



Appeal Decisions

Hearing held on 23 July 2025

Site visit made on 23 July 2025

by **A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th of September 2025

Appeal A Ref: APP/G2245/W/25/3364155

Cheeseman's Cottage, The Brooms, Seal, Kent TN15 0EX

- 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 Mrs Mary Gundel against the decision of Sevenoaks District Council.
 - The application Ref is 24/02963/HOUSE.
 - The development proposed are the removal of late 19th century addition and replacement with designed extension using original materials including ragstone bricks and infill extension in oak with glazing cover to expose the original structure.
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Appeal B Ref: APP/G2245/Y/25/3364154

Cheeseman's Cottage, The Brooms, Seal, Kent TN15 0EX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mrs Mary Gundel against the decision of Sevenoaks District Council.
 - The application Ref is 24/02964/LBCALT.
 - The works proposed are the removal of late 19th century addition and replacement with designed extension using original materials including ragstone bricks and infill extension in oak with glazing cover to expose the original structure.
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Decisions

Appeal A

1. The appeal is dismissed insofar as it relates to the partial demolition of the 19th century lean-to and replacement extension, the erection of a glazed link, the internal subdivision of the first floor rooms, creation of an opening in the south elevation and the installation of rooflights and roof insulation. The appeal is allowed insofar as it relates to the replacement of windows, the repositioning of the window in the north elevation and the reinstatement of the fireplaces and planning permission is granted for the replacement of windows, the repositioning of the window in the north elevation and the reinstatement of the fireplaces at Cheeseman's Cottage, The Brooms, Seal, Kent TN15 0EX in accordance with the terms of the application, 24/02963/HOUSE, and subject to the conditions appended to this decision.

Appeal B

2. The appeal is dismissed insofar as it relates to the partial demolition of the 19th century lean-to and replacement extension, the erection of a glazed link, the internal subdivision of the first floor rooms, creation of an opening in the south elevation and the installation of rooflights and roof insulation. The appeal is allowed insofar as it relates to the replacement of windows, the repositioning of the window

in the north elevation and the reinstatement of the fireplaces and listed building consent is granted for the replacement of windows, the repositioning of the window in the north elevation and the reinstatement of the fireplaces at Cheeseman's Cottage, The Brooms, Seal, Kent TN15 0EX in accordance with the terms of the application, 24/02964/LBCALT, and the plans submitted with it so far as relevant to that part of the works hereby consented and subject to the conditions appended to this decision.

Applications for costs

3. Applications for costs were made by Mrs Mary Gundel against Sevenoaks District Council. These applications are the subject of separate decisions.

Preliminary Matters

4. As Appeal A relates to a planning permission and Appeal B relates to a listed building consent, I have had special regard to sections 66(1) and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The two appeals concern the same scheme under different, complementary legislation. To avoid duplication, I have dealt with both appeals together in my reasoning.

Main Issues

6. The main issues are:
 - whether the proposed development and works would preserve the Grade II listed building, Cheeseman's Cottage, or any features of special architectural or historic interest which it possesses; and
 - the effect of the proposed development on ecology.

Reasons

Heritage asset – special interest and significance

7. Cheeseman's Cottage is a Grade II listed building¹. It is a 17th century (or earlier) cottage of 1.5 storeys. It is of timber frame and rubble construction, with brick dressings and a half-hipped tiled roof over. The house is set within its own, landscaped grounds. A series of alterations have taken place to the building over time, including the replacement of historic windows and the loss of fireplaces.
8. The special interest and significance of the listed building is largely derived from its historic and architectural interests. Important contributors in these regards are its age, illustration as a modest, rural cottage that has evolved over time, the use of traditional construction techniques and materials, including its timber frame, and the preservation of its historic plan form.
9. Despite the extension and alteration of the listed building over time, it retains a picturesque and pleasing architectural form. Those later additions have not unduly eroded the building's intrinsic heritage merit.

¹ List Entry Number: 1243519

Heritage asset – appeal proposal and effects

10. There are several strands to the proposed development and works. This includes:

- Partial demolition of 19th century southeast (SE) lean-to, the erection of a single-storey extension and glazed link;
- The internal subdivision of two first floor rooms to provide en-suite bathrooms;
- The installation of rooflights;
- The provision of roof insulation;
- The creation of a new opening in the south elevation;
- The repositioning of the window in the north elevation;
- The reinstatement of fireplaces and the replacement of modern windows.

