



Appeal Decision

Site visit made on 5 November 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th January 2025

Appeal Ref: APP/L2250/W/24/3347246

Oathill Barn, Aldington Road, Lympne, Kent CT21 4LX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Trevor Coleman against the decision of Folkestone and Hythe District Council.
 - The application Ref is 24/0194/FH.
 - The development proposed is described as the change of use from commercial office to residential dwelling. With the dwelling to be occupied by the applicants as their main residence.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework and the 2023 Housing Delivery test results were published on 12 December 2024. The parties were invited to provide comments on these matters, however no representations were received.

Main Issues

3. The main issue is whether the proposal would result in the loss of a rural employment site.

Reasons

4. The appeal site lies outside any defined settlement boundary, so it is within the countryside for policy purposes. The site accommodates a two-storey detached building and some outbuildings. It is currently vacant and was last used as office space. The surrounding area is rural in character and there are two residential properties to the rear of the site.
5. Policy E2 of the Folkestone & Hythe District Places and Policies Local Plan 2020 (PLP) sets out that proposals to redevelop employment sites for alternative uses will be permitted, if they demonstrate the specified criteria.
6. PLP Policy E2 criterion 1 requires a development proposal to demonstrate that the existing or former employment use is no longer appropriate in terms of neighbouring uses or impacts on the natural environment. Criterion 2 requires proposals to demonstrate that the site or premises has been subject to sustained marketing over 12-month period prior to the submission of the planning application, but the site or premises has remained unlet or unsold for all appropriate types of B Class employment use and no reasonable offers

have been received. Criterion 5 requires demonstration that the site is unviable for redevelopment for an alternative employment use.

7. The appeal building is the only commercial unit within the group of buildings it lies within. While the introduction of a residential unit in this location would not appear out of character, there is no compelling evidence before me to demonstrate that the area has significantly changed since the grant of the planning permission pertaining to the change of use of the building to office space. As such, the proposal has failed to satisfactorily justify that an employment use would no longer be appropriate in terms of neighbouring uses or impacts on the natural environment, as required by criterion 1 of PLP Policy E2.
8. At the time of submission of the planning application, the appellant had attempted to re-let the building for about five months with the rates set at competitive values and there was limited interest in the property. At the time of the appellant's Appeal Statement, the property would have been on the market for nine months. Whilst the appellant considers this to be more than adequate time to attempt to re-let the property, the marketing period that was undertaken was below that required by the development plan. Moreover, the submission is not supported by robust evidence of the marketing exercise that has taken place. As such, in the absence of information confirming that the site has been advertised adequately, including information regarding the rate, letting particulars and locations where the property was marketed, the submission has failed to satisfy criterion 2 of PLP Policy E2.
9. The appellant asserts that the demand for small rural location offices has tailed off, with many small businesses choosing to work from home, so it is no longer viable to let the building without reducing the rent to an unsustainable level. However, this position is not supported by compelling evidence. As such, the proposal has failed to demonstrate that the site would be unviable for redevelopment for an alternative employment use. Therefore, criterion 5 of PLP Policy E2 has not been demonstrated.
10. PLP Policy E7 relates to the conversion of rural buildings. However, it only allows this when it supports the development and expansion of the rural economy or tourist industry, subject to various criteria. It goes on to state that where a rural building can accommodate a business reuse in accordance with the policy, proposals for conversion to a residential use, which is not ancillary to a scheme for business reuse, will need to be justified through a statement detailing the efforts made to secure a business reuse in the first instance.
11. Whereas it may be that the proposal would meet the requirements of criteria 1 to 6 listed under PLP Policy E7, as suggested by the appellant, in the absence of robust evidence, it has not been satisfactorily demonstrated that reasonable attempts have been made to actively secure a business reuse for the site.
12. In light of the above, the proposal has failed to demonstrate that it would not result in the loss of a rural employment site, contrary to PLP Policies E2 and E7. These policies seek to support the expansion of the rural economy and protect existing employment sites for businesses purposes.

Other Matters

13. The site lies within the Kent Downs National Landscape (NL). Section 85 of the Countryside and Rights of Way Act 2000 places a duty upon me to have regard to the purpose of NLs to conserve and enhance the natural beauty of the area. The special qualities of the Kent Downs NL include agricultural fields bound by hedgerows with intervening woodlands and undulating topography.
14. As the external alterations to the building would be limited, its character and appearance would not change substantially as a result of the proposal. The land to the front of the building currently appears to be maintained in a similar manner to a residential garden, so its appearance would be unlikely to change significantly because of the proposal. However, in the interests of protecting the landscape and scenic beauty of the NL, conditions removing permitted development rights for means of enclosure and outbuildings could be imposed, were I minded allowing the appeal, because such structures have the potential to harm the NL. Subject to this, the proposal would not be harmful to the character and appearance of the Kent Downs NL.
15. The site lies within the River Stour Operation Catchment Area. The proposal would result in the provision of a new dwelling, so it could have potential significant effects on the Stodmarsh Special Area of Conservation, Stodmarsh Special Protection Area, Stodmarsh Ramsar Site, Stodmarsh Site of Special Scientific Interest and Stodmarsh National Nature Reserve and the protected species that they contain. Had I been in a position to otherwise allow this appeal, it would have been necessary to consider this matter within a separate Appropriate Assessment. As the appeal is being dismissed for other reasons, I have not done so.
16. The appellant asserts that the property will become overgrown and unmaintained should the appeal not succeed. However, I am not persuaded that the appeal scheme is the only means of ensuring that the site remains well kept. While the building is of permanent and substantial construction and the works required to facilitate its conversion would be limited, this would not justify the proposed development which, for the reasons set out above, has failed to demonstrate that the loss of this rural employment site would not be harmful.

Planning Balance and Conclusion

17. The proposal would support the Government's objective of significantly boosting the supply of homes. There is also the reuse of a building to consider as opposed to development taking place on a green field site. Future residents would support the local economy and would be in an existing community. These would be positive elements of the appeal scheme to which I would ascribe some weight although not such that would be sufficient to outweigh the harm that I have found and subsequent conflict with the development plan that would arise.
18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR