



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: 4th February 2025

Appeal Ref: APP/L2250/W/24/3345712

Manor Farm, Aldington Road, Court-at-Street, Kent CT21 4PH

- 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 James Thompson (AJ Thompson & Sons) against the decision of Folkestone and Hythe District Council.
 - The application Ref is 23/1735/FH.
 - The development proposed is the conversion of disused historic farmstead buildings to five dwellings, including modest extensions and reinstatement of oast roof, associated parking and private amenity areas, landscaping and ecology enhancements. Reinstatement of open sided pitched roof structure to the south of the main buildings for shared storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In response to the Council's fourth reason for refusal, the appellant carried out a Bat Survey in the summer months and has sought to submit this report during the course of this appeal. The planning appeals procedural guidance¹, confirms that, if an appeal is made, the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Given the nature of these details, local residents would be prejudiced if I were to consider them as part of the appeal. Therefore, I have not accepted this late evidence.
3. The revised National Planning Policy Framework (the Framework) and the 2023 Housing Delivery test results were published on 12 December 2024. I have invited the main parties to provide comments on these matters and have received comments which I have taken into account in my determination of the appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal on ecology;
 - whether it has been demonstrated that a business or commercial use of the site would not be viable;

¹ Procedural Guide: Planning appeals – England (2024).

- whether the lambing shed would be suitable for conversion to residential use having regard to the development strategy for the area; and
- the effect of the proposed development on the character and appearance of the area, including the Kent Downs National Landscape (NL)².

Reasons

Ecology

5. The planning application was supported by a Preliminary Ecological Assessment and Bat Building Survey (PEA) which identified evidence of bats or their roosts in the buildings on site. The PEA recommends that further survey work is required during the breeding season to enable determination of breeding roosts, and during winter to check for hibernation roosts, especially amongst the dense ivy growths.
6. The PEA identified the ruderal areas of vegetation in the farmyard and on one building as potential reptile habitat. The survey for reptiles found common lizards and slow worms on site, albeit details of a mitigation / compensation strategy have not been provided.
7. The PEA suggests that barn owls do not nest on site, but they have roosted more than once. However, the initial surveys were unable to determine if the barn was used for nesting due to the collapsed floor in the building. The PEA recommends that efforts should be made to ensure that the breeding status of barn owls on site is accurately determined.
8. Current advice³ states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant considerations may not have been addressed in making the decision.
9. In light of the above, insufficient information has been provided to demonstrate that the proposal would not have an unacceptable adverse effect on protected species. Given my responsibilities to these protected species, the necessary confirmation of the accurate extent of bats, reptiles and barn owls on site and the formation of potentially sufficient or proportionate mitigatory measures are matters that cannot be left to a condition.
10. There are areas designated as Local Wildlife Site near the site. The proposed development would entail some potential adverse impacts on these areas, namely from light pollution and potentially dust pollution from the demolition and construction on site. Details of how dust and light pollution would be reduced during and after construction could be secured by planning condition, were I minded allowing the appeal.
11. The proposed site plant shows some landscaping and details of biodiversity enhancements within the wider site could be secured by condition.
12. Without any certainty in relation to the above matters, I cannot conclude that the proposal would have no harmful effect on ecology. It would fail to accord

² Formerly Area of Outstanding Natural Beauty

³ Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation and 9.2.4 BS 42020:2013 Biodiversity Code of Practice.

with Policy NE2 of the Places and Policies Local Plan 2020 (LP), which requires new development to conserve and enhance the natural environment.

