



Appeal Decision

Site visit made on 5 March 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/Z2260/W/24/3349417

Land rear of Honeysuckle Inn, 31 Honeysuckle Road, Ramsgate, Kent, CT11 8AA

- 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 Joseph Gibbons against the decision of Thanet District Council.
 - The application Ref is F/TH/23/1459.
 - The development proposed is lightweight timber framed building to be used as Holiday Let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the address from the decision notice as it more clearly identifies the site.
3. The Council made its decision based upon amended drawings, which offered a small reduction in the scale of the building. The appellant seeks to have the appeal determined on the basis of the originally submitted scheme. Given that there were no representations from neighbours to the initial scheme; the changes do not fundamentally alter the proposal and the Council's observations and concerns are equally applicable to both schemes, I am satisfied that no party would be prejudiced by my considering the scheme as originally submitted, which is what I have done.
4. The appeal site lies within the Montefiore Conservation Area (MCA). I have therefore paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area, in accordance with s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The host property and Nos. 4 and 6 Honeysuckle Road, which are opposite the appeal site, are Grade II listed buildings. I have therefore also had regard to section (66)1 of the Act, which requires special regard be paid to the desirability of preserving listed buildings and their settings.

Main Issues

6. The main issues are the effect of the proposed development on:
 - a) the character and appearance of the area with particular regard to the setting of the Grade II Listed Building and the character or appearance of the Montefiore Conservation Area (MCA); and

- b) the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI).

Reasons

Character and Appearance

7. The MCA extends over a large area, much of it encompassing the open land around the Montefiore Synagogue. The special interest and significance of the MCA, insofar as it relates to this appeal, is provided by the historical buildings encompassed by the MCA but also the dense and informal arrangement of buildings that in places creates a narrow streetscape. This is particularly evident along Honeysuckle Road where the quality of historic buildings and their relationship to one another contribute positively to the MCA and its significance.
8. The host building dates from the late 18th century. The building's primary special interest is expressed in its simple architecture and detailing, but it also includes the evidential, aesthetic and historic value from its use as a public house.
9. The building also derives intrinsic historic and evidential value from being experienced in a setting where the buildings around it are similarly positioned directly adjacent to the road, creating a narrow and enclosed setting. In this respect, Nos. 4 and 6 Honeysuckle Road, which are also Grade II listed buildings, both benefit from and contribute to the setting of the appeal building and the MCA.
10. The proposed building would have a timber finish and be smaller than the host building. However, that does not mean it would be read as a sympathetic or subservient outbuilding within the curtilage. To my mind, even though most of the building would be behind a wall, its scale, design, and positioning mean that it would not appear as a functional outbuilding associated with this historic building.
11. Rather, it would appear as a modern structure which would relate poorly to the main building, appearing as an unexpected and discordant feature when seen from the public realm. Despite the greenery provided by the planting and mature trees, the proposed building would appear incongruous within this setting. It would serve to confuse and dilute the understanding and experience of the host building as well as its relationship with the listed buildings opposite and the wider MCA.
12. As a result, I conclude the proposed building would cause harm to the prevailing environment, and in particular to the setting of the listed building and to the character and appearance of the conservation area. This harms their significance as designated heritage assets.
13. The proposal therefore fails to comply with Policies HE02 and HE03 of the Thanet Local Plan 2020 (TLP). These collectively, amongst other things, seek to ensure that proposals within conservation areas are sympathetic to their setting and do not detract from the significance of a heritage asset.
14. The proposal would also conflict with Section 16 of the National Planning Policy Framework (the Framework) which seeks to conserve and enhance the historic environment in a manner appropriate to its significance, as well as the objective of ensuring that development is sympathetic to local character and history.

15. Owing to the scale and nature of the proposals the degree of harm to the significance of the heritage assets would be less than substantial. I consider this further in the heritage balance below.

Thanet Coast and Sandwich Bay SPA and Hacklinge Marshes SSSI

16. Given the nature and sensitivity of the habitats within the SPA and SSSI, they are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). In brief, these habitats and the various birds and wildlife they support are easily disturbed by many factors but in particular from recreational activity such as people visiting them, walking dogs etc. This recreational activity is most likely to come from people based within a 6km radius of the SPA.
17. Users of the holiday let accommodation would potentially contribute to the recreational activity being undertaken at these sites. The Council considers the proposal would therefore be required to provide appropriate mitigation. The Appellant does not disagree with this position, and I have no reason to find otherwise.
18. The Council has a tariff-based system in place for new development which would enable the necessary mitigation to be provided. The Appellant indicates a willingness to provide the necessary financial contribution upon any approval. Whilst I do not doubt this intention, where suitable mitigation has not been secured at the point of decision, the Habitats Regulations state that planning permission should only be granted if there are reasons of overriding public interest and suitable compensatory measures are secured. As neither of these prerequisites are met, permission cannot be granted.
19. Consequently, I find that the proposed development could result in harm to the integrity of these protected sites. This would conflict with both the Habitats Regulations and Policy SP29 of the TLP which require that such sites receive the highest levels of protection and that any harm is appropriately mitigated so that development likely to have an adverse effect on nature conservation interests is not permitted.
20. The development would also conflict with the Framework, which requires development to protect and enhance the natural environment and sites of biodiversity value, improve biodiversity, and that where significant harm to biodiversity cannot be adequately mitigated, permission should be refused.

Heritage Balance

21. The Framework states that great weight should be given to the conservation of a designated heritage asset, irrespective of whether the harm to its significance is less than substantial. The Framework also requires that the less than substantial harm to the significance of a designated heritage asset is weighed against the public benefits of the proposal.
22. In terms of the public benefits, the development would no doubt contribute to the local economy both during construction and afterwards when it would help boost tourist trade. However, the scale of the development limits the extent of these benefits.

23. As such, the cumulative weight of benefits would not be sufficient to outweigh the importance and weight that I attribute to the erosion of the significance of the heritage assets. The identified heritage harm is therefore unjustified in terms of the approach to heritage set out in the Framework.

Other Matters

24. The appellant indicates that there would be no loss of trees. However, the Council has expressed concerns regarding possible harm to the existing trees on site, given that the proposed building is likely to be within their root protection areas. The trees are within and make a positive contribution to the setting of the MCA and the listed buildings. No tree survey has been undertaken and no details have been submitted to demonstrate how the trees would be protected in the longer term. Given that the retention or otherwise of the trees needs to be clearly established before planning permission is granted, imposing a condition for such survey work would not be appropriate. I cannot therefore conclude that the proposal would not have an adverse effect on the protected trees. This counts against the scheme.
25. As noted above, there would be some economic benefits arising from the development but given the scale of the project, these would be limited and so attract only limited weight in support of the proposal.
26. Various matters were identified which it is said, would not be affected by the development. However, these represent an absence of harm and so would be neutral factors in my overall decision.

Planning Balance and Conclusion

27. The proposal is contrary to the policies of the Framework relating to designated heritage assets and protection of habitats sites such as the SPA and SSSI. These provide clear reasons for dismissing the appeal.
28. Furthermore, the proposal conflicts with the development plan when read as a whole. The material considerations cited in support of the proposal do not indicate that the appeal should be decided other than in accordance with the development plan.
29. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR