



Appeal Decision

Site visit made on 16 December 2025 by J Kirkaldy BSc (Hons) PGDip MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2026

Appeal Ref: APP/L2250/W/25/3370141

Old Beams Yard, Rhee Wall, Brenzett, Kent TN29 9UB

- 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 Catt, Old Beams Letting, against the decision of Folkestone and Hythe District Council.
 - The application Ref is 25/0961/FH.
 - The development proposed is for conversion of existing building from office use to a residential/work unit.
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Decision

1. The appeal is allowed, and planning permission is granted for conversion of existing building from office use to a residential/work unit at Old Beams Yard, Brenzett, Kent TN29 9UB in accordance with the terms of the application, Ref 25/0961/FH, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: 2415-PL01 Rev.C, 2415-PL02 Rev.C, Site Location.
 - 3) Prior to the first occupation of the dwelling hereby permitted, the on-site parking and turning areas, shall be provided in accordance with the details shown on the approved plan referenced 2415-PL02 Rev C. These areas shall be retained thereafter, available for that specific use.
 - 4) Full details of both soft and hard landscaping works proposed shall be submitted to and approved in writing by the Local Planning Authority. For hard landscape works, these details shall include details of all means of enclosure and details of all proposed hard surfacing materials. For soft landscape works, the details shall include a schedule of all proposed trees and plants, noting species, sizes and numbers/densities, details of all trees and hedges to be retained and a written specification for the landscape works (including a programme for implementation, cultivation and other operations associated with plant and grass establishment). These works shall be carried out as per the approved details prior to the first occupation of the dwelling hereby permitted so far as hard landscaping and boundary treatments are concerned and for soft landscaping, within the first planting season following the first occupation of the dwelling hereby permitted and shall be retained as such thereafter in perpetuity.
 - 5) Any tree or shrub which forms part of the approved landscaping scheme approved by Condition 4 which within a period of five years from the date of

planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a similar species, size and maturity as shown on the approved landscaping scheme;

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A, AA, B, C, D, E of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission, namely: The enlargement, improvement or other alteration of the dwellinghouse; The enlargement of a dwellinghouse by construction of additional storeys; The enlargement of the dwellinghouse consisting of an addition or alteration to its roof; Any other alterations to the roof of the dwellinghouse; The erection or construction of a porch outside any external door of a dwellinghouse; The provision within the curtilage of the dwellinghouse of any building or enclosure, for a purpose incidental to the enjoyment of the dwellinghouse.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council description of the proposal includes the phrase 'retrospective', which although appearing to be accurate based on the building appearing to be partially finished, does not specifically describe the development. I have therefore amended the description.
4. The Council has identified a discrepancy between the submitted elevation plans and the development as has been constructed, specifically in relation to the location of the office window. However, and for the avoidance of doubt, irrespective of the position on the site, the appeal must be determined on the basis of the submitted drawings and details.

Main Issues

5. The main issues are the effect of the proposal on the living conditions for prospective occupiers with particular regard to availability of internal space, outdoor amenity space and privacy.

Reasons for the Recommendation

6. The appeal site comprises a single-storey building situated within an 'L' shaped plot. It is set back from the road and located to the rear of residential properties fronting Rhee Wall. It is accessed via a single track between Nos. 2 and 3 Beams Yard. The site is bounded by open countryside to the rear, which forms part of its wider rural setting.

Internal space size

7. The accommodation would provide a kitchen/living room, bathroom, bedroom and office and both parties accept that the overall floor space is approximately 61 sqm.

8. Policy HB3 of the Folkestone & Hythe District Places and Policies Local Plan (2020) (LP) requires conversion to residential use and new residential development to accord with the nationally described technical housing standards (the 'NDSS'). In this regard and given the contended difficulty of securing the occupation of the accommodation as a live-work unit, the Council has assessed the unit as a two-bedroom residential unit. In the absence of a workable solution to secure occupation as a live/work unit, I find myself agreeing with this approach as a means of assessing suitability for future occupiers.
9. The NDSS differentiates between minimum gross internal floor areas for 1 storey and 2 storey dwellings, as well as 2 bedroom 3 person (2b3p) and 2 bedroom 4 person (2b4p) units. In this instance, the cabin is single storey, and the accommodation would include a double bedroom of approximately 15sqm, with the office space occupiable as a further bedroom, at approximately 9sqm. The individual bedrooms would accord with the minimum floor area requirements for a double bedroom and a single bedroom as set out in the NDSS. Furthermore, the overall gross internal floor area of 61 sqm would accord with the expectation for a single storey 2b3p unit.
10. I note that the Council has highlighted that a minimum of 70 sqm gross internal floor area would be required to accord with the NDSS. However, the accommodation could not be regarded as suitable for occupation as a single storey 2b4p unit which would require a minimum of 70 sqm, given the shortfall in floor area of the second or further bedroom from the required 11.5 sqm. It would therefore be unreasonable given the specific circumstances of the appeal scheme, which are set out above, to judge the accommodation in this manner.
11. For these reasons, I am satisfied that the appeal proposal would provide an appropriate standard of internal living accommodation in accordance with Policy HB3 of the LP, and the NDSS.

Garden Size

12. Policy HB3 of the LP requires each new or converted dwelling to provide a private amenity area with a minimum depth of 10 metres and a width equivalent to that of the dwelling. In this case, the proposed amenity space would have a depth of approximately 4.8 metres, from the living room to the side boundary and a width of around 9 metres, serving a dwelling with a width of approximately 10.5 metres. As such, the proposal would fail to meet both the minimum depth requirement and the expectation that the width of the amenity space reflects that of the dwelling. It therefore conflicts with the requirements of the policy in this regard.
13. However, notwithstanding this quantitative shortfall, the observed level of harm arising is limited. During the site visit, the amenity space was seen to accommodate outdoor seating and a drying area, indicating that it is capable of supporting typical day-to-day domestic activities. The space is also private in nature, contributing positively to its usability. Furthermore, a separate storage shed is provided on the opposite side of the building, which can be utilised for the storage of garden equipment and bicycles, thereby reducing pressure on the amenity space itself. Consequently, whilst there is clear conflict with the policy, the qualitative provision is such that the resulting harm would be limited.

Privacy

14. Policy HB1 of the LP seeks development that would not have an adverse effect on the amenity of future occupiers and neighbours taking account of loss of privacy, loss of light and poor outlook.
15. The Council has raised concerns that the room identified as an office could be utilised as a bedroom, and that the window as constructed faces the rear elevation of No. 2, resulting in potential overlooking and a loss of privacy for future occupants. However, the submitted proposed plans show a window on the side elevation, with no window on the front elevation. The appeal has been assessed on the basis of the submitted drawings, and it is considered that the proposed side-facing window would not give rise to overlooking or an unacceptable loss of privacy. To comply with Condition no.2 of the approval, permission is only granted subject to the development permitted being carried out in accordance with the approved plans, ensuring that the ultimate position of the window would be enforceable, and would accord with Policy HB1 of the LP.
16. For the reasons set out above, I conclude that the development would provide adequate/acceptable living conditions for future occupiers with regard to living space, amenity space and privacy and would accord with HB1 and HB3 of the LP.

Conditions

17. I have carefully considered the conditions suggested by the Council. Conditions relating to the commencement of development and for the development to be carried out in accordance with the approved plans are necessary for enforcement purposes and clarity.
18. A condition to agree a scheme of landscaping, is necessary in this case given the lack of detail on the submitted plans and in the interests of appearance and promoting biodiversity. I do not consider it necessary for this condition to be timed in relation to progression beyond slab level in respect of submission and written approval. This is because the condition ultimately requires the works to be carried out prior to first occupation. In addition, a condition requiring the replacement of any tree or shrub which fails, dies or is removed as part of the approved landscaping scheme is necessary in order to ensure the continued satisfactory appearance of the development and to secure the intended enhancements for biodiversity.
19. A further condition is imposed to secure the implementation and retention of the parking provision as approved, in the interests of highway safety.
20. The PPG states that permitted development rights should only be removed in exceptional circumstances. I am satisfied that in this case those exceptional circumstances exist given the constrained nature of the site. These restrictions would seek to protect the living conditions for prospective occupants and neighbouring properties.

Planning Balance and Recommendation

21. The submitted evidence indicates that the Council cannot demonstrate a 5 year supply of deliverable sites for housing. The Annual Monitoring Report 2023-2024 states that the Council is able to demonstrate a housing land supply position of 3.1

years including a 20% buffer. The Framework requires at paragraph 11d) that policies which are most important for determining the application are regarded as out-of-date (as identified at Footnote 8) where a Council cannot demonstrate a five year supply of deliverable housing sites. In such an instance, paragraph 11d) ii) of the Framework requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.

22. While the proposal would only deliver a single dwelling, it would nonetheless make a positive contribution to the significant housing undersupply position. The site is situated in a reasonably accessible location with access to some services and facilities within walking distance along pavements, and a bus stop nearby reducing the reliance on the private vehicle. It would provide some social and economic benefits with occupiers of the dwellinghouse supporting existing facilities and services in the local area. The proposal would also provide acceptable living conditions for future occupiers with regard to living space and privacy but would be deficient overall in the amount and quality of outdoor amenity space.
23. Overall, the development would accord with the Framework's objectives of boosting the supply of housing, supporting economic growth, and promoting sustainable patterns of development, all of which I afford moderate weight as benefits in support of the proposal. The deficiency in external amenity space would weigh against the development to a limited degree for the reasons set out.
24. Consequently, when assessed against the Policies in the Framework when taken as a whole, I am satisfied that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The proposal would therefore constitute a sustainable form of development in terms of the Framework and the development plan and having had regard to all other matters raised, I recommend that the appeal should be allowed.

J Kirkaldy

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, subject to the conditions as listed.

Martin Seaton

INSPECTOR