
Appeal Decision

Site visit made on 4 November 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th November 2025

Appeal Ref: APP/Z2260/W/24/3343372

The Avenue, Margate CT9 2ST

- 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 Ms Daisy Emily Warne against the decision of Thanet District Council.
 - The application Ref is F/TH/16/1666.
 - The development proposed is “a restructuring of a pre-existing manufacturing firm into mixed used artist studios”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the Council’s decision notice reads “change of use to B1 (film/photo studio, graphic design and typesetting, fashion illustration and artist), B2(Jewellery maker), B8 (storage) and sui generis (Music studio/production, wood works/set building)”. In the banner heading above, I have used the description stated on the planning application form.
3. However, I note that the appellant on the appeal form states that the description on the application form is no longer correct given the site has changed according to demand from the creative industries. At the time of my site visit the lean-to in the rear yard had been partly dismantled. No specific uses are indicated on the drawings but the site was primarily used for music production, photographic studios and storage. I have necessarily determined the appeal on the basis of the scheme as set out in the original planning application.

Main Issues

4. The main issues are the effect of the appeal proposal on:
 - the living conditions of neighbouring residents with particular regard to noise and disturbance;
 - housing land availability; and,
 - highway safety.

Reasons

Living Conditions

5. The appeal site comprises a building formerly used for manufacturing. It is a large building, currently split into several small units over 2 storeys, together with an associated yard to the rear. There are several small structures within the yard containing various studios, storage and ancillary facilities. The site is accessed off The Avenue from which a vehicular and pedestrian access leads to the appeal site. The local area is primarily residential and given the backland location, there are dwellings surrounding the site. The terraced housing along Poets Corner is closest, with their rear gardens abutting the appeal site's northern boundary.
6. The uses would not all be noise generating, particularly storage or the studios used by designer/makers as set out in the application. However, the proposal also includes music studios which have the potential to generate noise which I consider would have the potential to harm the living conditions of neighbouring residents. This would be particularly so should any playing or recording take place during the evening or night-time when it would reasonably be expected that residents would likely be at home.
7. I note the appellant states the music studios are insulated. However, there is limited information accompanying the appeal regarding the background noise environment, the noise generated by the music studios or any other noise generating equipment used by other studio occupiers, and there is limited detail of the necessary noise mitigation provided by the installed insulation. Based on the information supplied, there is insufficient evidence to demonstrate that the noise levels at the nearest affected noise sensitive properties would be acceptable and would not cause undue disturbance to nearby residents.
8. Whilst I note that the noise complaints referred to were mostly made several years ago, an absence of recent formal noise complaints does not in itself guarantee that the studio use would not cause noise and disturbance to neighbouring residents.
9. I note that the Council's suggested conditions set out decibel limits as required by the Council's Environmental Health Officer. The appellant has expressed doubt as to whether the required noise level at the nearest residential façade could reasonably be achieved. Given the degree of uncertainty regarding the mitigation offered by the current soundproofing, and whether the Council's required noise specification could be met, I do not consider this matter could reasonably be dealt with by planning condition.
10. In conclusion on this main issue therefore, there is insufficient evidence to show that the proposal would not result in noise and disturbance to nearby residential occupiers. This would conflict with Thanet Local Plan 2020 (Local Plan) Policies QD03 and SE06. Taken together and amongst other things, these policies require new development to be compatible with neighbouring buildings and not lead to unacceptable living conditions through noise or vibration, and require development proposals that generate significant levels of noise to be accompanied by a scheme to mitigate such effects, bearing in mind the nature of surrounding uses.

