



Appeal Decision

Site visit made on 7 November 2023

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th June 2024

Appeal Ref: APP/K2230/D/23/3322987

The Coach House, West Down Farm, Shipley Hills Road, Meopham, Gravesend DA13 0JP

- 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 L Ripley against the decision of Gravesham Borough Council.
 - The application Ref 20221350, dated 20 December 2022, was refused by notice dated 7 March 2023.
 - The development proposed is the erection of a single-storey side extension.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs L Ripley against Gravesham Borough Council. This application is the subject of a separate Decision.

Preliminary and Procedural Matters

Statutory duties in respect of designated heritage assets

3. Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Act") states that any object or structure within the curtilage of the listed building which, although not fixed to the building, forms part of the land and has done so since before 1 July 1948 shall be treated as part of the listed building. The Coach House sits very close to the Grade II listed West Down Farmhouse¹. Whether the Coach House is a "curtilage listed building" to West Down Farmhouse is a point of dispute between the main parties; the Council consider that it is, the appellants that it is not.
4. Section 66(1) of the Act states that "in considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". In the light of my potential statutory duty under this section of the Act, in determining this appeal it is first necessary for me to establish whether the appeal property should be treated as part of the listed building. If it should, the statutory duty then comes into play.
5. In determining the planning application, the Council considered that the proposed development "would result in substantial harm to the significance of

¹ Official List Entry Number 1372097

the designated heritage asset". However, it went on to conclude, for reasons relating to the extent of changes previously made to the building, that "on balance, little weight shall be given to the preservation of the curtilage listed status of the building". As a result, harm to the listed building was not referred to in the reasons for refusal given on the decision notice.

6. Notwithstanding this, the matter was addressed at some length in both the Council's officer report and the appellants' appeal statement. I am satisfied that there is therefore sufficient evidence before me that I can consider the question of whether the appeal property should be considered as part of the listed building and, if necessary, discharge my statutory duty towards it, without seeking further information from the main parties. As both Council and appellants have already commented on the matter, I am also satisfied that neither party's interests are prejudiced by my taking this approach.

Amendments to national planning policy

7. The Government published revised versions of the National Planning Policy Framework ("the Framework") on 5 September 2023, replacing the July 2021 version extant at the time the application was determined, and again on 19 December 2023. The amendments made did not have any bearing on the main issues in this appeal, and it was not therefore necessary to seek comments from the main parties on the updated Framework. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.

Main Issues

8. The appeal site lies within the Green Belt. Having regard to this, the "curtilage listed building" matter described in the preceding section, and all the other evidence before me, I consider that the main issues are:
 - Whether the proposal would be inappropriate development within the Green Belt having regard to the Framework and any relevant development plan policies, and its effects on the openness of the Green Belt;
 - Whether the Coach House is within the curtilage of the Grade II listed building, West Down Farmhouse, and so should be considered as part of the listed building;
 - If the Coach House *is* within the curtilage of the listed building, whether the proposal would preserve the listed building, and any features of special historic interest that it possesses, including its setting;
 - The effect of the proposal on the character and appearance of the area; and
 - If the proposal would be inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether inappropriate development in the Green Belt

9. The Government attaches great importance to Green Belts. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful

to the Green Belt and should not be approved except in very specific circumstances, while Paragraph 154 indicates that, other than for listed exceptions, the construction of new buildings in the Green Belt should be regarded as inappropriate. One exception, provided for by Paragraph 154 c), is “the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building”; the Framework does not define the extent of additions which may or should be considered disproportionate.

10. The Coach House is a detached building, set around three sides of a rectangular courtyard. It was originally built for use as stables and agricultural barns or cowsheds, and converted to a dwelling in two stages following grants of planning permission in 1974² and 1997³. The dwelling following the 1974 permission had a floor area of around 191.3m², a section of the former stables having been left unconverted at that time. The entire building became a dwellinghouse following the 1997 permission, with a total floor area of around 249.3m² (this figure excludes a “boot room” added later towards the north-west corner, which the Council states is unauthorised and may be the subject of enforcement action).
11. The development now proposed is the erection of an extension, with a footprint of around 30.8m², to provide an additional room projecting from the outward-facing east side of the building. The Council calculates that this, when considered on top of the 58m² of floorspace converted after 1997, would represent the floor area of the original 1974 *dwelling* (my emphasis) having been increased by around 46%; it considers this would be a disproportionate addition. The appellants, however, argue that it would only represent an increase of around 12% on the floorspace of the original *building* (my emphasis again), and that this would not be disproportionate.
12. An 1897-1900 map provided by the Council shows the Coach House on its current footprint, albeit that it was not a dwelling at that time. The change which took place after the 1997 planning permission was done without any physical enlargement of the building, instead converting space which a sketch plan in the Council’s evidence suggests was already internally connected to, and therefore likely to have served as some form of ancillary space for, the post-1974 dwelling. Based on all the evidence before me, I consider that the house as it currently stands (less the “boot room” extension, and any non-attached outbuildings) therefore also essentially represents the extent of the “original building” as it was on 1 July 1948 (the relevant date as defined in the Framework’s glossary).
13. An increase in the built footprint of around 46% would be substantial, and likely to represent a disproportionate addition. However, Paragraph 154 c) of the Framework refers to the original building, not the original dwelling. For the purposes of applying national Green Belt policy in this case, I therefore prefer the appellants’ assessment, that the proposed extension would add around 12% to the floorspace of the original building. I consider that would be an acceptable addition, in terms of its size.
14. Saved Policy C13 of the 1994 Gravesham Local Plan First Review (“the GLPFR”) sets out the Council’s policy for extensions to dwellings in the countryside,

² LPA Ref: TH/6/72/411 – permission was granted at appeal, but no appeal reference was provided.

³ LPA Ref: 19970347

including within the Green Belt. Among other things, it sets a total size limit for extensions of one third of the floor area of the original dwelling (measured externally), and so provides a local interpretation of a “disproportionate addition”. However, that policy long pre-dates the introduction of current national Green Belt policy as set out in the Framework and, in referring to the size of the “original dwelling” rather than the “original building”, it is in this case clearly more restrictive than the Framework. Any conflict with Saved Policy C13 (though in fact it was not referred to in the Council’s decision notice) would therefore be afforded limited weight in the overall planning balance.

15. The Council’s decision notice referred to conflict with Policy CS19 of the 2019 Gravesham Local Plan Core Strategy (“the LPCS”). That policy sets out development and design principles, but does not directly address matters relating to inappropriate development in the Green Belt. There is therefore no conflict with that policy on this main issue.
16. I find that the proposed extension would not be a “disproportionate addition” in the Framework’s terms; the proposal would fall within the exception provided for by Paragraph 154 c) of the Framework. While there would be some conflict with Saved Policy C13 of the GLPFR, for the reasons I have already set out I afford limited weight to that conflict, and substantial weight to compliance with national policy as set out in the Framework. I therefore conclude that the proposal would not be inappropriate development within the Green Belt.

Openness of the Green Belt; other considerations

17. As I have found that the proposed development would not be a disproportionate addition to the original building, it is not necessary for me to carry out a separate assessment of the development’s effects on the openness of the Green Belt. As it would not be inappropriate development, it is also not necessary for me to assess whether there are “very special circumstances” which would otherwise be required to justify the proposal in Green Belt terms.
18. Although I have found that the proposed development would be “not inappropriate” in Green Belt terms, it nevertheless still remains to be appraised in terms of its potential effects on designated heritage assets, and on the character and appearance of the area.

Curtilage of the listed building

19. West Down Farmhouse was listed in 1966. It is described as a 16th century timber-framed “Hall” house, though “much restored and modernised”. The listing does not expressly identify the building now known as the Coach House, though this is not a determinative factor; whether a building is “curtilage listed” for the purposes of Section 1(5)(b) of the Act is a matter of fact and degree in each case.
20. Case law, including the judgments of the Court of Appeal in *Skerrits*⁴ and the High Court in *Egerton*⁵ to which the main parties drew my attention, has established a number of tests to be taken into account in defining the extent of curtilage. These relate to the physical layout of the principal listed building and the building in question, their past and present ownership, and their past or present use and function, including specifically whether the building was

⁴ *Skerrits of Nottingham Ltd v SSETR* [2000] JPL 789

⁵ *R. (on the application of Egerton) v Taunton Deane BC* [2008] EWHC 2752 (Admin)

ancillary – in other words, subordinate to and dependent on – the purposes of the principal listed building at the date of listing. These tests are also set out in Historic England Advice Note 10 *Listed Buildings and Curtilage* (“HEAN10”).

