



Appeal Decision

Site visit made on 6 August 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2024

Appeal Ref: APP/J2210/W/23/3334479

Chaucer Farm, Herne Bay Road, Fox Hill, Sturry, Kent CT3 4NG

- 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 Stephen Cook against the decision of Canterbury City Council.
 - The application Ref is CA/23/01542.
 - The development proposed is change of use of buildings and associated land from agricultural to general industrial along with ancillary retail.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the proposal description from the planning application form and have determined the appeal based on the description of the development originally applied for by the appellant.
3. The application form states that works commenced in November 2022 to change the use of the buildings and associated land from agricultural to general industry along with ancillary retail. However, the development has yet to be completed.
4. I have had regard to the Written Ministerial Statement and draft National Planning Policy Framework published on 30 July 2024. While national policies relating to economic development and transport are proposed to change as part of this consultation, these changes can only be given limited weight at this stage. Even if the proposed changes were to be accepted, they would not materially affect the outcome of my decision. Given the above, in this instance, it has not been necessary to consult the parties on these changes.
5. The red line site plan highlights 4 buildings. While it is presumed these are the buildings to which the change of use relates, this is not specified on the plan. There are other buildings and structures within the red line boundary, including residential and storage containers. The land within the red line was also being used for storage, including the storage of cars, lorries, trailers and building equipment. In addition to the change of use of the buildings, the appeal seeks to change the use of the associated land from agricultural to general industrial. As the 'associated land' is not defined, I have treated this as all the land within the red line boundary within my Decision.

Main Issues

6. The main issues are:

- whether the appeal site is a suitable location for the development;
- the effect of the development on highway and pedestrian safety; and,
- the effect of the 'proposed retail unit' on the character and appearance of the area.

Reasons

Whether a suitable location

7. The appeal site lies outside of any settlement boundary and therefore falls within the countryside for planning purposes. Policy SP4 of the Canterbury District Local Plan July 2017 (the Local Plan) sets out the strategic approach to the location of development within the District. This policy states that the urban areas of Canterbury, Herne Bay and Whitstable will be the principal focus for development, with particular focus at Canterbury, together with development at the rural service centres (RSC) and local centres. While Sturry is classified as a RSC, the appeal site lies some distance outside of the RSC.
8. The Local Plan allocates sites for business use within the District in order to meet the District's development needs during the plan period. The appeal site is not allocated for such uses.
9. Policy EMP14 of the Local Plan states that the Council will grant planning permission for the conversion of existing rural buildings, and well-designed new buildings and premises that support the development and expansion of rural business in suitable locations in the rural areas. This policy states that it is preferable if the site is in, or on the edge of an existing settlement. Although there is a footway adjacent to Herne Bay Road, given the distance of the site to the nearest settlement, employees, deliveries and visitors are likely to be reliant on private motor vehicles to access the site. Consequently, I do not find that the appeal site lies in a suitable location. Furthermore, I do not find that this general industrial use requires a rural location in which to operate.
10. Paragraph 88 of the National Planning Policy Framework 2023 (the Framework), states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It also supports the development and diversification of agricultural and other land-based rural businesses.
11. The appellant advises that the land was previously used as a pig farming enterprise. Based on the evidence before me and my site visit, I do not find that the proposal supports the diversification of agriculture. Rather than diversifying the agricultural use, the agricultural use appears to have ceased. I also do not find that the general industrial use falls within the definition of a land-based rural business. As a result, I find that the proposal is not supported by the Framework.
12. The appellant confirms that the proposal does not include the erection of a new building for retail use and that any retail use would be ancillary to the general industrial use. The appellant states that the retail element would be within one

of the existing buildings and would house a small number of diggers, dumper trucks and ancillary equipment for prospective buyers. The planning application form confirms that the proposal would deliver 581sqm of B2 General Industrial floorspace only. As no new retail building is proposed, I do not find that the development would result in the introduction of a main town centre use outside any defined centre. Accordingly, I find no conflict with Policy TCL6 of the Local Plan, which relates to main town centre uses outside the identified centre boundaries.

13. While the proposal would support economic growth and double the number of employees on site, I do not find that these factors outweigh the harm caused by the unsuitable location of the development and the conflict I have identified with the development plan.
14. For the reasons given above, I do not find that the appeal site is a suitable location for the development. The development conflicts with Policies SP1, SP4, EMP1 and EMP14 of the Local Plan. These policies among other things seek to focus development within the urban areas of the District; on allocated sites; or, in suitable locations in the rural areas.
15. As the appeal site does not relate to an existing employment site, I do not find conflict with Policy EMP4 of the Local Plan, which relates to the protection of employment sites.

Highway and pedestrian safety and parking

16. There are two vehicular access points into the site from Herne Bay Road, which is a classified A road. While the appellant and the Council state that access would take place from the vehicular access to the south-west of the site, this access falls outside of the red line boundary. In contrast, the access route to the north-west of the appeal site falls within the red line boundary. On my site visit, I observed signage for Chaucer Farm and its plant hire business adjacent to the access within the north-west corner of the site. There was no clear signage adjacent to the other access. Consequently, there may be some confusion by delivery drivers or visitors to the site on which access to use. It is also unclear how access from the north-west would be restricted to the general industrial development, particularly as some of the units are more closely related to this access.
17. Three of the highlighted buildings are located within the northern half of the appeal site, close to residential uses. There is limited evidence before me on the anticipated number of vehicular movements and the parking arrangements for each building. Regardless of which access is used, vehicles associated with the general industrial use would be manoeuvring in close proximity to residential units. One unit in particular is sited adjacent to a residential unit, which has a children's play area on the opposite side of the access. Consequently, children are likely to be crossing the access road which would be used by vehicles accessing the general industrial unit. Given the size of some of the vehicles referenced in the appellant's submission and in the absence of any information to the contrary, the development would give rise to an unacceptable hazard to pedestrians, cyclists and other motorists within and around the appeal site.
18. There are large areas of hardstanding on site that could accommodate the parking requirements for the development. However, these areas are not laid

out specifically for parking or shown as such on a plan, which would enable it to be conditioned for such a use. Furthermore, there is a considerable amount of outdoor storage occurring on site, which restricts the space available for parking and manoeuvring. There is no substantive evidence before me to demonstrate that the development meets the required parking standards set out within Policy T9 of the Local Plan. It is also unclear from the submission which building would accommodate the ancillary retail use and the parking and access arrangements for this building to ensure the safety of customers visiting the site.

19. I appreciate that consent was granted for a new retail unit and storage building on part of the site and on adjacent land (Ref: CA/22/01071). The appellant advises that the consented scheme provided details of access and egress routes, as well as swept path analysis. However, details of the consented scheme are not before me. Furthermore, the appeal scheme is materially different from the consented scheme. It involves a greater number of buildings and covers a wider area of land and has the potential to result in a greater number of vehicular movements than the consented scheme. Details of the cumulative impact of the appeal scheme and consented scheme are also not before me.
20. The appellant advises that there was a waste recycling centre on land adjacent to the appeal site, which had a continuous movement of heavy articulated lorries. There is limited information before me on the circumstances of the waste recycling centre. However, the appellant states that this use has now ceased. While the appellant considers the appeal scheme would result in a lower number of vehicular movements when compared to the previous waste recycling use, this has not been quantified. Moreover, the waste recycling centre used a different access to the appeal scheme and did not appear to be in such close proximity to residential uses. Given the above, I find that the waste recycling scheme is materially different to the appeal scheme and I give it limited weight in my decision.
21. For the reasons given above and in the absence of substantive evidence to the contrary, the appeal scheme would give rise to unacceptable conflict with pedestrians, cyclists, and cars within and around the site. The appeal scheme also fails to demonstrate that the development can meet the required parking standards. Consequently, the development fails to comply with Policies DBE3 and T9 of the Local Plan. These policies among other things require the safe movement of pedestrians, cyclists and cars within and around the development and that development schemes meet the required parking standards.

Character and appearance

22. The development seeks to convert the existing buildings, rather than construct any new buildings on site. Accordingly, the development would not result in any further encroachment of built form into the countryside than exists at present. The appellant advises that the parking requirement would be the same as existing and that the parking and turning requirements for the proposal can be met on site. However, I observed on my site visit that the area of hardstanding available for parking and turning was restricted by the extent of outdoor storage taking place. Consequently, I cannot be satisfied that the proposal would not result in a greater need for further parking and turning

areas than exist at present, which would result in further harm and encroachment into the countryside.

23. For the reasons given above, I find that the proposal fails to comply with Policy DBE3 of the Local Plan. This policy among other things seeks to protect and enhance the distinctive character of the District and requires that development is integrated into the landscape.

Other Matters

24. I acknowledge that the appellant is frustrated that they were not granted an extension of time to submit additional highway information during the course of the planning application. However, the submission of additional information in respect to highway matters would not have changed the overall outcome of this appeal.

Conclusion

25. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A James

INSPECTOR