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## Appeal Decisions

Site visit made on 20 November 2018

**by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

**Decision date: 20<sup>th</sup> December 2018**

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### **Appeal A Ref: APP/V2255/W/18/3196043**

#### **Collington Farm House, Ashford Road, Badlesmere ME13 0NY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs R Flanagan against the decision of Swale Borough Council.
  - The application Ref 17/505465/FULL, dated 17 October 2017, was refused by notice dated 14 December 2017.
  - The development proposed is conversion of barn to residential dwelling with smaller outbuilding to form associated ancillary accommodation and garaging.
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### **Appeal B Ref: APP/V2255/Y/18/3196044**

#### **Collington Farm House, Ashford Road, Badlesmere ME13 0NY**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr & Mrs R Flanagan against the decision of Swale Borough Council.
  - The application Ref 17/505466/LBC, dated 17 October 2017, was refused by notice dated 14 December 2017.
  - The works proposed are conversion of barn to residential dwelling with smaller outbuilding to form associated ancillary accommodation and garaging.
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### **Decisions**

1. The appeals are dismissed.

### **Main Issues**

2. The main issue for Appeal A is whether the proposal would provide a suitable location for housing having regard to national and local policy and the accessibility of services and facilities.
3. The main issue for Appeal B is whether the proposal would preserve the special interest of the Grade II listed building known as Collington Farm House.

### **Reasons**

#### *Suitability of location*

4. Collington Farm House is situated to the south of Badlesmere on the A251. Both the settlement and the appeal site fall within the 6<sup>th</sup> and lowest tier of the settlement hierarchy set out in Policy ST3 of the Swale Borough Local Plan 2017 (LP). This tier is described as "the open countryside outside of the built-up area boundaries". Policy ST3 states that development will not be permitted in such locations, unless supported by national policy and able to demonstrate

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that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.

5. There are limited facilities in Badlesmere, although there is a public house and bus stops. The bus service runs between Faversham and Ashford and provides 10 services a day in each direction on Mondays to Fridays and 6 services a day each way on Saturdays. This is a reasonable number for a rural location. However, the road past the site is busy. While the speed limit is 40mph, there are no pavements or street lighting. This makes the short distance to the public house and bus stops undesirable by foot or bicycle. It is not clear that the bus would stop at the appeal site given the proximity of the fixed stops.
  6. Settlements beyond Badlesmere vary in size and range of facilities, but they are accessed either by the A251 or country lanes. Therefore, future occupants of the development are likely to be largely reliant on the private car to access services and facilities. This would have negative social and environmental effects in terms of the ability to access local services without the use of private motor vehicles. With regard to paragraph 78 of the National Planning Policy Framework (NPPF), the proposal would do little to enhance or maintain the vitality of rural communities or support local services.
  7. NPPF paragraph 79 seeks to avoid isolated housing in the countryside unless one or more specific circumstances apply. In terms of whether a dwelling would be isolated, this is not dependent on the accessibility of services and facilities. Instead, it should be based on whether it is far away from other places, buildings or people, or physically separate or remote from a settlement. Collington Farm House is not particularly far away from Badlesmere, but is physically separated from it by a large field. The proposed dwelling would only have a single neighbour in terms of the farm house. Therefore, it would be reasonable to consider that the proposal would represent an isolated home.
  8. Of the special circumstances listed in paragraph 79 of the NPPF, 79(b) states that a qualifying proposal would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. The barn and outbuilding are not listed separately, but are located within the grounds of the Grade II building known as Collington Farm House and appear to have done so since at least the first half of the 19<sup>th</sup> century based on an 1841 tithe map.
  9. The barn is an aisled threshing barn and retains a number of historic timbers as well as the principal frames. The pitch of the roof has been reduced above the tie beam level to support corrugated sheeting on more modern timbers. The barn is also in need of various repairs and presents a dilapidated appearance. Nevertheless, despite its alterations and current condition, the barn has architectural and historic interest as a former agricultural building associated with the farm house. The outbuilding is a simpler brick structure with timber framed and concrete tiled roof. It contains some historic fabric and has a pleasing appearance as part of the wider plot of land. Thus, the two buildings are heritage assets.
  10. The Planning Practice Guidance (ID: 18a-015-20140306) states that putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation. It goes on to state that if there is only one viable use, that use is the optimum viable use. If there
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is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.

11. As noted by the Council, conversion to residential use can be the most intrusive change of use for traditional barns. Ancillary residential use was granted consent<sup>1</sup> by the Council in 2016 but is not yet implemented. The plans provided by the appellants indicate a similar degree of intervention to the barn and outbuilding as the appeal proposal. Notwithstanding the approved 2016 scheme, conversion to residential in either case would result in noticeable changes to the external and internal appearance of the barn. There is also a reasonable likelihood that residential use would increase pressure for future changes as occupants seek to adapt and improve their living environment.
12. I have little information to support the appellants' claim that it is now too costly to carry out the works for ancillary accommodation. Moreover, the barn and outbuilding are close enough to the main house to continue to be used as ancillary structures, even if the amount of accommodation provided by the approved 2016 scheme is generous. Therefore, while there are many similarities between the appeal proposal and the approved 2016 scheme, the latter would retain the ancillary relationship with the listed farm house and so would be less harmful.
13. Permission has previously been granted in 2008 to convert the barn from agricultural to storage (B8), although this has now lapsed. There have also been pre-application discussions in 2013 for converting the barn to B1 business use. The appellants refer to the failure to secure commercial tenants or alternative business uses, but I have little information to verify this situation. Storage or commercial use could result in fewer alterations to the barn than proposed and a use more closely related to its original agricultural purpose. As such, it has not been adequately demonstrated that the appeal proposal would represent the optimal viable use of a heritage asset or would be appropriate enabling development in line with NPPF paragraph 79(b).
14. Turning to NPPF paragraph (c), the proposal would improve the appearance of the barn in particular and enhance the immediate setting of both buildings. However, given the lack of information regarding alternative uses and the existence of the approved 2016 scheme, it has not been sufficiently demonstrated that the buildings are redundant or disused. Thus, NPPF paragraph 79(c) does not apply.
15. While NPPF paragraph 79(d) allows for the subdivision of an existing residential dwelling, the buildings are ancillary structures rather than part of the dwelling at Collington Farm House. No new buildings would be created by the proposal, but no special circumstances for a new isolated home in the countryside have been demonstrated. Thus, there is conflict with NPPF paragraph 79.
16. I accept that the proposal would not result in significant transport movements, but the location of the new dwelling would conflict with local and national policy. Both main parties have referred to appeal decisions that have come to opposite views on this main issue. However, each case should be considered

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<sup>1</sup> Via planning permission ref 15/508179/FULL and listed building consent ref 15/508184/LBC



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on its own merits, and it has not been shown that these decisions are sufficiently similar to the proposal before me.

17. In conclusion, the proposal in Appeal A would not provide a suitable location for housing having regard to national and local policy and the accessibility of services and facilities. Therefore, it would not accord with LP Policy ST3 as outlined above, or LP Policies ST1 or ST7 which, amongst other things, seek to maintain the vitality of rural communities, providing housing at appropriate locations. The Council also refers to conflict with LP Policy DM24, but this relates to the conservation and enhancement of the landscape. No harm to this aspect has been demonstrated in terms of the Appeal A proposal, so I have disregarded this policy.

*Listed building*

18. The listed Collington Farm House dates from the 16<sup>th</sup> century with later additions. It has architectural interest as a timber framed building with red brick and weatherboard cladding, and historic interest as the main building for a historic farmstead. These elements greatly contribute to the special interest of the listed building as well as its significance.
19. It is not disputed that the barn and outbuilding lie within the curtilage of the listed farm house. As they evidently date from before 1 July 1948, they can be regarded as part of the listed building for control purposes. It is important to stress that the two buildings are not listed in their own right. As such, their relevance in listed building terms lies in the contribution they make to the special interest of the farm house and its significance. The architectural and historic qualities of the two buildings have been noted above and they have an association with the farm house as part of a historic farmstead. Therefore, both buildings make a positive contribution to the special interest and significance of the listed farm house and form part of its setting.
20. The appeal proposal would be similar to the approved 2016 scheme in terms of the alterations to the two buildings. This includes the insertion of mezzanine floors into the barn and the reinstatement of a roof structure more akin to what might have existed historically. The works to the barn would retain much of the double height space. The existing openings would be utilised for natural lighting of the interior with relatively limited new openings for the bedrooms. It would repair historic fabric and remove later roof structures. The pitch of the roof would be broadly regular and sufficiently close to a catslide design. The Council states that the proposed concrete floor is not appropriate for a historic structure, but this could be amended to limecrete.
21. However, unlike the approved scheme, the appeal proposal would result in the two buildings no longer being ancillary to the listed farm house. The association would be eroded and so there would be adverse effects on the special interest and setting of the listed building, as well as harm to its significance. The harm would be less than substantial, but NPPF paragraph 196 requires such harm to a designated heritage asset to be weighed against the public benefits including, where appropriate, securing its optimum viable use.
22. As noted above, the appeal proposal has not shown that it would represent the optimum viable use. It would result in public benefits through the repair and re-use of the barn and outbuilding, including reinstatement of historic elements, but it has not been demonstrated that the proposal represents the
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only way of achieving this outcome. The provision of an additional dwelling to local housing supply would be a modest public benefit. However, taken individually and collectively, the public benefits would not outweigh the harm.

23. In conclusion, the proposal in Appeal B would have an unacceptable effect on the special interest and setting of the listed farm house and result in harm to its significance without adequate public benefits contrary to the NPPF. In coming to this conclusion, I have had regard to LP Policies DM14 and DM32. Amongst other things, these policies seek to sustain the significance of heritage assets and preserve the special interest of listed buildings having regard to matters including the appropriateness of the proposed use.

#### **Other Matters**

24. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) allows for the change of use of agricultural buildings to residential. However, it is not apparent from the evidence before me that the buildings meet the criteria set out in paragraph Q.1 of the GPDO. No permitted development rights appear to exist for the proposal and therefore I have given this matter little weight.

#### **Conclusion**

25. For the above reasons, and having had regard to all other matters raised, I conclude that both appeals should be dismissed.

*Tom Gilbert-Wooldridge*

INSPECTOR