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Application No: 20/1928/FH

Location of Site: Copper Beech Farm, Lymbridge Green, Stowting Common, TN25 6BJ

Development: Change of use of existing annex to allow occasional use as a holiday let.

Applicant: Mr & Mrs Alman

Agent: Jonathan Lee
Hobbs Parker
Romney House
Monument Way
Orbital Park
Ashford TN24 0HB

Officer Contact: Emma Hawthorne

SUMMARY

The application site is located outside of the defined settlement boundary within the open countryside and is also within the designated Special Landscape Area, a ground water source protection zone and Kent Downs Area of Outstanding Natural Beauty. Given that the proposed holiday let use would be set away from local amenities, without easy access to sustainable transport modes, the site is considered to be unsuitable and an unsustainable location for such a use as future occupants of the holiday let would be reliant on private motor vehicle use to carry out activities. In addition the need and demand for this type of accommodation in this unsustainable location has not been demonstrated, and limited viability information has been submitted. As such, the development would result in a tourism facility that is in an unsustainable location and which has not been demonstrated to be financially viable or have any significant economic benefits locally. The proposed internal floor area would not meet the space standards as set out in Local Plan policy HB3 and so would provide a poor level of accommodation for future guests. The application is therefore recommended for refusal.

RECOMMENDATION:

That planning permission be refused for the reasons set out at the end of the report.

1. INTRODUCTION

1.1. The application is reported to Committee at the request of Cllr Carey.

2. SITE AND SURROUNDINGS

2.1. The application relates to a two-storey detached property set in a substantial plot on the southern side of Stowting Hill. The site is outside of any defined settlement

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boundary and is classed as being in the countryside. The wider area has a green and pleasant rural character.

- 2.2. The property is in facing brick, with a tiled pitched roof. The building has a central chimney, a front gable projection and an L-shaped front dormer. The building is set away from the roadside with a driveway providing access onto the site. A single-storey pitched-roof garage structure is located adjacent to the highway.
- 2.3. The site is located within the Kent Downs AONB, a ground water source protection zone and a Special Landscape Area.
- 2.4. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Planning permission is sought for the change of use of an existing annex to allow for occasional use as a holiday let, for a maximum capacity of two people.
- 3.2 The building (previously a garage) has been converted to provide a bed, small kitchenette and en-suite. The building is infrequently used by family and friends when visiting and the sharing of meals in the main house, communal use of the garden results in this current use of the building being incidental to the main dwelling house, and therefore a use that does not require planning permission.



Figure 1: Existing annexe (entrance)



Figure 2: Existing annexe

3.3 The following reports were submitted by the applicant in support of the proposals:

Planning Statement

The Planning Statement been prepared to accompany a planning application, and has been submitted in accordance with the requirement of the Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004. The Statement outlines the proposal, and give details of how the holiday let would be used. The submitted Planning Statement accepts that the proposal is technically contrary to policy, but concludes that the proposal is for a limited use by holiday makers who specifically wish to stay in a rural location such as this. It also notes the importance of the current pandemic which has resulted in huge numbers of people being unable to travel abroad.

Financial Viability Assessment

The Financial Viability Assessment sets out the proposed estimated bookings for the holiday let to illustrate the viability of the proposal. The Assessment demonstrates that there was demand for this type of tourism as booking have been taken for the holiday let in the past. The applicants also state that since 2020 and the Covid-19 pandemic, the UK has seen a rise in demand for local tourism, so the need for such accommodation will be far higher than that of 2019.

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

96/0464/SH	Erection of stables, tack room and storage building after demolition of existing stables and store.	Approved
97/0212/SH	Use of land for grazing of horses and provision of outdoor horse riding mangle with post and rail fencing.	Approved
Y02/0950/SH	Erection of detached dwelling following demolition of existing.	Approved
Y13/1239/SH	Installation of a ground mounted 4 kW photovoltaic array and a 180 tube ground mounted solar thermal array to provide electricity and hot water for Lymbridge Green Cottage.	Approved
Y18/0902/FH	Retrospective application for the change of use of agricultural land to residential garden land.	Refused
Y18/1460/FH	Erection of a detached single storey timber building to support the agricultural and equestrian holding, with associated hardstanding	Approved
Y19/0672/FH	Retrospective application for the replacement of fencing and gates with walls and gates, and the conversion of a redundant outbuilding for ancillary residential use.	Refused Subsequently determined that planning permission not required, therefore no enforcement action taken.