21. There is no dispute between the main parties that the land at West Down Farm, including the appeal building and West Down Farmhouse, was originally in the same ownership within a large agricultural holding. The appeal building passed into separate ownership in 1972 or thereabouts, at around the time permission for its residential conversion (ultimately granted in 1974) was being sought.
22. An 1871-1890 map extract provided by the Council shows the listed West Down Farmhouse and a large outbuilding to its north-west, though that is not the appeal building. That outbuilding had been replaced by the time the later 1897-1900 map was published which shows, as I have described above, the U-shaped building which is now the Coach House having been erected slightly further to the north. The appeal building clearly pre-dates 1948, a point on which there is no dispute between the parties.
23. There is a gap of around 17m or 18m between the two buildings at their closest. The open side of the appeal building faces south towards the farmhouse. The 1897-1900 map shows an area in front of it which may have been a yard, though there is no detailed evidence on its use before me. The same map shows West Down Farmhouse with a separate enclosed area to its side and rear, which the appellants suggest was likely to have been a domestic garden. However, neither that map extract nor any of the other evidence before me support the appellants’ suggestion that the appeal building was historically served by its own access or driveway (although that is undoubtedly the position today) – instead, it appears to indicate that what is now the private driveway of the Coach House was originally a separate track which passed by the west side of the building.
24. No mapping from between 1900 and 1966 has been provided to me to show how, or if, the site had changed by the time West Down Farmhouse was listed. A 1940 aerial image provided by the Council is, perhaps unsurprisingly, less clear than would be ideal. However, it shows that there are few other buildings in the surrounding area, and it is possible to discern the appeal building and West Down Farmhouse sitting together as a distinct cluster within a fringe of dense trees and shrubs. There is fencing and a mix of deciduous and evergreen planting between the Farmhouse and the appeal building today which provides visual screening, although it seems likely from its appearance that this has mostly or totally been established in the period since the Coach House was converted to a dwelling.
25. The appellants’ contend that the appeal property has not previously been treated as a curtilage listed building by the local planning authority, including in respect of the 1974 and 1997 planning permissions relating to its conversion to a dwelling. There is no detailed information before me to explain why this might have been the case, nor why the matter did not come up in searches at the time the appellants purchased the property in 2012 or 2013. None of this, however, removes the need for me to be mindful of my statutory duties which I have set out above.
26. West Down Farmhouse and the appeal building have a close physical relationship; notwithstanding the changes to the site over time this can still be discerned today. The open courtyard of the appeal building is close to, and

aligned towards, the farmhouse. There may have been some boundaries (whether walls or fences) separating different functional areas, but overall the picture which emerges from the 1897-1900 map and 1940 aerial image is of the integrated farmstead of West Down Farm, comprising the farmhouse and the appeal building.

27. None of the evidence before me is demonstrative of the appeal building having been used for anything other than purposes ancillary to the operations of West Down Farm by the time the farmhouse was listed. The simple design and layout of the appeal building are also indicative of this ancillary status. This leads me conclusively to the view that the use and function of the building now known as the Coach House was related to West Down Farmhouse in the past, and at the time the farmhouse was listed in 1966.
28. As West Down Farmhouse was listed before the law relating to curtilages first came into effect on 1 January 1969, HEAN10 advises that the most logical approach would be to consider the position on that date and apply the three-part assessment of the facts to that situation. There is nothing before me to suggest that the situation in this case changed materially between 1966 and the time permission was being sought for the use of the appeal building as a separate dwelling after 1972. This consideration does not therefore alter my overall conclusion.
29. I have had regard to the arguments relating to use and function which the appellants have put forward. I have also paid close attention to *Egerton*, wherein the separate enclosure of the farmyard with a low wall was one significant factor which supported the conclusion that the relevant building (the Old Granary) was not within the curtilage of the principal building (Jews Farmhouse) at the time of listing. However, in this appeal there are other significant differences from *Egerton*. These include the much greater physical separation between the two buildings, and the fact that the Old Granary was part of a distinct grouping of buildings which, as Mr Justice Sullivan put it, "turns its back" on Jews Farmhouse. There therefore appear to be material differences between the two cases, and my decision has been informed by the evidence before me and everything I saw during my site visit.
30. Taking all these points together, the evidence before me indicates that the ownership, physical layout, and use and function of the appeal property is such that, at the time West Down Farmhouse was listed, it was within the curtilage of the listed building. I therefore conclude that the appeal building should be considered as part of the listed building, as set out in the Act.

Effect on listed building and its setting

31. West Down Farmhouse is a two-storey building, described in the official list entry as having a brick-faced ground floor and a weatherboarded and tarred first-floor, though by the time of my site visit the ground floor brickwork appeared to have been rendered (or similar) and painted. It has a hipped roof of orange/red tiles. As I have outlined above, there are trees and shrubs between the farmhouse and the Coach House which provide a degree of visual separation. Nevertheless, the two buildings can be seen together from the access track and public footpath leading to the appeal site from Shipley Hills Road, from where the Coach House forms part of the backdrop of the farmhouse. The significance of West Down Farmhouse, insofar as it relates to

this appeal, is derived from its age, its architecture, and its historic functional role at the heart of the farmstead.

