

Delegated Report

Listed Building Consent Application

Planning Application No: 20260296

Location: The Coach House West Down Farm Shipley Hills Road Meopham

Description: Application for Listed Building Consent; consideration of curtilage listed status.

Applicant: Mr and Mrs Ripley

Site Visit Date: Previous Visit

Submitted Documents/Plans

Application Form
Assessment of Significance
1783/1A – Existing Floor Plan
Cover Letter

Relevant Planning History

Reference	Description	Decision	Decision Date
20251229	Application for a Listed Building Lawful Development Certificate; Consideration of evidence to demonstrate that the dwelling is not curtilage listed.	Certificate Refused	13.01.2026
20250340	Application for a Proposed Lawful Development Certificate; erection of single storey side extension and single storey rear extension with 3no. roof lights.	Certificate Granted	22.05.2025
20241146	Application for a Proposed Lawful Development Certificate for the erection of a single storey side extension with roof lantern.	Certificate Refused	07.02.2025
20221350 and APP/K2230/D/23/3322987	Erection of single storey side extension	Refused and Dismissed at Appeal	07.03.2023 (Refused) 24.06.2024 (Appeal Dismissed)
19970347	Conversion of former cow shed to Annexe to the Coach House comprising lounge, bedroom with ensuite study/guest bedroom and utility room.	Permitted	22.04.1998
19750028 (GR/75/28)	Details pursuant to conditions 1 and 2 of the Appeal Decision by the Secretary of State under ref. TH/6/72/411 and being conversion of stables to form single storey dwelling house.	Permitted	26.05.1975
19720411 (TH/6/72/411) APP/2393/A/7 3/11435/G6	Conversion into living accommodation of stables at West Down Farm, Shipley Hills Road, Meopham	Refused and Allowed at appeal	27.11.1972 (Refused) And 01.06.1974 (Appeal Allowed)

Development Plan

Gravesham Local Plan Core Strategy (2014)

- CS01 – Sustainable Development
- CS12 – Green Infrastructure
- CS19 – Development & Design Principles
- CS20 – Heritage and the Historic Environment

Gravesham Local Plan: First Review (1994)

- TC2 – Listed Buildings

Paragraph 34 of the NPPF (2024) sets out that policies within adopted local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Such reviews are also a legal requirement as set out in Regulation 10A of the Town and Country Planning (Local Planning) England Regulations 2012.

The Council undertook such a review in September 2019 and found that the adopted Local Plan Core Strategy is in need of a partial review in terms of Policy CS02, due to the increased need for housing since the Local Plan Core Strategy was adopted and the need to ensure that a sufficient land supply exists to meet this need. Whilst saved policies from the Local Plan 1st Review (1994) generally conform with the NPPF (2024), the Council will also seek to replace these.

National Planning Policy Framework (2024)

- Section 2 – Achieving Sustainable Development
- Section 12 – Achieving Well-Designed Places
- Section 16 – Conserving and enhancing the historic environment

Other material considerations

Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses when considering whether to grant listed building consent.

Supplementary Planning Guidance

None.

Emerging Local Plan as a Material Consideration

Paragraph 48 of the Framework makes it clear that planning applications can only be determined in accordance with the development plan, unless material considerations indicate otherwise. An emerging Local Plan, does not form part of the Development. The Framework, at Paragraph 49 allows local planning authorities to give weight to relevant policies in emerging Local Plans, according to:

- The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the Framework, the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given to those policies.

West Oxfordshire District Council v Secretary of State for Housing, Communities and Local Government & Rosconn Strategic Land Ltd [2018] EWHC 3065 (Admin) is a High Court judgement that deals with

the weight to be given to a Regulation 19 Local Plan. In this judgement the Court found that the weight to be given to an emerging Local Plan, was a matter of planning judgement, which had to be reached having fully considered the relevant part (Paragraph 49) of the Framework.

The Council's emerging Local Plan, is in the process of being consulted upon (it has reached Regulation 19 stage), the Council is not yet aware of whether third parties will support or object to specific policies within the Plan, or whether they will consider the policies with the emerging Local Plan to be broadly sound and consistent with the NPPF (2024). Taking this into consideration, one can only conclude that at this stage of the process, **limited (i.e. minimal) weight should be afforded to the emerging Regulation 19 Local Plan**. This position would only change once the emerging Local Plan has progressed towards submission and examination, with the Council being fully aware of policies that are subject to unresolved objections and with knowledge of policies that have had their soundness and conformity against the Framework challenged.

This approach accords with the approach taken in a separate High Court case, Gladman Developments Ltd v SSHCLG & Corby Borough Council; & Uttlesford DC [2020] EWHC 518 (Admin) and Court of Appeal [2021] EWCA Civ 104, which was also the subject of a Court of Appeal Ruling [2021] EWCA Civ 104.

Consultations, Publicity and Representations

Consultees

Ward Councillors

No comments received.

Parish Council

No comments received.

National Amenity Society

No comments received.

Conservation Officer

Although the Conservation Officer has not commented specifically on this application, the comments from recent application ref 20251229 are still relevant and are included below:

Below a summary of the H+R report and Barker Parry interpretation of it, with comments.

Based on the provided report from Barker Parry, The Coach House **is considered not to be curtilage listed** for the following primary reasons:

1. Lack of Ancillary Relationship

A key test for curtilage listing is whether the building was "ancillary" (subordinate or serving a purpose) to the main listed building (West Down Farm) at the time of listing.

- **Residential Independence:** The report argues that The Coach House has been a separate, detached, single-storey dwelling rather than a building serving the farm. It not clear how this is established, please check but I could find no evidence in the H+R report that this was the case at the time of West Down Farm being listed.
- **Functional Separation:** It asserts that the building did not share a functional link with the farmhouse at the critical date of listing, which is a requirement for it to be "treated as part of the

listed building". It is not clear what the evidence is for this as it was clearly in the same ownership at that time which is a primary test for curtilage listing status.

2. Historical Ownership and Physical Layout

The report references the "Calderdale tests" (physical layout, ownership, and use) often used to determine curtilage:

- **Weak Earlier Evidence:** The report claims that a previous Inspector's decision (which likely leaned toward it being listed) was based on "narrow and limited" evidence. The H+R report offers historical evidence on ownership but its interpretation is open to challenge.
- **New Evidence:** Barker Parry submits "much greater" and "detailed" information showing that the physical and ownership history supports its status as an independent property. The interpretation of the detailed information is questionable.
- **Local Authority Stance:** The submission highlights that the local Authority itself took the position in the early 1970s that the building was not curtilage listed. See below the interpretation of curtilage listing was not codified until 1990 and often missed.

3. Date of Listing and Statutory Exclusions

For a structure to be curtilage listed, it must generally have been within the curtilage and in the same ownership as the principal building since before **July 1, 1948**.

- The report contends that the building does not meet the necessary criteria established by the **Planning (Listed Buildings and Conservation Areas) Act 1990** to be "deemed" part of the main farm's listing. Again, this interpretation is still open to challenge and the building remains curtilage listed.

Summary of the Barry Parker Argument

The consultants argue that The Coach House is a **detached, independent dwelling** that lacks the historic, physical, and functional "integral whole" relationship with West Down Farm required by law for it to be "listed by association". However their interpretation of the H+R report is open to challenge.

The H+R Desk based Research

The H+R report concludes that the Coach House and West Down Farmhouse have been in **separate ownership** since at least the late **1960s or 1970**.

The history of their ownership and separation is summarised as follows:

- **Joint Ownership (Until 1960s):** Historically, both buildings were part of the same estate. In 1925, the entire West Down Farm, including the farmhouse and the farm buildings (now The Coach House), was purchased by Herbert James Cologne. The Cologne family maintained ownership of the farm until the mid-1970s.
- **Separation (Late 1960s/1970):** The exact date of separation is not explicitly stated in documentary records, but it is presumed to have occurred in the late 1960s. Planning records from 1970 show a Mr. R. J. Mannion applying for listed building consent for West Down Farmhouse, while the Cologne family still owned the adjacent farm buildings.
- **Distinct Ownership (1970s–Present):**
 - o By 1972, Mr. H. E. Cologne applied to convert the farm buildings (The Coach House) into a dwelling while living in a caravan on-site, having excluded the farmhouse from his ownership.
 - o In 1978, the **Brett family**, who then owned West Down Farmhouse, sold it to the **Cornwell family**.
 - o Planning records throughout the late 20th and early 21st centuries consistently identify the two properties as being in separate ownership.

on the attached report, Herbert James Cologne purchased West Down Farmhouse and the buildings now known as The Coach House on 26 August 1925.

Key details regarding his ownership and the Cologne family's association with the property include:

- Acquisition: Herbert James Cologne bought West Down Farmhouse, The Coach House, the access route, and land to the east from Charles Ernest Godfrey-Jull.
- Residency: In 1939, Herbert James lived at West Down Farm with his wife, Emily, and their son, Herbert Edward Cologne.
- Family Tenure: The Cologne family remained associated with West Down Farm until the mid-1970s. Herbert James passed away in 1958, followed by Emily in 1960.
- Succession and Sale: Their son, Herbert Edward Cologne, continued to own parts of the property until his death on 15 March 1975. Evidence suggests that by 1970 (after the Farm House was listed in 1966), the Farmhouse was in separate ownership (held by R J Mannion), while Herbert Edward retained ownership of the farm buildings and land.

Discussion

From the H+R report, The Coach House is not listed in its own right, but there is conflicting information regarding its status as a curtilage listed building:

- Statutory Designation: The report explicitly states that "The Coach House is not listed in its own right". The Grade II listing (afforded in November 1966) applies specifically to the nearby West Down Farmhouse.
- Planning Authority/Appeal Decisions: Recent planning documentation (specifically application 20221350 from December 2022) indicates that both the local planning officer's report and a subsequent appeal concluded that The Coach House is afforded statutory protection as curtilage to West Down Farmhouse.
- Historical and Ownership Context: The report's authors argue against this curtilage status based on several factors:
 - o Separate Ownership: The buildings have been in separate ownership throughout the 21st century and much of the late 20th century. Planning records suggest they were likely in separate ownership by 1970 and possibly as early as 1965, but this is not conclusive and it is more likely that they were in the same ownership of **Herbert Edward Cologne from the death of his father in 1958 and only by 1970 the Farmhouse was is the ownership of R J Mannion**. Please check these dates as they are critical.
 - o Functional Independence: Historically, map evidence from 1908 and 1937 shows boundary walls providing physical separation between the farmhouse and the agricultural building (now The Coach House). **This is an incorrect interpretation of the OS maps** (see below regarding the "S" or area brace/field tie).
 - o Previous Planning History: In a 1974 appeal regarding the conversion of the building into a dwelling, neither the Local Planning Authority (LPA) nor the Inspector considered the building to be protected as a listed building at that time. **However** curtilage listing became a significant, sometimes problematic issue following legislation in 1968 (and effective Jan 1, 1969), which formally brought structures within a listed building's curtilage under listing protection, creating "elephants in the room" for owners unaware that outbuildings, walls, or land were automatically protected, leading to complexity and potential prosecution for alterations, especially for buildings listed before the law clarified matters. **It was not until 1990 (Town and Country Planning Act)** that there was a Codified the definition, stating structures within the curtilage, forming part of the land since before July 1, 1948, are included; **hence the reason for it not being picked up in the 1974.**

In summary, while the report argues that The Coach House should not be considered curtilage listed due to its history of separate ownership (**which should be contested as an incorrect interpretation**) and physical separation (**which again should be contested as an incorrect interpretation**), recent planning and appeal decisions have correctly treated it as being curtilage listed and it is considered that it should be upheld based on the submitted information.

Note

The H+R report incorrectly interprets boundary walls on Figure 4 of their report for fence lines, which are marked with the elongated “S” symbol (or area brace/field tie) that actually refers to the land being in the SAME ownership. Due to the inconclusive findings following the desk-based research by H+R, The Coach House remains curtilage listed.

What the 'S' Symbol Means:

- **Area Brace/Field Tie:** It links separate pieces of land that are surveyed as one unit, giving them a single field parcel number.
- **Grouping Land:** It groups smaller plots or land divided by paths/roads so they're measured together as one larger area.
- **Implied Same Ownership:** While not a definitive legal statement, it strongly suggests the connected parcels are under single ownership or management for survey purposes, as noted in older maps

Neighbouring properties

The application was advertised by way of site and press notices – overall consultation expiry date was 24.04.2026. 0 comments were received by members of the public.

Officer's Analysis

This application essentially seeks further consideration of the Listed Building Status of The Coach House following refusal of a Listed Building Lawful Development Certificate for '*Consideration of evidence to demonstrate that the dwelling is not curtilage listed.*'. under planning reference 20251229.

This application also follows planning reference 20250340 for a *Proposed Lawful Development Certificate; erection of single storey side extension and single storey rear extension with 3no. roof lights.* This certificate was granted. However, an informative was appended to the decision notice stating the following:

LISTED BUILDING CONSENT REQUIRED

It was concluded by the planning inspector under appeal reference APP/K2230/D/23/3322987 that The Coach House is curtilage Listed. The same application requirements for Listed Buildings therefore apply to the Coach House.

The applicant is advised that Listed building Consent MUST be obtained for the proposed works before they can be undertaken. This Lawful Development Certificate does not supersede the need to obtain Listed Building Consent.

As the informative states, as part of the aforementioned appeal reference the Planning Inspector agreed with the LPA's assessment that the building is curtilage listed. This is attached as appendix A.

