



Appeal Decision

Site visit made on 7 May 2025

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2025

Appeal Ref: APP/E2205/W/24/3349190

The Rectory, Ashford Road, Great Chart, Ashford TN23 3AY

- 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 Canterbury Diocesan Board of Finance against the decision of Ashford Borough Council.
 - The application Ref is PA/2024/0429.
 - The development proposed is New Rectory (Net Zero) and Additional Family Dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Canterbury Diocesan Board of Finance against Ashford Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. In determining this appeal involving development located within a conservation area and that affects the setting of listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Main Issues

4. The main issues are:
 - The effect of the proposed dwellings on the character and appearance of the surrounding area with particular regard to Great Chart Conservation Area;
 - Whether the proposed development would preserve the Grade I listed building known as the Church of St Mary, the Grade II* listed buildings known as Court Lodge and timber framed building (“the pest-house”) and Grade II listed The Rectory or their setting or any features of special architectural and historic interest (or significance) which they possess, with particular regard to their settings; and
 - The effect of the development on the Stodmarsh Special Protection Area, Special Area of Conservation and Ramsar site.

Reasons

Character and appearance

5. Great Chart comprises a village located on the side and ridge of a gentle hill, with the main part of the village at the bottom of the hill to the east. Much of the village is designated as Great Chart Conservation Area. The road rises up the hill with houses predominantly to the south side with mainly fields and allotments to the north. The Church of St Mary is located at the top of the hill on the north side of the road. As a result, the church dominates views up the hill from the east. To the west of the church is Court Lodge Farm yard, including substantial brick and tile traditional style barn visible from the road.
6. Architecture within the village is a mix of vernacular buildings of traditional Kentish style but also Flemish influence reflected in the many Dutch gable ends to buildings and porches. The significance of the conservation area is, therefore, derived from the distinctive collection of historic buildings, the variety in architecture and materials, and layout and topography that result in the visual dominance of the church.
7. The appeal site is located next to the barn visible from the road on the opposite side from the church, outside but adjacent to the boundary of the conservation area. At present, it comprises a single dwelling in a large plot with mature trees and hedges to the boundaries, other than that with the barn that comprises an much weathered stone wall. The dwelling was originally constructed as a rectory for the church although is no longer occupied for that purpose. Although the site is visible from the road and there are views through, around the neighbouring barn, it is a relatively discreet site.
8. The proposal would provide two additional dwellings around a yard shared with the existing house. The designs seek to reflect the character of converted barns, including the arrangement of fenestration and timber panels taking the appearance of large sliding doors. The yard would provide a hard surfaced area for parking and manoeuvring that would result in a courtyard development that also seeks to reflect the appearance of a farmyard. To some extent the design as a farmyard style of development is successful. However, it would appear somewhat contrived as a separate small farmyard next to, and not connected to, the buildings of Court Lodge Farm.
9. Neither would the design and layout of development reflect the informal domestic nature of residential development that is more common within the village. As a result, the character of the proposed dwellings around the yard would appear somewhat incongruous in this location.
10. Taking account of the above, I conclude that the proposed dwellings would harm the character and appearance of the area, and the setting of the conservation area. Nevertheless, that harm is less than substantial and low on the spectrum of such harm.
11. While less than substantial, the Framework makes clear at paragraph 212 that great weight should be given to the conservation of heritage assets. Paragraph 215 of the Framework and Policy ENV13 of the Ashford Local Plan (LP) state that such harm should be weighed against the public benefits of the proposal and I will return to that in the balance section later in my decision.

Listed Buildings

12. The Church of St Mary is listed Grade I and located at the top of the hill, a prominent location in views from the village and surrounding farmland to the north and east, the tower at the west end in particular being a landmark for a wide area. To the west side of the church are mature trees within the churchyard, a modest house and the large brick and tile traditional barn. The church is constructed in ragstone and with a porch to the south. It was constructed in the thirteenth century, with later additions in the fourteenth and fifteenth centuries, to serve the surrounding community. Within the churchyard are a number of eighteenth century headstones with cherub, skull or hourglass motifs and the paths are paved with Bethersden Marble.
13. The significance of the church is derived from the manner in which it dominates the surrounding landscape particularly to the north and east that displays its historic fabric and provides an understanding of its importance to the surrounding rural community.
14. The appeal site is to the west, beyond the house and barn. From this direction, the church is largely hidden in views behind the substantial barn, mature trees and small building under their canopy. That is a modest timber framed building dating from around the sixteenth century or earlier with some speculation that it may have been a pest-house (I will refer to it as “the pest-house” for the purposes of identification in my decision). It faces along Ashford Road that runs to the front of the appeal site. It is separately listed grade II*; its significance arising from its historic fabric and modest appearance in a prominent location beside the church. The rural appearance of the approach, including mature hedge around the appeal site, along with the farmyard with barn to the front, contribute to the setting of the church and the pest-house.
15. Nevertheless, the mature hedges surrounding the appeal site mean that any development would only be visible in very limited views on the approach to the church and pest-house. The site already has a domestic appearance as it comprises the former rectory and its garden. The features separating this site from the church limit views from directly outside the churchyard such that there would be limited visibility of church and the proposed houses together. In any event, the houses would be viewed in the context of the former rectory on the site.
16. As set out above, the proposed dwellings seek to reflect the character of converted barns around a former farmyard. Whilst the design and layout would appear as converted agricultural buildings on the edge of a rural community, it would appear somewhat incongruous given the lack of relationship with the neighbouring Court Lodge Farm and adjacent to, and dominated by, the large barn adjacent. The proximity of this site to the church and the pest-house means this will have an effect on the setting of those listed buildings. Neither would it reflect the informal domestic nature of other residential development in the setting of these listed buildings.
17. Taking all the above into account, I conclude that the development proposed would cause harm to the setting of the Church of St Mary and the pest-house that are listed Grade I and Grade II*. That would result in harm to the significance of these buildings as heritage assets. However, that harm would be less than substantial and toward the lower end of the spectrum of such harm. That needs to

