



Appeal Decision

Site visit made on 7 October 2024

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 November 2024

Appeal Ref: APP/E2205/W/23/3334915

Pinnhurst, Workshop at, Boat Lane, Aldington, Kent TN25 7BL

- 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 Matt Calais against the decision of Ashford Borough Council.
 - The application Ref is PA/2023/0245.
 - The development proposed is described as *change of use: We are the owners of Pinnhurst, Boat Lane, Aldington, TN25 7BL and currently solely use the property as our family home. When we purchased the (approximately) one acre of property in 2020, the sale included the 135m² commercial workshop built by the previous owner for 'light industrial' use for his own business Duell's Garage Ltd, where he repaired cars and agricultural vehicles. The block workshop has been in place for at least 20 years. Although the workshop has not been used commercially since 30 October 2020 (when we moved in) we are proposing a change of use in order to establish a new business - a micro-pub. This would be for the sale of alcohol, soft drinks and snacks for consumption both on and off the premises. We are not proposing structural alteration of the existing workshop. The only external change to the building would be a new, additional entrance (where there is currently a window) and a woodburner flue extending from the top of the workshop. (Please see drawing). By its nature, the micro-pub would be a small, modest venue, predominantly selling real ale and lager sourced from local producers. We are not proposing that any alcohol is produced on site. Internally, the set up of the micropub would include: - installation of furniture such as tables, chairs and picnic benches - basic refrigeration - a bar area - an upgrade to the existing WC and basin - installation of a dish washer (connecting in to the existing drain) - a wood burner with flue We also propose building a partition wall to divide the workshop in two. This wall would most likely be constructed of a timber frame and plasterboard/OSB board. We may also want to create an opening in an existing block wall to connect two sections of workshop together. We understand that this may require building control inspection for use of lintel. The proposed hours of operation are those typical for a licensed premises: Monday to Saturday from 11am until 11pm and Sunday from 11am to 10pm. We understand that would need to apply for a premises license for the sale of alcohol at this location separately to this 'change of use' application.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the Council's Decision Notice does not align with that provided in the application form. For the avoidance of doubt, I have relied on the description provided in the application form.

Main Issue

3. The main issue is whether the site is in a suitable location to accommodate the proposed development, having regard to the development strategy for the

area, its accessibility, and the effect of the proposal on highway safety and on the living conditions of the occupants of neighbouring properties with particular regard to noise and disturbance.

Reasons

4. The appeal site comprises a detached building which lies within the countryside for policy purposes. The previous occupant of the building was a local mechanic, and the evidence provided with this appeal, including correspondence between the Council and the appellant, indicates that the appeal building is likely to have operated as commercial premises for a considerable period. As such, for the purposes of this appeal, I shall assume that the building falls under a light industrial use.
5. Policy EMP4 of the Ashford Local Plan 2030 (LP) supports the conversion of rural buildings to non-residential uses. This is subject to certain criteria, including that proposals will have to demonstrate that the development will not generate a type or amount of traffic that would be inappropriate to the rural road network that serves it, and the scale and nature of the proposed use would not result in any significant adverse impacts on the amenities of local residents. While the supporting text to this policy refers that its main focus are agricultural buildings, this would not preclude a wider interpretation of 'rural buildings' so to include any building in a rural area, such as the appeal building.
6. The proposal would have a seated capacity of up to 70 persons. While the appellant advises that the expected number of visitors would be around 30 persons at the busiest periods, this would nevertheless still result in a substantial number of persons attending the site.
7. The nearest settlement to the site is Aldington and while the distance between the site and there may be considered walkable, it is not facilitated by any footway until New Road Hill and part of the route does not have street lighting. As such, walking to/from the site would be unattractive, in particular during the winter months, due to the weather and shorter days. The appellant envisages that most visitors would arrive by foot, including from nearby guest houses, Aldington Meadows or via the nearby network of footpaths. However, this is not supported by compelling evidence and, as such, there is no guarantee that it would be the case.
8. Although there are bus stops in the site's vicinity, the service is infrequent and operates three times per day on weekdays only. As such, it is unlikely that visitors would rely on the bus service.
9. Therefore, the lack of suitable walking routes, together with the limited offer of public transport, would likely result in visitors to the site relying on the private car. The appellant provides some figures alluding to the expected number of vehicles associated with the proposed use. However, this is not substantiated by robust evidence, so in absence of any certainty in relation to the number of car journeys associated with the micro-pub, I am unable to conclude that the proposal would not overwhelm the rural road network.
10. LP Policy TR3b advises that sui-generis uses should provide a level of parking proportionate to its activity. The consultation response from Kent County Council Highways and Transportation (KCC) sets out that the standards would be one space per 10m² of floorspace, plus one space per two members of staff.

11. It is not clear from the evidence how many parking spaces would be provided on-site. The proposed layout plan indicates that there would be parking for five cars, whereas the appellant's statement of case refers to six spaces. Be as it may, the proposal would fall substantially short of KCC's parking standards and, furthermore, it is not clear whether staff parking has been accounted for.
12. The appellant advises that the proposal would result in a limited number of vehicles parked on the street. However, this is not substantiated by robust evidence and, owing to the proposed seated capacity and uncertainty regarding the number of visitors that would arrive by foot, I cannot rule out that the proposal would not lead to a significant overspill of cars parked on the nearby lanes.
13. While there are no parking restrictions in Boat Lane or in New Road Hill, these are narrow country lanes lined with ditches and hedges, and I have not been provided with compelling evidence to demonstrate that these roads would lend themselves to safe on street parking. As such, I am not satisfied that the proposal would provide a level of parking proportionate to its activity and would not hinder the ability of others to safely use the road network.
14. Whilst there may be pedestrians currently walking on this lane, considering that the proposal may lead to overspill parking onto the roads and the absence of footway and street lighting near the site, I am not persuaded that there would be no conflict between these parked cars, pedestrians, and other drivers, particularly when it's dark. Although the appellant asserts that vehicles travel below the speed limit near the junction between Boat Lane and New Road Hill, this is not substantiated by robust evidence. Consequently, I am not satisfied that the scale of the proposed use would not result in harmful impacts to the rural road network.
15. Reference is made to the business that previously occupied the site. However, I have been supplied with limited details about this use, including in terms of vehicle movements generated, intensity and frequency of any associated overspill parking. In any event, the nature, level of activity and pattern of movement associated with each use are likely to be substantially different. As such, I do not find that this would justify the proposed development.
16. In addition to Pinehurst, there are other residential properties located near the site, in particular The Nook and the dwellings on Joseph Conrad Drive. The proposed use would generate a level of activity, both in terms of traffic generation and persons attending the venue. In the absence of a Noise Management Plan, in particular in light of the appellant's intents of running special events within the site, I cannot rule out that the proposal would not give rise to unacceptable levels of noise and disturbance, thereby harming the living conditions of nearest neighbours.
17. The micro-pub would be adjacent to the appellant's family home, which would limit any undue noise and disturbance associated with the proposal. Whereas this may be the case currently, the use of the building is likely to remain long after these circumstances cease to be material. As such, I do not find that this would justify the proposed development.
18. I have very limited details before me regarding the public house in Warehorne. Consequently, I cannot conclude that this example represents a direct parallel to the appeal proposal.

19. Drawing all the above together, on the evidence before me, I find that the site is not in a suitable location to accommodate the proposed development, having regard to the development strategy for the area, its accessibility, its effect on highway safety and on the living conditions of the occupants of neighbouring properties with particular regard to noise and disturbance. The proposal would therefore conflict with LP Policies SP1, SP3, EMP4 and TRA3b, where these policies seek to focus development at accessible and sustainable locations which utilise existing infrastructure and require proposed uses to demonstrate that they would not harm highway safety and the amenities of local residents. Further, the proposal would conflict with the National Planning Policy Framework, where it supports the sustainable growth of all types of business in rural areas and development with a high standard of amenity for existing and future users.

Planning Balance and Conclusion

20. I have considered the local support for the proposal. The scheme would help promote a local business, generate employment in the long term, support the appellant's brewery as a tap room, sell locally produced drinks and snacks, create a better overall experience for visitors to the Borough, and serve the local community. Taken together, these benefits would attract moderate weight in favour of the proposal but would not overcome the harm associated with the proposal as I have identified above.
21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

P Terceiro

INSPECTOR