
Appeal Decision

Site visit made on 20 May 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th June 2025

Appeal Ref: APP/X2220/W/24/3354852

Townsend Farm, The Street, Northbourne, Kent CT14 0LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Simon Ramsay against Dover District Council.
 - The application Ref is 24/00563.
 - The development proposed is the installation of ground mounted solar panels.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of ground mounted solar panels at Townsend Farm, The Street, Northbourne, Kent CT14 0LG in accordance with the terms of the application, Ref 24/00563, subject to the conditions set out in the attached schedule.

Procedural Matters

2. I have used the description of development provided by the Council in their letter confirming validation of the planning application, rather than that contained on the planning application form. This is in the interests of conciseness.
3. This appeal relates to the failure of the Council to give notice of its decision on the application for proposed development within the prescribed period. However, since the submission of the appeal the Council has provided a statement setting out its position on the proposed development, concluding that it would have granted planning permission subject to conditions.
4. Notwithstanding the Council's position, the duty imposed under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') requiring special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, would now fall to me.

Main Issues

5. In light of the above, the main issues are:
 - whether the proposal would preserve the setting of the Grade II* listed Vine Farmhouse and the Grade II listed Vine Garden Cottage and Walls Attached; and,
 - the effect of the proposal upon the significance of the Northbourne Conservation Area (the CA), through development within its setting.

Reasons

Special Interest and Significance

6. The appeal site comprises a part of a field located to the rear of Townsend Farm on the south side of The Street. The site is separated from Townsend Farm and surrounding buildings, including Vine Garden Cottage and Vine Farmhouse by a dense belt of trees.
7. The Grade II* listed Vine Farmhouse¹ dates from the 17th Century and is a 2 storey plus attic brick-built dwelling. It comprises an 'E' shaped plan form with a hipped, tiled roof. The list description confirms that one wing was re-built in the early 20th Century. To the rear, the dwelling overlooks an extensive garden. The dwelling is visible in long views from the elevated land along Willow Road some distance to the south, the long view is framed by two lines of trees either side of the house. Based on the evidence before me, I consider the special interest and significance of the listed building are largely derived from its historic and architectural interests. Important contributors in these regards are its age, surviving historic fabric and its relationship with the historic village core and church, along with its rural setting in long views from the elevated land to the south.
8. Pertinent to the appeal, in relation to the settings of the listed buildings and the contribution they make to the special interest and significance of the assets, I have had regard to the definition of setting set out in the National Planning Policy Framework (the Framework). The closely associated grounds of the Farmhouse form the immediate setting of the heritage asset. It is from here that the asset is best appreciated. This immediate setting contributes to the asset's special interest and significance.
9. The surrounding open fields form the wider setting of the listed Farmhouse. The wider setting allows an appreciation of the historic functional and physical relationship between the listed building and surrounding land. This wider setting contributes positively to the special interest and significance of the listed building.
10. Vine Garden Cottage and Walls Attached (hereafter referred to as 'Vine Garden Cottage') is a Grade II listed building². It comprises a 2-storey red brick cottage with a tiled, hipped roof, along with a lower 2 storey range to the west side known as Townsend Cottage. The list description indicates it dates from the 18th Century, with its attached courtyard wall extending along The Street and dating from the 17th Century with later repairs. The Council consider that the adjacent barns comprising Townsend Farm are curtilage listed and given their interrelationship I see no reason to disagree with this assessment. Collectively their special interest and significance are largely derived from their historic and architectural interests. Important contributors in these regards are the use of traditional construction methods and techniques, their vernacular form and historic association with the former farmsteads bordering The Street.
11. The immediate setting of Vine Garden Cottage comprises The Street and the farmyard area to the rear and west, contributing to the asset's special interest and significance. The wider setting of the asset is formed of the surrounding open fields which allow an appreciation of the relationship between the cottage and the former

¹ List Entry Number: 1237301

² List Entry Number: 1237008

farmstead to the west, along with the fields to the rear. This wider setting contributes positively to the special interest and significance of the listed building.

