
Appeal Decision

Site visit made on 24 July 2025

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 August 2025

Appeal Ref: APP/J2210W/25/3361209

Hillview, 82 South Street, Whitstable CT5 3EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Jane Shearing against the decision of Canterbury City Council.
 - The application ref. is CA/24/02093.
 - The development proposed is for the return to private residential dwelling house (use class C3) from guest house (use class C1) and mixed dwelling (C3).
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the provision of visitor accommodation in the district.

Reasons

3. Hillview is a detached bungalow set in a backland position accessed via a driveway from South Street. The local area broadly to the north and west comprises residential properties of varying scale, design and detailing. The appeal site backs onto open fields and countryside.
4. Policy TV3 of the Canterbury District Local Plan July 2017 (LP) relates to visitor accommodation and states that planning permission will not be given for development involving the loss of visitor staying accommodation in the District unless certain criteria are met. In particular, clear evidence should demonstrate that the existing accommodation is no longer needed; and the use is no longer viable, and the business has been actively marketed for a minimum of one year continuously with no genuine interest.
5. The appellant states that the guest house closed on 20 October 2024. Prior to this, the business was put on the market in March 2024 and did receive an offer. I understand that due to a restrictive covenant being discovered during the purchasing process, the buyers pulled out of the deal. Moreover, I am also told that there is a restriction on the access road which grants domestic use only, and any potential buyer would need to negotiate terms with the new owners. However, such covenants are distinct legal concepts that address different aspects of property use and development, and the inability to obtain insurance consequently does not weigh in favour of the appeal scheme before me.

6. All this notwithstanding, the appellant has not provided any evidence pertaining to the marketing that was undertaken or the offer that was made. I have no tangible information to show that prior to its closure the guesthouse was viable as a business in terms of its occupancy rates and returns, or is currently no longer needed or fit for purpose as visitor-staying accommodation as set out in the terms of Policy TV3. In the absence of such detail, I cannot be certain that the requirements of the Policy would be met.
7. I appreciate that the owner continues to live in the dwelling as a domestic property and recognise that due to its location surrounded by other houses, it is unlikely that other cultural, tourism, economic or community uses would be appropriate for the site. I also sympathise with the appellant's position and recognise that this is a stressful situation. However, these matters do not justify the lack of evidence I have outlined above.
8. I am aware that due to the closure of the guesthouse the financial accounts will become increasingly dated; this would be a matter for any potential purchasers to consider in light of present market conditions. The appellant has alluded to a previous application under Council reference CA/16/02872/FUL, still I have not been provided with full details of this submission so cannot be clear whether it is comparable or not. I understand that the next Local Plan is still being prepared and as such does not have material weight in the planning balance.
9. I therefore conclude that the scheme would be detrimental to the provision of visitor accommodation in the district. It would fail Policy TV3 of the LP, which states that wherever possible existing visitor accommodation including guest houses, bed and breakfast and self-catering accommodation, is not lost to other uses.

Conclusion

10. In respect of the above and all associated factors, I dismiss the appeal.

C Hall

INSPECTOR