
Appeal Decision

Site visit made on 18 March 2025

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 27 March 2025

Appeal Ref: APP/L2250/W/24/3351509

Little Hemsted, Woodland Road, Lyminge, CT18 8DL

- 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 Georgia White against the decision of Folkestone and Hythe District Council.
 - The application Ref is 24/0208/FH.
 - The development proposed is the siting and change of use of a shepherds hut to be used as a holiday let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the application form is a lengthy narrative. The wording above used by the Council in its decision notice is more succinct and adequately covers the proposal. The hut has been in use as a holiday let since 2023. An adjoining summer house and vehicular access onto Woodland Road are included in the appeal site.
3. Following an update by the Environment Agency, the site now falls outside the River Stour catchment area where development could have potential significant effects for the habitats sites at Stodmarsh. The second reason for refusal therefore no longer applies.

Main Issue

4. This is whether the shepherds hut is in a suitable location for tourist accommodation having regard to relevant policies.

Reasons

5. Little Hemsted is in a countryside location although there are a few other properties nearby. The shepherds hut is sited within the curtilage of this dwelling.
6. Policy CSD3 of the Core Strategy Review of 2022 deals with rural and tourism development. It indicates that development outside the settlements identified in the hierarchy may be allowed in certain circumstances. These include tourism enterprises which, subject to further caveats, may be acceptable on the edge of Strategic Towns and Service Centres or within Rural Centres and Primary Villages. The proposal is not within any of those locations.
7. This approach reflects Policy E3 on tourism in the Places and Policies Local Plan of 2020. However, that policy also indicates that new accommodation in the

countryside will be permitted in exceptional circumstances where various conditions can be demonstrated. These are considered below.

8. The accommodation is intended as a quiet rural retreat for walkers and cyclists. In order to cater for that sector of the visitor market, an open countryside location is needed rather than a site within or on the edge of a settlement. The appeal site is close to well-known walking routes, scenic views and lanes conducive to cycling. The proposal does not constitute major development within the Kent Downs National Landscape. Furthermore, because of its modest scale, the impact of the hut on the landscape and natural beauty of this designated area is insignificant. If, in due course, it proved to be unattractive to visitors the effect of the hut remaining in situ would be very modest. In that any income derived from the use would support the appellant in financial terms it can be said to be viable.
9. Buses run along Stone Street but there is no footpath along Woodland Road that might encourage guests to use them. In reality, private vehicles are most likely to be favoured by those staying at the site, especially given the need to transport luggage. That said, walking and cycling could be undertaken directly from Little Hemsted without getting into a car. In any case, the National Planning Policy Framework highlights that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Given this, and as the hut is only suitable for two people and may not be booked all year round, the implications for promoting sustainable transport are negligible.
10. Therefore, the proposal does not cause any tangible harm and so there is no need for significant economic or other benefits to outweigh any harm as there is none. As such, criteria 6. i. iii. and iv. of Policy E3 are complied with. However, there is no indication that consideration has been given to suitable vacant buildings in the locality that could be converted. The Council provides no advice as to the lengths an applicant is required to go to in this respect but the supporting text sets out a clear preference to utilise existing buildings.
11. In this regard, there is a range of timber outbuildings to the west of the house. These may or may not be suitable for guest accommodation but the policy expectation is that this should at least be considered before additional development is approved. Therefore, criterion 6. ii. has not been met.
12. As a result, the relevant policies that guide the location of tourism related development in the District are breached. The intrinsic character of the countryside is nonetheless respected by the proposal and in this scenario the Framework establishes that sustainable rural tourism should be enabled. Paragraph 89 contains further, detailed policy provisions but these do not require that new tourism accommodation is well related to the highway network and accessible by a range of means of transport. However, the support provided by national policy does not outweigh the conflict with local policy given that such development should be “sustainable” and as a preferred option has not been explored.
13. The appellant refers to other holiday lets nearby within the garden confines of existing properties but the proposal has to be judged against the development plan policies for the Council’s area. There is no clear evidence of overwhelming demand for accommodation of this kind but, even if there is, this does not outweigh the policy-based objection to the location of the shepherds hut.

14. In summary, although relevant policies make some allowance for tourist accommodation in the countryside this is only when “exceptional circumstances” are demonstrated. Whilst several of the various criteria are met, the option of re-using existing buildings has not been investigated and so the policy requirements are not fully complied with. On this basis, the proposal conflicts with the development plan. As the planning system should be plan-led the hut is not in a suitable location.

Other Matters

15. Other objections were made at application stage. However, traffic flows from such a small hut are likely to be very light and the new driveway did not require planning permission according to the Council. Any external lighting could be controlled by condition if necessary and the hut is well separated from the site boundary. The implications of the occupation of the hut in terms of overlooking and noise within an existing domestic garden are insignificant. There is no firm evidence that its use has had a negative effect on water pressure.

Conclusion

16. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR