

Our Ref: LF/24-158

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Development Management
Gravesham Borough Council
Civic Centre
Windmill Street
Gravesend
Kent
DA12 1AU

Via Planning Portal Ref. PP-13637471



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Dear Sir / Madam

Application of Certificate of Lawful Proposed Use or Development at The Coach House, West Down Farm, Shipley Hills Road, Meopham, Gravesend, Kent, DA13 0JP.

On behalf of our client, Mr and Mrs Ripley ("the applicant"), we are pleased to enclose an application seeking a Certificate of Lawful Proposed Use or Development (CLPUD) under Section 192 (1)(b) of the Town and Country Planning Act 1990 (as amended). The application seeks to confirm that a side extension would be lawful under Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and that Listed Building Consent is not required for the proposed extension.

In addition to this covering letter, the following documents are enclosed in support of this application:

- Application Form
- 1783/4/1 (Proposed Elevations)
- 1783/1A (Existing Floor Plan & Location Plan)
- 1783/2 (Existing Elevations)
- 1783/3/1 (Proposed Floor Plan)
- 1783/5/1 (Block Plan)
- Assessment of Significance for The Coach House, West Down Farm.

Site Context

The dwelling is a detached, single storey house in the shape of a horseshoe at the back of West Down Farm. The farm gains access to the north off Shipley Hills Road.

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Director (Managing)
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The site is not within a Conservation Area, National Landscape, National Park or World Heritage Site.

Planning History

A similar planning application was refused in March 2023 and a subsequent appeal dismissed. There were a number of matters considered as part of that decision and the appeal was dismissed on the basis of the proposal failing to preserve the special interest of the Grade II listed West Down Farmhouse and from the information presented, The Coach House was also considered to be curtilage listed and therefore the impact on that property needed addressing. Further there was considered to be a detrimental impact on the character and appearance of the area.

Proposed Development

The proposal presented as part of this application is for the erection of a single storey side extension situated on the eastern side of the property. It would be 7.4 metres by 5 metres and the flat roof would have a maximum height of 2.91 metres (eaves of 2.8m with a 0.11m parapet), with a lantern rooflight protruding a further 0.55 metres. The proposed materials would be similar in appearance to those used in the construction of the existing dwelling.

Assessment Against the GPDO

Schedule 2, Part 1, Class A of the GPDO allows for the following:

"The enlargement, improvement or other alteration of a dwellinghouse."

The following paragraphs demonstrate how the proposal meets the criteria set out under Class A.

Development not permitted

A.1 Development is not permitted by Class A if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Not Applicable.

(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The development would not exceed 50% of the curtilage of the original dwellinghouse.

(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The height will not exceed the highest part of the roof of the existing dwellinghouse.

(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The eaves have been designed to match the eaves of the existing dwellinghouse.

(e) the enlarged part of the dwellinghouse would extend beyond a wall which—

(i) forms the principal elevation of the original dwellinghouse; or

(ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The proposal does not extend beyond a wall which forms a principal elevation of the original dwellinghouse and does not front a highway.

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

The proposal does not exceed 4m in height.

(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

(ii) exceed 4 metres in height;

The property is not on Article 2(3) land nor within an SSSI.

(h) the enlarged part of the dwellinghouse would have more than a single storey and—

(i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or

(ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

Not applicable.

(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

The extension is not within 2 metres of the boundary of the curtilage of the dwelling house.

(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

(i) exceed 4 metres in height,

(ii) have more than a single storey, or

(iii) have a width greater than half the width of the original dwellinghouse;

The proposed extension is single storey, does not exceed 4 metres in height and does not have a width greater than half the width of the original dwellinghouse.

The Permitted Development Technical Guidance advises that the width of the original dwellinghouse is the measured at the widest point. For this property, the widest point is approximately 20.3m.

(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

Not Applicable.

(k) it would consist of or include—

(i) the construction or provision of a verandah, balcony or raised platform,

(ii) the installation, alteration or replacement of a microwave antenna,

(iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or

(iv) an alteration to any part of the roof of the dwellinghouse.; or

None proposed.

(l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Not Applicable.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

(d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

The property is not on Article 2/3 land.

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The materials will be of a similar appearance to the existing dwellinghouse.

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

Not Applicable.

(c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not Applicable.

