



Appeal Decision

Site visit made on 4 May 2022

by C Shearing BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 June 2022

Appeal Ref: APP/L2250/W/21/3277463

Old Beams Yard, Rhee Wall, Brenzett TN29 9UB

- 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 Catt of Old Beams Lettings against the decision of Folkestone and Hythe District Council.
 - The application Ref Y19/0657/FH, dated 14 June 2019, was refused by notice dated 1 March 2021.
 - The development proposed is described as retention of existing timber building and timber deck surrounding and change of use to office.
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Decision

1. The appeal is allowed and planning permission is granted for retention of the existing timber building and timber deck and change of use to office at Old Beams Yard, Rhee Wall, Brenzett TN29 9UB in accordance with the terms of the application, Ref Y19/0657/FH, dated 14 June 2019, subject to the conditions in the schedule below.

Preliminary Matters

2. The appellant has provided an additional plan with the appeal that provides clarity of the uses of the parking spaces. As this provides clarification only I have determined the appeal taking into account this additional plan as no injustice would arise.
3. During the course of the appeal the Council have adopted the Folkestone and Hythe Core Strategy Review. The main parties have been given the opportunity to comment on the implications for this appeal.

Main Issues

4. The main issues are:
 - i. the effect of the development proposed on highway and pedestrian safety, with particular regard to parking provision, and;
 - ii. the effect of the development proposed on the character and appearance of the area.

Reasons

Highway and Pedestrian Safety

5. Based on the additional plan provided by the appellant, the development would provide two parking spaces for the office use, and four would be retained for use by four of the nearby properties. Based on the information before me and the findings of my site visit, the quantum of off street parking spaces shown would meet the Council's parking standards.
6. While there are limited opportunities to park on the street immediately outside the appeal site due to the frequency of dropped kerbs, areas of unrestricted parking exist a short distance from the site. Therefore, even if some parking were to occur on the highway, this is unlikely to be significant and, for these reasons, I find it would not result in harm to highway safety nor conflict with the function of the road.
7. The layout of the parking area could restrict the ability of vehicles to turn, particularly if all the spaces were occupied and given the potential obstruction by doors to the main building and cycle store. Consequently, there may be some instances in which vehicles would not be able to turn and exit the site in a forward gear. Despite this, I do not have substantive evidence before to demonstrate that this occurrence would cause harm to highway or pedestrian safety. Vehicles would exit the site at a point where vehicles were slowing on the approach to the roundabout and where vehicles are unlikely to be parked on the highway due to the number of dropped kerbs. I also note that the driveways of other nearby properties fronting the road rely to some degree on reversing on the highway. In addition, the parking area of the appeal site already exists and has been functioning in this manner without any particular evidence of harm. While the frequency of vehicle movements may be different for an office use, I do not have convincing evidence that this would result in additional harm.
8. In conclusion, I find the development would not cause unacceptable harm to highway or pedestrian safety. Consequently, the development complies with Policy T2 of the Folkestone and Hythe Places and Policies Local Plan 2020 (the PPLP) insofar as it requires sufficient parking. I have also not found conflict with the National Planning Policy Framework (the Framework), to the extent that it seeks to resist development that would have an unacceptable impact on highway safety.

Character and Appearance

9. The appeal site lies within the confines of a small rural village and properties on this side of Rhee Wall vary in their character, scale and plot size. The rear building line of the properties also varies and there are examples of other outbuildings, as well as larger developments, visible behind the rear building lines within the wider area, including on King Street.
10. The building that is the subject of the appeal is visible from the street in the gap between the properties. However, by reason of its low height, low eaves level, and materials, it appears as a visually subordinate garden structure in these views. While the building does create a more cramped site layout than that approved for the housing development, by reason of its scale and position at the back of the plot, and combined with the varied nature of development in

the area, the building sits comfortably within this context. The paraphernalia associated with the appeal building, including the raised decking and boundary treatments, are positioned away from the views from the street and are characteristic of a residential area.

11. I have had regard to the planning history of the site and the fact that the Council had not intended the development to be permanent. However, for the reasons given above and in light of the particular circumstances of this development, I find that its continued presence would not cause visual harm.
12. I conclude that the development does not cause harm to the character and appearance of the area and is compliant with Policies HB1 and HB10 of the PPLP, which among other things, require development to respond to the character and appearance of the area and respect existing buildings, layouts and the pattern of existing development. The development also complies with the design objectives in the Framework.

Other Matters

13. As the Council state the development is within the settlement boundary of Brenzett I do not find conflict with Policies SS1 and SS3 of the Shepway Core Strategy Local Plan 2013, which seek to focus development within existing sustainable settlements.
14. The Council consider that there is no particular need for the proposed office use in this location. I note that this did not ultimately form a reason for refusal and, in any event, I have found that no harm would arise.
15. I have had regard to the additional issues raised by third parties, including the impact on the living conditions of neighbouring occupiers with regard to noise disturbance and privacy. The Council has addressed these issues within its officer report and based on my assessment and site visit, I agree with its conclusions. Concerns have also been raised for the future use of the building and recent alternative uses. However these matters fall outside the scope of the appeal before me which is based upon the development as described.
16. I note the Council's concerns that the parking arrangements would conflict with earlier approved plans and conditions for the development. However this proposal should be assessed on its own merits and, as I have not found harm, the deviation from the earlier permission does not alter my assessment.

Conditions

17. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
18. In addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. As the parking areas and area shown for cycle storage were already available at the time of my site visit, it is not necessary to secure their delivery. I have imposed a condition to ensure that those parking and cycle facilities are maintained and available for use at all times, to ensure that adequate parking is available.

19. I have not imposed conditions restricting the hours of operation of the office nor the use class of the building. The use of the building as an office is unlikely to give rise to significant noise disturbance beyond that which could be experienced from a residential dwelling, and as such a condition on its hours of use would not be necessary. Planning Practice Guidance states that conditions restricting a change of use may not pass the test of reasonableness or necessity. Given the scale of the building, and in the absence of evidence to support the necessity of such a condition, I do not consider such a restriction to be necessary or reasonable.

Conclusion

20. For the reasons given above, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal should be allowed.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1723-PL01 Rev.A, 1723-PL02 Rev.A, WD-10 Rev.B.
- 3) The parking spaces and cycle storage facilities shown on plan WD-10 Rev.B shall be maintained and available for use at all times.