Partial demolition of 19th century SE lean-to, the erection of a single-storey extension and glazed link

11. The listing description for the property describes the building as ‘irregular’. This is apparent based on the asset’s current plan form and appearance, comprising the historic core and several single-storey additions of varying scales and functions. The submitted heritage statement acknowledges that those additions make a contribution to the understanding of the building’s historic development and, to some extent, its picturesque quality.
12. It is proposed to partly demolish the lean-to that currently exists on the left hand side of the east elevation. This is understood to have been altered over time, as is apparent when viewed on site. The proposal seeks to replace this structure with an extension which would effectively replicate that to the other side of the east elevation. The proposed extension would use, so far as possible, reclaimed materials from the part demolished lean-to. While this element of the proposed development and works would result in physical change to the rear elevation, the overall building would retain an irregular appearance and plan. Moreover, the works would positively reveal a portion of the historic east elevation that has long been obscured. The Council has set out its in principle acceptance of this part of the scheme, subject to further detail.
13. A simple timber and glazed link extension is proposed to connect the two projecting extensions on the east elevation. By reason of the open-ended design of the reconfigured lean-to, providing open plan kitchen/dining space, these two aspects must be considered together. There is no doubt that the glazed link structure would change the appearance of the property and alter the historically independent nature of the two lean-to additions. However, I am of the view that the glazed link would form an honest, lightweight insertion that would connect the two lean-to structures while remaining subservient to the historic building. The opening up of a doorway below a modern window in the east elevation, currently infilled with modern breeze block, would also be acceptable.
14. The heavily glazed nature of the structure, together with its scale and position, would allow the currently external historic fabric of the building, including the

exposed timber framing, to remain largely visible and the individual nature of the lean-to structures to remain legible. The Council's concerns around light spill are noted. However, by reason of the extent of the link structure, its discreet position between the solid lean-to structures, and its location to the rear of the property, I do not share those concerns.

15. Notwithstanding the above, there is a notable lack of detail before me as to the structural interventions required in order to affix the structure to the historic rear elevation and lean-to structures. The appellant sets out a series of options, including support by columns and a preference for a 'bracket system'. They also set out in their written submissions that 'it would be more useful if the Council indicated which particular method of attachment appeals to them'. However, the appeal process should not be used to evolve a scheme.
16. The potential exists for an acceptable scheme to be devised that would secure the partial demolition of the 19th century lean-to, its replacement, and the provision of a glazed link. However, without the necessary detail before me, I cannot be certain that this element of the scheme would preserve the listed building and not harm its significance. It is imperative that proposals are accompanied by drawings and specifications of sufficient detail to illustrate or describe the elements of the scheme in order to avoid any uncertainty over what is proposed, and to allow a robust assessment of any consequent effects. In assessing whether this element of the scheme would be appropriate, I find the drawings and specification submitted with the applications, upon which the appeals are being determined and which would form part of any formal decisions if I were minded to allow, to be deficient.

Internal subdivision of first floor rooms

17. It is proposed to subdivide the two first floor rooms (bedrooms) to provide a dedicated en-suite bathroom within each room. The appellant's Heritage Statement acknowledges how the existing plan form is of interest and contributes to the special interest and significance of the heritage asset. I agree with this assessment of the plan form.
18. The proposed works would significantly reduce the size of the already modest rooms (by approximately a third). This would mar the legibility of the historic and simple plan form, and the ability to appreciate the rooms as a whole. The exposed timbers of the rooms would also, in part, be obscured by the proposed works. The appellant has acknowledged a 'slight erosion of plan form'. However, they have also set out that there would still be a level of intervisibility between the main bedroom and en-suite areas. I disagree that this would be the case in reality. Reference is made to the interventions here being 'discreet' yet there is no evidence, such as an internal section drawing, before me to demonstrate this. Any subdividing walls, even with an open doorway or glass backed shower cubicles, would entirely change the experience and legibility of these rooms. This element of the works would harmfully disrupt the simple form of the existing property and weaken the traditional hierarchy of spaces within the listed building as a whole.
19. In addition, the appellant sets out that there are options in dealing with any plumbing and services. This was further discussed at the hearing. However, the lack of clarity in this respect is such that I cannot conclude that these interventions would preserve the historic fabric of the building. While it might be possible to remove the en-suite areas in the future, as argued by the appellant, this is highly

unlikely to happen once installed. Even were I to find these matters acceptable I have found the proposal would fail to preserve the listed building's simplicity in form which contributes positively to its special interest.

Installation of rooflights

20. Conservation rooflights are proposed to the eastern roofslope. These would be of a conservation style, flush fitting and of steel construction, which the appellant argues are a common feature of listed buildings. However, the existing roofslope is interrupted only by historic chimney features and is otherwise intact. The installation of the proposed rooflights would be highly visible and would disrupt this predominantly unaltered roofslope, irrespective of whether it is the principal elevation or not. With respect to the removal of historic fabric, required to install the rooflights, insufficient information has been provided to fully demonstrate the effects and extent of any harm, with much of the ceiling obscured by later coverings (skeilings). Nevertheless, even were I to conclude that the removal of this fabric would not be significant, this would not lessen the harm to the listed building's significance overall.
21. In any case, these rooflights are argued to be required to ensure adequate ventilation of the new en-suite bathrooms. Even were I to find the internal subdivision proposals acceptable, there is no substantive evidence before me that demonstrates that the rooflight works would provide improved ventilation or successfully remedy concerns of dampness in the timberwork.

Provision of roof insulation

22. It is proposed to install breathable roof insulation into the existing skelings across the first floor. This is set out as only being the case where skelings are formed of plasterboard. However, I have insufficient information before me to demonstrate the extent or age of those features or to fully understand the location or effects on the special interest and significance of the listed building as a result of their removal and replacement. This is of particular concern as lath and plaster was clearly visible on site in several locations where the skelings were damaged.
23. I am of the view that this information would be necessary in advance of a decision being made in order to fully understand the condition of any historic fabric and whether it would be appropriate for it to be removed or repaired.

Creation of opening in the south elevation

24. The proposed works, namely the insertion of a door opening within an historic external wall, would not compromise the legibility and integrity of the ground floor plan, nor weaken the traditional hierarchy of spaces within the listed building. This is particularly the case given that the existing outer door would be retained.
25. However, there appears to be a change in levels between the existing lean-to structure and main house at this point. As observed at the site visit, part of the historic timber framing visibly crosses the position of the proposed doorway. It is also unclear if any concealed timber framing exists in this location. The timber framing of the property contributes to the significance of the asset. From that perspective, it is currently unclear how this doorway would be accommodated without harmful intervention.

Repositioning of the window in the north elevation

26. It is evident that the first floor window in the north elevation has been relocated in the past and is in a poor state of repair. Although it is not evident exactly where this window sat historically, several interventions to the historic fabric here have been undertaken, including the cutting, repositioning and infilling of timber framing in this location. Overall, I consider that this element of the proposal would sustain and therefore preserve the special interest of the listed building and not cause harm to its significance. However, the acceptability of this part of the scheme does not overcome or outweigh the harm identified above.

Replacement windows and reinstatement of fireplaces

27. There is no dispute between the Council and appellant in respect of the reinstatement of fireplaces within the main living room and north bedroom and the replacement of modern softwood casement windows with appropriate hardwood insertions. Based on the evidence before me and my observations on site, I have no reason to disagree with those findings. Further details could satisfactorily be secured by condition. However, as above, the acceptability of these parts of the scheme do not overcome or outweigh the harm identified.

Conclusion

28. Overall, I find that the following elements of the scheme would be acceptable:

- repositioning of the window in the north elevation;
- replacement windows and the reinstatement of fireplaces.

29. I find that the following elements of the scheme would fail to preserve the special interest of the listed building and would harm its significance:

- internal subdivision of first floor rooms;
- installation of rooflights.

30. I find that I cannot come to a clear conclusion on the following elements of the scheme due to a lack of sufficient information:

- partial demolition of 19th century SE lean-to, the erection of a single-storey extension and glazed link;
- provision of roof insulation;
- creation of opening in the south elevation.

31. Accordingly, I conclude that the proposed development and works, taken as a whole, would fail to preserve the Grade II listed building, Cheeseman's Cottage, or any features of special architectural or historic interest which it possesses. Consequently, the development and works would harm the special interest and significance of this designated heritage asset. In doing so, they would be contrary to the requirements of sections 66(1) and 16(2) of the Act.

Heritage asset – public benefits and balance

32. In finding harm to the significance of a designated heritage asset, the National Planning Policy Framework (the Framework) and the Planning Practice Guidance

(the PPG) require the category of harm to be explicitly identified, and the extent of harm within that category to be clearly articulated.

33. Given the nature and extent of the development and works, together with my reasoning above, I find the harm to the significance of Cheeseman's Cottage would be at the moderate level of 'less than substantial'. Notwithstanding this, less than substantial harm does not equate to a less than substantial planning objection and carries considerable importance and weight. Framework paragraph 215 sets out that where less than substantial harm is identified, the extent of that harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
34. The appellant has set out that the proposed development and works would secure the optimum viable use of the building. I do not disagree, based on the evidence provided, that the continued use of the property for residential purposes would be the optimum viable use of the building. It is also readily apparent that the property is in need of investment, having been empty for over two years, with little investment for a considerable period of time. I also appreciate that the property could not, realistically, be lived in in its current condition. However, the appeal property is nevertheless already in use as a *dwelling*. There is no evidence before me to demonstrate that this is not its lawful use. Even were I to accept that the property was in such a perilous state that it could no longer reasonably constitute a dwelling, the creation of one additional dwelling here would, inevitably, make only a very limited contribution to the district's acknowledged weak housing supply.
35. The appellant argues that the property would not be safe or capable of achieving a good standard of accommodation without the proposed first floor en-suite bathrooms. This is argued, principally, to be due to the narrow and steep stair access from the first floor to ground floor. I note the limitations that this brings. However, the present arrangement is not uncommon in small or historic properties. Crucially, there is no evidence before me which verifies that the property would not continue to be useable or viable as a dwelling, or that its conservation as a designated heritage asset would be at risk, if the appeals were to fail and the proposal, as submitted, was not implemented.
36. I acknowledge that the significant repairs and reversal of damaging works, including the replacement of cementitious render with a lime mortar, the removal of non-breathable insulation and fibreboard and the reinstatement of previously removed fireplaces, would unlikely take place without a more comprehensive renovation of the property. Nevertheless, the works would not be wholly dependant on the scheme before me.
37. The 're-establishing' of the front entrance, a simple vertical plank door, which has not been used as such for some time, is argued to be a benefit. However, the door remains fully intact and, while it is boarded over from the inside, the legibility of the building remains.
38. I acknowledge that economic and environmental benefits would be brought about through the renovation phase, through an increase in local spend following occupation and the general investment into the property, including its thermal efficiency. However, the scale of those benefits would be short-term in respect of the renovation phase and limited overall by the extent and nature of the proposal.

39. Taking all of the above into account, I conclude that there are several public benefits that accrue from the proposal, including heritage benefits. I ascribe limited-moderate weight to those cumulative benefits. This is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. Ultimately, the proposed development and works would fail to preserve the Grade II listed building, Cheeseman's Cottage, or any features of special architectural or historic interest which it possesses. The proposed development and works would be contrary to the requirements of sections 66(1) and 16(2) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. The proposed development and works would also conflict with the relevant provisions of policy EN4 of the Sevenoaks Allocations and Development Plan which, in summary, seeks to conserve or enhance heritage assets.

Ecology

40. The Council's second reason for refusal under Appeal A relates to insufficient information having been submitted to demonstrate that the proposed development would conserve the biodiversity value of the site and protect nationally important wildlife. I note the appellant's concern that this was not a reason for refusal under a previous planning application at the site. Nevertheless, I am considering only the proposed development before me, and the Council's reasons for refusal.
41. An Ecological Appraisal (EA), dated March 2025, was submitted in support of the appeal. This presents an evaluation of the ecological value of the site, which includes the likely presence of roosting bats. The EA concludes that the appeal property has low roosting potential for bats due to the presence of lifted tiles over its main roof and eastern lean-to. However, it requires an emergence survey.
42. The bat survey was not submitted in support of the appeal. However, it was offered at the hearing. Given that this would constitute new evidence, with no time for the Council's statutory consultees to review and respond to the evidence, I am of the view that parties would be prejudiced. This evidence was not accepted.
43. Overall, there is insufficient evidence before me to demonstrate that the proposal would have an acceptable effect on biodiversity, in particular bats, contrary to the relevant provisions of policy SP11 of the Sevenoaks Core Strategy. This policy, in summary, seeks to ensure that development proposals avoid negative impacts on biodiversity and protected species.
44. Even were I to find matters relating to ecology acceptable in this case, or that a condition was satisfactory, this would not overcome or outweigh the harm identified under the other main issue and would not result in an alternative outcome overall.

Other Matters

45. The appellant has drawn my attention to another appeal case, at Harrington Gardens, where the subdivision of rooms for the introduction of en-suite bathrooms was accepted. However, this relates to a building of an entirely different scale and arrangement. In particular, the rooms there are of a greater scale. Accordingly, the case is not directly comparable with that before me.
46. I note that the proposed development and works would meet a series of other planning policy objectives, including in respect of parking, neighbouring amenity

and green belt. Nevertheless, these matters are not in dispute between the main parties and they are effectively neutral in my determination of the appeals.

Housing supply

47. The submitted evidence indicates that the Council cannot demonstrate a five-year housing land supply. As such, and noting the Government's objective of significantly boosting the supply of homes, the provisions of Framework paragraph 11.d are engaged. However, bullet (i) of paragraph 11.d clarifies that permission should not be granted if the application of policies in the Framework that protect areas or assets of particular importance, including designated heritage assets, provides a strong reason for refusing the development proposed. As I have found harm in respect of heritage, and this provides a strong reason for refusing the appeal proposal, the presumption in favour of sustainable development would not apply in this particular case.

Split decision

48. As set out above, there are aspects of the scheme that I have found to be acceptable and which would sustain the significance of the heritage asset.
49. Section 79(1)(b) of the Town and Country Planning Act 1990 and Section 22(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 enable a split decision in respect of planning and listed building consent appeals where some aspects are acceptable. This can only apply to parts of the scheme which are clearly severable, both physically and functionally.
50. The matters that I have found acceptable include the replacement of windows, the repositioning of the window in the north elevation and the reinstatement of the fireplaces. These are all clearly severable and would be capable of being implemented without all other parts of the scheme. I am therefore able to issue a split decision for those aspects of the proposal. Although I have also found the proposed development and works to the lean-to to be acceptable, this is not clearly severable from the adjoining glazed link and associated works.

Conditions

51. The Council has suggested conditions in the event of the appeals being allowed. As I am issuing a split decision, I have imposed conditions relevant only to the parts of the scheme I am allowing.
52. For Appeals A and B, planning permission and listed building consent are granted subject to the standard three year time limit conditions. For Appeal A, I have imposed a condition specifying the relevant plans as this provides certainty. For Appeal B, a condition specifying the relevant plans is not necessary as adherence to the plans which accompany the application is part of the formal decision.
53. For Appeals A and B, conditions requiring the submission of further details and relating to the timber frame are necessary in the interests of certainty and the conservation of the significance of the heritage asset.

Conclusions

Appeal A

54. For the reasons given above the appeal should be dismissed in part and allowed in part.

Appeal B

55. For the reasons given above the appeal should be dismissed in part and allowed in part.

A Price

INSPECTOR

SCHEDULES OF CONDITIONS

Appeal A

- 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 and details: 019201/PL0A; 019201/PL02A; 019201/PL03B.
- 3) Prior to the commencement of development, specifications and samples of all external surface materials (including, colour, texture, finish and mortar mix, size, profile, flashing and pointing) of the development and works hereby granted consent shall be submitted to and approved in writing by the Local Planning Authority. The development and works shall be carried out in accordance with the approved details.
- 4) Prior to the installation of the first floor north facing window, details for the replacement windows in the north gable end (including frame, glazing bars and mouldings, cill, and method of opening) shown in elevation drawings at a scale of 1:10 and horizontal and vertical section at a scale of 1:5, and an elevation drawing to show the historic timber frame in the gable end wall and how it will fit between the timber framing, shall be submitted to and approved in writing by the Local Planning Authority. The development and works shall be carried out in accordance with the approved details.
- 5) Prior to the works to the hereby approved fireplaces, specifications and finishes for new fireplaces shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 6) No member or part-member of the timber frame shall be removed or be the subject of interventions unless as specifically indicated on the approved drawings.
- 7) Prior to the installation of rainwater goods, specifications, including section drawings, of all rainwater goods (and any external soil or waste pipes) shall be submitted to and approved in writing by the Local Planning Authority. The development and works shall be carried out in accordance with the approved details.

Appeal B

- 1) The works to which this consent relates shall begin before the expiration of three years from the date of this consent.
- 2) Prior to the commencement of works, specifications and samples of all external surface materials (including, colour, texture, finish and mortar mix, size, profile, flashing and pointing) of the works hereby granted consent shall be submitted to

and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

- 3) Prior to the installation of the first floor north facing window, details for the replacement windows in the north gable end (including frame, glazing bars and mouldings, cill, and method of opening) shown in elevation drawings at a scale of 1:10 and horizontal and vertical section at a scale of 1:5, and an elevation drawing to show the historic timber frame in the gable end wall and how it will fit between the timber framing, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 4) Prior to the works to the hereby approved fireplaces, specifications and finishes for new fireplaces shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.
- 5) No member or part-member of the timber frame shall be removed or be the subject of interventions unless as specifically indicated on the approved drawings.
- 6) Prior to the installation of rainwater goods, specifications, including section drawings, of all rainwater goods (and any external soil or waste pipes) shall be submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

End of Schedule of Conditions

APPEARANCES

FOR THE APPELLANT

Robert Wickham
Christopher Griffiths
Dan Pritchard

Howard Sharp & Partners
HCUK Group
Ibbett Mosely

FOR THE COUNCIL

Stephanie Payne
Susannah Homer

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