Listed Building Matters

In considering Appeal Reference: APP/K2230/D/23/3322987 the Inspector correctly identified that West Down Farmhouse was listed before the law relating to curtilages first came into effect on 1 January 1969. Historic England Advice Note 10 advises that there are three key factors to be taken into account in assessing whether a structure or object is within the curtilage of a listed building. These are:

- The physical layout of the listed building and the structure.
- Their ownership, both historically and at the date of listing; and
- The use or function of the relevant buildings, both historically and at the date of listing.

From the evidence in front of the Inspector, he concluded that The Coach House was related to West Down Farmhouse at the time the farmhouse was listed in 1966, and that there was no material change between 1966 and permission being sought for the use of the appeal building as a separate dwelling after 1972. He also considered the physical layout, use and function of The Coach House was connected to the Farmhouse at the time of the listing.

This finding is unfortunate and is based on a lack of information and evidence associated with the history of the buildings. The supporting Assessment of Significance demonstrates that the lack of a listed building consent for the conversion of the property in 1972 was the correct approach, as it is clear that The Coach House is not curtilage listed.

West Down Farmhouse has never been part of a standalone farm holding, but historically always formed part of a wider holding and tenanted with farm workers. The Coach House, in its current form, is first seen on the 1895 plans. This agricultural building would not have been subordinate to or solely dependant on West Down Farmhouse but would have served the wider estate. This position is reinforced by the map evidence which indicates that the farmhouse is within its own curtilage, with boundaries providing separation between the two buildings.

Further when permission was sought to convert the separate elements of The Coach House, the applications indicated that they were stables and a cow shed, thus more akin to farm buildings than associated with the Farmhouse.

The estate was sold off in lots in the 1920's with Herbert Cologne purchasing both the farmhouse and The Coach House, listed under separate titles, in 1925.

There are records to suggest that Mr Cologne did live in the Farmhouse for some time, but by 1965 the property was provisionally listed, likely as a result of a planning application (TH/6/65/31) which sought the demolition and erection of a replacement farmhouse. The applicant was not Mr Cologne, but a W Brett. There was a clear drive to preserve the farmhouse, suggesting that it was not in good condition at that time. There was a clear drive to preserve the farmhouse, suggesting that it was not in a good condition at that time. This assumption is reinforced by notes from a Council Officers site visit in 1970 which described the farmhouse as being of '*rotting damp fabric*' and is '*considerably out of plumb throughout, surrounded by undergrowth and hidden from the road*'. The 1965 application remained undetermined, with correspondence in September 1965

advising that there was doubt about the ownership of the property. This application was eventually withdrawn.

In 1970, an application was submitted for alterations and extensions to West Down Farmhouse by a R J Mannion Esq. with a condition pertaining to parking provision being added;; if the Farmhouse had been in the same ownership as The Coach House, then parking would not have been an issue.

The application to convert The Coach House was submitted in 1972 by H E Cologne, who had presumably retained ownership of this building, whilst disposing of the Farmhouse. The application also made it clear that he was living in a caravan on the site at that time.

It is clear that The Coach House and Farmhouse, whilst in close proximity to each other where clearly separated by boundary walls, as such The Coach House was not within the curtilage of the Farmhouse. They were both associated with a wider estate and not ancillary to each other. The function of The Coach House was as stables and a cow shed, similarly more akin to the wider estate and not directly interrelated to the Farmhouse. At the time of listing it appears that the buildings were no longer in the same ownership, with the Farmhouse having slipped into some decay and in need of preservation. The planning application history provides sufficient evidence to suggest that the buildings were not in the same ownership at the time of listing.

It is not therefore considered that The Coach House is a curtilage listed building, this is reinforced by neither the Local Authorities nor the Planning Inspectorate suggesting that Listed Building Consent was required for the conversion of the building in the 1970's when the principle of curtilage would have been a new planning consideration, having only really been established in 1969.

Summary

As demonstrated above, the proposed development of a single storey side extension would comply with the restrictions set out within Schedule 2, Part 1, Class A of the GPDO.

Further, we have adequately demonstrated that Listed Building Consent is not required, as the property is not a curtilage Listed Building.

If you have any queries in relation to the submitted material, please do not hesitate to contact me.

Yours faithfully