Housing Land

11. Policy H01 of the Local Plan identifies allocated housing sites. It includes a site comprised of the appeal site and an adjacent set of buildings, identified in the policy as 'Builders Yard, The Avenue, Margate' allocated for 10 dwellings. The policy further states that alternative development on non-strategic sites allocated for residential development will not be permitted.
12. The appeal site comprises around half of the allocated housing site. It would be a reasonable assumption that the site could not comfortably accommodate 10 dwellings and would more realistically accommodate 4-5 based on its footprint. I have been referred to a lapsed planning permission from 2009 (reference F/TH/08/0828) for 10 dwellings on the allocated site. The appellant indicates part of the site has since been sold to a third party. I have no compelling evidence before me that there is a reasonable prospect of the entire allocated site coming forward for residential development.
13. Nevertheless, the policy is clear that alternative development on non-strategic sites allocated for residential development will not be permitted. Even though the appeal site does not comprise the entire allocated site, it would conflict with the stated aims of Local Plan Policy H01 to safeguard land identified for housing in the interest of maintaining a suitable, sustainable and sufficient housing land supply.

Highway Safety

14. The site would be for pedestrian access only and no parking is shown on the drawings. I note that the parking standards referred to by Local Plan Policy TP06 are maximum standards and the site is well served by public transport. Any occupiers choosing to drive to the site would necessarily have to park on one of the nearby streets. Whilst I note the Council's concerns regarding parking restrictions on one side of Addiscombe Road, there is on-street parking on streets surrounding the site and there is limited evidence before me that on-street parking in the area is under stress.
15. However, servicing and delivery vehicles would need to access the site. As a former manufacturing use, the site would have generated traffic movements, particularly deliveries to and from the building. There is sufficient space for vehicular access to the appeal site from The Avenue. I accept that larger HGVs may need to use Addiscombe Road for unloading on-street. There is little substantive evidence before me which would lead me to conclude that some additional on-street servicing would unacceptably harm highway safety in this location.
16. In conclusion, there is little evidence that the appeal scheme would cause unacceptable harm to highway safety, and as such the proposals would be consistent with the aims of Local Plan Policies TP06 and QD02. Taken together and amongst other things, these policies require development to provide safe and satisfactory access and provide satisfactory car parking provision.

Other Considerations

17. I have been referred to Local Plan Policy SP04 which aims to accommodate inward investment in job creating development, the establishment of new businesses and expansion and diversification of existing firms. It identifies

Thanet's town centres as priority areas for regeneration and employment generating industries, with support for the creative industries. The policy sets out that sufficient sites and premises suited to the needs of business are identified and safeguarded for such uses, and within the urban area, proposals for employment generating development on non-allocated sites will be supported in principle.

18. There is clear policy support for employment generating uses, which weighs in favour of the scheme.
19. The Council consider the appeal proposal acceptable with regard to its effect on the character and appearance of the area and they are satisfied that there would be no harm to living conditions of nearby residents with regard to daylight, sunlight or loss of outlook. I see no reason to disagree. These matters hold neutral weight in my determination of the appeal.

Planning Balance

20. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. According to the Framework, planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. It states that significant weight should be placed on the need to support economic growth and productivity. I therefore attribute significant weight to the appeal scheme's compliance with Local Plan Policy SP04 in terms of its support for employment generating uses.
21. The Council acknowledge that they cannot demonstrate a 5-year supply of land for housing, identifying a supply equivalent to 3.78 years. The Framework seeks to significantly boost the supply of homes. Whilst there is a clear need for housing, as set out above, I accept that the fragmented ownership of the appeal site and a lack of extant permission for the 10 units identified in the Local Plan, means that the appeal site would be unlikely to accommodate more than 4-5 dwellings. This is not significant in the context of the Council's housing shortfall and in these circumstances, I attach greater weight to the economic benefits arising from the employment generating use.
22. Although I have concluded that the scheme would be acceptable in terms of its effect upon highway safety, this holds neutral weight in the planning balance.
23. Notwithstanding my views on the relative economic benefits and harm to the Council's identified housing supply, and lack of harm to highway safety, it has not been adequately demonstrated that the collection of uses including music studios would not harm the living conditions of surrounding residents. I do not consider that the economic benefits of the scheme would outweigh the harm to the living conditions of neighbouring residents.

Conclusion

24. For the reasons given above the appeal should be dismissed.

L Francis

INSPECTOR