



Appeal Decision

Site visit made on 27 May 2025

by **S Simms BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 June 2025

Appeal Ref: APP/J2210/W/24/3356594

13 Orchard Street, Canterbury, Kent CT2 8AP

- 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 C Hill against the decision of Canterbury City Council.
 - The application ref. is CA/24/01355.
 - The development proposed is a change of use from part of guest house (Class C1) to single residential dwelling (Class C3) and reinstatement of the party wall.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use from part of guest house (Class C1) to single residential dwelling (Class C3) and reinstatement of the party wall at 13 Orchard Street, Canterbury, Kent CT2 8AP in accordance with the terms of the application, ref. CA/24/01355, and the drawings submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:
 - AL(0)01 Location Plan
 - AL(0)10 Floor Plans as Proposed

Applications for costs

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

Preliminary Matters

3. The description of development includes the reinstatement of an internal party wall and the drawings show this. As this only affects the interior of a non-retail building, it is not development, and I have dealt with the appeal as solely a change of use.
4. The Heritage Design and Access Statement states that the building is listed in grade II, part of a group with 1B to 25 Orchard Street. For the avoidance of doubt, the appeal before me relates to a refusal of planning permission only.

Main Issue

5. The main issue in this appeal is the effect of the proposed development on the availability of visitor accommodation.

Reasons

6. The site comprises a two-storey mid-terrace house. It contains four bedrooms, which have been in use as part of the adjoining guest house at nos. 11 and 12 since 2020, when an access was created in the party wall. Prior to this it was a dwellinghouse, to which use the appellant seeks now to return it.
7. From the street, the property retains the appearance of a house, whereas nos. 11 and 12 have a pub frontage at ground floor level, reflecting a previous use. The whole terrace is listed in grade II for group value, within Canterbury Conservation Area (CA) and, apart from the guest house, in use as dwellings.
8. The appellant states that the coronavirus restrictions meant that revenue from the additional bedrooms did not cover the cost of financing the purchase of the house and works to refurbish, convert and access it. Short term refinancing has not led to a sustainable solution and the guest house may be repossessed. The proposal would allow the property to be sold as a house and the proceeds could stabilise the remainder of the guest house business.
9. The proposal would lead to a loss of visitor accommodation and, whilst reduced demand following the pandemic suggests that it may no longer be needed, the business has not been marketed to test viability. Furthermore, the proposal is to convert to residential accommodation and efforts have not been made to secure other cultural, tourism, economic or community uses. Consequently, the proposal is contrary to Policy TV3 of the Canterbury District Local Plan 2017.
10. However, the viability test appears to assume that the accommodation lost and business tested are coincident, and therefore is not well adapted to circumstances in which only part of the accommodation operated by the business would be lost, far less to those in which the aim is to support the remainder.
11. The appellant bought the premises to expand the business and would be unlikely to sell soon after unless the lack of demand reported were genuine. Only a part of the business is affected and so the marketing exercise would be both academic and time-consuming whilst further losses would be incurred.
12. Whilst it is not the role of the planning system to protect businesses from losses, the appellant's record prior to the pandemic suggests that the proceeds of a sale will be used to stabilise the business. This is more likely to meet the objective of the policy in the long term than a forced sale of the whole.
13. Similarly, the alternative uses test seems more appropriate to a longstanding and whole unit of visitor accommodation. Furthermore, many of the alternatives are main town centre uses likely, in this case, to require alterations to a building listed for group value, located some way from the city centre.
14. The site has only comprised visitor accommodation since 2020 and contains less than a third of the guest house rooms, so its loss would not affect the core visitor offer and would maintain choice overall. A dwelling would be more appropriate to its location away from the city centre than the alternatives.

15. The proposed development is also more likely than the alternatives to preserve the listed building, the frontage it has in common with others in the terrace, and the character and appearance of the CA, of which it forms an important part. I have had special regard to the desirability of these objectives.
16. In the context of the objective of the policy and the purpose of its tests, I attach significant weight to these specific circumstances of the appeal.

Conditions

17. I have attached the standard and drawings conditions suggested by the Council to comply with section 91(1) of the Town and Country Planning Act 1990 and to assist in defining the permission.

Conclusion

18. The proposed development would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Consequently, I conclude that the appeal should be allowed.

S Simms

INSPECTOR