



Appeal Decision

Site visit made on 14 July 2021

by **G Ellis BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 August 2021.

Appeal Ref: APP/E2205/D/21/3272581

Elvey Cottage, Kingsland Lane, Westwell, Ashford TN25 4JP

- 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 Ms R Canney against the decision of Ashford Borough Council.
 - The application Ref 20/01680/AS, dated 3 December 2020, was refused by notice dated 12 February 2021.
 - The development proposed is a retrospective application for amendment to the design and the size of the garage/home office approved under planning permission 17/00319/AS to include a residential annexe
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area including the Area of Outstanding Natural Beauty (AONB) and the setting of a Grade II listed building.

Reasons

Background

3. As I saw on my site visit the annexe building has been constructed but internally it has not been fitted out or the building fully completed.
4. There is planning history relating to the provision of an outbuilding to replace the existing garage with planning permission first granted in 2014. The latest approved scheme (Council reference 17/00319/AS) is for a garage with a home office in the roof space and an open log store to the side. The annexe building subject to this appeal is in the same location as the 2017 garage but has a larger floor area and is of a different design with an increased ridge height.

Character and Appearance

5. Elvey Cottage is a detached property set within a well contained plot. It is accessed via a long private drive and is within a rural landscape of undulating agricultural fields which form part of the Kent Downs AONB. There are no immediate neighbours, however a network of public footpaths pass close to the site.
6. Elvey Cottage is a low profile building set back in its plot with an extensive garden to the front. The annexe is positioned in the south-eastern corner of the

site close to the entrance and is located on higher ground. An intervening landscaped bund has been created between the buildings with the access drive maintained to the other side. The annexe has quite an imposing presence when entering the site and from within the surrounding area. When I visited the site (mid summer) vegetation provided screening to some views from the public footpaths, nevertheless, given the height and scale of the building it is a notable feature in the countryside and in winter months would be more visible. I acknowledge that the introduction of a new building does not necessarily mean that it is harmful but, in this case, I agree with the Council that it has a dominating effect.

7. Policy HOU9 of the Ashford Borough Local Plan 2030 (ABLP) allows for standalone annexes. However, policy criteria require the annexe to be of a size and form that is clearly ancillary and visually subordinate to the main dwelling.
8. Whilst the proposed level of ground floor 'annexe' accommodation is relatively modest, overall, the building is of a considerable scale. The design and materials used in the annexe building are high quality and create a well designed barn style structure. Nevertheless, it has a substantial presence and features which include numerous openings and solar panels giving it more of a domestic appearance. This is likely to be even more apparent when the building is in use as the doors, which includes two sets of double doors on the rear and a two-storey height door to the front, would be open to reveal windows.
9. I accept that in the wider rural setting the open agricultural fields are sporadically interspersed by farmsteads, and in long distance views use of the building would not necessarily be discernible. Notwithstanding this, the National Planning Policy Framework (the Framework) indicates that planning policies and decisions should contribute to and enhance the natural and local environment. Paragraph 176 explains that *great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.*
10. Whilst I do not find the building would have a significant adverse impact on the purposes of the AONB, in my view it is visually intrusive and not subservient to the main house. Thus, I find it harmful to the character and appearance of the area and contrary to ABLP policies HOU9 and ENV3b which seek to ensure that annexe buildings are of a suitable size, ancillary and dependant on the main building, and that development proposals conserve or enhance the landscape character.

Listed Building

11. 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.
12. Elvey Cottage is a Grade II listed building, it is a detached circa C16th timber framed building set within a large, landscaped garden It is an attractive

property and setting and I agree with the appellant, as set out in the Heritage Statement¹, its interest stems from its historic fabric and age.

13. The appellant refers to the property having been a farmstead which would have had outbuildings. Whilst this may have been the case, it is now established as a detached residential property within a well-defined domestic curtilage in a landscape setting. This is fully acknowledged by the appellant; their heritage statement at paragraph 3.11 describes the character of the well-defined curtilage as:-

The former farmhouse is now a domestic dwelling with the former farmstead and ancillary buildings having been replaced by domestic curtilage. The building has a generous and well-defined curtilage that is quite separate from the agricultural land that surrounds it. The house today is clearly not part of a farmstead or working farm (or anything like it) Elvey Cottage and its curtilage have evolved to that of a typical domestic garden which has no discernible connection with farming. This evolution was already well established when it was listed in 1980.

14. Contrary to the appellant's position, albeit noting that they describe the role as peripheral, I find any associated interest in the setting as part of a former farmstead very limited and in my view would not enhance its significance. The positioning of the annexe means that views along the hedge lined access are still focused towards the main house. Nevertheless, within the site I find the scale and character of the annexe draws attention and does not have an ancillary relationship with Elvey Cottage. Planting aids its integration, however, overall, I find that the scale of the development is harmful to the setting of the listed building, and thereby the significance of the designated heritage asset.
15. The harm would be less than substantial and in accordance with the Framework and ABLP policy ENV13 that harm should be weighed against any public benefits of the proposal. Paragraph 199 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
16. I have given weight to the personal circumstances of the appellant and the need for ground floor living accommodation, although the scale and height of the building are not directly related to the functional need. The proposal is essentially for the private benefit of the appellant rather than for the benefit of the public at large.
17. The proposal would, therefore, fail to sustain or enhance the setting, and thereby the significance of, the designated heritage asset. It would not accord with ABLP policy ENV13 or the objectives of the Framework which seek to conserve and enhance the historic environment.

Other matters

18. The removal of the existing garage would be a positive benefit as well as the additional landscaping. I also accept that the use of the building as ancillary accommodation could be tied by condition.

¹ Statement prepared by Chilcroft Heritage Planning - March 2021

19. I acknowledge that creating suitable ground floor accommodation as an extension to the listed building is likely to be difficult, however in my view this does not justify the form of the annexe building. I have found the development to be harmful to the setting of the listed building and to be out of keeping with the character and appearance of the area. It is also noted that both the CPRE and the Council's heritage officer as consultees to the application also found harm.
20. I have had regard to the planning history and that planning permission has previously been granted for a domestic outbuilding in the same location, although this was of a different character and the application was considered against the previous Local Plan. Additionally, whilst the appellant indicates that the 2017 permission has been implemented this is not a matter before me.

Planning Balance and Conclusion

21. I accept that the adverse impact on the wider landscape setting would be slight, but I find the scale and design of the building is not subordinate and would be harmful to the setting of the Grade II listed building and the established character and appearance of the area.
22. Having considered all matters raised in support of the development, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Accordingly, the development is in conflict with the adopted development plan when considered as a whole and would also conflict with the Framework.
23. I therefore conclude that the appeal should be dismissed.

G Ellis

INSPECTOR