



Appeal Decision

Site visit made on 12 June 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 June 2025

Appeal Ref: APP/J2210/W/25/3358717

25 Nunnery Fields, Canterbury, Kent CT1 3JN

- 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. Kohithan Jinenthiran against the decision of Canterbury City Council.
 - The application Ref is CA/24/00903.
 - The development proposed is change of use of ground floor from public house to retail together with part single-storey rear extension and external staircase at the rear.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of ground floor from public house to retail together with part single-storey rear extension and external staircase at the rear at 25 Nunnery Fields, Canterbury, Kent CT1 3JN in accordance with the terms of the application Ref CA/24/00903, and subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Mr. Kohithan Jinenthiran against Canterbury City Council. This application is the subject of a separate decision.

Preliminary Matters

3. I have taken the description of the proposal from the Council's decision letter and the appellant's appeal form rather than the original application form because it more accurately describes the proposal before me.
4. The appeal submission includes an updated Retail Sequential Test (December 2024) which was not before the Council at the time of its decision. It is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.
5. In this case, the Retail Sequential Test provides additional detail in relation to available retail sites within Canterbury, rather than any amendments to the proposal. For this reason, I consider that there would be no prejudice to any party by considering the additional document. I have therefore determined the appeal on the basis of the additional document.

Main Issues

6. The main issues are:
 - the effect of the proposal on the character and appearance of the host property and surrounding area, including the effect on a non-designated

heritage asset, and with due regard to the location of the site in the Canterbury City Conservation Area (CA).

- whether there would be a sequentially preferable location for the development.

Reasons

Conservation Area and non-designated heritage asset

7. The appeal property is located within the Canterbury City Conservation Area (CA). As the proposal is in a conservation area, I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
8. The character of this part of the conservation area and its significance stems from, amongst other aspects, the generally fine-grained, narrow fronted Victorian terraced dwellings, which have a pleasing architectural rhythm. The appeal site is a corner building which has historically been in use as an inn since 1882. The building occupies an important place in the architectural and social history of Nunnery Fields. Its shopfront facing Nunnery Fields illustrates its historic use, and overall the appeal building positively contributes to the character of the area. It is of sufficient historic interest to be considered a non-designated heritage asset (NDHA) by the council.
9. An existing doorway on the building's Caledon Terrace elevation would be widened and a new automatic door is proposed. The Council has confirmed that they do not object to the installation of a door but that the modern and standard automatic door design would result in less than substantial harm to the character and appearance of the CA and the NDHA.
10. Paragraph 216 of the National Planning Policy Framework (2024) (Framework) requires a balanced judgement on the effect of a proposal on NDHA, having regard to the loss and the significance of the asset. The appeal building's front elevation which retains a characterful historic shopfront would be unaltered by the proposal, thereby preserving the significance of the building's principal elevation. Given the small scale of the alteration to the door, and as further details of the frame, elevation, glazing, material, colour and finish of the door could be secured by planning condition, the magnitude of harm in the context of the CA as a whole and to the NDHA is undoubtedly at the lower end of less than substantial.
11. Nevertheless, the proposal conflicts with policy HE1 of the Canterbury District Local Plan (2017) (Local Plan) insofar as it seeks to conserve and enhance the historic environment and the contribution it makes to local distinctiveness and sense of place.

Sequentially preferable location

12. Policy TCL6 of the Local Plan indicates that permission will be granted where an applicant has successfully demonstrated four main criteria including the requirement that there are no other more suitably located and available sites using a sequential approach.

13. The main parties agree that the appeal site is an 'Out of Centre' location as defined within the supporting text to policy TCL6. In such circumstances it should be demonstrated that there are no sites available that are closer to the town centres and edge of centres, before an out of centre location may be considered acceptable.
14. The appellant has provided a Retail Sequential Test (December 2024) that demonstrates that within a catchment area of up to 3 miles, there are no sites sequentially preferable to the appeal site. Based on this submitted evidence and following an assessment of the proposed development during my site visit, I find no reason to disagree with the Council's conclusion that the proposed development is acceptable. I therefore conclude that the proposed development would comply with Policy TCL6 of the Local Plan insofar as it requires proposals to demonstrate, using a sequential approach to site identification, that there are no more suitably located sites within town centre and edge of centre locations.

Other Matters

15. Interested parties have raised concerns about the loss of the public house. However, I note that the principle of its loss has already been established by a previous appeal at the site, within which the Council confirmed that it did not wish to defend its reason for refusal related to the issue (Ref: APP/J2210/W/22/3312515).
16. Concerns have been raised about the effect of the proposal on the property's historic shopfront. During the determination of the planning application amended drawings were submitted, and as a result the proposal before me does not involve any alterations to the shopfront fronting Nunnery Fields. Likewise, as the proposal does not involve alterations to the Nunnery Fields elevation, access to the retail unit would be via an existing doorway location on Caledon Terrace. For this reason, the proposal would not have a harmful effect on pedestrian safety or noise and disturbance to neighbouring occupiers. There is no substantive evidence before me to indicate that the small retail use would result in a notable increase in deliveries to the appeal site, or that this would have a harmful effect on highway safety.
17. I note concerns about the effect of an external staircase on the privacy of neighbouring occupiers. For this reason, I have imposed the Council's suggested condition requiring the installation of a privacy screen which is shown on the submitted drawings, as this is necessary in the interests of the living conditions of neighbouring occupiers.

Heritage Balance

18. Paragraph 212 of the Framework states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
19. In line with the Framework and taking account of the nature and extent of the proposals, I find the harm to the significance of the CA would be 'less than substantial'. Nonetheless this harm carries considerable importance and weight. Framework paragraph 215 requires the harm to be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use. Public benefits, as described in the national Planning Policy

Guidance, can be anything that delivers economic, social or environmental objectives.

20. The appeal building is currently vacant and has been since 2017. The appellant indicates that were the appeal to be dismissed the appeal site would be left in a declining state of disrepair and the redundant premises would not be revitalised.
21. The proposal would bring a vacant and redundant site, which currently serves limited purpose, back into use. Through the provision of a convenience shop within a local neighbourhood, the proposal would assist in supporting the vitality and vibrancy of the local community and would have economic benefits through the creation of a small number of new jobs. These factors carry positive weight in the heritage balance and, cumulatively, would outweigh the 'less than substantial' harm to the heritage asset
22. Accordingly, whilst there would be conflict with policy HE1 of the Local Plan which seeks to conserve and enhance the historic environment and the contribution it makes to local distinctiveness and sense of place, the material considerations I outline above outweigh the conflict with the development plan.

Conditions

23. I have had regard to the planning conditions that have been suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and for clarity and consistency.
24. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty.
25. A condition requiring detailed drawings of the automatic doors on the building's southern elevation is necessary in the interests of the character and appearance of the CA and NDHA.
26. I have imposed the Council's suggested condition requiring that the proposal remains in Class E (a) use to prevent it from changing to an inappropriate use outside the town centre.

Conclusion

27. For the above reasons, and having had regard to all other matters, I conclude the appeal should be allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no.01, revision B – Location plan and block plans; Drawing no.04, revision B – Proposed floor plans; and Drawing no.05, revision B – Proposed elevations.
- 3) The development shall not be occupied until details including cross-sections through glazing bars and frames, elevation, glazing, material, colour and finish at a scale of 1:10 of the automatic doors to the southern elevation of the building have been submitted to and approved in writing by the local planning authority. The approved details shall be installed concurrently with the development and fully implemented prior to the first occupation of any part of the approved development.
- 4) The development shall not be occupied until the screening which is at a height of 2.0 metres to the northern boundary of the staircase and flat roof, as shown on drawing no.05, revision B, has been installed in accordance with the plan. Once installed the screening shall be retained thereafter.
- 5) The premises shall be used for retail within Class E(a) of Schedule 2, Part A of the Town and Country Planning (Use Classes) Regulations and its amendments and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987), or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order without modification.

END OF SCHEDULE