
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: 10 NOVEMBER 2025

Appeal Ref: APP/L2250/W/25/3369506

Existing dwelling adjacent to 'The Springs', Coast Drive, St Marys Bay TN29 0HN

- 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 Peter Christian against the decision of Folkestone and Hythe District Council.
 - The application Ref is 24/1723/FH.
 - The development proposed is for a change of use of Winifred House from Class C2 to a Class C3 (dwelling house) and the provision of a vehicular access and hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024 a revised version of the National Planning Policy Framework (the Framework) was published. I have taken this into consideration in making my decision, and I am satisfied that any changes to the Framework have not prejudiced any party in this case. Any Paragraph references are to this version.
3. For clarity and certainty, I have used the address and description of development given on the Council's decision notice.

Main Issue

4. The main issue in this appeal is whether the loss of a Class C2 Care Home has been justified.

Reasons

5. 'The Springs' is an empty residential care home complex that faces towards Coast Road, which formerly included the two-storey appeal building known as Winifred House that has a tree and hedge lined rear garden. Winifred House is a vacant, Class C2 supported living type facility, which has been closed since 2016, that has more recently been severed from the main complex to the front by a timber fence. The appeal building is located towards the end of a service road from Coast Road that has established residential dwellings facing the road. A new vehicular access has already been constructed to one side of the service road that would provide a separate entry way to the proposed 4-bedroom residential dwelling by removing a small section of hedging and a wall.

6. The main parties agreed that criterion 2-5 of Policy HB11 of the Folkestone and Hythe District Places and Policies Local Plan (2020) (FHLP) have been met for the proposed dwelling. Indeed, the external appearance of the building would be relatively akin to the residential character of the nearby area. Moreover, the activity associated with the proposed single dwelling would be comparable to that generated by the nearby dwellings; and small scale when weighed against the likely comings and goings of the former multi-bedroom building. In addition, despite the removal of a wall and a small section of hedging and notwithstanding the ownership of the land, the Council Highways Department has recorded no objections to the new access and parking arrangements. Furthermore, the proposed development would meet nationally prescribed space standards for a residential dwelling and be located near to the 'primary and sustainable village' of St Mary's Bay.
7. I also acknowledge that other than its use as a supported living facility, the appeal building cannot be operated for the purposes of a nursing or convalescent home for the elderly, college or training centre, which the appellant contends limits its financial viability as an independent facility from the disused main complex. However, whether there is potential for adaption or extension of the building or not, the fact remains that without a substantiated viability report and/or comparison information to the contrary, there can be no certainty that the permitted Class C2 use of the appeal building would not be financially viable as a care home in the future.
8. Moreover, while the multiple elements of the 'Springs Community' was marketed for sale over an extended period of time, the specific details of the detached appeal building contained within the submitted sales brochure are extremely limited. For example, the brochure does not include an individual sale price for Winifred House or have a range of images of the well-maintained appeal building. Therefore, any marketing of Winifred House is likely to have drawn little attention from potential purchasers, particularly as the predominant focus of the marketing material appears to be on the more visible main building.
9. Furthermore, while it is noted that no firm offers for the building have been made, and that the building did not meet the strategic commissioning needs of Kent County Council Social Care Services in 2015, the submitted evidence before me is of some vintage and may not reflect either current demand or the Council's strategic objectives.
10. Therefore, I am not persuaded that the loss of the Class 2 Care Home has been justified. It follows then that the proposal would be contrary to Policies HB1 and HB11 of the FHLP when read as a whole, and the Framework.

Planning Balance

11. The Council cannot demonstrate a 5-year Housing Land Supply (HLS). As such, Paragraph 11(d) of the Framework is therefore of relevance and the 'tilted balance' engaged.
12. The economic benefits of the proposal include the construction work associated with the conversion of the scheme and the use of local services by future occupiers. As the construction work would be short-term and the use of local services likely to be comparable to that of the previous occupiers, I give this limited weight.

13. There would also be some small environmental benefits related to the possible reduction in the use of private motor vehicles associated with the residential dwelling in comparison to the use of vehicles by staff, residents and visitors to the former care facility. However, I afford this little weight.
14. In respect of the social benefits related to the proposal, the revised Framework is clear that Government objectives include an emphasis on housing delivery with the aim of exceeding national housing targets. Indeed, the site is previously developed land near to an existing settlement, the use of which is encouraged by Paragraph 89 of the Framework. Paragraph 73 of the Framework also recognises that small sites can make an important contribution to meeting the housing requirement of an area. Nonetheless, as the proposal is for a single dwelling, the social benefits attract minimal weight in this specific case.
15. Therefore, given my findings on the main issue above, the fact that the impacts of the proposal are not significantly and demonstrably outweighed by the economic, environmental and social benefits of the residential scheme which cannot be mitigated by the imposition of the Council's suggested conditions, I conclude that the loss of the Class C2 care home has not been justified.

Conclusions

16. For the reasons set out above and having considered all matters raised, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR