



Appeal Decision

Site visit made on 3 November 2020

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 08 December 2020

Appeal Ref: APP/J2210/W/20/3255612

**Part of the Old Forge, The Street, Wickhambreaux, Canterbury,
Kent CT3 1RW**

- 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 Miss Tina Moores against the decision of Canterbury City Council.
 - The application Ref CA/19/10054, dated 26 September 2019, was refused by notice dated 9 January 2020.
 - The development proposed is described as '*change of use from workshop and storage to shop*'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the avoidance of doubt, whilst the appeal site concerns a listed building this appeal relates to an application for planning permission and not listed building consent, which would be a separate matter.

Main Issues

3. The main issues are:
 - The effect of the proposal on highway safety and highway users, and;
 - The acceptability of the proposed use outside identified centre boundaries.

Reasons

Highway safety

4. The appeal site is located within the village of Wickhambreaux which is served by some local amenities such as a public house and primary school. The appeal building comprises a workshop and storage area attached to a larger building. I saw that there are currently timber doors which open out onto the pavement-less highway known as 'The Street', with Seaton Road located roughly perpendicular to the elevation with the timber doors.
5. The Street is a relatively quiet road compared to Grove Road and Wickham Road which are the main roads running through the village to Ickham, Littlebourne and Upstreet. Nonetheless it is a narrow winding road that traverses through the built environment in this part of the village. Many front

doors open inwards but directly onto the highway with no pavements, and the close proximity of the buildings either side of the highway creating a narrow highway. During my site visit I saw that there are very limited off-street parking opportunities in this specific part of the village; with most vehicles positioned on the main highway thereby narrowing the historic The Street further.

6. Planning permission is sought for the conversion of the workshop and storage into a retail shop. I note that the current suggested employee of the proposed shop lives close to the site. However, it cannot be guaranteed that this situation would remain unchanged. Furthermore, as indicated by the Appellant, the proposal would not provide any specific parking space for an employee, deliveries or customers. Added to this, whilst I note the intention that there would be no large delivery vehicles it would be difficult to ensure that this would transpire in practice.
7. These factors need to be considered in the context of the appeal site located on a narrow T-junction, on a narrow highway, with no streetlights, no pavements, and no specific parking provision for either motor vehicles or bicycles. Whilst acknowledging that the majority of customers to the shop would likely be living close to the shop, this does not mean that inconsiderate parking will still not occur with people 'popping in' to collect goods or when deliveries are undertaken.
8. This issue is further compounded by the lack of specific parking provision and the narrowness of the highway near the appeal site. Added to this the doors are shown on the submitted drawings to open out onto the highway by around 144-146 cm. Whilst it is unclear if the both timber doors would be open all the time the shop is operating, given that there is only a small window serving the shop area in the side elevation and another above the double doors, it is likely that one door would be open, creating further opportunity for conflict on the highway given the lack of pavements and the narrowness of The Street.
9. As a result of the combination of these factors, I find that there is likely to be a negative impact on highway safety. I therefore conclude that the proposal would be contrary to Policies T9 and DBE3 of the Canterbury District Local Plan 2017 (CDLP), which, amongst other aims, seek to ensure that when granting planning permission consideration is given to the safe movement of pedestrians, cyclists and cars around the proposed development, that parking arrangements have regard to the latest adopted vehicle parking standards and that the proposal does not have a detrimental effect on the highway network in terms of congestion, road safety and air quality.

Acceptability of proposed use

10. Policy TCL6 indicates that permission will be granted where an applicant has successfully demonstrated four main criteria including: that there are no other more suitably located and available sites using a sequential approach, and the proposed development does not have a significant detrimental effect on the highway network in terms of congestion, road safety and pollution.
11. The Council contends that this would be a 'town centre use'. The Appellant contends that the use of the building for a small local shop which meets local need (although this assertion is not supported by much empirical evidence) would not take away any trade away from town centres. To an extent I concur

with the Appellant's point; a shop with a floor area of roughly 5 metres by 5 metres is likely to only stock a limited number of items and not provide significant competition to the City centre of Canterbury (about 4 miles away) or other nearby town centres. Moreover it would contribute, albeit in a very small way, to the economic vitality of Wickhambreaux and potentially the surrounding area by using local suppliers. These are aspects which draw some support from the *National Planning Policy Framework*.

12. Nonetheless a sequential approach is required by Policy TCL6. Yet the policy itself does not indicate how the sequential approach should be carried out in practice. All it indicates is that it should consider whether there are more suitably located and available sites nearer to the identified centres or Primary Shopping Area. Notwithstanding a lack of any clear indication of what is meant by terms such as more 'suitably located' or 'nearer', given the scale of the proposed use here, a proportionate approach would be reasonable.
13. In this respect, the Appellant considers that the sequential approach is achieved by the fact that local residents will not need to travel, and the facility would be provided next to the need. I also note that a number of letters were submitted in support of the proposal at the application/appeal stages which suggests some anecdotal demand for this service in the village.
14. Nonetheless, as I have found in the first main issue, even were the proposal acceptable in terms of the first criteria of Policy TCL6, it would fail to satisfy the fourth criteria with regard to highway safety.
15. I therefore conclude that the proposed development would not be an acceptable use outside identified centre boundaries in this instance given the likely localised significant detrimental effect on the highway. Accordingly it would be contrary to Policy TCL6 of the CDLP and in particular part d) cited above.

Other Matters

16. I acknowledge the appeal site is located within the Wickhambreaux Conservation Area and concerns listed building(s). Whilst mindful of my duties under s72(1) and 66(1) of the PLBCA, neither main party raises specific concerns on this, and I see no reason to disagree. I note the observations raised by interested parties on heritage, however given the dismissal of the appeal I have not considered these matters further.
17. Moreover I note the other concerns raised and the letters of support submitted in favour of the scheme. However, I do not find whether alone or combination, these outweigh the harm I have identified above.

Conclusion

18. The proposal would conflict with the adopted development plan and there are no material considerations indicating a decision otherwise than in accordance with it.
19. For the reasons given, above I conclude that the appeal should be dismissed.

Cullum J A Parker