5. CONSULTATION RESPONSES

5.1 The consultation responses are summarised below.

Consultees

Stoving Parish Council: Objection. The Parish Meeting voted to object to holiday letting use in this outbuilding as part of its response to application Y19/0672/FH. There does not appear to have been a significant change of circumstance between

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then and now. In their view, these proposals would constitute a new tourism facility in the countryside. The LPA's policies seek to direct such facilities towards defined settlements and the application does not explain why the proposed facility could not be located within a defined settlement. We also note that no viability statement has been provided. Regarding comments made in relation to application Y18/1077/FH at page 7 of the submitted Planning Statement, it is perhaps worth highlighting that the officer recommendation in that case was for refusal and that the reasoning applied in that report is consistent with the reasons for refusal in applications Y19/0173/FH and Y19/0322/FH. Whilst we acknowledge that there may be cases where material considerations indicate otherwise, in this case we say that there do not appear to be any material considerations that would justify departure from the LPA's policies.

Local Residents Comments

5.2 Eight neighbours directly consulted. No letters of objection, four letters of support received and no letters neither supporting nor objecting to the application.

5.3 I have read all of the letters received. The key issues are summarised below:

Support

- No parking issues as parking provided;
- Would help bring tourism to the area; and
- No neighbours affected.

5.4 **Ward Member**

No response.

5.5 Responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Local Plan 2013.

6.2 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation and has been subject to an Examination in Public in January 2021. As such its policies should be afforded weight where there are not significant unresolved objections.

6.3 The relevant development plan policies are as follows:-

Places and Policies Local Plan (2020) (PPLP)

Policy HB1 – Quality Places through Design

Policy HB3 – Internal and External Space Standards

Policy HB8 – Alterations and Extensions to Buildings

Policy HB9 – Annexe Accommodation

Policy E3 – Tourism

Policy E4 – Hotels and Guest Houses

Policy E7 – Reuse of Rural Buildings

Policy RL7 – Other District and Local Centres

Policy T2 - Parking Standards

Policy T5 - Cycle Parking

Policy NE3 – Protecting the Districts Landscapes and Countryside

Shepway Local Plan Core Strategy (2013)

Policy DSD – Delivering Sustainable Development

Policy SS1 – District Spatial Strategy

Policy SS3 – Place-Shaping and Sustainable Settlements Strategy

Core Strategy Review Submission draft (2020)

Policy SS1 – District Spatial Strategy

Policy SS3 – Place-Shaping and Sustainable Settlements Strategy

Policy CSD2 - District Residential Needs

6.4 The following are also material considerations to the determination of this application.

Supplementary Planning Guidance/Documents

Kent Downs AONB Management Plan

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SD1 – Conserve and enhance the natural beauty of the Kent Downs AONB

SD2 – Design, scale, setting and materials will preserve local character, qualities and distinctiveness of the Kent Downs AONB

SD3 – New development or changes to land use will be opposed when contrary to need to conserve and enhance the natural beauty of the Kent Downs AONB

SD7 – Retain and improve tranquillity, including dark skies at night.

SD8 – Proposals which negatively impact on the distinctive landform, landscape character, special characteristics and qualities, the setting and views to and from the AONB will be opposed unless they can be satisfactorily mitigated.

Government Advice

National Planning Policy Framework (NPPF) 2019

Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraph 48 - Weight to be applied to emerging policies

Paragraphs 108-110 - Transport and access

Paragraphs 124, 127- Design

Paragraphs 170-173 - Conserving and enhancing the natural environment

Paragraph 175 – Habitats and biodiversity

Paragraph 178 – Ground conditions and pollution

National Planning Policy Guidance (NPPG)

Design: process and tools

Climate Change

Flood Risk and Coastal Change

Natural Environment

National Design Guide October 2019

- C1 - Understand and relate well to the site, its local and wider context
- I2 - Well-designed, high quality and attractive
Paragraph 53 '*Well designed places are visually attractive and aim to delight their occupants and passers-by*'.
- N3 - Support rich and varied biodiversity

7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Principle of development and sustainability
- b) Design/layout/visual amenity
- c) Residential amenity
- d) Trees
- e) Drainage
- f) Highway safety

a) Principle of development and sustainability

7.2 Policy CSD3 of the Core Strategy states that tourist, recreation and rural economic uses will be allowed within defined settlements in the Settlement Hierarchy. Where sites are unavailable within these settlements it may be acceptable on the edge of Strategic Towns and Service Centres, and failing that, Rural Centres and Primary Villages. Paragraph 4.62 of the Core Strategy (2013) states that the Settlement Hierarchy provides a framework for the planning system to concentrate development in selected location across the district, and can maximise efficient use of existing infrastructure and support business and community facilities. The application site is outside any settlement boundary and Lymbridge Green in Stowting Common is not a rural centre or primary or secondary village. The Settlement Hierarchy seeks to maintain the character and integrity of the countryside, and protect small rural places, the extent of settlement s is defined through boundaries separating settlements from open countryside. Focusing attention on these existing places underpins not only the protection of the district's open countryside, but also seeks the achievement of sustainable places. Therefore, this unsustainable location for a tourist facility in the form of guest accommodation would not be supported by local policy as there would likely be other sites in more sustainable locations which could accommodate this type of tourist accommodation.

7.3 The sequential approach for locating such tourism facilities is further echoed in Local Plan policy E3 which states that planning permission will be granted in or on the edge of centres in the settlement hierarchy for proposals to provide new tourism development including hotels, guest houses, bed and breakfast, self-catering accommodation and new visitor attractions where location is well related to the highway network and is accessible by a range of means of transport, including walking and cycling and by public transport. The policy further states that new tourist accommodation in the countryside will only be permitted in exceptional circumstances where it can be demonstrated that available sites within or on the edge of settlements are not suitable and an open countryside location is needed. This application is for a new guest accommodation and it has not been demonstrated within the application submission why the accommodation cannot be located within or on the edge of a

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settlement and why it is required to be located in Lymbridge Green in the open countryside, other than this is where the applicants live and have a converted garage incidental to the dwelling.

- 7.4 Local Plan policy E7 is concerned with the 'Reuse of Rural Buildings'. This policy explains that the Council will support the re-use or adaptation of rural buildings, such as barns and stables, for new commercial, industrial, recreational or tourism-related uses that assist in the diversification of the rural economy or meets specific needs of rural communities. Proposals will be acceptable if they are in keeping with their surroundings in terms of their form, bulk and general design and do not generate unacceptable impacts on environmental, traffic or other grounds. Whilst this is a building in the rural area, it is not considered that it falls within the category of building that this policy envisaged, particularly given the reference to farm diversification.
- 7.5 Paragraph 83 of the NPPF (2019) supports, "the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings." Although the application site is within a rural area, no evidence have been submitted to show that this proposal is part of an existing rural tourism business. The Planning Statement submitted to support the application states that the proposal 'is part of an existing rural tourism business', however no further details or clarification of this have been provided. Planning history for the site does not confirm any rural tourism business being granted for this site.
- 7.6 Paragraph 83 of the NPPF (2019) goes on to state that support will be given to "sustainable rural tourism and leisure developments which respect the character of the countryside." However, this is not considered to be a sustainable location. Stowting Common is situated a significant distance away from public transport with the closest train station being Sandling Station which is approximately 6.7 miles away and the closest bus stop being Tumulus Farm located on Stone Street, approximately 2.5 miles away. Therefore future guests would be heavily reliant on journeys carried out by private car representing an unsustainable form of development in the countryside. In addition, there are limited, if any, tourist attractions within the immediate area which would require people to stay within Stowting Common, other than to walk, hike, run and cycle as suggested by the applicant in their submitted Planning Statement. This, if considered to be a valid consideration, would attract a very limited market. As the holiday let is proposed to be self-catering, the distance to facilities have been assessed, with the closest pub/restaurant being The George Inn located 2 miles away, the Tiger Inn located approximately 2.2 miles away, and the Five Bells pub/restaurant located approximately 2.4 miles away.
- 7.7 The Planning Statement explains that bus services run to Canterbury, Ashford and Folkestone, however bus services are estimated at 50 minutes, 2.4 hours and 1.55 hours respectively. Therefore guests would likely rely on the private car to access such destinations, again further demonstrating that the site is in an unsustainable location.
- 7.8 It is acknowledged that paragraph 84 of the NPPF (2019) states that there should be recognition that to meet local business and community needs in rural areas, sites may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. However, it is considered that it has not been sufficiently demonstrated that there is an adequate demand and need for holiday let accommodation in this particular location, over and above other locations which are

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more sustainably located within defined settlements, or on the edge of Strategic Towns or Service Centres, Rural Centres, Primary or Secondary Villages.

- 7.9 The NPPF (2019) states that in these circumstances the development should provide opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The NPPF (2019) further states that use of previously development land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. However, the proposal is not considered to be well-related to existing settlements and as the proposal is small scale it would not be proportionate for the development to improve public transport to the area.

Viability

- 7.10 Local Plan policy E3 also states that planning permission for new tourism development in the countryside would only be granted where the development is viable and would have significant economic and other benefits to the locality.
- 7.11 A viability statement has been submitted (as additional information), however this is limited in scope and vague in information. The financial viability statement is based on previous lettings over a very short period of time, and is considered to be unreliable as a projection of future performance. It is not therefore considered that it has been demonstrated that the holiday let would be viable and provide significant economic benefits. There is also concern that due to the incidental annexe (proposed to be used as an occasional holiday let) currently being used by friends and family, it would not be available for substantial periods throughout the year for paying tourists. The submitted Planning Statement confirms that, “the owners’ friends and family all live abroad or in other countries and they have visitors all year round who stay in the annex.” It goes onto state that, “the owners will only be making the annex available at times for private rentals when it is empty of friends and family.” This is also confirmed in the submitted financial viability statement as it states the primary use of the annex to be for family and friends when visiting. Although it is acknowledged that there would be minimal costs associated with the change of use, it is considered that insufficient evidence has been provided to demonstrate there would be sufficient demand or lettings to keep the holiday let business running in the long term. Further, the proposal has not confirmed that there would be significant economic benefits to the local area to justify overriding the unsustainable location due to the small scale nature of the proposal.

b) Design/layout/visual amenity

- 7.12 The site is within the Kent Downs Area of Outstanding Natural Beauty (AONB) and so the impact of the proposal, and the cumulative effect on the AONB and its setting needs to be carefully assessed. The site is also within the locally designated Special Landscape Area (SLA) and therefore the proposal should seek to protect or enhance the natural beauty of the SLA.
- 7.13 Policy CSD1 of the Core Strategy (2013) states that “planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations.’ The NPPF (2019) at paragraph 172 also states that great weight should be given to conserving and enhancing landscaping and scenic beauty in the AONB.

- 7.14 The proposed holiday let would be within the existing garage building, which has been converted to an incidental annexe. Therefore there would be no external alterations required as a result of the proposed change of use. As such, the character and appearance of the site and streetscene would not be impacted upon. As such, the proposal would accord with Local Plan policy NE3 which requires development within the AONB to reinforce and respond to, rather than detract from, the distinctive character and special qualities including the tranquillity of the AONB. Further, given that no external alterations are proposed, the change of use would not harm the setting nor character of the SLA.
- 7.15 It could be argued that by providing a holiday let in this location, the proposal would be introducing additional activity to the residential site, thus impacting on the tranquillity of the area. However, given the size of the building and the proposed occasional use, it is not considered that it would result in such a significant impact to warrant refusal on this ground.

c) Residential amenity

Neighbouring amenity

- 7.16 Considering the location of the site, which is set a reasonable distance from the front of the existing residential dwelling, and with neighbouring dwellings set a considerable distance away (at least 30m away) it is not considered that the proposed holiday let would have a negative impact upon neighbouring amenity in terms of noise disturbance resulting from the change of use of the outbuilding.
- 7.17 No external alterations are proposed to the existing building and therefore there would be no concerns with regards to overshadowing, overbearing or overlooking. As such, the proposal is considered to be compliant with policy HB1 of the Local Plan (2020) which seeks to safeguard and enhance the amenity of residents.

Future occupants

- 7.18 The proposed internal floor space for the holiday let would measure approximately 20 sqm. Policy HB3 of the Local Plan (2020) requires a floor area of 50 sqm for a two person, single storey dwelling. Although it is acknowledged that the proposal would not be providing a permanent residential dwelling, it would be providing residential accommodation and as holiday lets fall within the same use class as residential (Class C3) the space standards policy therefore applies. As such, the proposal would conflict with the policy, and would result in a poor level of accommodation for future guests.

d) Trees

- 7.19 There are no TPO trees present on the site and there are not consider to be an arboricultural constraints present as the proposal is for the change of use only with no external alterations. As such there are no objections to the proposal on arboricultural grounds.

e) Drainage

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- 7.20 The site lies within Flood Zone 1, and therefore has a low probability of flooding. Therefore flood risk would not be considered a constraint to the proposed development.
- 7.21 The proposal is located within an identified ground water protection zone. Southern Water have not offered comment on the application. However, the proposed works would not require any excavation or other interruption to ground water resources. The site is currently in use as an incidental annexe, with kitchenette and w/c, and therefore no changes would be required to change the use of the annexe to a holiday let. It is therefore considered that there would be an acceptable impact on the ground water protection zone that would not result in an unacceptable risk of pollution.
- 7.22 The site is also located within the Stodmarsh Special Protection Area, as it lies within the Little Stour and Wingham catchment area. However, the outbuilding has already been converted to an incidental annexe and has all facilities installed, therefore the proposal is to allow occasional use as a holiday let. As such, there would be no substantial increase in the use for holiday accommodation over and above when it's used for incidental residential accommodation.

f) Highway safety

- 7.23 Policy T2 of the Local Plan (2020) states that, "be granted for schemes providing residential parking where the resident and visitor parking is sufficient and well integrated so that it does not dominate the street." The proposal utilises an existing entrance into the site and proposes sufficient parking adjacent to the holiday let. Table 13.1 does not provide parking requirements specifically for holiday lets, however 1 allocated parking space for the proposed used is considered to be acceptable and generally in line with requirement for 1-2 bed flats and hotel uses. Sufficient parking would remain for the dwelling also.
- 7.24 In terms of the visitor traffic to and from the site this is considered to be negligible and therefore it is not considered that intensification of this access would be unacceptable in terms of highway safety.

Environmental Impact Assessment

- 7.25 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

- 7.26 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

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7.27 In accordance with policy SS5 of the Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. Although the proposal is for a holiday let, the proposed building would be C3 use and would therefore be liable for CIL charging.

Human Rights

7.28 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

7.29 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

Working with the applicant

7.30 In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner. In this instance the proposal is contrary to policy and therefore amendments would not have overcome concerns raised.

8. CONCLUSION

8.1 The application site is outside any defined settlement boundary within the countryside, within the hamlet of Stowting Common. Stowting Common is not included within the settlement hierarchy as set out in the Core Strategy (2013). The need and demand for this type of accommodation in this unsustainable location has not been demonstrated, and limited viability information has been submitted with the application. As such, the development would result in a tourism facility that is in an unsustainable location and which has not been demonstrated to be financially viable or have any significant economic benefits locally. The proposed internal floor area would not meet the space standards as set out in Local Plan policy HB3 and so would provide a poor level of

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accommodation for future guests. The proposal is considered to be acceptable on the setting of the AONB and locally designated SLA, and therefore would be no detrimental impact upon neighbouring amenity or highway safety.

9. BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATION

That planning permission be refused/for the following reason(s):

1. The proposed development, due to being outside any defined settlement boundary and not within a rural centre or primary village as set out in the Settlement Hierarchy of the Core Strategy (2013), would result in an unsustainable tourism facility with poor access to services. The application has also failed to demonstrate that there is sufficient need or demand for this tourism facility or that it would be viable in the long term and as such has failed to demonstrate that the proposal would not result in unnecessary development in the countryside resulting in harm to its intrinsic character. The proposal is therefore contrary to policies CSD3 of the Core Strategy (2013) and policy E3 of the Places and Policies Local Plan (2020), and paragraphs 83 and 84 of the National Planning Policy Framework (2019), which seek to protect the countryside by requiring new tourism accommodation to be located in sustainable locations which are well related to the highway network and are accessible by a range of means of transport, including walking and cycling, and by public transport.
2. The proposed holiday let would fail to provide sufficient internal floor space, contrary to policy HB3 of the Places and Policies Local Plan (2020), resulting in an unacceptable level of amenity and providing a poor level of accommodation for future occupants.

Informative:

1. The plans and documents considered in the assessment of this proposal are;
 - Site Location Plan
 - Block Plan
 - Existing Plan and Elevations, drawing no. 201120-E-001
 - Proposed Plan and Elevations, drawing no. 201120-P-001
 - Site photographs
 - Financial Viability Assessment
 - Planning Statement.

Appendix 1 – Site Location Plan