20251229 was refused for the following reason:

Insufficient information has been submitted to demonstrate that The Coach House, West Down Farm is not curtilage listed and as such any works which would impact this curtilage Listed Building would require Listed Building Consent in accordance with SECTION 26H OF THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990.

Although that decision was for a Listed Building Lawful Development Certificate and the application now sought is for Listed Building Consent, the premise remains the same in that it is the applicant/agent's responsibility to demonstrate that The Coach House, is not curtilage listed for this application to be successful.

The submitted application has been made in the form of an application for Listed Building Consent. However, the supporting information primarily seeks a determination as to whether The Coach House is curtilage listed, rather than seeking consent for specific works to a listed building. Matters relating to whether a structure is curtilage listed are more typically addressed through an application for a Lawful Development Certificate. This is confirmed by the Agent in the covering letter/statement;

Proposed Development

A lawful development certificate has been issued for work to the dwelling pursuant to application reference: 20250340. This submission does not seek confirmation as to

whether those works require listed building consent or not, but to determine whether the building is curtilage listed based on detailed and up to date evidence.

However, in the interest of completeness, the Local Planning Authority has assessed the submitted information and considered the applicants case regarding the curtilage listed status of the building as part of the determination of this application.

Information submitted with this application:

- The Assessment of Significance submitted is dated September 2024 and appears to be unchanged from the one previously submitted.
- The Existing Floor Plan is dated 05/2022 and also appears to be unchanged from the previous submission.
- A new application form is submitted, but provides no further evidence on the significance of the building.
- A new cover letter has been submitted which responds to the determination of planning reference 20251229.

Summary of points made in the cover letter dated 16th March 2026:

- The applicant argues that there is insufficient evidence that the farmhouse and Coach House were in common ownership at the relevant date for curtilage listing.
- They rely on historic records from 1960s and 1970s which they say indicates separate ownership and separate planning treatment of the buildings.
- The submission refers to historic applications by different individuals relating separately to the farmhouse and Coach House.
- Historic maps and plans are relied upon to demonstrate physical separation between the buildings
- The applicant argues the coach house historically served the wider farm/estate rather than functioning as ancillary accommodation to the farmhouse
- It is asserted that previous planning decisions and applications did not treat the Coach House as curtilage listed.
- The applicant therefore concludes that the coach house should not be regarded as curtilage listed.

The applicant disputes a number of conclusions reached within the previous decision and suggests that assumptions have been made regarding the historic ownership and relationship between the buildings. However, the assessment of curtilage listed status is inherently dependent upon the interpretation of historic evidence, much of which is incomplete or inconclusive.

In the absence of definitive documentary evidence confirming separate ownership and function at the relevant date, the Local Planning Authority must reach a reasoned judgement based on the totality of the

information available. The following assessment therefore considers the submitted material as a whole, noting that the burden rests with the applicant to provide sufficient evidence to demonstrate that the building is not curtilage listed.

Key points relating to evidence interpretation

Application submitted by RJ Mannion in 1970

In the new cover letter it states that the previous officers report asserted that RJ Mannion owned the property when submitting a planning application in 1970. However, the following excerpt is taken from the delegated report of 20251229

If this is the case, it is entirely possible that in 1965 Mr Brett may have submitted the application on behalf of the Cologne family as ownership of property is not required to submit planning applications. In addition, the 1970 application submitted by RJ Mannion does not indicate ownership, given that the property was in the Brett's hands after the Colognes passed away 8 years after R J Mannion submitted this application, it appears even more unlikely the R J Mannion owned the property

In any case, if R J Mannion did own the property in 1970, this is after the building was listed in 1966 and also after the 1969 listed building curtilage legislation came into effect. Essentially the key period of ownership is between 1966 and 1969, for which no substantive ownership evidence has been provided to conclude that The Coach House and West Down Farmhouse were in separate ownership at the time of listing or in 1969.

Clearly the LPA reached the same conclusion as suggested by the applicant, that it was unlikely that RJ Mannion owned the property. But that even if he had it would not be relevant for the listing dates. On this point it appears that the LPA and the applicants agree.

Mr Brett – Application submitted in 1965 for West Down Farmhouse

The cover letter argues that suggestion by the Case Officer that there may be some familial relationship between the Brett and Cologne families, is unsubstantiated and merely supposition.

In the previous report it stated:

This assessment seems to be based on two planning/Listed Building consent applications submitted in 1965 and then 1970. The 1965 application was submitted by Mr Brett and withdrawn. It appears that on the Cologne families passing, the Brett family came into ownership of the site and sold West Down Farmhouse in 1978. It is plausible that there may be some familial relationship between Mr Brett and the Colognes such that they may have inherited the property in 1975. Yet no information has been provided regarding how this ownership came to be in 1975.

