



The Planning Inspectorate

Appeal Decision

Site visit made on 19 March 2019

by **Rajeevan Satheesan BSc PG Cert MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th April 2019

Appeal Ref: APP/V2255/W/18/3214478

Great Grovehurst Farmhouse, Grovehurst Road, Sittingbourne ME9 8RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr R Baker on behalf of Ferndale Limited against Swale Borough Council.
 - The application Ref 18/502458/FULL, is dated 30 April 2018.
 - The development proposed is erection of two dwellings with new highway access and car parking.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural matters

2. The appellant states that monies generated from the sale of the two plots would be used to repair the listed building by the owner. However, the appellant was unable to agree the terms of the agreement with the Council, and as such, there is no s106 agreement before me to secure these repair works. Therefore, I have determined the appeal on the merits of the case, and in accordance with national and local policy.
3. The Council's main concern with the current appeal relate to the scale, design, and location of the proposed development and its effect on the special architectural or historic interest of the adjacent Grade II listed building known as Great Grovehurst Farmhouse.

Main Issue

4. Consequently, I also find the main issue is the effect of the proposed development on the setting of the Grade II listed building at Great Grovehurst Farmhouse.

Reasons

5. The appeal site lies immediately to the north of residential properties on Grovehurst Road, and to the south of the Grade II listed building, Great Grovehurst Farmhouse. The site comprises former agricultural land which was used in connection with the listed Farmhouse, and is currently laid to grass, with a line of mature Poplar trees along its northern boundary. The site and the wider curtilage around Great Grovehurst Farmhouse are surrounded by

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- land identified for a large local plan housing allocation¹ of mixed residential and commercial development.
6. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, (the Act) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
 7. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states 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 (and the more important the asset, the greater the weight should be). Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The Framework defines the setting of a heritage asset in terms of the surroundings in which it is experienced.
 8. Paragraph 196 of the Framework confirms 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.
 9. Planning Practice Guidance (PPG) confirms that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset, and that, in general terms, substantial harm is a high test and may not arise in many cases. Works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all.
 10. The heritage asset relates to the Grade II listed Great Grovehurst Farmhouse, situated immediately adjacent to the appeal site. The significance of the building in heritage terms mainly stems from its architectural interest. The two storey stuccoed C18 building contains a steeply-pitched hipped tiled roof and five sash windows at ground and first floor level to the front elevation, with its doorcase positioned to the rear of the building. The listed building is situated in relatively open and undeveloped part of Grovehurst Road, surrounded by mature vegetation. Consequently, this open and verdant setting helps illustrate the site's historical use as a farmhouse which makes an important contribution to its significance. Similarly, given its proximity to the Farmhouse, the undeveloped nature of the appeal site, with soft landscaping and mature vegetation makes an important contribution to the setting and significance of the listed building.
 11. The proposed development would result two detached dwellings built on the appeal site with a new access driveway and five off-street parking spaces to the centre of the site behind the new dwellings. The overall height, scale design of the dwellings would be in keeping with the existing housing development to the south of the site. However, the proposals would erode the openness of the site, altering the listed buildings immediate open and verdant setting when viewed from the road. Therefore, there would be a negative effect

¹ Policy MU1 Swale Borough Local Plan, 2017

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on the setting of the listed building and harm to its significance. Whilst the existing mature Poplar Trees would be maintained, as these trees are deciduous trees, they would not provide sufficient screening throughout the winter months. Indeed, I observed during my site visit which was on 19 March 2019 that the listed building was clearly visible through the branches of the Poplar trees, and in this respect failed to screen the appeal site from the listed building.

12. The harm to the significance of listed building would be less than substantial. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal. The proposed development would provide social benefits in terms of two new houses located on non-productive agricultural land within the built confines of Sittingbourne, as identified by the Bearing Fruits 2031: Swale Borough Local Plan, 2017 (LP), with access to shops, services and public transport. It would also help to support local services and facilities and provide investment in terms of its construction. However, given the limited number of houses proposed, these public benefits only carry modest weight overall. As such, these benefits would not be sufficient to outweigh the harm to the significance of Grade II listed building.
13. Therefore, I conclude that the proposed development would not preserve the setting of the Great Grovehurst Farmhouse and would result in harm to the significance of this listed building. Therefore, it would not accord with LP Policies ST1, CP8, DM14, and DM32. Amongst other things, these policies seek to protect the special architectural or historic interest and setting of listed buildings. It would also conflict with the relevant requirement of the Framework which seeks to conserve and enhance the historic environment. Finally, it would not preserve the setting of the listed building as required by Section 66(1) of the Act, but instead would be harmful. This carries considerable weight and importance to my decision.

Planning balance

14. There is no dispute that the Council cannot currently demonstrate that it has a five year housing land supply (HLS). The Council state that following the outcome of the Housing Delivery Test (HDT) they have a 4.6 years supply which equates to a shortfall of approximately 400 dwellings per year. Irrespective of the extent of any shortfall the proposed development would provide a net gain of two additional dwellings. As such, its contribution to the HLS would be modest and therefore I consider that it would only be of small benefit in this regard. There would be modest economic benefit to the area, in terms of construction jobs, and an equally modest increase in investment in the area following the occupation of the development.
15. However, the proposed development would harm the settings of the adjacent Grade II listed building, contrary to several LP policies as referenced above. This is a matter which must attract considerable importance and weight against the proposal. In terms of the Framework, the proposal would cause less than substantial harm to the significance of the designated heritage asset affected. I must attach considerable importance and weight to that harm which I find would not be outweighed by public benefits and would not result in sustainable development in the meaning set out in the Framework.

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Other matters

16. The Council has identified land surrounding Great Grovehurst Farmhouse for new residential development under LP Policy MU1. The Illustrative Masterplan for Great Grovehurst Farm submitted in Appendix 4 of the appellant's statement, shows that the area of land immediately north of the listed building would be left open and undeveloped, preserving the setting of the listed building. This is different to the proposals before me which seeks to build two new houses on the land immediately to the south of Grovehurst Farm. As such I do not consider that the land which the Council has identified for new development, is not directly comparable to the appeal site, which lies immediately adjacent to the listed building. In any case I have determined the appeal on its own merits.
17. The site is within 6km of the Swale Special Protection Area (SPA). Natural England advise that new dwellings within 6km of the SPA can have a detrimental impact on it, due to increased recreational use, and therefore mitigation should be secured if permission is granted. However, as the appeal is dismissed for other reasons, I do not need to consider this issue at this time.

Conclusion

18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rajeevan Satheesan

INSPECTOR