
Appeal Decision

Site visit made on 18 November 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th January 2026

Appeal Ref: APP/L2250/W/25/3371658

85 Hythe Road, Dymchurch, Kent TN29 0TL

- 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 P Christian against the decision of Folkestone and Hythe District Council.
 - The application ref. is 25/0392/FH.
 - The development proposed is the erection of 2no. chalet bungalows with associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In March and November 2025, the Environment Agency released an updated flood mapping dataset (NaFRA2) and in September 2025, Planning Practice Guidance (PPG) on flood risk and coastal change was amended.
3. As these changes may have introduced new evidence and policy of relevance to the appeal, the main parties and the Environment Agency were invited to comment and I have taken into account their responses.

Main Issue

4. The main issue is whether the proposed development would be in a suitable location with respect to flood risk.

Reasons

5. The appeal site is a triangular corner plot within the settlement boundary of Dymchurch. It is located at the junction of A259 Hythe Road and Tower Estate, an unadopted road serving detached and chalet bungalows. First Hoornes Sewer, a major watercourse, runs past the site. Hythe Road is a main route from Romney Marsh to Folkestone and runs between the site and the sea wall. A bungalow formerly occupied the site, which is within Flood Zone 3.
6. A site-specific flood risk assessment (FRA), sequential test and cover letter submitted with the application state that the proposal would be safe during its lifetime and that there are no suitable sites at lower risk of flooding in the Dymchurch area. A further letter submitted with the appeal states that there are no such sites in the Local Plan or Brownfield Register and that those suggested by the Council are either the wrong size or not on Dymchurch beachfront.

7. Planning Practice Guidance¹ now advises that for smaller housing developments, it is not appropriate to search beyond a village and its neighbouring settlements for sites at lower risk of flooding. The Council identified several sites of a similar size, some in New Romney or Littlestone, on or near the beachfront. The appellant has not explained in any detail why these are not suitable or looked at other sources of sites. This omission fails adequately to address the 'sequential test'.
8. The Environment Agency initially objected as the proposal would not be safe for its lifetime taking account of the vulnerability of its users, failing the 'exception test'. However, the FRA was amended to increase the recommended finished floor level (FFL), resolving that objection at the time.
9. The appellant considers that the FRA uses the most up to date flood data, but on re-consultation, the Environment Agency now advises that, because the flood level at Property B in the 0.5% annual exceedance probability event with climate change would reach 2.74m AOD by 2115, it would not be safe for its lifetime. The Environment Agency now recommends an FFL of 3.04m AOD for Property B, instead of the 2.11m AOD currently recommended in the FRA.
10. This is a significant difference, which undermines the appellant's evidence as to the likelihood of flooding during the lifetime of the development. The appellant has suggested that a planning condition could address this issue, but the degree of change, together with the absence of cross sections, is such that this could prejudice interested parties. I have in any case found that the proposal does not meet the 'sequential test' in lacking an adequate review of alternative sites.
11. As such, I cannot be sure the proposal would be in a suitable location with respect to flood risk, contrary to Policy SS3 of the Folkestone & Hythe District Council Core Strategy Review 2022 and paragraphs 173 to 179 of the National Planning Policy Framework, which require a detailed FRA to demonstrate that proposals meet the sequential and, where applicable, exception tests, having applied the approach in paragraphs 027, 027a and 028 of the Planning Practice Guidance.

Other Matters

12. Whilst the Council's officer report stated that the beach beyond the sea wall is a Special Protection Area, the Preliminary Ecological Appraisal submitted with the application found no protected sites within 2km of the site. Given my conclusions on the main issue, it is not necessary for me to consider this matter any further as the proposal would not take place and would not affect any protected sites.
13. I recognise that the proposal would provide two dwellings, which it is reasonable to assume would meet a need for housing in the district. However, this benefit does not outweigh the harm I have found due to flood risk.

Conclusion

14. For the reasons given above the appeal should be dismissed.

S Simms

INSPECTOR

¹ Ref. ID: 7-027a-20220825