



Appeal Decisions

Site visit made on 18 August 2025

by **Mark Harbottle BSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Appeal A Ref: APP/J2210/W/23/3332825

Lyndale, 24 School Lane, Blean, Kent CT2 9JA

- Appeal A is made under section 78 of the Town and Country Planning Act 1990 (as amended) (“the Act”) against a refusal to grant planning permission.
- The appeal is made by Mr Lester Clark against the decision of Canterbury City Council.
- The application Ref is CA/23/01088.
- The development proposed is retention of a storage building (retrospective).

Appeal B Ref: APP/J2210/C/24/3337355

Land at the back of 24 School Lane, Blean, Canterbury CT2 9JA

- Appeal B is made under section 174 of the Act.
 - The appeal is made by Mr Lester Clark against an enforcement notice (“the notice”) issued by Canterbury City Council.
 - The notice was issued on 14 December 2023.
 - The breach of planning control as alleged in the notice is the erection of a single storey detached storage building.
 - The requirements of the notice are to: (1) Permanently remove the single storey storage building; (2) Permanently remove all resultant materials and debris from the land.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(f) of the Act.
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Appeal A – Decision

1. The appeal is dismissed.

Appeal B – Decision

2. The appeal is dismissed, and the notice is upheld.

Preliminary Matter

3. Notwithstanding the differences in the addresses, Appeals A and B relate to the same land.

Appeal A - Main Issues

4. The main issues in this appeal are:
 - The effect of the erection of the building on the character and appearance of the area, including whether it results in urbanisation of the countryside.
 - Whether the erection of the building is justified by a rural need.

Reasons

Character and appearance

5. The building is erected on a small field behind the rear gardens of houses on School Lane and to the immediate east of the Blean Conservation Area (“the CA”). The CA encompasses the parts of the village to the east of Blean Hill, Tile Kiln Hill and School Lane and the fields south of Tyler Hill Road extending east to include the Church of St Cosmus and St Damian. As the CA includes open fields as well as parts of the built-up area, it is characterised by a mix of urban and rural features. In that context, the erection of the building has not had a significant effect on the setting of the CA.
6. Nevertheless, policy DBE3 of the Canterbury District Local Plan (“the CDLP”) requires development to have regard to the character, setting and context of the site. The field is outside the urban area of the village, separated from the back gardens of houses on School Lane by a drainage ditch and hedgerow, and within the Amery Court Farmland Landscape Character Area (LCA). Although details of the LCA have not been provided, its name alone confirms that the context for the building is an agricultural landscape.
7. Few buildings are expected in such a landscape and, apart from isolated houses, those that are found are predominantly of agricultural form and design. While the building is relatively small, stained brown, and sited in a corner of the field, it has the characteristics of a domestic garage with an up-and-over door. The urban nature of its design is therefore not appropriate to the rural character of the countryside where it is located.
8. The appellant refers to a proposal for some 2000 houses on land to the west of Blean, including agricultural land next to the appeal site. He contends that the building cannot be said to urbanise the countryside in that context, as it would be in the middle of a large urban landscape. However, it has not been shown that the proposal has achieved the status of a development plan allocation or been granted planning permission, so I cannot afford weight to it.

Rural need

9. It follows from the reference to unjustified urbanisation of the countryside in the Council’s reason for refusal that, in some instances, such urbanisation may be justified. Neither party has cited a development plan policy relating to development in the countryside so I shall determine this aspect of the appeal having regard to the National Planning Policy Framework (“the Framework”).
10. Paragraph 88 of the Framework provides support for 4 categories of development within the countryside. These may be briefly summarised as (a) business development, (b) development and diversification of land-based rural enterprises including agriculture, (c) rural tourism and leisure, and (d) local services and community facilities.
11. The building stands on a 5500 sqm plot and a parcel of land of that size may reasonably require maintenance. What that will entail, and whether storage might be needed to facilitate it, will primarily depend upon the lawful use of the land, which is agriculture in this case.

12. By the appellant's admission, the land has not been in agricultural use since he bought it in 2006. I note a 2023 appeal decision¹ describing some domestic garden use of the land but concluding that the change of use from agricultural land to residential curtilage had not become lawful. The evidence before me indicates that the building was erected in connection with the unauthorised domestic garden use.
13. The planning application subject of this appeal was made with the aim of retaining the building "for the continued housing of the equipment and general paraphernalia associated with the use of this land." The application also confirms that there was "zero agricultural use." These 2 statements indicate an intention to retain the building in connection with a use of the land other than its lawful use.
14. The appellant had stated the building is used to store the following items:
 - A Land Rover used to pull grass rollers (also stored in the building) each fortnight and a trailer when hedges are cut twice a year.
 - Mowers, including a ride-on mower used each fortnight, strimmers, and spares for them.
 - A barbecue, garden tables, chairs, goals and footballs, swing ball and various play and sporting items.
15. At the time of my site visit the goals were set up on the land and not stored within the building. It was also apparent that the rollers cannot be stored in the building due to their width. Nevertheless, I saw no evidence of any agricultural activity and everything within the building must therefore be associated with a different use.
16. It has not been explained why land that may only be lawfully used for agriculture would need to be mown and rolled so regularly. Nevertheless, there is nothing to stop the appellant from doing so as often as he likes, but that has not been shown to arise from a rural need. Many of the items identified above are clearly domestic and have not been demonstrated to meet any rural need.
17. While twice-yearly hedge cutting might be necessary to meet the needs of a rural enterprise on the land, if there were one, it does not follow that a storage building would need to be erected to facilitate it. In any event, no such justification has been provided.
18. For these reasons, it has not been demonstrated that the erection of the building was necessary to meet a need in connection with the lawful agricultural use of the land. Furthermore, it has not been demonstrated that it was erected in connection with any of the 4 categories of development in rural areas that can draw support from paragraph 88 of the Framework.

Appeal A - Other Matters

19. The appellant advises that the land and building can only be accessed from No. 24, through a narrow gate at the end of the garden. He suggests it would be difficult to maintain the land without the building because the larger items currently stored within it and used for that purpose cannot pass through the gate. However, I saw that there is no access from the back garden to School Lane other than through the house, so the gate cannot have made any further restriction.

¹ APP/J2210/X/22/3292364 dismissed 23 January 2023.

20. Concern has been raised about water run-off from the building and potential pollution of the adjacent watercourse. Rain water from one roof plane runs to a butt and water from the other discharges to the ground. However, no evidence that these arrangements might be a cause of pollution has been presented.
21. Reference has also been made to non-agricultural vehicles being parked on the land. However, the planning application does not include this, nor is it part of the matters alleged in the notice.

Appeal A – Conclusion

22. For the reasons given, the erection of the building has urbanised the countryside and so has failed to reinforce and positively contribute to its local context, contrary to policy DBE3 of the CDLP. Furthermore, it does not benefit from any exception to the strict control of development in the countryside allowed for by Part 6 of the Framework. The appeal should therefore be dismissed.

Appeal B – the appeal on ground (f)

23. An appeal on this ground is that any requirement of the notice exceeds what is necessary to remedy the breach of planning control or any injury to amenity it may cause. The breach of planning control is the erection of the building, and the notice's first requirement is that it be removed from the land. The purpose of the notice is therefore to remedy the breach of planning control.
24. The appellant has not identified any reason why the requirements of the notice exceed what is necessary to remedy the breach of planning control. Nor has he identified any lesser steps that would achieve the same outcome.
25. It has therefore not been demonstrated that the requirements of the notice are excessive and the appeal on ground (f) must fail.

Appeal B – Conclusion

26. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Mark Harbottle

INSPECTOR