



Appeal Decision

Site visit made on 3 November 2025

by **J E Jolly BA (Hons) MA MSc MCIH MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th November 2025

Appeal Ref: APP/X2220/W/25/3369797

The Lighthouse Inn, 111 Old Dover Road, Capel-Le-Ferne, FOLKESTONE, CT18 7HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Faseha (Faseha Property Limited) against Dover District Council.
 - The application Ref is DOV/25/00010.
 - The development proposed is for a partial change of use and conversion to care home.
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Decision

1. The appeal is dismissed.

Procedural Matters and Main Issues

2. The appeal was not determined by the Council within the statutory timeframe and therefore, it has submitted suggested reasons of refusal in its statement of case. The appellant has addressed these reasons through their final comments. I have taken these into consideration in forming, what I see as, the main issues in this case which are:
 - whether the loss of tourist accommodation has been justified,
 - the effect of the proposal on the Coastal Change Management Area,
 - the effect of the proposal on the character and appearance of the area, including the setting of the Kent Downs National Landscape and Heritage Coast (NL); and,
 - the effect of the proposal on the living conditions of the neighbouring occupiers.

Reasons

Loss of tourist accommodation

3. The appeal property is a former restaurant, public house and hotel, which until 2019 included 11 bed tourist accommodation and an operational community facility. The proposal is to convert the Lighthouse Inn into a 39-bedroom care home with a micro-pub with car and cycle parking.
 4. The new micro-pub would be smaller than previous community facilities found at the Lighthouse Inn. Nonetheless, it would provide a contemporary community facility that would include several employment opportunities, including a hair salon related to the proposed care home.
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5. However, Policy E4 of the Dover Local Plan (2024) (DLP) says that loss of tourist accommodation can only be justified through the submission of substantiated evidence that adequately demonstrates that the existing provision is no longer suitable or viable. In the case of the Lighthouse Inn, the submitted evidence before me does not include a professional viability report or marketing information confirming that the property was offered for sale for a period of at least 12 months without firm interest.
6. That said, I concur with the appellant that the renovation work required to bring the ageing building back would be extensive, and therefore, costly. Indeed, even on completion it is likely that the accommodation would still be less desirable to tourists in comparison to the modern and self-catering type accommodation that is available nearby. For example, that found in Varne Ridge Holiday Park, White Cliffs Park, Capel Court Park or the guest houses and/or AirBnB type accommodation found in Capel-le-Ferne and Folkestone, all of which are increasingly popular as an accommodation choice for holidaymakers. Indeed, notwithstanding the attractive cliff top views to the front of the Lighthouse Inn, I conclude that the former hotel is no longer suitable or viable for tourist accommodation.
7. As such, I conclude that the loss of tourist accommodation at the Lighthouse Inn is justified, as set out in Policy E4 of the DLP, which says that proposals for the change of use of existing tourist accommodation of 10 or more bedrooms will be supported where it can be demonstrated that the use is no longer suitable or commercially viable.

Coastal change

8. The appeal site is located in or adjacent to a Coastal Change Management Area where permanent new development is resisted. Consequently, the appellant has submitted a Coastal Change and Vulnerability Assessment and Geotechnical Appraisal¹ (the appraisal) in support of his case.
9. The appraisal concluded that; stabilisation and ongoing monitoring work related to the chalk cliffs following major landslides in 1915, combined with slow rates of erosion, mean that falls and movement in this very specific location are unlikely. Moreover, that any movement is more likely to occur lower down the geological sequence. As such, given that the proposal would be located on previously developed land with new construction limited to upward extensions, and the fact that drainage from the site would be unaltered by the change of use, it is contended that the proposal would have negligible impact on the stability of the cliffs. Furthermore, the renovated building is expected to remain safe and have no increased risk to life during its planned lifetime.
10. Overall, having considered the professional findings of the appraisal and the fact that the footprint of the existing property would remain the same, I conclude that the development would not exacerbate coastal change along the coastline. It follows then, that the proposal would accord with Policy CC7 of the DLP and Paragraph 184 of the Framework, which requires that development in a Coastal Change Management Area will be appropriate only where it is demonstrated that it will be safe over its planned lifetime and not have an unacceptable impact on coastal change.

¹ Review of Coastal Change Management (Herrington Consulting, June 2018)

Character and appearance

11. The one and two-storey appeal building is located on an elevated plot close to the junction between Old Dover Road and Winehouse Lane within the setting of the adjacent NL. The Lighthouse Inn is a cliff-top traditional style hotel type building that is set back from the highway which looks directly onto the seascape to the front. The nearby surrounding area is characterised by modest, loose knit built form, including the simple bungalow type buildings to the front of the plot and the neighbouring holiday cabins of Capel Court Park to the side and rear. Notwithstanding that the form of the existing building is of some mass and relatively complex, the muted elevational colours of the host property help to soften the lines and angles of the former hotel in this rural-type location.
12. In contrast, the 3-storey proposal would add extensive flat roof extensions that would be finished in conflicting vertical and horizontal cladding or zinc, awkward fenestration patterns, glazed balustrades, balconies and external stairways. Nevertheless, the appellant contends that the resultant development would have a matching tiled roof that would unify the discordant shape and form of the existing building. Moreover, that the height and appearance of the renovated building would be partially hidden by the bungalows to the front.
13. I find to the contrary. The cluttered built form of the proposal would not only diminish the more attractive features of the host dwelling, such as the turret and bay/gable windows, but also be highly prominent in this sensitive cliff top location. Indeed, the incongruous and urban type materials of the three storey elevations would be seen by passers-by and drivers from both directions along Old Dover Road and from the highway on Winehouse Lane. Furthermore, the bulky and alien features of the proposed 3-storey development would be in stark contrast to the neighbouring low-key built form. Landscaping would not be adequate mitigation.
14. I conclude therefore, that the proposal would harm the character and appearance of the area and the setting of the NL.
15. Consequently, the proposal would be contrary to Policy PM1 and NE2 of the DLP, which is clear that all developments should be well designed; paying particular attention to scale, massing, rhythm, layout, and use of materials appropriate to the locality, and Paragraphs 135 (c), 139 and 187 of the Framework, which require amongst other things that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting.

Living conditions

16. To the front of the Lighthouse Inn there is a bungalow known as 111a Dover Road which looks on to a single storey extension to the eastern side of the appeal property. The proposed development includes a two-storey extension with first floor windows to this section of the appeal building. However, these windows would be closer than the required minimum separation distance required by the Council to No 111a. As such, occupiers of the proposal would be able to look directly on to the garden and habitable rooms of No 111a. There can be no doubt that the resultant overlooking would harm the privacy of the occupiers of No 111a. For example, when sitting in the garden for leisure purposes or carrying out the normal activities of a residential dwelling. I conclude therefore, that the proposal would harm the living conditions of neighbouring occupiers.

17. Subsequently, the proposal would not meet the aims of the DLP when read as a whole, and Paragraph 135 (f) of the Framework which says that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

18. It has been brought to my attention by the Council that the submitted plans are less than ideal. For example, but not limited to, the floor plans are inconsistent with the elevations and vice versa. However, as the appeal is to be dismissed on other grounds, I have not considered this matter further.

Planning Balance

19. Whilst I have found in favour of the appellant on the first and second main issues this is not outweighed by the harm I have found on the third and fourth main issues. Indeed, I find the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, which include the economic, social and environmental benefits of the provision of a 39-bed care home and micro pub.

Conclusion

20. For the reasons given above, the appeal is dismissed.

J E Jolly

INSPECTOR