



Appeal Decision

Site visit made on 4 February 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2025

Appeal Ref: APP/J2210/W/24/3346971

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 failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Stephen Cook against Canterbury City Council.
 - The application Ref is CA/24/00018.
 - The development is the change of use of buildings and associated land from agricultural to general industrial.
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Decision

1. The appeal is dismissed and planning permission for the change of use of buildings and associated land from agricultural to general industrial is refused.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.
3. The application form indicates that the change of use began on 1 November 2023 and has not yet been complete. This appears to be consistent with my findings during the site visit. I have therefore considered the appeal on a part retrospective basis.
4. An appeal decision¹ was previously made for a similar development on the appeal site. This included the change of use of the building and associated land from agricultural to general industrial but also included an ancillary retail use. Nevertheless, I have considered this appeal on its own merits.
5. During the appeal, an amended site plan was submitted by the appellant to correct the boundaries of the site. This amended plan was not considered by the Council during the planning application. Whilst the appeal process should not be used to evolve a scheme, the amendments only clarify the land under the ownership of the appellant and do not alter the development subject of this appeal. Thus, I have considered the appeal on this basis.

¹ APP/J2210/W/23/3334479 (the previous appeal)

Main Issues

6. Although a formal decision was not issued, in their statement the Council have indicated that they consider that the development is contrary to the local development plan and the Framework. They have outlined that their main concerns relate to the suitability of the appeal site for this change of use and the effect of the development on highway safety. Therefore, the main issues in this appeal are:
 - whether the appeal site is a suitable location for the development; and
 - the effect of the development on highway safety.

Reasons

Location

7. Limited information on the site history has been provided. However, from the evidence submitted, it appears that the appeal site is an agricultural unit which was previously used for the farming of pigs. However, the appellant has stated that due to economic factors, this use has now ceased and, during my site visit, I saw no evidence of any agricultural use on the appeal site.
8. The appellant now wishes to use the existing buildings and associated land on Chaucer Farm for a contracting business involving garaging, repairing and servicing their own machines and as a servicing and repairing operative. This appears to relate to tractors, diggers and other land based construction equipment. This is the subject of this appeal, resulting in a change in the use of the land from agricultural to general industrial.
9. Policies SP1 and SP4 of the Canterbury District Local Plan (the LP) 2017 supports sustainable development as outlined within the Framework and states that the urban areas of Canterbury, Herne Bay and Whitstable will continue to be the principal focus for development, with particular focus at Canterbury, together with development at the rural service centres and local centres. The appeal site is not located within any of these areas and is in the open countryside.
10. Policies EMP1 of the LP identifies specific sites for business purposes, with Policy EMP14 of the LP stating that the Council will grant planning permission for the conversion of existing rural buildings that support the development and expansion of rural business in suitable locations in the rural areas. In part (a) this states that this is preferably in or on the edges of existing settlements. The appeal site is not an identified site for business purposes or located in or on the edges of an existing settlement and therefore is not supported by these Policies.
11. Paragraph 88 of the Framework supports the sustainable growth and expansion of all types of business in rural area, both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land-based rural business. However, as noted by the Inspector in the previous appeal, the agricultural use appears to have ceased and the general industrial use could not be considered a land-based rural business. Therefore, the development before me would not be supported by this part of the Framework.

12. Therefore, in this location, such development is not supported by national or local policy. Furthermore, as identified by the Inspector in the previous appeal, given the distance of the site to the nearest settlement, employees, deliveries and visitors are likely to be reliant on private vehicles to access the site and therefore it could not be considered to be located in a sustainable location.
13. It is noted that the development is intended to ensure the continued use of the existing buildings on the appeal site and provide a regular income for Chaucer Farm in, what the appellant states is, difficult economic times. Nevertheless, I do not see why this rural location is necessary for a general industrial use.
14. Therefore, for the reasons above, the appeal site is not a suitable location for the development and conflicts with Policies SP1, SP4, EMP1 and EMP14 of the LP as outlined above.

Highway Safety

15. The appeal site is served by two access points onto Herne Bay Road. The northern access which, the appellant states, is used by cars to access the residential parts of the appeal site and the southern access which, although outside of the ownership of the appellant, is used for larger deliveries, lorries and trailers to gain access onto the appeal site. This second larger access is shared with neighbouring sites.
16. Due to the width of the northern access, it seems unlikely that this would be used by larger vehicles, such as lorries, to access the appeal site. However, whilst not under the ownership of the appellant, the second access is relatively wide with generally good visibility splays for drivers exiting onto the main road and could be adequately used by such larger vehicles.
17. Nonetheless, no information has been provided in relation to the current or likely number of vehicle movements in relation to the general industrial use. The appellant states that there will be no increase in transport to and from the site, however there is no evidence to support this and it is likely that such an industrial use would generate a higher level of vehicular movements than the previous agricultural one. High levels of vehicle movements onto Herne Bay Road would clearly result in a much larger impact upon highway safety than a smaller number and although the appellant indicates that the use is modest, this is unquantified.
18. The submitted plans also demonstrates how lorries can enter the site, from the second access point, and manoeuvre on the site itself in relation to the most southerly of the existing buildings. However, no information has been provided to indicate where, if necessary, these vehicles will park or how other buildings on the site will be safely accessed. There are residential units on the appeal site and it is unclear how pedestrians, including children, safely transit around the site alongside the large vehicular movements outlined by the appellant.
19. The appellant has outlined that a waste recycling centre on the adjoining site, which had a continuous use of heavy, articulated lorries, has ceased trading, resulting in the reduction in vehicle movements. It is not specified whether this business used the same access point onto Herne Bay Road as the appeal development. However, no evidence has been provided to support this claim, and therefore it is given little weight in my consideration of the appeal.

20. As such, for the reasons above and without the evidence to suggest otherwise, the development is likely to result in harm to highway safety and therefore conflicts with Policies T9 and DBE3 of the LP. These policies seek to ensure the safe movement of pedestrians, cyclists and cars within and around the development and that it meets the local parking standards.

Conclusion

21. Therefore, for the reasons given above and having had regard to all other matters raised, the development would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR