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## Appeal Decision

Site visit made on 14 February 2022

**by Robin Buchanan BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 25<sup>th</sup> February 2022**

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**Appeal Ref: APP/V2255/W/21/3278512**

**Little Owens Court Farmhouse Selling Road, Selling, Faversham ME13 9QH**

- 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 and Mrs Glenn Sullivan against the decision of Swale Borough Council.
  - The application Ref 21/501809/FULL, dated 15 April 2021, was refused by notice dated 10 June 2021.
  - The development proposed is change of use of existing stables and attached garage to granny annexe, including erection of a two-storey side extension and garage and septic tank.
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### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The main parties agree that in error the Council's decision notice refers to Policy DM33 of the Swale Borough Local Plan, July 2017 (the LP) whereas the relevant policy is LP Policy DM32. I have considered the appeal on this basis.

### Main Issues

3. The main issues in this case are:
  - the effect of the development on the significance of Little Owens Court Farmhouse Grade II listed building, with particular regard to its setting; and
  - its effect on the character and appearance of the area, including the Kent Downs Area of Outstanding Natural Beauty.

### Reasons

#### *Listed Building*

4. Little Owens Court Farmhouse is a two-storey detached house (the Listed Building). Its significance derives from its 16<sup>th</sup> century origins, distinctive details of its design and appearance, which would remain unaltered by the proposal, and its historic association at the centre of a small group of buildings surrounded by open countryside. The historic environment record describes this as 'a loose courtyard plan farmstead'. Despite conversion to residential use, extensions and some new domestic outbuildings, this group of buildings still broadly reflects this historic layout. The Listed Building still displays the essence of a historic farmhouse and much of its original immediate and wider

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functional and landscape setting survives. Distances between adjoining buildings and views across open spaces allow it to be observed and its architectural interest and historic character appreciated.

5. The proposal would convert a former stable building in the rear garden of the Listed Building, including by external alteration and extension, into a two-storey, two-bedroom detached residential 'granny' annexe including integral garage<sup>1</sup>. It would be directly behind the Listed Building and in its setting, which is not disputed by the appellant.
6. The National Planning Policy Framework (the Framework) states that heritage assets, such as listed buildings, are an irreplaceable resource and should be conserved in a manner appropriate to their significance. When considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the level of any harm to its significance.
7. I recognise that the annexe would be single storey in scale and massing and include an extension to the end of the stable furthest, and facing away, from the Listed Building (including where there was a low lean-to car port). This part would be screened from direct line of sight of the listed building at ground level and the annexe would be no closer to the Listed Building than the stable. However, this is not the only relevant juxtaposition in this case and the absence of greater public visibility does not mean the absence of intrinsic harm in listed building and setting terms.
8. The annexe would be substantially greater in floorplan area than the Listed Building (by about 60%, or over half as much). It would also significantly increase the length of the stable (by about 50%) and project appreciably further in depth into the rear garden, towards the southern boundary, with a commensurate reduction in openness. In addition, it would fundamentally deviate from the rectangular floorplan of the stable, with its L-shape and protruding nub on one side facing the drive and closing the space to the adjoining dwelling at Little Owens Court. Furthermore, the proposal would more than double the linear length and volume of roof space compared to the stable. Having regard also to the extent and overly domestic form and positioning of some of the proposed fenestration, the annexe would have the size and appearance of a separate dwellinghouse.
9. The proposal would not, therefore, establish a secondary unit of ancillary living accommodation derived mainly from conversion and re-use of a rural building. Indeed, much of the individual character and identity of the stable would be engulfed and lost and detract from its otherwise legible presence in the setting of the Listed Building. Instead, it would result in an undesirable consolidation in the layout and scale and massing of built form and residential use at the appeal site and a tighter pattern of development within this group of buildings.
10. This would be at odds with the loose courtyard plan farmstead layout and unduly undermine the stature and historic primacy of the Listed Building. The close proximity and resulting intervention of built form would have a significant negative effect on these visual, spatial and historic contextual elements of the setting of the Listed Building. Consequently, it would adversely alter and unduly detract from the way in which the Listed Building is experienced.

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<sup>1</sup> The size of a double garage but with door access only for a single car.

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11. The Council has already approved a scheme to convert the stable to a residential annexe. It includes a modest extension to replace only the car port and a detached double garage set at right angles to, and diagonally across from, the approved annexe. Foundations and footings have been started for this development. I appreciate that, in essence, the proposal would infill the 'missing' corner in the approved scheme and connect those separate buildings. However, this part is a substantial proportion of the built form of the annexe in this appeal and contains a significant element of fenestration at two levels.
12. Moreover, despite the relatively small gap between the approved annexe and the approved double garage, it has a profound positive effect in separating that development into two, albeit closely sited, but nonetheless distinctly separate buildings. In particular, in alleviating the extent of scale and massing at roof level and maintaining more of the individual integrity of the stable building. This is in clear contrast to the homogeneity of built form that would result in the appeal proposal due to the undesirable 'binding together' of the individual elements of the approved scheme.
13. Taking all of the above into account, I find that the development would have a detrimental impact on the setting of the Listed Building. This would detract from its special architectural and historic interest and the proposal would not preserve the Listed Building or its setting<sup>2</sup>. Consequently, it would conflict with LP Policies CP4, DM14, DM16 and DM32.
14. These policies include that development should be appropriate to its surroundings, enrich qualities of the environment, retain and enhance features which contribute to local character and distinctiveness and strengthen the sense of place. It should also be appropriate in scale and massing, well sited, respond positively to the style and character of a building being extended and conserve the built environment by preserving and sustaining the architectural and historic significance of heritage assets. In the case of a listed building, development should preserve its special architectural or historic interest, and its setting, having particular regard to design, scale and its situation.
15. The adverse effect of the proposal on the special architectural and historic interest of the Listed Building, by virtue of impact on its setting, would be localised and as a result would cause less than substantial harm to the significance of this designated heritage asset. The Framework states that this harm should be weighed against the public benefits of the proposal. I return to this in the 'planning balance' below.

#### *Character and Appearance*

16. The appeal site lies at the end of a long, straight shared private access track on gently rising land on one side of Selling Road. It is part of an enclave of mostly original rural buildings now in residential use bounded mainly by hedgerow and some trees. This discrete pocket of built form is surrounded by large, open fields with few intervening boundary hedgerows or trees. There is a similar scattered, isolated pattern of individual buildings, or small clusters, in the immediate vicinity. It is an expansive, mainly flat, landscape with extensive panoramic views across this part of the countryside. It is locally distinctive for these reasons, including as part of the North Kent Downs Area of Outstanding Natural Beauty (the AONB).

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<sup>2</sup> Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

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17. The development would be approximately centrally placed relative to the siting and layout of larger or taller adjoining buildings and within the cordon of the boundary landscaping. It would incorporate an existing building and albeit quite large, would be relatively low level. At one end it would be partly inset into the rising rear garden level. As a result, it would have no appreciable or meaningful discernible visual or spatial presence in the countryside or in public views, even, as I saw, from more elevated land to the north in Brenley Lane. Accordingly, the location and design of the development would have a neutral effect on land within the AONB and would not detract from its landscape and scenic beauty or its wildlife or cultural heritage.
18. Considering the above, I find that the development would not cause harm to the character and appearance of the area, including the Kent Downs Area of Outstanding Natural Beauty. Consequently, it would comply with LP Policies ST3, DM14, DM16 and DM24. These policies include that development in the countryside must protect and conserve the intrinsic value, landscape setting, tranquillity and beauty of the countryside and natural environment, be well sited and appropriate in scale and sympathetic to the location and its surroundings and preserve landscape features of interest. In the AONB development should also conserve its special qualities and distinctive character and minimise individual impact or cumulative effects.

### **Other Matters**

#### *Living Accommodation*

19. The proposal is intended so that an elderly relative can live at the appeal site as part of a single family unit and be cared for, while retaining a degree of independence. I have no reason to doubt that this is a sincere and genuine intention and I sympathise with the appellants' objectives in this respect.
20. The approved scheme would be suitable for use as a detached annexe. I have not been provided with full plans of that development. It is not apparent why it was 'lacking flexibility to provide a ground floor bedroom', nor why this can only be resolved by the additional living space in the proposal. Even if it was used for a bedroom 'as well as' a lounge, this room would measure 6m by 7m and 42m<sup>2</sup> in floor area alone. Moreover, accounting for a live-in carer, it is not clear why a second bedroom is required upstairs given that this would be accessed by a staircase. I am also uncertain why a double sized garage with loft storage would be required and need to be attached to the annexe.
21. A condition could control occupancy of an annexe to ancillary living accommodation and the application was not made for a separate dwellinghouse. However, once granted planning permission runs with the land and the development would remain long after the appellants' personal circumstances have ceased to be material. The annexe would be of a size, and have all the facilities required, for use and occupation as a reasonably large independent dwelling in an area where ordinarily such development is strictly controlled. The significant quantum of living space proposed has not been justified.

### **Planning Balance**

22. In terms of benefits, the proposal would at least retain some fabric and structure of the stable building and, in that narrow sense, an association as

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part of the setting of the Listed Building. It would also make an efficient and effective re-use of the building to provide a particular type of accommodation. These outcomes would be aligned with objectives of the Framework for the historic environment and, in this case, to meet the housing needs of older persons, including those with disability. Commensurate with the small-scale nature of the development, I give these considerations limited weight.

23. The development would be acceptable in external materials and would not have an adverse impact on the countryside or the AONB. The absence of harm in these regards, and compliance with the Council's development plan and the Framework, are neutral factors in my decision.
24. However, the Framework also seeks to achieve well-designed places with development that is sympathetic to local character and history, including the surrounding built environment, and maintains a strong sense of place. With respect to the historic environment and the Listed Building, the proposal would cause less than substantial harm to, and loss of, the significance of this designated heritage asset by inappropriate development within its setting. The benefits outlined above would already be achieved in the approved scheme (and for the stable building and the Listed Building, bettered) and the additional living accommodation sought in this appeal, which has not been justified, would be a private benefit. There is, therefore, no public benefit that provides clear and convincing justification to outweigh this harm.
25. The proposal would conflict with the Council's relevant development plan policies and diminish the Council's objectives in these respects. These are consistent with aims of the Framework to balance conserving and enhancing the historic environment with the objectives of sustainable development. Consequently, I give substantial weight to these considerations.
26. Accordingly, notwithstanding that the benefits would be aligned with the Framework, or my findings with regard to character and appearance, the adverse impacts of the proposed development would outweigh the benefits.

### **Conclusion**

27. The proposal would not accord with the development plan overall. There are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given above I conclude that the appeal should not succeed.

*Robin Buchanan*

INSPECTOR