



Appeal Decision

Site visit made on 29 October 2025

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd December 2025

Appeal Ref: APP/J2210/W/25/3367969

**Land Between 2 Springfield Cottages and Rosewood, Bekesbourne Lane,
Bekesbourne, Canterbury CT4 5DX
(Easting: 618165 Northing: 156626)**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr T Clout-Hart against Canterbury City Council.
 - The application Ref is CA/24/01930.
 - The development proposed is the erection of an agricultural storage building together with formation of access.
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Decision

1. The appeal is dismissed and planning permission for an agricultural storage building together with formation of access is refused.

Preliminary Matters

2. The appeal is against the failure of the Council to give notice within the prescribed period of a decision on an application for planning permission. As such, there is no decision notice. However, the Council's written statement advises that planning permission would have been refused had a decision been made.
3. I have taken the description of development from the appellant's appeal form as it more accurately describes that for which permission was sought. I have omitted the reference to the part retrospective nature of the proposal as this is not an act of development.
4. The Council initially referred to the land being within the National Landscape and an Area of High Landscape Value. They have subsequently confirmed that these designations do not apply to the appeal site.

Main Issues

5. Based on the Council's putative reasons for refusal I consider the main issues to be the effect of the proposed development on a) the character and appearance of the area; and b) highway safety.

Reasons

Character and Appearance

6. Policy SP1 of the Canterbury District Local Plan 2017 (CDLP) broadly reflects the presumption in favour of sustainable development as advocated in the National

Planning Policy Framework (the Framework). Policy SP4 establishes the strategic approach to the location of development in the district. It focuses development on certain existing settlements and states that in the open countryside development will be permitted for agricultural and forestry purposes, referencing Policy EMP13.

7. Policy EMP13 establishes four criteria against which new agricultural buildings would be assessed. These are: that there is an economic need for the development; there is no harm to the physical setting; any existing historical or architectural buildings are respected and that there is no harm to the landscape or protected species.
8. The supporting text to this policy, at paragraph 3.71 of the CDLP, refers to the potential for large buildings located in sensitive areas to have a major impact. However, this is one of several issues the text addresses and the policy itself does not refer to 'large' agricultural buildings or seek to introduce any inherent distinctions based on the size of the proposed building. As such, I find the policy relevant to this appeal.
9. The appeal site is located in the open countryside amongst a ribbon of properties on either side of Bekesbourne Lane. It comprises a parcel of land measuring some 0.29 hectares. It was previously part of a larger holding, including the adjacent field to the northeast. The appeal site's overriding open and verdant appearance positively reflects a prevailing rural character.
10. The proposed building would have a footprint of approximately 54m² with its mono-pitched roof giving the building a maximum height of some 3 metres. It would be constructed in metal sheeting and have a utilitarian/agricultural appearance. It would be open on one side.
11. The building would be used in connection with the appeal site, which at the time of my visit was largely devoid of buildings or activity aside from a small wooden framed enclosure housing some chickens etc. Although the information before me suggests that the current and proposed activities would not form part of a rural enterprise or farming business, this does not necessarily preclude them from being forms of agriculture. It is the appellant's position that the operations would be agricultural and I have no substantive evidence to come to a different conclusion.
12. For a farming operation that is being undertaken as a business, it will usually be possible to demonstrate that there is an economic need for the building, and this will usually be linked to the wider operations and necessity for the building. In this case however, there does not appear to be an economic basis for the building.
13. I appreciate that where an operation is not yet established, and especially if it is not being undertaken commercially, demonstrating an economic basis for a building can be challenging but it is nonetheless a requirement of the CDLP. However, even putting to one side the financial aspect, given the policy context, it would still be reasonable to expect the need for the resulting development to be of a scale and design appropriate to the site and proposed operations as well as to the wider setting.
14. It is said that the proposed building is the minimum required to store equipment and feed but there is little substantive information to demonstrate this is the case. For example, there is nothing to justify the size of the building in relation to the size of the site or the wider proposed operations, nor in relation to the livestock to be

kept on site or their particular requirements. It is not clear what equipment would be required for a relatively small site and that might need to be stored in an open-sided building.

15. There is also a suggestion that the appellant could rent out agricultural land elsewhere but there is no indication as to where the land would be located or if the proposed building would serve both land holdings. Similarly, it is suggested that there is potential for breeding and sales for pets, eggs or poultry locally, which would possibly have a commercial aspect to them. However, there is nothing to suggest that at present any of this remains more than aspirational.
16. The proposal would therefore introduce built form in a location where the policy objective is to minimise development. There is no evidence before me to suggest that this historically has been anything other than an open piece of land. The building may have been sited to minimise its effect upon the wider area, but it would nonetheless still be a sizable structure with a corresponding visual impact. The effect of the building on the open character would be limited but nonetheless some harm would inevitably arise. Based on the information before me, I have not found a robust or compelling justification for the proposed building.
17. Consequently, I find the proposal to be harmful to the character and appearance of the area and to conflict with Policies SP1, SP4, DBE3 and EMP13 of the CDLP which, amongst other things, seek to ensure that development is of an appropriate form and scale to minimise its visual impact and avoid harm to its setting.
18. Similarly, the development would conflict with the objective of the Framework regarding the protection of the countryside.

Access

19. A site access similar to that initially proposed as part of the planning application has been implemented on site. However, the visibility splays fall below the required standard.
20. During the course of the planning application and appeal the appellant has provided revised visibility splay arrangements and information to address the safety concerns raised by the Highway Authority (HA).
21. The HA has subsequently acknowledged that an appropriate visibility splay to the northwest could be achieved on land within the control of the appellant. As such, the concern is now with the southeastern splay and whether or not it can be safely achieved.
22. As part of the appeal process, the HA were given an opportunity by the Council to review the latest access details. Their comments have been forwarded to me and the appellant also had an opportunity to comment on them. The HA note that the existing arrangements are unacceptable with more hedging than shown being likely to have to be removed in order to achieve the necessary splay. In the absence of drawings to fully demonstrate this, the HA raises an objection.
23. It does seem likely that more of the hedging than is indicated on the drawings would need to be removed to achieve the southern splay. Whilst any new hedge would take time to establish, based on the information before me and my own observations, I have no reason not to accept the appellants submissions that it

would be possible to achieve the necessary visibility splay within their own land. This could be controlled through appropriate planning conditions.

24. However, any potential visibility splay to the southeast is also in part compromised by an existing telegraph pole. The appellant is prepared to accept a Grampian condition regarding the relocation of the pole.
25. The Planning Policy Guidance advises that such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission. Despite the appellant being unable to provide any information on the feasibility of the pole being relocated, at this stage I cannot entirely rule it out as a possibility. As such, a Grampian condition could be effective in controlling this matter.
26. Therefore, in view of all of the above, it seems to me that the situation just tips in favour of the appellant on this particular issue. Consequently, I find that subject to the imposition of appropriate planning conditions, the access would not have an adverse effect on highway safety. It would therefore accord with Policies DBE3 and T9 of the Local Plan insofar as allowing for the safe movement of road users and providing parking.
27. As the proposal would not have an unacceptable impact on highway safety, nor would there be severe residual cumulative impacts on the road network, there would not be conflict with paragraph 116 of the Framework.

Conclusion

28. I have found in favour of the appellant regarding highway safety, but the proposal would cause unjustified harm to the character and appearance of the area. Overall, the proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that this appeal should not succeed.

Stewart Glassar

INSPECTOR