



Appeal Decision

Site visit made on 7 May 2025

by I A Dyer BSc (Eng) FCIHT

an Inspector appointed by the Secretary of State

Decision date: 10 June 2025

Appeal Ref: APP/E2205/W/24/3352178

The Crown Inn, The Street, Stone, Kent TN30 7JN

- 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 O Tymon and Mr C Conrath against the decision of Ashford Borough Council.
 - The application Ref is PA/2023/1751.
 - The development proposed is change of use, conversion and extension of a former public house to a single residential dwelling, extension and conversion of an existing annexe to provide an independent dwelling, conversion of an existing shelter to a summer house/office, creation of a new parking area together with hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr O Tymon & Mr C Conrath against Ashford Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Following the Council's determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024 and updated on 7 February 2025. Those parts of the Framework most relevant to the matters in dispute in this appeal have not been materially altered and I do not consider that any party would be disadvantaged as a result of the changes.
4. There are several Listed Buildings near the proposal site. However, both parties are in agreement that the proposal would not affect the settings of these. I find no reason to disagree with this and so I have not considered the effect of the proposal on these further.
5. The site lies within the High Weald Area of Outstanding Natural Beauty, which is a National Landscape (NL). I have, therefore, had special regard to section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended) (the CRWA) and the duty imposed upon me by the Levelling Up and Regeneration Act 2023 (the LURA) to seek to further the purposes of protected landscapes.

Main Issue

6. The main issue in this appeal is the effect of the proposal on the ability of the community to meet its day-to-day needs.

Reasons

7. The appeal site comprises a two-storey public house, with living accommodation on the first floor, accessed by an external staircase, together with a detached annex, a shelter, and three sheds. The public house is identified by the Council as an “Asset of Community Value” (ACV) but is currently closed.
8. The proposal would convert the public house and annex into new, separate dwellings. The shelter would become a summer house to be used in association with the converted annex.
9. Policy EMP10 of the Ashford Borough Council Local Plan 2030 (2019) (the Local Plan) seeks to protect services in villages, allowing their loss only where it can be demonstrated that there is either alternative provision for a similar use within reasonable walking distance or that the service unit is no longer viable for that purpose, or an alternative local service, and that it has remained vacant for a substantial period of time, despite genuine and sustained attempts to let it on reasonable terms.
10. The nearest alternative public houses, The Ferry Inn and the Black Lion at Appledore, are located some considerable distance from the appeal site, beyond the normal maximum distance that people would consider walking to access a service. Further, the intervening roads are unlit, lack footways and subject to a 60 MPH speed limit.
11. Whilst there are alternative routes utilising, for part of the route, public footpaths to each of these public houses, the distance involved would still exceed the maximum distance and these routes are unlit making them unattractive options during the hours of darkness or in inclement weather. I therefore consider that neither are readily accessible to the community of Stone-in-Oxney.
12. The appellants have identified that the Stone-Cum-Ebony Memorial Hall located within the village to the south of the appeal site runs a pop-up pub several times a year. This venue is within reasonable walking distance of the appeal site. Furthermore, the Cricket Club Pavillion, again within easy walking distance of the appeal site, has run social functions. However, neither have run a regular or frequent service to provide the similar, regular service which it would be reasonable to expect from a public house.
13. Moving on to consider the viability of the service provided by the public house, the appellants have submitted a copy of their profit and loss accounts from their last two years of trading. This shows that their business was operating at a loss, and these accounts are not disputed by the Council.
14. Having regard to the marketing of the property as a public house, the appellants have provided a Marketing Report, dated June 2022, and an update to that report, dated September 2023. The business has been closed for some considerable time, last being open in April 2016. Subsequently, starting in April 2020, the main building has been on the open market as a public house with two letting rooms. The annex was not, for a significant part of the marketing period, included in the sale offer. During the marketing period there were several viewings and expressions of interest, from persons seeking to run the building as a public house, and for other community uses. However, no firm offers were received.

15. The annex was built to support the diversification of the business into the bed and breakfast accommodation. The permission granting the construction of the annex specifically linked its occupation to the public house through a planning condition. At that time the accommodation for staff was promoted in order to support the accommodation. Were the annex not to be available this would have potential to affect the viability of the business overall, either by the reduction of available visitor accommodation, or through the inability of staff to live on site.
16. The business described in the marketing information was not, therefore, the same as that which had been operating previously. It is reasonable to assume that if included there may have been greater interest which may have resulted in firm offers. This casts doubt upon the appellants' assertion that the public house is unviable as a business.
17. The appellants identify that there is planning permission on the site¹ to build an additional, two-storey, annex as part of an implemented, but uncompleted scheme and that this could be used instead of the existing annex, should any future business consider it necessary. However, building such an annex would involve more financial outlay, whereas the existing annex is available for use by the business now.
18. It has not been shown that, selling the business in its entirety, with its linked supporting accommodation, would not be viable, either as a public house or another community use.
19. The building has been designated an ACV under the Localism Act 2011: this provides a framework whereby local communities can purchase such assets. However, when given the opportunity, notwithstanding the support for the building's use as a public house within representations from local residents, no party has come forward within the appropriate period to bid for the asset.
20. Bringing these matters together, whilst the business has been closed for a considerable time, on the basis of the evidence before me it has not been demonstrated that the site, if sold as a whole with all of its land assets, would be unviable as the site has not been marketed to its full potential. It has not, therefore met the requirements of either part of Policy EMP10.
21. The appellants assert that the freehold sales market for public houses has been very quiet for a number of years. The appellants refer to various factors, including the smoking ban, discouraging the use of public houses and express concerns that any future extension of smoking bans by the government will make this situation worse. Nonetheless, the Crown Inn has been designated an ACV and such community assets are identified by government in both national and local planning policy as facilities to be preserved to serve their communities unless good reason justifies their loss.
22. Further, the appellants cite a public house, The Chequers Inn, in nearby Smarden, which they consider a more attractive business prospect. This was marketed for a considerable period of time and failed to sell. The appellants identify that the building has since gained planning permission to convert from a Public House to a residential dwelling². The attraction, or otherwise, of a particular business is

¹ Council Ref: 08/01089/AS

² Council Ref: PA/2024/0122

particular to that business. It has not been identified whether there were similar circumstances in regard to the omission of parts of the property from the sale in that case. I have, in any case, determined this appeal on its own merits.

