



Appeal Decision

Site visit made on 18 November 2025

by **A Owen MA BA(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 08 December 2025

Appeal Ref: APP/L2250/W/20/3361376

Cleveland, West Hythe Road, West Hythe CT21 4NT

- 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 Mrs Tracey Thomas against the decision of Folkestone and Hythe District Council.
 - The application Ref is Y19/0691/FH.
 - The development was originally described as “change of use from residential (Use Class C3) of single garage to the provision of hairdressing services (Use Class A1); installation of French doors in the front elevation of the garage together with alterations to the front elevation of the main dwelling and erection of a porch.”
 - This decision supersedes that issued on 13 May 2020. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is dismissed insofar as it relates to the change of use from residential (Use Class C3) of single garage to the provision of hairdressing services (Use Class A1).
2. The appeal is allowed insofar as it relates to the installation of French doors in the front elevation of the garage together with alterations to the front elevation of the main dwelling and erection of a porch. Therefore planning permission is granted for installation of French doors in the front elevation of the garage together with alterations to the front elevation of the main dwelling and erection of a porch at Cleveland, West Hythe Road, West Hythe, CT21 4NT in accordance with the terms of the application, Ref Y19/0691/FH, so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos 173-236-01, 19175.E and 19175.P rev B.
 - 2) The external materials of the porch hereby permitted shall match those used in the existing dwelling.

Preliminary Matters

3. The description used in the header above is taken from the original application form, but I have excluded wording which is not a form of development. Also, the application was submitted retrospectively, and I have considered the appeal on that basis.
4. Since the time of the original planning application, amendments to the Use Classes Order¹ have meant that Class A1 has now been replaced by Class E.

¹ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

5. The Council have confirmed that they have no objection to the French doors and alterations to the front elevation of the main house. Also they raise no objection to the proposed porch, which has not been erected. I have no reason to consider otherwise and so my decision is focussed on the change of use.
6. Since the determination of the application the policy background has changed. The Core Strategy Local Plan (2013) has been replaced by the Core Strategy Review (2022), and the Local Plan Review (2006) has been replaced by the Places and Policies Local Plan (2020). The Council have submitted copies of the relevant policies and the appellant has had the opportunity to comment on them. In addition the National Planning Policy Framework (the 'Framework') in effect at the time of the original decision has been amended, most recently in December 2024. The parties have both referred to the amended version in their statements.

Main Issue

7. The main issue is whether the development is in a suitable location with regard to its accessibility by sustainable modes of transport.

Reasons

8. The appeal site accommodates a detached house with an attached building to the side. The appellant lives in the dwelling and runs her hairdressing business, on a part time basis, from the attached building. Due to the small size of the premises, it is likely that only one or two customers would be able to be accommodated at a time. There is space in front of the building for off street parking for a small number of cars.
9. The site is located in West Hythe which is a small settlement mainly stretched along West Hythe Road. Most of the properties are residential, but there is a complex of commercial units to the east of the road which include a number of small businesses such as a micropub, a joiner and a ceramics firm.
10. There are no bus services that stop close to the site, with the nearest stop being in Lympe around half a mile away, and which is up a very steep hill with no pavement. The site is close to the Royal Military Canal and the footpath/cycle path that runs alongside it. But although this provides a pedestrian route to Hythe, that is also around half a mile away and the path is unlit. Therefore, aside from being within walking distance from the limited number of other properties in West Hythe, and although I note some customers do cycle to the site, the site is not readily accessible from other nearby settlements by sustainable modes of transport.
11. Policy SS1 of the Core Strategy aims to focus development to the identified sustainable towns and villages. It is not disputed that West Hythe is not a settlement as identified in the Core Strategy. Policy SS1 adds that development outside settlements will only be allowed exceptionally where a rural location is essential.
12. Policy CSD3 refers to rural development and sets out the forms of development that will, in principle, be acceptable in rural locations. One such form of development is local public or essential services and community facilities. The explanatory text explains that, in applying the policy, regard will be had to the Framework which, in paragraph 88, refers to the development of accessible local services and community facilities, such as local shops, meeting places, sports

venues, open space, cultural buildings, public houses and places of worship. Even if I were to consider that the hairdressers is an essential local service or community facility which, from the representations received, it undoubtedly is for its customers, I could not consider it is accessible for the reasons set out above.

13. Likewise, policy RL8 of the Places and Policies Local Plan does allow for town centre uses such as hairdressers outside town, district and local centres if, among other things, it is in an accessible location and well connected by foot, by cycle or by public transport. The development does not meet this criterion. So whilst there is no conflict with the other parts of this policy, including the need to follow the sequential approach given the small scale of the business, it does fail to meet the policy overall.
14. Paragraph 89 of the Framework advises that some local businesses or community needs may necessitate a location not well served by local transport. Though I recognise some customers are from West Hythe, this is only a small proportion. There is, in my view, no business or community need for the salon to be in this particular location.
15. The appellant has suggested that conditions limiting the business to only being operated ancillary to Cleveland, or only by the appellant, could be imposed. However the Planning Practice Guidance states that this will rarely be appropriate and will need to be justified by exceptional circumstances. I acknowledge the reason for the appellant establishing the business was to be able to spend more time with her family and still generate an income. Though this is an understandable aim, it is not an exceptional circumstance and could be applied to a host of commercial businesses.
16. It is understood that some customers may stop at the site whilst on their way to another destination, and that by working from here the appellant's own vehicular movements are limited, hence minimising additional traffic on the network. It is also recognised that the business is only open 2½ days a week and that this could be controlled by a condition. Therefore, given the small size of the building, and the limited opening hours, it is unlikely that the development generates a large volume of traffic. Moreover, the space that is available for parking at the site is likely to be adequate to cater for the number of customers who do drive. There would therefore be no harm to the operation of the highway network.
17. Nonetheless, the development is not in a suitable location with regard to its accessibility by sustainable modes of transport. It therefore fails to accord with policies SS1, CSD3 and RL8 and the Framework as set out above, and this carries substantial weight. It is also not supported by policies SS3 and SS4 which together support development within identified settlements and priority centres of activity.

Other Matters

18. I saw, at my site visit, the commercial development to the east of West Hythe Road. It is understood that this was a former poultry farm and became an industrial complex in 1980. It is now allocated as a priority centre for activity as referred to in policy SS4. The accessibility of that site is equivalent to that of the appeal scheme. However, from the officer's report into the application for the change of use of Unit 1 to a Class A4 use, it is clear that even before it was allocated as a priority centre for activity, the site was an established employment site and hence the proposal benefited from the Framework's support for the sustainable growth and expansion

of all types of business and enterprise in rural areas. The appeal site is not an established employment generating site or a lawful business and so cannot benefit from the support now given by paragraph 88 of the Framework.

19. My attention has been brought to another case where a hairdressers was granted a Lawful Development Certificate at a dwelling. However in that case it is apparent that only 1 to 3 clients per day were anticipated and hence the business was considered to be ancillary to the dwelling. I have no substantive information before me with regard to numbers of customers at the appeal site to enable me to reach the same conclusion.
20. I recognise there have been no complaints regarding the business, after the initial complaint which led to the original application. Indeed, to the contrary, there are a number of letters in support from neighbours and customers including those who suffer from anxiety and who find the small scale of the operation to be beneficial over other larger salons. This positive support for a local service carries significant weight in its favour.

Conditions

21. With regard to the operational development, I have imposed a condition specifying the approved drawings in the interests of clarity. A condition requiring the porch is constructed of matching materials is also imposed to ensure the character and appearance of the area is maintained. The other external alterations have been undertaken and so do not need to be included in that condition.

Conclusion

22. The change of use conflicts with the development plan considered as a whole. Though I have given careful consideration to the other points set out above, they do not outweigh the harm resulting from the conflict with the development plan. As such, they do not lead me to a decision other than in accordance with the development plan and therefore the appeal, insofar as it relates to the change of use, is dismissed.
23. I agree with the Council that the operational development would accord with the development plan as a whole. Therefore, the appeal, insofar as it relates to those works, is allowed.

Andrew Owen

INSPECTOR