be weighed against the public benefits of the proposal and I will return to that under the heritage balance.

18. Court Lodge is a mediaeval stone house listed Grade II* that I understand was built in 1313 but altered in the 17th-18th Centuries. It is located to the rear of the church yard and adjacent to the farmyard. It is constructed of stone rubble with red brick window dressings and quoins, patched with brick. The roof is steeply pitched and hipped with smoke louvres and 2 gabled dormers. There is a stone porch to the front with pointed stone doorway and timbered gable end. Internally, it contains panelling and a panel of 12 carved relief heads. My attention has been drawn to the work of John Newman in *The Buildings of England: West Kent and The Weald*, who describes it as “remarkable”. Its significance as a heritage asset is derived from its historic development and architectural features.
19. The appeal site is separated from Court Lodge by the farmyard including substantial barn. There is limited visibility of Court Lodge from public vantage points other than from within the church yard. The separation from Court Lodge including the substantial barn and trees mean that the appeal site contributes little to the setting of Court Lodge.
20. The proposed dwellings would be located in what is currently garden to the former rectory. As such, development here would not alter the residential character of the site. Due to the separation distance, intervening landscape features and structures, the additional development would not affect the setting of Court Lodge taking account of the separation from the site and its location behind the farmyard and church.
21. For these reasons, the proposed development would not harm the setting of Court Lodge, or its significance as a heritage asset.
22. My attention has also been drawn to a Grade II building listed as The Rectory, now part of Ashford Prep School. This is located a short distance down the hill from the appeal site and appears to have been constructed, or extended, by a former Rector at the Church of St Mary. Part appears to have been constructed in the 18th Century, with the rest constructed by that Rector in 1818. It is constructed in stone rubble with red brick window dressings and quoins, with slate roof and brick chimney breast, along with a later 19th Century addition. Its significance derives from its historic fabric, attractive appearance and historic association with the church.
23. The Rectory is separated from the appeal site and the village by narrow fields and the mature hedge on the boundary of the appeal site. It is located within the development of Ashford Prep School. The proposed development would be within what is established residential curtilage, surrounded by mature hedgerows and dominated by the barn at Court Lodge Farm. Due to the separation distance, intervening landscape and built structures between the listed building and the church, the proposed dwellings would not affect the setting of this listed building, or its significance as a heritage asset.

Stodmarsh Special Protection Area, Special Area of Conservation and Ramsar site

24. Stodmarsh comprises a wetland in the Stour valley that contains a wide range of habitats, including open water, reedbeds, scrub and alder carr that support a rich flora and fauna. It is a good example of a southern eutrophic flood plain that is

nutrient rich with a number of rare plants. These plants include reed sweet-grass, large sedges and common reed. They support wintering and breeding habitats for wetland bird species, such as gadwall, bearded tit, bittern, hen harrier, shoveler, great crested grebe, lapwing, redshank, snipe, various warblers, white fronted goose, wigeon, mallard, pochard, tufted duck and water rail. There is varied invertebrate fauna including scarce moths and Desmoulin's whorl snail. These comprise the qualifying features of the Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site.

25. The qualifying features of the SPA, SAC and Ramsar site are threatened by the nutrient impact on new development, where new development may have an adverse effect by contributing additional nutrients to those habitats. This is arising due to nutrient enrichment from elevated nitrogen and phosphorus levels, that can cause rapid growth of certain plants through the process of eutrophication. This can lead to the loss of biodiversity. As competent authority, if I were to allow the appeal I would be required to carry out an appropriate assessment to consider the nutrient impact of the proposed development, either on its own or in combination with other plans and projects, on habitats sites and whether those impacts may have an adverse effect on the integrity of a habitat site that requires mitigation, including by achieving nutrient neutrality.
26. The appellant suggests that, should I decide to allow the appeal, a condition could be attached to any consent to provide a detailed scheme for effluent treatment to be provided prior to the development being occupied. This could comprise an onsite treatment plant, connection to a strategic scheme or use of a conventional drainage scheme if national guidance changes. That reflects their Nutrient Assessment that concludes that, although the site is outside the catchment of the River Stour that feeds into Stodmarsh, foul water would discharge into the Ashford Bybrook Wastewater Treatment Works that does discharge into the River Stour. Natural England have indicated that, provided the mitigation measures were appropriately secured, they agree with the Nutrient Assessment.
27. I have not carried out a full appropriate assessment as the Council have not had the opportunity to respond to Natural England's comments and it is unclear how the mitigation could be secured. However, for the purposes of my decision I will assume the effects on the SPA, SAC and Ramsar site could be mitigated and the appropriate assessment passed. This would be neutral in the planning balance as it is the minimum necessary to enable the development to take place.
28. On that basis, the development would not conflict with Policies SP6, HOU5, HOU10 of the LP insofar as they seek to conserve or enhance the natural environment including not adversely affecting the integrity of international and national protected sites.

Other matters

29. The two dwellings would contribute to the supply of housing in an area where the Council are unable to demonstrate a 5 year supply of deliverable housing sites. The Council indicate current supply is 4.39 years according to its latest update on 11 September 2024. That is not disputed by the appellant.

30. The new rectory is designed to achieve net zero greenhouse gas emission and the highest level of energy efficiency. Such a high level of energy efficiency is something the government seeks to encourage, but there is nothing to indicate the design would include new, or original, methods or be otherwise exceptional or innovative. The dwellings would be located within an existing substantial garden, providing an efficient use of land. Occupants would support local services and facilities.
31. I understand that a previous incumbent and occupier of the rectory was a prominent participant in the formation of the Greater Ashford Development Framework that resulted in the urban extension at Chilmington Green. He was involved in the Chilmington Management Organisation. He was also involved in the pastoral reorganisation of Ashford parishes into a single parish. However, the existing house is no longer used as a rectory. The church is involved in supporting the community through worship, community building and pastoral care, including involvement with local schools and uniformed organisations. Occupation of one of the dwellings as a rectory would provide a home to the incumbent vicar of the Church of St Mary. It would also directly support the continued use of the church as a community facility within the village. As a result, the new rectory would restore the physical and functional relationship between the rectory, church and local community.

Balance

32. The Framework advises at Paragraph 212 that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 214 of the Framework, the harm to the conservation area and listed buildings is nevertheless a matter of considerable importance in this case.
33. Paragraph 215 of the Framework establishes that, where a development proposal would 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 securing its optimum viable use. The public benefits include the addition of two dwellings to the supply of housing, including a dwelling that would provide a highly energy efficient home to the incumbent vicar of the Church of St Mary. The contribution of these dwellings to the community in supporting services and facilities, including the support provided to the church and supporting the church's role within the community, would carry modest weight. However, whilst those benefits are considerable, they cannot outweigh the harm to the setting of the conservation area or the setting of the listed buildings of the Church of St Mary and "the pest-house".
34. Taking all of the above into account, I conclude that the proposed development conflicts with Policies SP6, HOU5, HOU10, ENV13 and ENV14 of the LP that seek development of high quality design including preserving or enhancing heritage assets, including their setting. In addition, Policy SP2 of the LP provides a strategic approach to housing delivery, providing a housing target to be met via means including from suitable windfall proposals consistent with other policies of the LP.

Consequently, the development would also conflict with that policy. Given conflicts with those policies, I conclude that the development would conflict with the development plan as a whole.

35. The Framework, at paragraph 11d), states that where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, policies that are most important for determining the application are out-of-date and permission should be granted unless, at paragraph 11d)i., the application of policies in the Framework that protect assets of particular importance provides a strong reason for refusing the development proposed. Designated heritage assets are included in the list of assets of particular importance.
36. I have concluded that the proposed dwellings would cause less than substantial harm to the setting of Great Chart Conservation Area, the Church of St Mary (listed Grade I) and “the pest-house” (listed Grade II*). I have not found any public benefits that would outweigh those harms.
37. Grade I buildings are of exceptional interest and Grade II* buildings are particularly important buildings of more than special interest. The proposed dwellings would cause less than substantial harm to the setting of those buildings at a lower end of the spectrum of harm. Nevertheless, I consider that the conflict with the Framework in this regard would be a strong reason for refusing the development proposed. On that basis, the development doesn’t comply with paragraph 11d)i. of the Framework and cannot benefit from the presumption in favour of sustainable development.
38. The harm to the character and appearance of the area, including the setting of the conservation area, would conflict with policies of the Framework. However, taking account of the above it is not necessary to conclude whether this constitutes a strong reason for refusing the development.

Conclusion

39. I have concluded that the proposal would conflict with the development plan as a whole. Taking account of the Framework, the lack of deliverable housing sites mean that policies of the development plan most important for determining the application are out-of-date. However, policies within the Framework that protect assets of particular importance provide a strong reason for refusing the development proposed. On that basis, the proposal does not benefit from the presumption in favour of sustainable development. Consequently, there are no material considerations that would outweigh the conflict with the development plan.
40. For the reasons given above the appeal should be dismissed.

AJ Steen

INSPECTOR