23. I therefore conclude that the proposal would reduce the ability of the community to meet its day-to-day needs. This would be contrary to the aims of Policy EMP10 of the Local Plan. This also leads the proposal into conflict with Policy SP1 of the Local Plan, in as much as this seeks to ensure that development is supported by the necessary social and community facilities and services.

Other Considerations

The Conservation Area

24. As the appeal site lies within the Stone-in-Oxley Conservation Area (the CA). I have therefore had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
25. Harm to the Conservation Area was not cited in the decision letter as a reason for refusal. Nonetheless, I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Within their statements and supporting evidence the parties have commented on the effects of the proposal on the Conservation Area. Thus, no injustice will result by my consideration of the effect of the proposal on that heritage asset.
26. The Stone-in-Oxley Conservation Area is focussed on The Street, a narrow village fronted by cottages running down to the church. Its character and appearance in as much as it relates to this appeal is of a modest linear rural village set in its agricultural hinterland. The relationship between the built-up area and its rural surroundings adds positively to the significance of the CA.
27. The Crown Inn occupies a prominent position in the centre of the village, particularly when travelling southwards along The Street. Whilst the building is not listed, it is identified as a non-designated heritage asset. Notwithstanding its alteration over time through the addition of extensions it maintains a significant visual presence in the public realm and its visual character makes a strong positive contribution to the CA.
28. Whilst being a part of the history of the Stone-in-Oxley conservation area, the use does not, of itself add to the significance of the conservation area as a designated heritage asset.
29. Whilst the proposal would add side extensions to the main building, these would be of a traditional design, sympathetic to the historic core of the building, removing a staircase of somewhat incongruous appearance and some smaller scale additions of a more modern appearance.
30. I therefore find that the proposal would respect the character and appearance of the existing property and would not appear intrusive or incongruous within the CA.
31. Similarly, the proposed extension to the existing annexe would be small scale and not out of keeping with the host building. As such it would be neither prominent nor intrusive in the CA.

32. The visual contribution of the main building to the character and appearance of the CA would thus remain and, subject to the imposition of suitable planning conditions to safeguard the appearance of the building within the CA the proposed development would protect and conserve the character and appearance of the CA, thus satisfying the expectations of the Act.

National Landscape

33. Section 85(A1) of the CRWA places a statutory duty upon me to have regard to the purpose of conserving and enhancing the natural beauty of the NL. However, the site is well enclosed in wider views from the countryside and the minor alterations to the appearance of the building would be neither strident nor out-of-keeping in the NL. Its visual impact would be limited mainly to the immediate vicinity. It would thus not be intrusive within the wider landscape and would, therefore, not harm the landscape and scenic beauty of the NL. In so doing it would conserve its scenic beauty.

Benefits of the scheme

34. There is no dispute between the parties that the Council is unable to demonstrate a five-year supply of deliverable housing sites in line with Government expectations. The Council estimates that it has a supply of housing land of about 4.4 years. Thus, the addition of two dwellings would go a small way towards making up a shortfall in local housing supply.
35. The appeal site is previously developed land as defined by the Framework and within the built-up area of Stone-In-Oxney. The Framework supports the development of windfall sites and of under-utilised land and identifies that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. Great weight should be given to the benefits of using suitable sites within existing settlements for homes and substantial weight to the value of using suitable brownfield land for that purpose.
36. The proposal provides an opportunity to secure biodiversity net gain and improve the energy efficiency of the building, however, given the scale of the proposal site these benefits would be limited.
37. The proposal would secure employment within the local area by creating jobs in the construction industry and the supply chain. There would be further support for local services. However, this would be offset by the loss of employment in the public house business and the overall benefits would be, at best, limited.
38. The proposal would secure a viable and active use for the buildings, preventing further dilapidation and safeguarding the visual amenity of the CA. However, such benefits would also accrue were the building to be reopened as a community facility.

Final Balance

39. The proposal would harm the local community through the loss of a community facility. There would be conflict with Policies EMP10 and SP1 and no policies have been cited that support the proposal. The proposal would therefore not accord with the development plan as a whole and this is a matter that counts significantly against allowing the appeal.

40. However, the Government's objective is to significantly boost the supply of homes. Other provisions of the Framework give support to the development of brownfield land within settlements and observe that small sites can make an important contribution to meeting the housing requirement. In Ashford Borough future supply is insufficient and there is a significant shortfall in the supply of housing land. Because of this, paragraph 11 d) of the Framework is engaged.
41. The policies in the Framework seek to both deliver a sufficient supply of homes and protect facilities that serve communities. However, the support of strong, vibrant and healthy communities is fundamental to what the planning and development process should achieve. That would not be so here. Although there is support for new housing in this location the benefits in terms of the overall position in the Borough would be limited. In this case the importance of supporting a local community overwhelms the provision of two extra windfall units.
42. Therefore, the adverse impacts of the proposal significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

43. 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.

I A Dyer

INSPECTOR