

PLANNING STATEMENT

ON

OLD BEAMS YARD, BRENZETT

FOR

OLD BEAMS LETTINGS

BY

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MAY 2025



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1.0 Introduction

- 1.1 Peter Court Associates have been instructed by Old Beams Lettings, the owner of the site and the surrounding residential development, to submit a retrospective planning application for the conversion of an existing office building at Old Beams Yard, Brenzett, into a live/work unit
- 1.2 This Planning Statement therefore explains the proposal for which permission is sought.

2.0 Site location and description

- 2.1 The building in question is a single storey timber building situated at the rear of a small and relatively new residential development fronting Rhee Wall, and within the settlement boundary of Brenzett. It has a simple dual pitched roof with full gable ends, with 3.2m ridge height and 2.15m eaves height.

3.0 The proposed development.

- 3.1 Planning permission is now being sought for the conversion of the existing building from office use to a live/work unit. As can be seen from the submitted plans, the building will comprise a single bedroom at the rear, an office/room for business use at the front and a kitchen and bathroom. The living space/living room lies behind the bathroom and kitchen area, to the rear of the building. Outside of the building there is timber decking and fencing, along with parking spaces. The internal floorspace of the building is 61.12 sq.m

4.0 Site history

- 4.1 The building lies within a larger L-shaped area which was subject of planning permission Y11/0993/SH for the erection of six two-storey semi-detached dwellings and three two-storey terraced dwellings following the demolition of an existing bungalow and builders yard, together with the creation of associated access and parking.
- 4.2 Subsequent to the granting of this permission, a revised application was submitted for the variation of that permission to change plots 1 and 2 to detached dwelling houses and to alter the parking arrangements. Permission for this variation was granted under reference Y17/0671/SH. Following this, permission was then granted for the erection of a single storey building to be used as temporary living accommodation, reference Y17/0672/SH. This temporary permission was then extended under permission reference Y18/0885/FH and expired on 12th June 2019.
- 4.3 It is this building that is now the subject of the application for planning permission for conversion to a residential dwelling.
- 4.4 A further application, reference Y19/0657/FH for the retention of that building and its timber decking, together with change of use from temporary residential use (Class C3) to office (Class B1) was submitted in August 2019. This application for the change of use was refused in February 2021. An appeal was then submitted, which was subsequently upheld in a decision dated 21st June 2022, reference APP/L2250/W/21/3277463.
- 4.5 In assessing the appeal, the Inspector considered that the main issues were: (i) the effect of the development proposed on highway and pedestrian safety, with particular regard to parking provision and (ii) the effect of the development proposed on the character and appearance of the area. She concluded that, in respect of these issues, the effects were acceptable.

4.6 A retrospective planning application was then submitted in the latter part of 2024 for the conversion of the existing office building to a residential dwelling -reference 24/1692. Permission was, however, refused due to its failure to meet minimum floorspace standards and overlooking from an adjacent dwelling, no. 2 Old Beams Yard.

5.0 Justification for the proposal

5.1 As stated above, planning permission for the retention of the existing timber building and the timber deck surrounding and change of use to office was granted on appeal dated 21st June 2022 (Appeal reference APP/L2250/W/21/3277463). Although the building had been in use as an office prior to that date, the appeal decision confirmed its use and granted permission nearly three years ago. Since then the building was used (or a very short period of time) for occasional, temporary residential accommodation. Indeed, the Council is well-aware of this.

5.2 The Planning Inspector's statements are important considerations when assessing this latest application for planning permission. Indeed, it is essential that the Inspector's findings are clearly set out, as shown below.

5.3 First, the Inspector stated "In conclusion, I find the development would not cause unacceptable harm to highway or pedestrian safety. Consequently, the development complies with Policy T2 of the Folkestone and Hythe Places and Policies Local Plan 2020 (the PPLP) insofar as it requires sufficient parking. I have also not found conflict with the National Planning Policy Framework (the Framework), to the extent that it seeks to resist development that would have an unacceptable impact on highway safety."

- 5.4 With regards to the character and appearance of the area, the Inspector said “I conclude that the development does not cause harm to the character and appearance of the area and is compliant with Policies HB1 and HB10 of the PPLP, which among other things, require development to respond to the character and appearance of the area and respect existing buildings, layouts and the pattern of existing development. The development also complies with the design objectives in the Framework. The Inspector’s Decision Letter is attached as **Appendix 1**.
- 5.5 In justifying the proposal to now seek permission for the use of the building as a live/work unit it is appropriate to make the following points. First, the building itself lies within an existing residential development. Moreover, it is not within an AONB (now NL), an SSSI, and SPA or is listed. Indeed, when the Council assessed the previous proposal to convert the building from an office to solely residential use (application 24/1692/FH) it acknowledged that it lay within the defined settlement boundary and outside any identified flood risk zone.
- 5.6 Furthermore, and as stated above, the impact of the use of the building as an office was considered by the appeal inspector and found acceptable. It is now contended that the use of the building as a live/work unit will not detrimentally impact on highways safety or have unacceptable transport implications. Indeed, the Council itself acknowledged in its report on the then proposed conversion of the building from residential to office use (Y19/0657/FH) that there would be more comings and goings as a result of its use as an office.
- 5.7 The Council was content to grant permission for the re-development of the site from its previous use as a builders’ yard to residential use. It is therefore contended that the conversion of the building from office to live/work use is acceptable as it does not conflict with the Council’s own policies as set out in its Core Strategy Review (as adopted in 2022) or with the policies in the Places and Policies Local Plan that was adopted in September 2020. Moreover, and

most importantly, it accords with the NPPF that was published in December 2024.

- 5.8 The Core Strategy Review does not set out a housing requirement for any designated area within the District. Nevertheless, its housing delivery as set out in Policy SS2 requires 622 dwellings per annum (dpa) over the period 2019/20-2023/24 and 885 dpa for the period 2024/25 to 2028/29. However, and as can be seen from a county-wide schedule of completions contained in a report to Medway Council's Planning Committee for the 7th May 2025, Folkestone and Hythe Council has failed to meet its requirement in every single year from 2018/19. This failure therefore triggers paragraph 11 d of the latest version of the NPPF. The extract from Medway Council's Planning Committee Report is attached as **Appendix 2**.
- 5.9 The Core Strategy Review states (in paragraph 4.49) that, in order to maintain commercial activity and attract new businesses, sufficient development must be permitted to attract investment, increase levels of economic activity and ensure that there is a skilled and flexible workforce. Although the application building has not been in continuous use as a commercial unit, the proposal does seek to retain a substantial element of commercial floorspace. Indeed, this will permit a flexible approach as advocated in the Core Strategy Review.
- 5.10 Policy E2 of the Places and Policies Local Plan seeks to retain and improve employment floorspace, while Policy HB8 addresses alterations and extensions to buildings. Here the proposal concerns internal alterations that will provide both employment and residential living space and it is therefore submitted that there is no conflict with these policies.
- 5.11 The Applicant had previously instructed Herrington Consulting to undertake a Flood Risk Assessment (FRA). As that document states, it was prepared in accordance with the requirements of the National Planning Policy Framework

and its associated practice guidance. The report explained and concluded that the risk of flooding from all sources was low, including in the unlikely event of a failure of the coastal defences. Indeed, the Council accepts that it lies outside any identified flood risk zone. A copy of that FRA is attached as **Appendix 3**.

- 5.12 The building lies within a residential development and there are no commercial units within the immediate vicinity. Indeed, the Council previously acknowledged that the use of the building as an office would be at odds with the established character of the locality but that its use as an office would not give rise to harmful levels of noise or disturbance.
- 5.13 As can be seen from the submitted drawings, windows provide natural light into all habitable rooms. Furthermore, and as can be seen from the submitted plans, the bedroom and living space are situated at the rear of the building and will not, therefore be overlooked by the occupants of 1 and 2 Old Beams Yard, buildings which are situated some 16m to the north.
- 5.14 As stated above, the site lies within a residential development. Moreover, the change of use of this small building will not have a detrimental use on the neighbouring properties, which are themselves residential.

6.0 Conclusion

- 6.1 The Council resisted the earlier proposed change of use of the building from residential to office use. It is therefore entirely logical that it should support this proposal to have the building returned to a mix of its original use as a residential dwelling, but also retain an element of commercial/business use. Indeed, the fact of the matter is that the Council has been imposing Council Tax on the basis that the building is in residential use for several years now.

Confirmation of this can easily be provided by colleagues in that particular department.

- 6.2 This Statement has shown that the proposal fully accords with planning policies and it entirely suitable in respect of the surrounding properties. In these circumstances the Council is requested to grant permission for this proposed change of use.

APPENDICES

1. Inspector's Decision Letter on APP/L2250/W/21/3277463.
2. Extract from Medway Council's committee report showing housing delivery in all local authorities in Kent.
3. Flood Risk Assessment by Herrington Consulting.



Appeal Decision

Site visit made on 4 May 2022

by **C Shearing BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 June 2022

Appeal Ref: APP/L2250/W/21/3277463

Old Beams Yard, Rhee Wall, Brenzett TN29 9UB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Catt of Old Beams Lettings against the decision of Folkestone and Hythe District Council.
 - The application Ref Y19/0657/FH, dated 14 June 2019, was refused by notice dated 1 March 2021.
 - The development proposed is described as retention of existing timber building and timber deck surrounding and change of use to office.
-

Decision

1. The appeal is allowed and planning permission is granted for retention of the existing timber building and timber deck and change of use to office at Old Beams Yard, Rhee Wall, Brenzett TN2 9UB in accordance with the terms of the application, Ref Y19/0657/FH, dated 14 June 2019, subject to the conditions in the schedule below.

Preliminary Matters

2. The appellant has provided an additional plan with the appeal that provides clarity of the uses of the parking spaces. As this provides clarification only I have determined the appeal taking into account this additional plan as no injustice would arise.
3. During the course of the appeal the Council have adopted the Folkestone and Hythe Core Strategy Review. The main parties have been given the opportunity to comment on the implications for this appeal.

Main Issues

4. The main issues are:
 - i. the effect of the development proposed on highway and pedestrian safety, with particular regard to parking provision, and;
 - ii. the effect of the development proposed on the character and appearance of the area.

Reasons

Highway and Pedestrian Safety

5. Based on the additional plan provided by the appellant, the development would provide two parking spaces for the office use, and four would be retained for use by four of the nearby properties. Based on the information before me and the findings of my site visit, the quantum of off street parking spaces shown would meet the Council's parking standards.
6. While there are limited opportunities to park on the street immediately outside the appeal site due to the frequency of dropped kerbs, areas of unrestricted parking exist a short distance from the site. Therefore, even if some parking were to occur on the highway, this is unlikely to be significant and, for these reasons, I find it would not result in harm to highway safety nor conflict with the function of the road.
7. The layout of the parking area could restrict the ability of vehicles to turn, particularly if all the spaces were occupied and given the potential obstruction by doors to the main building and cycle store. Consequently, there may be some instances in which vehicles would not be able to turn and exit the site in a forward gear. Despite this, I do not have substantive evidence before to demonstrate that this occurrence would cause harm to highway or pedestrian safety. Vehicles would exit the site at a point where vehicles were slowing on the approach to the roundabout and where vehicles are unlikely to be parked on the highway due to the number of dropped kerbs. I also note that the driveways of other nearby properties fronting the road rely to some degree on reversing on the highway. In addition, the parking area of the appeal site already exists and has been functioning in this manner without any particular evidence of harm. While the frequency of vehicle movements may be different for an office use, I do not have convincing evidence that this would result in additional harm.
8. In conclusion, I find the development would not cause unacceptable harm to highway or pedestrian safety. Consequently, the development complies with Policy T2 of the Folkestone and Hythe Places and Policies Local Plan 2020 (the PPLP) insofar as it requires sufficient parking. I have also not found conflict with the National Planning Policy Framework (the Framework), to the extent that it seeks to resist development that would have an unacceptable impact on highway safety.

Character and Appearance

9. The appeal site lies within the confines of a small rural village and properties on this side of Rhee Wall vary in their character, scale and plot size. The rear building line of the properties also varies and there are examples of other outbuildings, as well as larger developments, visible behind the rear building lines within the wider area, including on King Street.
10. The building that is the subject of the appeal is visible from the street in the gap between the properties. However, by reason of its low height, low eaves level, and materials, it appears as a visually subordinate garden structure in these views. While the building does create a more cramped site layout than that approved for the housing development, by reason of its scale and position at the back of the plot, and combined with the varied nature of development in

the area, the building sits comfortably within this context. The paraphernalia associated with the appeal building, including the raised decking and boundary treatments, are positioned away from the views from the street and are characteristic of a residential area.

11. I have had regard to the planning history of the site and the fact that the Council had not intended the development to be permanent. However, for the reasons given above and in light of the particular circumstances of this development, I find that its continued presence would not cause visual harm.
12. I conclude that the development does not cause harm to the character and appearance of the area and is compliant with Policies HB1 and HB10 of the PPLP, which among other things, require development to respond to the character and appearance of the area and respect existing buildings, layouts and the pattern of existing development. The development also complies with the design objectives in the Framework.

Other Matters

13. As the Council state the development is within the settlement boundary of Brenzett I do not find conflict with Policies SS1 and SS3 of the Shepway Core Strategy Local Plan 2013, which seek to focus development within existing sustainable settlements.
14. The Council consider that there is no particular need for the proposed office use in this location. I note that this did not ultimately form a reason for refusal and, in any event, I have found that no harm would arise.
15. I have had regard to the additional issues raised by third parties, including the impact on the living conditions of neighbouring occupiers with regard to noise disturbance and privacy. The Council has addressed these issues within its officer report and based on my assessment and site visit, I agree with its conclusions. Concerns have also been raised for the future use of the building and recent alternative uses. However these matters fall outside the scope of the appeal before me which is based upon the development as described.
16. I note the Council's concerns that the parking arrangements would conflict with earlier approved plans and conditions for the development. However this proposal should be assessed on its own merits and, as I have not found harm, the deviation from the earlier permission does not alter my assessment.

Conditions

17. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG, I have amended some of the Council's suggested wording.
18. In addition to the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. As the parking areas and area shown for cycle storage were already available at the time of my site visit, it is not necessary to secure their delivery. I have imposed a condition to ensure that those parking and cycle facilities are maintained and available for use at all times, to ensure that adequate parking is available.

19. I have not imposed conditions restricting the hours of operation of the office nor the use class of the building. The use of the building as an office is unlikely to give rise to significant noise disturbance beyond that which could be experienced from a residential dwelling, and as such a condition on its hours of use would not be necessary. Planning Practice Guidance states that conditions restricting a change of use may not pass the test of reasonableness or necessity. Given the scale of the building, and in the absence of evidence to support the necessity of such a condition, I do not consider such a restriction to be necessary or reasonable.

Conclusion

20. For the reasons given above, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal should be allowed.

C Shearing

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1723-PL01 Rev.A, 1723-PL02 Rev.A, WD-10 Rev.B.
- 3) The parking spaces and cycle storage facilities shown on plan WD-10 Rev.B shall be maintained and available for use at all times.

Planning Committee

A meeting of the committee will be held on:

Date: Wednesday, 7 May 2025

Time: 6.30pm

Venue: St George's Centre, Pembroke Road, Chatham Maritime,
Chatham ME4 4UH

Membership: Councillors Stamp (Chairperson), Jones (Vice-Chairperson),
Anang, Bowen, Etheridge, Field, Filmer, Gilbourne, Gulvin,
Hamandishe, Hamilton, Myton, Peake, Pearce and Vye

Agenda

1 Apologies for absence

2 Record of meeting

To approve the record of the meeting held on 9 April 2025.

(Pages
5 - 12)

3 Urgent matters by reason of special circumstances

The Chairperson will announce any late items which do not appear on the main agenda but which he/she has agreed should be considered by reason of special circumstances to be specified in the report.

4 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

(Pages
13 - 15)

Members are invited to disclose any Disclosable Pecuniary Interests or Other Significant Interests in accordance with the Member Code of Conduct. Guidance on this is set out in agenda item 4.

APPENDIX 2
1 of 2

Appendix E

Figure 1

Number of units under construction

| Year | No of units under construction as at 31 March (net) |
|------|---|
| 2015 | 857 |
| 2016 | 760 |
| 2017 | 805 |
| 2018 | 1202 |
| 2019 | 1486 |
| 2020 | 1629 |
| 2021 | 1925 |
| 2022 | 1752 |
| 2023 | 2,061 |
| 2024 | 1,328 |

Figure 2

Number of units completed

| | Year 2019/20 | Year 2020/21 | Year 2021/22 | Year 2022/23 | Year 2023/24 |
|------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Completions | 1130 | 1082 | 1102 | 950 | 1300 |
| Requirement | 1662 | 1586 | 1675 | 1667 | 1685 |
| Surplus/Deficit | -532 | -504 | -573 | -717 | -358 |

Figure 3

Housing completions comparison with other authorities in Kent

This data includes mobile and temporary dwellings (such as houseboats) so varies from the data published in the AMR

| Authority | 2018/19 | 2019/20 | 2020/21 | 2021/22 | 2022/23 | 2023/24 |
|-----------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| Ashford | 923 | 753 | 1,144 | 627 | 1,001 | 471 |
| Canterbury | 311 | 417 | 319 | 692 | 644 | 660 |
| Dartford | 960 | 487 | 553 | 540 | 738 | 637 |
| Dover | 374 | 370 | 411 | 625 | 543 | 719 |
| Gravesham | 302 | 174 | 250 | 421 | 419 | 293 |
| Maidstone | 1,215 | 1,424 | 1,446 | 1,627 | 1,064 | 1,040 |
| Medway | 657 | 1,142 | 1,087 | 1,103 | 960 | 1,303 |
| Sevenoaks | 299 | 477 | 260 | 267 | 261 | 114 |
| Folkestone and Hythe | 435 | 451 | 478 | 454 | 454 | 373 |
| Swale | 956 | 1,065 | 892 | 989 | 818 | 757 |
| Thanet | 352 | 427 | 596 | 548 | 617 | 844 |
| Tonbridge and Malling | 361 | 410 | 380 | 467 | 492 | 377 |
| Tunbridge Wells | 396 | 317 | 533 | 518 | 636 | 611 |

**Technical Note: Flood Risk
Statement for Proposed
Development at Old Beams
Yard, Rhee Wall, Brenzett, Kent,
TN29 9UB**



Author(s): Kirsty Thomas BSc. (Hons) MCIWEM

Date: 13 August 2019

Project: 2472 – Rhee Wall, Brenzett

1. Background Information

- 1.1. Herrington Consulting Ltd has been commissioned by Peter Catt to provide a supporting statement for the proposed development at Old Beams Yard, Rhee Wall, Brenzett with respect to flood risk. This assessment has been prepared in accordance with the requirements of the national planning policy framework (NPPF 2019) and its associated practice guidance suite (NPPG 2014).
- 1.2. The proposals for development comprise a change of the existing residential unit (C3) to an office (B1).
- 1.3. The development site is located within Flood Zone 3, as delineated by the Environment Agency's (EA) 'Flood Maps for Planning'.
- 1.4. In accordance with Paragraph 164 of the NPPF, applications for a change of use are exempt from the application of the Sequential Test and Exception Test. The subject site falls within this category. Nevertheless, such applications are still required to meet the requirements for flood risk reduction and require a site-specific flood risk assessment.
- 1.5. In accordance with the NPPF, the risk of flooding has been assessed taking into consideration the impacts of climate change over the lifetime of the development. In the case of commercial development, a planning horizon of 60 years is required to be appraised. The proposed office use fall into this category and as such, the latest EA guidance on climate change has been referenced.

2. Flood Risk Assessment

- 2.1. An assessment of the risk of flooding from all sources reveals that it is only the risk of flooding from the Sea that is considered to be appraised in further detail, due to the location of the site within a Coastal Flood Zone.
- 2.2. Reference to the results of the EA's Romney Marsh Modelling and Mapping Study (2017) reveals that the development site would remain unaffected by flooding from waves overtopping the defences under a 1 in 200 year return period event (current day 2019).
- 2.3. When considering the impacts of climate change, the results of modelling undertaken as part of the 2015 Folkestone and Hythe SFRA show that the site would remain unaffected from wave overtopping during a 1 in 200 year return period flood event, including an allowance for 60 years of climate change (year 2070).

- 2.4. For sites benefitting from the protection of defences, it is necessary to consider the impacts of a failure of this infrastructure. Reference to the results of breach modelling undertaken as part of the 2015 Folkestone and Hythe SFRA reveals that the site would remain unaffected in the event of a failure of the defences during a 1 in 200 year flood event, including an allowance for 60 years of climate change (year 2070).
- 2.5. It is therefore concluded that the site is at low risk of flooding from all sources. Therefore, it is not necessary to incorporate flood mitigation measures in this instance.

3. Offsite Impacts

- 3.1. The development is not flooded during design flood conditions and will not result in an increase in the built footprint. Therefore, the site will not displace floodwater.
- 3.2. The development will not result in an increase in the impermeable area within the site and consequently, will not increase the rate or volume of surface water runoff discharged from the site. As such, the development will not increase the risk of flooding to the surrounding area from surface water runoff.
- 3.3. As the site has been shown to remain unaffected by flooding, there will be safe dry access/egress available to/from the development at all times.
- 3.4. There is an ordinary watercourse near to the development. However, as the development proposals simply comprise a change of use of the existing building, the development will not compromise any requirements for access or maintenance.

4. Conclusions and Recommendation

- 4.1. Due to the location of the site within Flood Zone 3a, this FRA has been prepared to appraise the risk of flooding at Old Beams Yard, Rhee Wall, Brenzett. The proposals comprise a change of use from residential use to offices and as such, the 'vulnerability' classification of the building will be reduced.
- 4.2. The risk of flooding from all sources has been analysed in detail, in accordance with the latest planning guidance and climate change documentation. The appraisal has identified that the risk of flooding to the development from all sources is low. This remains the case over the lifetime of the development, and even in the unlikely event of a failure of the coastal flood defences.
- 4.3. The analysis identifies that development will not result in an increase in the risk of flooding offsite. The development will not encroach on the existing ordinary watercourse near to the development, and will have safe dry access/egress to/from the development at all times.
- 4.4. It is therefore concluded that the development site is appropriate for its location in a flood risk area and will meet the requirements of the NPPF.