Business / commercial use of the site

13. The appeal site, for the purposes of planning policy, falls within the countryside. LP Policy E7 refers to the reuse of rural buildings and says that proposals for conversion from business use to a residential use will need to be justified through a statement detailing the efforts made to secure a business reuse in the first instance.
14. The evidence before me comprises a brochure prepared by a specialist agent company which shows that the appeal buildings were offered for sale along with the adjacent residential farmhouse as a whole. The appellant advises that the property was advertised from April 2022 and the level of interest generated was limited. However, there are no details, including the nature, length and reach of the marketing campaign, and if the price was set at a commensurate level for the area. I accept that LP Policy E7 does not specifically require marketing evidence to be provided, nevertheless, it has not been satisfactorily demonstrated that reasonable attempts have been made to actively secure a business reuse for the site.
15. In terms of internal layout, the proposal to convert the existing buildings into flats would require the insertion of several internal walls. Therefore, I am not persuaded that the buildings could not be adapted to meet the needs of a modern office environment. While I accept that the rural location may be less attractive for an office space, there is nothing before me to suggest that this location would be unsuitable to accommodate other businesses, more typical of rural areas.
16. The appellant asserts that significant conversion costs would prohibit the viability of a tourism or business reuse. While this may be the case, no substantive evidence has been submitted to support this claim. Neither have I been provided with compelling evidence to demonstrate that the proposed scheme represents the optimal viable use of these buildings and is therefore the sole means to avoid their loss.
17. The Framework supports the conversion of rural buildings to residential in the countryside. However, it also seeks to support a prosperous rural economy, through the development and diversification of agricultural and other land-based rural businesses and sustainable rural tourism developments. For these reasons, LP Policy E7 is broadly consistent with the aims of the Framework.
18. As such, it has not been demonstrated that a business or commercial use of the site would not be viable. The proposal would therefore be contrary to LP Policy E7, as set out above.

Suitability for conversion in policy terms

19. LP Policy E7 supports proposals for conversion to residential use when they involve the re-use of a traditional building of architectural or historic merit that is worthy of retention, in addition to the other criteria listed.

20. The site comprises a collection of historic buildings which form part of a farmstead and a small former yard area. The Historic Environment Record⁴ for Manor Farm identifies the property as a post-medieval farmstead, comprising a regular courtyard multi-yard farmstead in an isolated position with a detached farmhouse, with only a partial loss of its original form. The evidence indicates that the buildings on site, including the lambing shed, are evident on historic OS maps from as early as 1840. The appeal buildings are therefore considered to have a group value, along with the adjacent farmhouse, and represent an example of a historic farmstead that is an important cultural part of the Kent Downs NL.
21. The lambing shed is a single storey building of a simple architectural design, reflective of its agricultural use. While the building has undergone modern brickwork repairs, part of the historic ragstone walls with brickwork corner and eave detailing on the elevations remain, and these demonstrate the craftsman techniques used to construct the building at the time. As such, the building is of an historic merit, along with the others in the group, that is worthy of retention.
22. Thus, the lambing shed would be suitable for conversion to residential use having regard to the development strategy for the area, in accordance with CS Policies SS3 and CSD3 and LP Policies HB1 and E7. These policies support development that enhances integration, the reuse of rural buildings and support the conversion of rural buildings in the countryside where this involves the re-use of a traditional building of architectural or historic merit that is worthy of retention, amongst other things.

Character and appearance

23. NLs are defined as 'valued landscapes' by the Framework, which states that NLs have the highest status of protection in relation to conserving and enhancing their landscape and scenic beauty. 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 Framework requires that great weight be given to these matters in decision making.
24. The Kent Downs AONB Landscape Character Assessment Update (2020) sets out that the special characteristics of the Kent Downs NL include a landform dominated by a sloping south-facing escarpment with undulating land above, a range of land uses such as pastoral and arable agriculture, fields generally irregular in shape and a strongly patterned and textured landscape.
25. The site lies on top of the escarpment, which is topped by a wide band of open arable land that extends along the southern side of Aldington Road. The buildings are sited close to Aldington Road and, as the surrounding landscape is open and relatively flat, the site occupies a prominent position in the street scene. As an historic farmstead, the site is an important cultural part of the landscape, albeit its contribution to the character of the area is somewhat tempered by the derelict appearance of the existing buildings. On the opposite side of the road there is a small ribbon of development.

⁴ HER Number: TR 03 NE 11

26. The proposal seeks to convert the buildings on site to five dwellings, alongside modest extensions. While some new openings would be inserted on the elevations of the main building, these would be the minimum required to facilitate the conversion. Further, the openings would be proportionate and well positioned, so the proposed façades would be active, with limited expanses of blank walls. The rooflights would be set in a uniform pattern and would be limited in number, so they would not clutter the roof slope.
27. The Design and Access Statement shows that the proposal would retain part of the existing building fabric, and a more contemporary approach would be introduced in the new infill sections. This would use natural good quality materials to show a clear distinction between the original and new elements of the proposal. The zinc roof cladding would draw inspiration from the existing corrugated roof cladding and the dark stained timber cladding would be typical of the Kent Downs. Details of the proposed materials could be secured by planning condition if I were otherwise minded allowing this appeal.
28. The evidence shows that the original oast kiln roof was replaced by a pitched roof structure which, due to its shape, forms a poor juxtaposition with the lower remaining section of the round oast. The proposed oast would be of an appropriate size and, subject to suitable materials, it would enhance the character of the building. Due to its modest scale, the proposed side extension would be subordinate, and its design would be sympathetic to its host. The single storey extension would replace the corrugated lean-to structure, so it would constitute a betterment.
29. The private gardens would be modest and defined by a low-level post and rail fence, which would be an appropriate boundary treatment in this rural location. The amount of hardstanding would not appear excessive for the purposes of vehicular access and parking. The proposed block plan shows that planting would be provided around the parking spaces, which would obscure views from public vantage points. Further planting along the eastern boundary could be secured by planning condition, which would filter views to the parking areas.
30. In light of the above, while the nature of the site would change from agricultural to residential, the proposed design, including the reinstatement of the oast, palette of materials and interconnecting roof forms with varied ridge heights, would reflect the character of the original buildings and would not harm the landscape and scenic beauty or special characteristics of the NL.
31. Accordingly, the proposed development would not have a harmful effect on the character and appearance of the area, including the Kent Downs NL, in accordance with LP Policies HB1 and E7. These policies support development that makes a positive contribution to its location and surroundings.

Other Matters

32. The pair of semi-detached dwellings to the northeast of the site, Manor Farm Cottages, is a Grade II listed building. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the setting of this heritage asset. The listing description⁵ suggests that the two storey building dates early to mid-

⁵ List Entry Number: 1061117

18th century, with recent 20th century alterations. The significance of this heritage asset derives, in part, from its design and materials and its setting is informed by the agricultural buildings and dwellings nearby. The proposal, due to its sympathetic design and overall enhancement of the site, would preserve the setting of this listed building.

33. The appeal proposal would deliver five new dwellings to contribute to the housing stock within the Borough and would support the Government's objective of significantly boosting the supply of homes. The proposal would constitute an efficient use of land, would reuse a vacant site and retain a historic group of buildings. The site is a small one, so it would likely assist a small or medium enterprise housebuilder to deliver new homes and the redevelopment could be delivered quickly. Taken together, these benefits attract moderate weight in favour of the appeal proposal.

Planning Balance and Conclusion

34. The submission has failed to demonstrate that the proposal would have no harmful effect on ecology and that a business or commercial use of the site would not be viable. The magnitude of these harms would be significant.
35. The Framework seeks to conserve and enhance the natural environment and supports a prosperous rural economy. LP Policies NE2 and E7 are broadly consistent with the Framework and therefore the conflict between the proposal and these policies should be given significant weight in this appeal. The proposal would therefore conflict with the development plan as a whole.
36. The appellant states that the updated changes to the standard methodology formula used to calculate housing targets within the Framework would likely result in increased housing targets for the Council. They go on to state that the Council has failed to meet their housing targets over the last three years with delivery rates falling below 85%, therefore in accordance with the Framework the Council would need to provide a 20% buffer in the addition to the requirement for an action plan. The appellant concludes that it is increasingly likely that the Council will continue to fail to deliver a sufficient supply of housing based on past evidence and delivery rates and the increased housing figures. The Council has not provided any comments on these matters.
37. It is therefore unclear from the evidence before me whether the provisions of footnote 8, paragraph 11(d)(ii) of the Framework should be applied. However, even if I were to assume, for the purposes of this appeal, that the requisite housing land supply does not exist, the adverse impacts in this case would significantly and demonstrably outweigh the benefits associated with the delivery of five dwellings. As such, the proposal would not constitute a sustainable form of development in terms of the Framework.
38. The proposal conflicts with the development plan as a whole 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