



Appeal Decision

Site visit made on 11 February 2025

by **P Terceiro BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 April 2025

Appeal Ref: APP/J2210/W/24/3348137

Ileden Farm Barn, Ileden Lane, Kingston, Kent CT4 6HP

- 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 Mrs Jeanette Aurdal (The Oak and Rope Company Ltd) against the decision of Canterbury City Council.
 - The application Ref is CA/24/00204.
 - The development proposed is the change of use (current use sui generis) to light industrial use - E(g)(iii) - involving workshop space with ancillary storage, ancillary office and staff wellness area.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mrs Jeanette Aurdal against Canterbury City Council. This application is subject to a separate decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was updated on 12 December 2024. However, the sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. It has not therefore been necessary to seek their views, and the revised version has been taken into account in this decision.
4. The evidence refers to the Draft Local Plan, which is at early stages of preparation and contains a definition of a rural business. However, at the current time it does not form part of the statutory development plan. I therefore attach limited weight to this plan in my decision.

Main Issue

5. The main issue is whether the site represents an appropriate location for the proposed development, having particular regard to relevant provisions of the development plan and national policy.

Reasons

6. The appeal site lies outside of any settlement boundary and therefore falls within the countryside for planning purposes. Beyond the strategic development sites identified elsewhere in the Local Plan, Policy SP4 sets out the spatial strategy for the location of development and directs new development to the urban areas of Canterbury, Herne Bay and Whitstable. The policy is clear that in open

countryside, development will be permitted if required for agriculture and forestry purposes and cross references Policy EMP13, which relates to new agricultural buildings.

7. The proposal seeks to change the use of the appeal building from sui generis to light industrial. So, LP Policy EMP13 does not apply. Also the development does not comprise agricultural or forestry development. As such, the proposal would not be a form of development that would be encouraged by LP Policy SP4. Whilst the policy does not preclude the possibility of other sites coming forward outside of these areas, the proposal would not comply with the broad locational objectives for the District in terms of development. This weighs against the scheme.
8. LP Policy EMP14 states that the Council will grant planning permission for the conversion of existing rural buildings that support the development and expansion of other rural businesses in suitable locations in the rural areas, subject to certain criteria. I have not been directed to any definition of what constitutes a 'rural business' in the LP, nor does the Framework contain such definition. As such, this is a matter of planning judgement. The evidence indicates that the appellant's business comprises traditional artisan wood carving and has been operating from rural locations.
9. However, on the details provided in relation to the appellant's business, I have some doubts as to whether the definition of 'rural business' could reasonably be said to extend to a proposal such as the one before me which has no requirement to be in a rural area. If it did, or were it to encompass any other scheme for a light industrial use which could be located within the site were permission granted, that despite being capable of operating in a rural area would have a limited need or requirement to be located in such area, then this would undermine the wider objectives of the Plan in seeking to direct development to preferred sites and locations. However, even if I were to assess the proposal under LP Policy EMP14, I would still need to consider the criteria listed.
10. Criterion a) states that it is preferable that the site is in, or on the edge of an existing settlement. This is not the case with the appeal site, which lies within the countryside, away from any settlement. Although the location of the site is a policy preference, there would still be conflict with this criterion. Based on the evidence before me, it would appear that the Council is satisfied that the proposal would meet criteria b) to f) of LP Policy EMP14. Nevertheless, this would not overcome the conflict with criterion a).
11. The Framework supports a prosperous rural economy, and paragraph 88 allows for the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. However, the proposal seeks to relocate an existing business from a business park and there is no specific evidence before me to demonstrate how it would enable the growth and expansion of the appellant's business. On this basis, it is not clear that the proposal would be supported by this paragraph.
12. The planning history for the property identifies a planning permission for the change of use from agricultural storage barn to light industrial (Class B1). While this would be a consideration that would weigh against the harm arising from the conflict with the Council's spatial strategy, the evidence indicates that this use has ceased following implementation of a subsequent planning permission for the use

of the building in connection with shooting parties. As a result, this would not justify the proposed development.

13. Therefore, in this location, such development is not supported by national or local policy. As such, the appeal site is not a suitable location for the development, in conflict with LP Policies SP1, SP4 and EMP14 as outlined above.

Other Matters

14. The site lies within the Kent Downs National Landscape (NL). Section 245 of the Levelling-up and Regeneration Act 2023 places a duty upon me to seek to further the statutory purpose of the NLs, which is to conserve and enhance the natural beauty of the area of outstanding natural beauty. The special qualities of this part of the Kent Downs NL include agricultural fields bound by hedgerows, with some interspersed blocks of woodland, undulating topography and sense of tranquillity.
15. The site lies within the Ileden Park (Kingston) Conservation Area (CA) and Ileden Farm House, a Grade II listed building, is located to the west of the site. Accordingly, I have had regard to the statutory duties set out in sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The CA derives its significance, in part, from its tranquil and pastoral character comprising a woodland, scattered trees and agricultural fields, with limited presence of built form. Ileden Farm House is a two-storey building with a hipped roof. Its setting is informed by the surrounding agricultural landscape.
16. The proposal would not comprise external alterations to the host building and, given its modest size, it is unlikely that the scale of business that could operate from the site would generate a level of activity that would be incompatible with the rural surroundings. Consequently, the proposal would not harm the landscape and scenic beauty or special characteristics of the NL, would preserve the character or appearance of the CA and would preserve the setting of the listed building.
17. While the appellant asserts that the proposal would develop an income stream to contribute to the maintenance of the historic buildings, no substantive evidence has been submitted to support this claim.
18. I note the third-party comments in support of the scheme. However, the matters raised do not lend positive weight to the scheme and would not alter my findings on the main issue.

Conclusion

19. The proposal conflicts with the development plan as a whole 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