 supports replacement dwellings in the countryside, where certain criteria are met.
35. In 1998, the Council granted a CLEUD for the stationing of a mobile home on the site¹. I have no evidence to suggest the CLEUD has been revoked or any subsequent change of use has occurred. Therefore, the permanent and lawful existing use of the site remains the stationing of a mobile home.
36. As discussed above, the site's existing mobile home structure is in poor condition and has not been occupied for an extensive period. It is unlikely to comply with the size standards and other statutory requirements for caravans. Whilst the parties dispute the extent to which the CLEUD supports residential use, the Council accepts the current structure could be replaced with a mobile home under the terms of the CLEUD.
37. Even if I were to accept the mobile home has a lawful residential use as an existing dwelling, as set out above I have found the proposal would result in significant harm to the overall character and appearance of the area and would not be suitable in terms of its scale and massing. Therefore, the proposal would conflict with criteria (b) and (c) of Policy HOU7 and would thus fail to comply with the policy taken as a whole.
38. Consequently, there are no development plan policies which positively favour a development of this type in the proposed location. Having regard to the local development strategy, the development would not be in a suitable location.

Other Matters

39. The site is within the Stour catchment area. Natural England advise that development within the catchment has the potential to adversely affect the integrity of Stodmarsh Lakes, a European site, through increasing nitrogen and phosphorus levels. The proposal includes a Nutrient Neutrality Assessment which recommends installation of a new septic tank and other mitigation measures.
40. Where a proposal is likely to have a significant effect on European sites, Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires the competent authority to carry out an Appropriate Assessment (AA). However, AA is only necessary where the competent authority is minded to give consent for the proposal. Since I am dismissing the appeal for other substantive grounds which result in conflict with the development plan, it is not necessary to address the proposed development's effects on European sites in further detail.

¹ LPA ref: 98/01017/AS

Conclusion

41. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given the appeal should be dismissed.

E Dade

INSPECTOR