If this is the case, it is entirely possible that in 1965 Mr Brett may have submitted the application on behalf of the Cologne family as ownership of property is not required to submit planning applications. In addition, the 1970 application submitted by RJ Mannion does not indicate ownership, given that the property was in the Brett's hands after the Colognes passed away 8 years after R J Mannion submitted this application, it appears even more unlikely the R J Mannion owned the property.

The updated cover letter submitted concluded that there can be a reasonable assumption made that Mr Brett had a clear interest in Westdown Farmhouse in 1965, given he continued to own the property until he sold it in 1978, it is a reasonable assumption that he owned the property.

Whilst it is accepted that Mr Brett had an identifiable interest in West Down Farmhouse during this period, the information submitted does not conclusively establish ownership of the property at the relevant date. As previously noted, the submission of a planning application does not in itself confirm legal ownership. No title deeds, conveyancing records or equivalent documentary evidence have been submitted which definitely

resolve the ownership position between 1939 and 1969, until 1972.

The cover letter submitted goes on to state:

However, as is clear from the attached letter, on the 28 September 1965, there was a query regarding ownership. This may have been as a result of a purchase pending or similar, but nonetheless, it cannot be categorically stated that Westdown Farmhouse was owned by Mr Herbert E Cologne in 1965.

Given that a query was raised as part of the planning application in 1965 about the ownership of Mr Brett this does indicate that it is plausible that Mr Brett was not in ownership in 1965.

Applicants conclusion on ownership

In the cover letter the applicants conclude:

The ownership of Westdown Farmhouse is debatable from 1965, well before the relevant date of the 1 January 1969.

Again, this is a point the Local Planning Authority agree upon. The ownership is debatable from 1965 to 1972 when permission was granted for conversion of the farm buildings, with the farmhouse now excluded from ownership. Given that the relevant date is 1969 and the only confirmed owners prior to this are the Cologne family in 1925 and 1939, and the Cologne families continued involvement in the site post 1969, sufficient evidence as to the ownership not being within the same family for West Down Farmhouse and The Coach House has not been provided to alter the previous assessments made.

1995 planning application

The cover letter states:

The position taken by the Local Planning Authority seems odd, as it ignores the 1995 planning application in which the property was also not considered to be a curtilage listed building.

It was concluded by the planning inspector under appeal reference APP/K2230/D/23/3322987 that The Coach House is curtilage Listed. It is unclear which application the cover letter refers to as there is no 1995 application. There are planning permissions from 1974 and 1997 which did not treat the building as curtilage listed. It was concluded by the planning inspector under appeal reference APP/K2230/D/23/3322987 that The Coach House is curtilage Listed. The same application requirements for Listed Buildings therefore apply to the Coach House. Within the inspectors report they stated that, this did not remove the need for them to be mindful of their statutory duties.

Officer summary of analyses

Whilst the applicant has provided additional commentary and expanded submissions in support of the application, the evidence submitted remains materially unchanged from that previously considered under ref 20251229. The current submission largely advances an alternative interpretation of the same historic material and documentary evidence previously submitted. In the absence of materially new evidence capable of altering the conclusions previously reached by both the Local Planning Authority and the Planning Inspector, the Council's position remains unchanged.

Whilst the applicant disputed the conclusions previously reached, the submitted information remains largely circumstantial and inferential in nature. The Local Planning Authority does not consider that definitive evidence has been provided to demonstrate separate ownership and functional separation at the relevant date such that the building should not reasonably be regarded as curtilage listed.

Conclusion & Recommendation

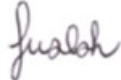
After reviewing the submitted information, including the additional commentary contained within the updated cover letter, it is considered that insufficient evidence has been provided to demonstrate that The Coach House is not a curtilage listed building.

Whilst the applicant provides an alternative interpretation of the historic material, the substantive evidence base remains materially unchanged from that previously considered under application ref 20251229.

The Local Planning Authority does not consider that definitive evidence has been provided to demonstrate that The Coach House and West Down Farmhouse were in separate ownership or functionally separate at the relevant date for the purposes of curtilage listing.

The building is therefore considered to remain curtilage listed and any works affecting its character or appearance as a building of special architectural or historic interest require Listed Building Consent in accordance with the Planning (Listed Buildings and Conservation Area) Act 1990.

(For detailed reasons for refusal and informatives, see draft Decision)

Case Officer:	Mrs Lisa Fisher	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	18th May 2026	Dated:	19 May 2026