



Appeal Decision

Site visit made on 5 December 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2022

Appeal Ref: APP/L2250/W/21/3285119

Copper Beech Farm, Lymbridge Green, Stowting Common, ASHFORD, TN25 6BJ

- 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 & Mrs Alman against the decision of Folkestone and Hythe District Council.
 - The application Ref 21/1179/FH, dated 28 May 2021, was refused by notice dated 8 July 2021.
 - The development proposed is use of existing incidental annex building to allow occasional use by visiting tourists.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision. Reference has been made by the parties to paragraphs 83 and 84 of the 2019 Framework, however those paragraphs are reflected within paragraphs 84 and 85 of the 2020 Framework.

Main Issues

3. The main issues raised by this appeal are: -
 - a) Whether the proposal is an appropriate location for tourism accommodation; and
 - b) Whether the internal living standards would be acceptable for future users.

Reasons

Tourism accommodation

4. Policy CSD3 of the Shepway Core Strategy Local Plan 2013 (the Core Strategy) 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 Places and Policies Local Plan 2020 (the Local Plan) reflects Policy CSD3 of the Core Strategy 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. Paragraphs 84 and 85 of the Framework seek to enable sustainable rural tourism which respects the character of the countryside and states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure the development does not have an unacceptable impact on local roads. The use of previously developed land and sites that are physically well-related to existing settlements are encouraged.
7. The settlement hierarchy seeks to maintain the character and integrity of the countryside, and protect small rural places, alongside seeking to achieve sustainable places. 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 proposed development would be outside any defined settlement boundary and would not be within a rural centre or primary village as set out in the settlement hierarchy of the Core Strategy. As such, the proposal falls within a rural location, therefore, the location of the proposed holiday let would not accord with these policies.
8. The appellant contends that the site to be at Lymbridge Green and within the hamlet of Stowting Common. There are dwellings and other developments close by and the proposal would not encroach upon the wider undeveloped countryside landscape. Nonetheless, development plan policies define the site to be a location within the countryside and not a site that would fall within or adjacent any settlement boundary as set out within the settlement hierarchy for the district.
9. The closest train station would be Sandling Stations, approximately 6.7 miles away. There is a bus stop approximately half a mile from the site at Six Mile, Selling. I have little information relating to frequency of the bus services. Six Mile is classified as a 'secondary village' that offers a car repair garage, fuel, a small retail outlet and a public house all within approximately a mile from the site that could be reached by walking or cycling. There is no public transport to Selling, but it is only a short journey away by car. There are public footpaths and bridleways that could provide visitor's walking access to settlements further afield.
10. It would be possible to enjoy walking, hiking, running and cycling in the area, however this would only be likely to attract a very limited market of paying guests. Furthermore, the accommodation is put forward as self-catering where guests would need to travel to acquire food, whether that be at supermarkets or public houses/restaurants.
11. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, 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. Travel by private vehicular would be necessary as alternative travel options

- would be limited close to the appeal site. Whilst some guests may be walkers or cyclist and not arrive by private vehicle as this is part of the nature of their holiday, parking at the site would be provided for guests. As such, this would not discourage the use of private vehicles by guests. Guests would be heavily reliant on vehicular transport to visit services, facilities and attractions. This would result in an unsustainable tourism facility with poor access to services.
12. Policy E3 Part 6 also states that new tourist accommodation in the countryside will only be permitted in exceptional circumstances where it can be demonstrated that available sites within or on the edge of settlements are not suitable and an open countryside location is needed (Part 6(i)). It has not been demonstrated whether any site or sites would be available within or on the edge of any other settlement.
 13. Further to the above, the appeal siting commands its rural location by virtue of it being an existing building within the appellant's residential grounds. The site is said to be close to well-known North Downs walking paths and scenic views and the holiday let would provide an opportunity for couples to enjoy the tranquillity of the immediate countryside. It is also considered that the pool is a unique draw to this particular holiday let, however that draw would likely to be limited to those clement months of the year. These would not provide robust justification to depart from the hierarchy set out in the development plan.
 14. I have not been provided any details relating to other vacant buildings in the area and their suitability for potential conversion. The building was a garage and has been converted or re-purposed and brought into use to provide a bed, small kitchenette and ensuite that is used ancillary to the main dwellinghouse. Indeed, the description of the proposed development indicates this to be an existing incidental annex building. Therefore, the proposal would not represent a vacant building to which Policy 3 Part 6 (ii) might apply.
 15. It is contended that weight should be given to the previous dilapidated state of the building and the conversion returning the building to a beneficial use. The appellant maintains that it was always intended to be used as a holiday let, otherwise it would not have been converted. However, as work to transform the garage to habitable accommodation has taken place, it is not possible to apply Policy 3 Part 6 (ii) retrospectively.
 16. Policy E3 of the Local Plan also states that new tourist accommodation or attractions in the countryside, or expansions of existing sites, will be permitted in exceptional circumstances where it can be demonstrated the development would be viable (Part (iii)) and would have significant economic and other benefits for the locality. Whilst there is a suggestion that the proposal would be part of an existing rural tourism business, no details have been provided that might support this. The planning history held by the Council does not indicate any history of tourism use at Copper Beech Farm.
 17. A business plan has been submitted in support of the proposal. However, the only bookings recorded are between April and July 2019, although the unit was fully booked between July 2021 into September 2021. The business plan identifies outgoing costs relating to a pool cleaner due to increased usage by guests, a requirement for a gardener and cleaner for changeovers, and provision for a guest welcome pack. The business plan submitted is based on

previous letting over a very short period of time. This would not provide a reliable projection of future uptake.

18. Further to the above, the business plan implies that the holiday let would operate all year round. This is conflicting information when read in conjunction with the Planning Statement which says a mixed use is sought (continued use by visiting family and friends in addition to use as a holiday let for up to 2 guests) and the proposed description of development stipulated on the planning application form (as set out in the banner heading above). The Planning Statement explains that the holiday let is only available for limited holiday let use as it is to be also used by family and friends. This does not support the all year round venture as presented within the business plan as the accommodation would not be made available for paying tourists for substantial periods throughout the year.
19. This evidence does not demonstrate that the holiday let accommodation would be based upon a sound business plan that would demonstrate it to be a viable enterprise in the longer term that might provide significant economic benefits. Furthermore, this does not demonstrate a need or demand for this tourism facility.
20. The Framework supports a prosperous rural economy. The proposal would bring some spend to the rural economy and support some services and facilities in the wider area, such as those at Six Mile. It may create employment for local people. However, being a small two-person limited availability holiday let, it would not bring about significant economic and other benefits for the locality, as is required by Policy E3 Part (iii).
21. The appeal site falls within the North Downs AONB however it would not be major development to which Part (iv) of Policy E3 would apply.
22. The appellant directs me to Policy E7 of the Local Plan that relates to the re-use of rural buildings, that supports the development and expansion of the rural economy or tourist industry (including visitor accommodation). I accept that the proposal would overall accord with the criteria set out in this policy. Nonetheless, this does not obviate the requirement to assess the proposal against other policies within the development plan, and this includes that of Policy CSD3 of the Core Strategy and Policy E3 of the Local Plan.
23. For these reasons, I conclude that the proposal would not be an appropriate location for tourism development. The proposed development would, therefore, conflict with Policy CSD3 of the Core Strategy and Policy E3 of the 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 Framework would offer support for business growth.
24. The Covid-19 pandemic has seen greater demand of local tourists wishing to holiday closer to home. Whilst this may be the case, this does not justify the setting aside of relevant development plan policies that resist tourism development in this location.

25. The appellant seeks consistency in decision taking. I have been directed to other proposals for tourist accommodation within the area at Chapel Cottage (re-use of dilapidated building to 2 holiday lets) and The Lodge (erection of a tree house style holiday unit).
26. I note that in the case of Chapel Cottage committee members departed from the officer recommendation that was to refuse planning permission, for similar reasons to those provided in this case. The committee minutes show there to be both member support for and against the proposal, but it was the chair's casting vote that granted the planning permission. Although the Core Strategy would provide the same policy context as the scheme subject to this appeal, those proposals pre-dated the adoption of the Local Plan. Policy E3 of the Local Plan reflects and bolsters of Policy CSD3 of the Core Strategy. I do not consider that a finely balanced member decision offers strong support for granting this proposal taking into account that Policy E3 of the Local Plan has been in force since that decision was reached by members. The proposal at The Lodge was considered in 2017. That case also predates Policy E3 which is now a material planning consideration. These decisions offer little weight in support of the proposal.
27. I have also been referred to an appeal decision relating to the restoration and conversion of an historic barn from agricultural use to holiday accommodation at The Barnfield, Brabourne Lane, Stowting Common. Whilst it is advanced within the appellant's statement of case that these considerations should also carry weight in favour of the development, no specific aspects of the decision letter have been drawn to my attention. I have been provided with a copy of the Inspector's decision letter. There were considerations relating to the heritage listed barn. The heritage balance concluded the tourism use to be the optimum viable use in the interest of the building and its setting, despite the location being contrary to Policy CSD3. The considerations in that case were clearly different and taken on their own individual merits. That decision offers little weight in support of the proposal.

Internal living standards

28. The proposed internal floor space for the holiday let accommodation would measure approximately 20m². This falls substantially short of the 50m² two person, single storey dwellings as required by Policy HB3 of the Local Plan. The proposal would provide a permanent residential unit, although being on holiday the occupiers would spend less time at the accommodation. Nonetheless it is intended for residential occupation and on this basis the space standards policy should apply. The minimum standards would ensure that development is not cramped. The proposal would fall substantially short of the standards in this instance.
29. It is contended that the space would be ample for short stay accommodation and larger than most hotel rooms. However, unlike hotel rooms the unit is intended to be self-contained accommodation where occupiers would prepare meals and relax. The unit is limited to a kitchenette/diner, bedroom and ensuite. Other than the pool and a small outside seating area, there would be no other living accommodation available to them, such as a lounge. The accommodation may be well appointed and be of quality finish and have been given a 4-star rating by Visit England. Nonetheless, it would result in cramped accommodation for its future occupiers and would not provide an acceptable

level of amenity as a result of its insufficient size. As such, this brings the proposal in to conflict with Policy HB3 of the Local Plan.

Other Matters

30. The proposal would bring about social benefits by contributing to tourism and the wellbeing of people who wish to appreciate the beauty of the location. It would also bring about economic benefits by creating jobs and support for local services and facilities, as well as providing an income for the appellant. Nonetheless, the harm that I have identified relating to the unsatisfactory location of the development and standard of accommodation are not outweighed by these limited social and economic benefits associated with the proposal. Consequently, the proposal would not represent sustainable development when assessed against the policies in the Framework when taken as a whole.

Conclusion

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

Nicola Davies

INSPECTOR