12. The CA encompasses the historic core of the village and extends to the east to include Northbourne Court and its surrounding parkland. The CA's significance is largely derived from its collection of cottages of traditional Kentish vernacular design with a mixture of tiled and thatched roofs, red brick, render and sash windows, all set within rural surroundings. Although not part of the CA, the appeal site is located just to the south of its boundary and forms part of its rural surroundings. It is these surroundings that form the setting of the CA and which contribute positively to the special interest and significance of the CA as a designated heritage asset.

Appeal Proposal and Effects

13. The proposed ground mounted solar panels would be relatively limited in their extent and scale. Nevertheless, the proposal, where visible from public and private vantage points, would appear as a discordant feature on the site, introducing infrastructure where there is currently none. The proposal would harmfully erode part of the historic and rural wider setting of the Vine Farmhouse and Vine Garden Cottage. The proposal would ultimately weaken the contribution that the wider setting makes to the significance of the heritage assets, albeit this harm would be mitigated to a degree by existing mature landscaping. The trees recently planted by the appellant, given their size and age, would not have a screening effect in longer views for several years.
14. Similarly, the principal view of the solar panels in the context of the setting of the CA would be from elevated land along Willow Road and Deal Road towards its junction with Willow Road and Willow Woods Road. This view would be from a significant distance and the belt of trees located to the south of Townsend Farm would provide a distinct visual barrier between the appeal site and the linear form of the CA along The Street. Nevertheless, the proposed development would remain visible, introducing a discordant feature, causing harm to the setting of the CA.
15. Overall, I conclude that the proposed development would fail to preserve the setting of Grade II and II* listed buildings at Vine Garden Cottage and Vine Farmhouse, and the setting of the CA. Consequently, the development would harm the significance of these designated heritage assets. In doing so, it would be contrary to the requirements of Section 66(1) of the Act insofar as it would fail to preserve the setting of the listed buildings.
16. I consider the degree of harm to the significance of each as heritage assets would be less than substantial, and at the lower end of the spectrum.

Public Benefits and Heritage Balance

17. The Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. It goes on to identify that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
18. There would be a clear public benefit resulting from the proposed development, derived from the use of a renewable source of energy for a residential scheme at Townsend Farm. This was granted planning permission in 2022 (reference 22/01222).

I attach significant weight to this public benefit due to the support given to renewable energy use by the Framework and Local Plan. This wider public benefit is of sufficient magnitude to outweigh the identified less than substantial harm to the significance of the heritage assets.

19. Overall, the wider public benefits of the proposal would outweigh the less than substantial harm to the designated heritage assets. The proposals would therefore accord with section 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. This is consistent with the Council's position.
20. I have had regard to the representations of the Parish Council with respect to the effect of the proposal on the designated heritage assets and justification for the scheme. For the reasons set out above, I consider the use of solar panels to be a significant public benefit. The information provided with the appeal, along with my site visit, was sufficient to allow an assessment of the merits of the scheme.

Other Matters

21. Due to the distance of the proposal from neighbouring dwellings, there would be no harm to the living conditions of occupiers as a result of noise, loss of outlook or daylight or sunlight. I have had regard to the concerns of the Parish Council regarding solar glare, but given the proposed location relative to other properties, along with the small scale of the array, I do not consider a planning condition requiring non-reflective panels would be necessary or reasonable in this case.

Conditions

22. The council have provided some suggested conditions which I have considered against advice in the Framework and Planning Practice Guidance. I have attached the standard time limit condition (1) and a plans condition (2) as this provides certainty. I note that the appellants have undertaken extensive tree planting on their land surrounding the appeal site. However, I do not consider it would be necessary to secure this planting through planning condition as suggested by the Council, since I have found that the proposal would be acceptable without the potential screening effect from the recent planting.

Conclusion

23. For the reasons given above the appeal should be allowed.

L Francis

INSPECTOR

Schedule

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 the following approved plans: site location plan dated 29 May 2024, Block Plan Proposed – Townsend Farm PV Application, solar panel specification product reference TSM-DEO9R.B5 and Heritage design and access statement – PV application Townsend Farm.

End of Schedule