32. The Coach House is a low single-storey building, with white-painted rendered walls and a hipped pitched grey/brown tiled roof. There is no detail before me of how the building looked before it was converted to a dwelling. It is evident though that it must have been much-altered over time as a result of the various operations necessary to facilitate that change of use (including alterations to fenestration and doorways, and the addition of a porch on the inside of the courtyard).
33. Nevertheless, while the Coach House is clearly now a dwelling, its simple form and U-shaped layout around its courtyard indicate its origins as a part of the rural farmstead grouping. It is also an essentially attractive, if modest, building. Its role as a stable or other outbuilding is still clear from its plan form. Its significance, insofar as it relates to this appeal, is derived from its historic role within the farmstead, which signifies the former presence of a working farm and confirms the history of the related main dwelling, helping to illustrate the way West Down Farm was developed. The Coach House therefore has significance in its own right, but also contributes positively to the special interest of West Down Farmhouse through its historical association with it, and its presence in the setting of the Farmhouse.
34. The proposed extension would be around 5m wide, and would protrude around 7.4m from the side elevation close to the north-eastern corner of the building. The open land falls away to the east of the Coach House, and this would increase the visual impact of the extension by drawing attention to, and perhaps even exaggerating the effect of, its size. The windows and doors on the north and south elevations would be similar in size and form to those of the existing building, but the windows on the east-facing side elevation would be much larger and more modern in appearance. This would give the Coach House as a whole a somewhat disjointed appearance, which would be clearly visible from the public footpath which leads away to the north of the site.
35. The positioning of the extension would also lead to a loss of the plan form of the Coach House. The form of the appeal building clearly illustrates its origins as a stable building within the wider farmstead, and thereby contributes to understanding its development. Eroding this would undermine its own significance, as well as the contribution it makes to the significance and setting of the listed Farmhouse.
36. Drawing all of this together, I find that the proposed development would harm the special interest and significance of the listed buildings, though I consider that the harm to the significance would be less than substantial, in the language of the Framework. The Framework advises 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. Where a development proposal would 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 the asset's optimum viable use.

37. No public benefits of the scheme have been put to me, though there would be likely to be some modest economic benefits arising from the purchase of materials and the carrying out of construction work. The Coach House is occupied as a single dwelling by the appellants and their family. There is nothing before me to suggest either that the optimal viable use of the building is anything other than a single private dwelling, or that this would be at risk without the appeal scheme going ahead. In giving considerable importance and weight to the identified harm to the significance of the designated heritage asset, I find that this would not be outweighed by the public benefits arising from the proposal.
38. I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed West Down Farmhouse and The Coach House, thus failing to satisfy the requirements of the Act and the Framework.

Character and appearance

39. The area around the Coach House is one of rolling hills, with open fields, dense shrubs and trees marking field boundaries, interspersed with woods and coppices. There are dwellings, either individually or in small clusters, along the country lanes. For the reasons relating to the form and prominence of the proposed extension, which I have set out in paragraph 34 above, I consider that it would be a disruptive and intrusive presence in the rural landscape.
40. The extension would therefore cause some harm to the character and appearance of the area, and the proposal would therefore conflict with Policy CS19 of the LPCS. Among other things, this policy seeks to ensure that new development is visually attractive, conserves and enhances the character of the local built, historic and natural environment, and integrates well with the surrounding local area.

Other Matters

41. The appellants have suggested that an extension of similar size to that proposed in this appeal, or larger, could be erected using permitted development rights. I acknowledge that this may be provided for by the relevant class of the General Permitted Development Order. However, while such an extension may not require express planning permission, it would require listed building consent. Given my findings in respect of the designated heritage asset in this case, there must be a reasonable degree of doubt that such consent would be granted. Accordingly, while this is indeed a fallback position for the appellants, I cannot conclude that there is a real prospect of any such permitted development being implemented. It therefore carries only limited weight as an argument in favour of the appeal scheme.

Planning Balance and Conclusion

42. The proposed development would not be inappropriate development in the Green Belt. However, it would fail to preserve the Grade II listed building known as West Down Farmhouse and the curtilage listed building The Coach House, or any features of special architectural or historic interest which they possess; this would cause harm to their significance which would not be outweighed by public benefits accruing from the proposal. There would also be further harm to the character and appearance of the area, as a result of which there would be conflict with the provisions of the development plan.

43. The proposal would be contrary to the development plan and the Framework taken as a whole. There are no other material considerations which indicate that the decision should be determined other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

M Cryan

Inspector