The Planning Inspectorate

Appeal Decision

Site visit made on 29 June 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Appeal Ref: APP/L2250/W/20/3245858
The Chestnuts, Station Road, Appledore TN26 2DQ

- 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 Simon Levett against the decision of Folkestone & Hythe District Council.
- The application Ref Y18/0767/FH, dated 14 June 2018, was refused by notice dated 5 December 2019.
- The development proposed is change of use of barn to holiday let.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address and the description of proposed development from the planning application form although I note these are expressed differently on other documents. The surname of the applicant provided on the planning application form was given to be 'Levell', but it has subsequently been corrected and the applicant/appellant's surname has been confirmed to be 'Levett'. Correspondingly, I have used the confirmed spelling of the appellant's surname within the banner heading above.

Main Issue

3. The main issue raised by this appeal is whether the proposal is an appropriate location for holiday let development.

Reasons

4. Policy CSD3 Shepway Core Strategy Local Plan 2013 (the Core Strategy Local Plan) states that "*tourist, recreation and rural economic uses will be appropriately protected and new development allowed within defined settlements in the Settlement Network. Where sites are unavailable within settlements – and development is proportionate in scale/impact and also accessible by a choice of means of transport – it may also be acceptable on the edge of Strategic Towns and Service Centres, and failing that, Rural Centres and Primary Villages*".

5. Policy E3 of the emerging Places and Policies Local Plan Submission Draft 2018 (the emerging Local Plan) reflects Policy CSD3 as it directs tourism development to locations in or on the edge of centres in the settlement

hierarchy with Part 1 of Policy E3 requiring new accommodation to relate well to the highway network and be accessible by a range of means of transport.

6. Policies CSD3 and E3 Part 1 allow for a sequential approach to the location of new tourist uses but this is limited to development in or on the edge of established settlements. The proposal falls within a rural location, therefore, the location of the proposed holiday let would not accord with these policies.

7. In terms of accessibility by a choice of means of transport I accept that it would be possible to utilise Station Road to walk and cycle to Appledore train station and further afield to the village of Appledore where bus services and some facilities are available. However, these are some distance from the appeal site. The former watercourse of the Rhee Wall runs alongside Station Road within the environs of the appeal site. This is a feature of historic interest; however, it is not clear whether there is an existing dedicated footpath network in the surrounding area to which the Rhee Wall may form part that might link and provide guests with access to settlements, services, facilities and visitor attractions.

8. Although it is said that access to the site is available by public transport, I have not been supplied details of train or bus routes, frequency of services and/or location of stops, and whether there are any bus stops close to the appeal site. With regard to the rural siting of the site the appeal site would not be as well related to the highway network compared to that of accommodation at existing settlements. Indeed, the appellant says that a pick-up and drop-off transportation service would be made available to guests arriving and leaving from Appledore railway station. It appears to me that this would be necessary as alternative travel options would be limited. This reinforces my view that a range of transport options would not be available to guests as is required by Policies CSD3 and E3. Therefore, guests would be heavily reliant on vehicular transport to visit attractions, such as, the towns of Rye and Tenterden, the Romney Marsh, the Hythe Military Canal, and the former World War 2 airfields, in the wider area.

9. Notwithstanding the above, Part 6 of Policy E3 of the emerging Local Plan states that "*new tourist accommodation and attractions in the countryside, or expansions to existing sites, will be permitted in exceptional circumstances*" and sets out criteria upon which this is to be assessed. I shall deal with these in turn.

10. The first criterion is to assess whether for new accommodation and/or attractions, available sites within or on the edge of settlements are not suitable and an open countryside location is needed. The appellant's submission does not include a sequential assessment. Therefore, it has not been demonstrated that the proposed development could not be accommodated within or on the edge of an existing settlement or that a countryside location is essentially required.

11. The second criterion is that there are no suitable vacant buildings in the locality that could be converted. I have not been provided any details relating to other vacant buildings in the area and their possible suitability for potential conversion. Indeed, the planning application form states that the existing use of the appeal building is for domestic storage ancillary to the main house so the existing building would not be a building that could be considered to fall within the second criterion.

12. The third criterion is whether the development is viable and will have significant economic and other benefit to the locality to outweigh any harm. It is said that the conversion would allow the continued diversification of the appellant's mixed agricultural/commercial/residential business. With regard to agriculture, I have been advised that the site is a small working farm with diminishing agricultural reliability and the proposal would allow for diversification as the building is no longer required for agricultural purposes. I am advised that the small holding has not supported the appellant's livelihood and that he has had to rely upon his building company to subsidise income. I also note that the paddocks are used for lambing and segregating ewes by a shepherd from a nearby farm.

13. There is a difference in opinion between parties as to whether the site operates as an agricultural unit or part of a wider agricultural enterprise. Irrespective of this contention, I have not been provided with details, such as a business plan, that would indicate that the holiday let is necessary to financially support any business enterprise at the site in the long-term or that a unit of tourism accommodation would be viable. In addition, being one tourism unit, even if of boutique specialist accommodation with local walking tours offered to guests, this would not bring about significant economic and other benefits to the locality. On the available evidence the third criterion would not be satisfied.

14. The proposal is not located within the Kent Downs Area of Outstanding Natural Beauty; therefore, the fourth criterion does not apply in this case.

15. My attention has been drawn to the residential conversions of the Railway Hotel at Appledore Railway Stations, The Swan Hotel at Appledore and The Fleur de Lis, public house/restaurant at Brenzett that are said respectively to have resulted in the loss of five, six and nine tourism letting rooms. I have not been provided with the background that led to the redevelopment of those tourism facilities that relate to a different administrative area. It is contended that this demonstrates a need for some replacement tourism accommodation to compensate for the loss of the tourism letting rooms. However, I have also been directed to a number of planning permissions (Council reference numbers provided) said to relate to holiday accommodation within those administrative areas.

16. I note that the appellant has identified a loss of around 20 letting tourism rooms in the wider area. In addition, a planning application history search undertaken by the appellant has revealed no planning application submissions for self-catering holiday accommodation in The Chestnuts and Brenzett postcode areas going back 15 years or more. However, this evidence could suggest that there has been a lack of need or demand for such accommodation within this localised area.

17. I have also been directed to various tourism websites that provide public information on the Romney Marsh area. From these I have been directed to the location of other self-catering accommodation in and around Romney Marsh which are predominantly located close to the south coast. Although it has been suggested that this proposal would offer an opportunity to create a tourism facility in a location where no others are advertised, this does not clearly demonstrate that there would be a need or demand for a holiday let at the appeal site.

18. I acknowledge that the Council's Biennial Report for 2017 shows that self-catering accommodation provided an average 3% portion of tourism income. It is asserted that insufficient efforts are being made to support self-catering tourism by the Council. Whilst this may be a lower income figure when compared to that of other types of tourism accommodation within the District, this does not substantiate the suggestion that rejecting this proposal would lead to a further decline in tourism and a loss of revenue within the District.

19. For these reasons, I conclude that the proposal would not be an appropriate location for holiday let development. The proposed development would, therefore, conflict with Policies SD1, BE1 and CO1 of the Shepway District Local Plan Review 2006, Policies SS1, SS3 and CSD3 of the Core Strategy Local Plan and Policy E3 of the emerging Local Plan. These policies seek, amongst other matters, to direct new tourist accommodation to existing settlements where there is access to a choice of transport. The proposal does not clearly relate to the diversification of agriculture or other land-based rural business nor is it an example of a sustainable tourism enterprise to which the National Planning Policy Framework would offer support for business growth.

Other Matters

20. I acknowledge that the scale of the building when converted would not change and the proposal would not harm the character and appearance of the appeal site, the street scene and the wider landscape, noting this is a previously developed site. The conversion could achieve a good standard of design and construction utilising locally sourced materials/labour and I note that the accommodation would be suitable for those with disabilities. It would also provide landscape enhancements by adding planting around the pond and biodiversity at the site could be enhanced by following the recommendations in the Ecology Report. Furthermore, the proposal would not harm the living conditions of existing occupiers or compromise highway safety. Whilst these are merits of the proposed scheme, they do not overcome my above concern or justify the proposed development.

21. It has been pointed out that the Council did not undertake consultation with either Ashford Borough Council or Rother District Council. Since the proposal relates to a single unit of tourism accommodation its contribution to supporting cross border tourism would be very limited.

22. I have been referred to Policy TM2 that I am advised seeks to prevent the loss of visitor accommodation. Whilst it is implied that over the years Policy TM2 has been neglected by the Council, on the available evidence I have no substantive reason that would lead me to share this view. I have also been referred to Policy TM9 and I note that this policy recognises the intrinsic historic value of World War 2 history. However, the existence of these policies would not justify the setting aside other relevant development plan policies.

Conclusion

23. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR