



Appeal Decision

Site visit made on 21 January 2020

by Mr D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 07 February 2020

Appeal Ref: APP/J2210/W/19/3238239

7 Clyde Street, Canterbury CT1 1NA

- 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 Robert Easton-Park against the decision of Canterbury City Council.
 - The application Ref 18/01011, dated 13 May 2018, was refused by notice dated 1 April 2019.
 - The development proposed is the change of use from a public house A4 to a dwelling C3.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. It is indicated that the use has commenced and the appeal property is currently occupied as a dwelling. As such, I am considering this appeal retrospectively.

Main Issue

3. The main issue is the effect of the proposed development on the surrounding area in terms of whether the appeal property should continue to be available for community use.

Reasons

4. The appeal property is located on the edge of Canterbury city centre. Clyde Street comprises a terrace of 2 storey, predominantly residential properties of traditional appearance that sit on one side of a square that is mostly used for parking and green space. The square has a single vehicular access via Notley Street and there is a pedestrian access at the end of Clyde Street that is closest to the appeal property. The predominant character of the area is residential in nature.
5. The property that is the subject of this appeal sits at the end of the Clyde Street terrace and is within the Canterbury (Alma, Clyde and Notley) Conservation Area. It has a frontage that has an appearance that is consistent with other properties on the terrace. The property has been in use as a public house (known most recently as Tally Ho).

6. The proposed development would change the use of the appeal property from a public house to a single dwelling. Some external changes to the building have taken place in connection with the change of use that are identified by the Council as not requiring planning permission.
7. The Canterbury District Local Plan contains specific policy on the loss of community facilities, namely policy QL6. The policy aims to grant planning permission for development involving the loss of public or privately operated community spaces if there is no demonstrable need for space in the locality, and other uses to serve the local community could not operate from the space. At paragraph 12.2 of the text supporting the policy public houses are included in a non exhaustive list of uses that could be regarded as community facilities.
8. Policy QL6 does not set out how the requirements detailed above could be demonstrated. It is noted that evidence in support of the appeal proposal primarily takes the form of personal statements from the appellant and letters of support submitted with the appeal. The contents of these statements are noted, including statements about general loss of custom over the years, difficulties in keeping the public house open and changing market conditions.
9. These statements are helpful and provide a level of justification for the proposed development. However, the statements focus mainly on how the appeal property has been operated in the past. They are more limited in providing firmer evidence about the level of demand in the area for a public house or an alternative community use, including a community use operated by a different occupier. For these reasons, the information presented does not provide the level of evidence required to conclude that the requirements set out in QL6 have been met.
10. I am also mindful of policy contained in paragraph 92 of the National Planning Policy Framework, which encourages local planning authorities to plan positively for the provision of community facilities such as public houses and guard against the unnecessary loss of community facilities. For the reasons discussed above, the proposed development does not allow me to conclude that this policy ambition would be met.
11. I have considered representations from neighbours relating to improvements in living conditions resulting from the closure of the public house. This includes the impact of car and pedestrian movements and noise. It is considered that the square has a character that is generally residential in feel and, as such, may be unsuitable for widespread non-residential use. As such, it is acknowledged that the closure of the existing public house may have brought with it some general amenity benefits. However, these concerns relate to how the property has operated in the past. In general terms, a small community use such as that accommodated by the appeal site should be able to co-exist in a residential area without raising significant amenity issues. It is also noted that any public house use would be covered by licensing requirements.

12. In light of the above, I conclude that the evidence offered to support the proposed development does not meet the requirements set out in QL6. As such, the proposed development would have a harmful effect in terms of the loss of a building that could be available for community use. Consequently, I find conflict with the Canterbury Local Plan and the National Planning Policy Framework. In particular, policy QL6 of the Canterbury Local Plan, which seeks to permit the loss of spaces that are in community use unless it can be demonstrated that there is no need for the space in the local area and other community uses could not operate from the space.

Other matters

13. I have noted the wishes of the owner in wanting to continue to occupy the appeal property as a family home. While sympathetic, the level of evidence offered with the appeal does not allow me to conclude that planning permission should be granted under the requirements of policy QL6. Continued occupation of the appeal property, including potential for subsequent applications with improved evidence, will be a matter for the Council to consider further in the first instance.

14. Other representations from third parties are noted and have been considered. Some of the issues raised are discussed above. Other matters raised do not affect my findings on the main issues.

15. Reference is also made to examples of other public houses in the local area closing. As I do not have detailed evidence before me relating to the circumstances of closure of nearby public houses I can give this limited weight.

Conclusion

16. For the above reasons the appeal is dismissed.

D.R. McCreery

INSPECTOR