



Appeal Decisions

Site visit made on 23 October 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2026

Appeal A Ref: APP/J2210/W/25/3361622

2 High Street, Canterbury, Kent CT1 2JH

- 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 Shawarma Bros Ltd against the decision of Canterbury City Council.
 - The application Ref is 24/01824.
 - The development proposed is Installation of kitchen extraction system and retractable awning.
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Appeal B Ref: APP/J2210/H/25/3361623

2 High Street, Canterbury, Kent CT1 2JH

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Shawarma Bros Ltd against the decision of Canterbury City Council.
 - The application Ref is 24/01825.
 - The advertisement proposed is erection and display of externally illuminated fascia sign, externally illuminated projection sign and awning signage.
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Appeal C Ref: APP/J2210/Y/25/3361624

2 High Street, Canterbury, Kent CT1 2JH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Shawarma Bros Ltd against the decision of Canterbury City Council.
 - The application Ref is 24/01826.
 - The works proposed are external and internal alterations including flue to rear elevation and vent and installation of gas meter box to front elevation, replacement front windows from timber to timber together with retractable awning.
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Decisions

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.
3. Appeal C: The appeal is dismissed.

Applications for costs

4. Applications for costs in relation to Appeals A, B and C have been made by Shawarma Bros Ltd against Canterbury City Council. These are the subject of separate decisions.

Preliminary Matters

5. These decisions address planning permission, listed building consent, and advertisement consent appeals for the same site and differing elements of the same scheme. Whilst the remit of each regime is different, to reduce repetition and for the avoidance of doubt, I have dealt with the three appeals together within a single decision letter whilst having regard to the statutory duties that apply under Sections 16(2), 66(1) and 72(1) of the Act wherever applicable to do so.
6. The Council's reasons for refusal relating to the applications for planning permission and listed building consent focus on specific elements of the proposals. However, as decision maker, I am required to assess the development and works proposed as a whole in relation to the statutory duties of the Act. Given the appellant's evidence addresses matters of the proposed internal works, shopfront, extraction equipment and signage, their interests would not be prejudiced by my assessing them.
7. I have taken the description for each proposal from the appeal form, as correspondence submitted indicates the appellant agreed to amended descriptions during the application process, albeit I have removed some extraneous wording.
8. At the time the applications were made, it was stated on the application forms that no development or works had taken place and the adverts were not being displayed. At the time of my site visit, development and works were substantially underway. It was clear that some of these were not in full accordance with the plans before me. For the avoidance of doubt I have assessed the proposals against the submitted plans.
9. In respect of Appeal B, The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the advert regulations) state that control may only be exercised in the interests of amenity and public safety, taking into account the provisions of the development plan so far as they are material and other relevant factors. The advert regulations also confirm that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The duty imposed by s72(1) of the Act is relevant to this decision insofar as it relates to amenity, but not the duties under sections 16(2) and 66(1) of the Act.
10. The second reason for refusal in Appeal B related to the height of the awning above the pavement. It appears that the appellant submitted a revised plan to the Council while it was considering the application but this was not referred to when determining the application. In light of this plan, the Council has confirmed it no longer seeks to defend this reason for refusal.
11. I have considered whether it would be appropriate to accept these revised plans, having regard to the guidance in the 'Procedural Guide: Planning Appeals – England, and the tests given in the 'Holborn Studios' judgment¹. The Procedural Guide makes clear that the appeal process should not be used to evolve the scheme and that in most cases the appeal should be determined on the basis of the plans upon which the Council made their decision. In this case I consider that an increase in the height of the awning from 2.5m to 2.6m above the footpath would not be a fundamental change to the application. I am satisfied that there

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

would not be prejudice to any party were I to determine the appeal in accordance with this plan.

Main Issues

12. The main issue for Appeal A and Appeal C is the effect of the proposals on the special architectural and historic interest of the Grade II* listed building 1 and 2, High Street; whether the proposal would preserve or enhance the character or appearance of the Canterbury Conservation Area; and whether the proposal would safeguard the Outstanding Universal Value of the Canterbury World Heritage Site.
13. A further main issue for Appeal A is whether the proposal would provide for suitable odour dispersal.
14. The main issue for Appeal B is whether the proposal would have an acceptable effect on visual amenity.

Reasons

Special Interest and Significance

15. Paragraph 207 of the National Planning Policy Framework (the Framework) requires applicants to describe the significance of any heritage assets that may be affected by a proposal including any contribution made by their setting. It goes on to advise that this should be proportionate to the assets importance and sufficient to understand the potential impact of a proposal on its significance when assessed using appropriate expertise.
16. Paragraph 208 of the Framework requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. Paragraph 213 of the Framework confirms that Grade II* listed buildings and World Heritage Sites are heritage assets of the highest significance.
17. 1 and 2, High Street is a Grade II* listed building dating from the 14th century. Timber framed, it has been subject to alterations in the 18th century and more modern times. Formerly the Chequers Inn along with the adjoining 1-9 Mercery Lane, it is referred to by Chaucer. Historically, there was a large dormitory, likely housing pilgrims.
18. From the evidence before me, the special interest of the listed building as it relates to these appeals is derived from its architectural interest from its surviving historic fabric and materials, along with its traditional method of construction. Of particular importance to these appeals are the heavy wooden brackets which support the overhanging upper floors and the stone arcade. The listed building also has historic interest as to the development and land uses in Canterbury, with particular reference to the importance of Canterbury to Christianity in Britain and artistic interest arising from its referencing by Chaucer.
19. The appeal property lies within the Canterbury Conservation Area (CA). Its special interest and significance are derived from the quality of the built form, materials and evidence of the historic layout and development of Canterbury. The appeal property also lies within the buffer zone for the Canterbury World Heritage Site (WHS). The WHS is inscribed for its Outstanding Universal Value (OUV) which is

its cultural and/or natural significance. The Planning Practice Guidance confirms that the buffer zone forms part of the setting of the WHS. As it relates to these appeals, the OUV of the WHS is derived from the importance of Canterbury Cathedral in the history and role of Christianity in Britain. It also refers to pilgrimage to Canterbury. Given the appeal property is identified as historically having formed part of an inn containing a large dormitory, and position framing the view along Mercery Lane to the Christchurch Gate of the Cathedral, the appeal building is functionally important as a support to the OUV of the WHS and makes a positive contribution to the character and appearance of the CA as a whole.

Appeal Proposals and Effects

20. Taken together, the external aspects of the proposal can be summarily described as being for the installation of a new shopfront, including an awning and advertisements, along with louvres to be installed in the side elevation of the building where there is a pedestrian passageway. The louvres would allow for the discharge of fumes from the internal extraction equipment, the installation of which forms part of the internal alterations for which listed building consent is sought.

Internal Works

21. From the plans before me, the internal works relate to a substantial refit of the property. For the purposes of Appeal C, this description is not sufficient to detail the works. There was no response to a request for a comprehensive list of works. As such, I do not have certainty as to what precisely is being applied for with respect to Appeal C.
22. Nor is there clear detail before me of the existing features of the building which would be removed to allow the works to take place. While photographs of the interior and exterior of the property were submitted, they are not sufficiently detailed to allow for any features which contribute to the special interest of the asset to be identified. At my site visit, a significant amount of work had been undertaken inside the property, such that it would not be possible for me to assess the effects of the proposal on the special interest and significance of the listed building, even if I were satisfied the submitted plans fully and accurately described the works.
23. Furthermore, at my site visit, I observed an area of stonework inside the property. The floorplans indicate a gas meter box would be installed in this location. I do not have details of the appearance or scale of this, or how it would be installed. I cannot be certain that this aspect of the works would not affect the historic fabric of the building.
24. It is undoubtedly the case that the proposed extraction equipment would have an industrial, modern and utilitarian appearance. It would also be of a considerable size and scale. However, as I have set out above, I have only the most limited information about the interior of the property and that before me is not sufficient for me to make an assessment of the effects of the proposal on the special interest and so significance of the listed building.
25. While it may be the case that the public expect extraction equipment in uses such as that proposed, that does not mean it would be appropriate. Nor do the needs of the use take precedence over the statutory duty with respect to the listed building. I have not been referred to the specific advice issued by Historic England.

However, it is not clear that the proposed extraction equipment would fall within what would be considered as kitchen equipment and it is the case here that listed building consent would be required.

26. The appeal property is a Grade II* listed building and so a heritage asset of the highest significance. I am mindful of the advice in paragraph 212 of the Framework which sets out that great weight should be given to the asset's conservation, (and the more important the asset, the greater the weight should be).. Paragraph 213 further advises that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. It therefore would not be reasonable to seek to resolve these issues through the submission of further details by condition, as I could not be certain that any such details would be acceptable, which in turn would prevent the consent from being implemented.
27. I therefore cannot be certain that the proposal would meet the statutory presumption set out in section 16(2) of the Act. Nor can I be sure that it would not harm the significance of the listed building and so comply with the provisions within the Framework which seek to conserve and enhance the historic environment. Nor can I draw conclusions against the relevant policies of the development plan.

Shop Front

28. The evidence before me in the form of the existing plans and photographs indicate that the previous shopfront was a modern addition to the property. The proposed shopfront would be broadly similar with a central double door, large glazed windows to either side with a fascia above. The doors would be located further forward in the shop front than those previously.
29. The proposed shopfront would have only the most limited of traditional shopfront features and would be constructed from modern materials. However, the building has a strong horizontal emphasis, with each of the upper floors being jettied, and finished in differing materials. There is no vertical emphasis to the property for the shop front to relate to and this would be a neutral factor in my assessment.
30. However, the submitted plans do not show the heavy wooden brackets supporting the upper floors which are referenced in the listed building description. Although this may simply be an oversight on the plans as the brackets were in place at the time of my site visit, I am bound to determine the appeals on the plans and evidence before me. This omission gives rise to considerable uncertainty as to what is proposed, as well as to the accuracy of the plans overall.
31. The shopfront details also show the installation of a trough light to illuminate the fascia sign. There is no detail of how this is to be affixed to the building, and the plans appear to show this as being on the wooden brackets supporting the jettied floors. There is insufficient information to be able to ascertain the effect of this installation on the historic fabric of the building.
32. It is imperative that proposals are accompanied by accurate plans and/or specifications to illustrate and/or describe the proposed scheme in order to avoid any doubt over what is proposed, and to allow a robust assessment of any consequent effects. While I have found elements of the proposed shopfront as illustrated on the plans would preserve the special interest and significance of the listed building, the deficiencies and ambiguities in the plans and evidence mean that I cannot be certain about other aspects of this part of the scheme.

33. I therefore cannot be certain that the proposal would meet the statutory presumption set out in section 16(2) of the Act. Nor can I be sure that it would not harm the significance of the listed building and so comply with the provisions within the Framework which seek to conserve and enhance the historic environment. Nor can I draw conclusions against the relevant policies of the development plan.

Conservation Area and World Heritage Site

34. The proposal is for a modern shopfront and would be replacing an equally contemporary shopfront. However, due to the concerns I have identified above with respect to the heavy wooden brackets, I could not be certain that the proposal would not result in the loss of a design feature of the building which adds to the character and appearance of the CA. Nor could I be certain of the effect on the buffer zone of the WHS. I therefore cannot be certain that the proposal would meet the tests set out in section 72(1) of the Act. Nor can I be sure that it would not harm the significance of the CA and WHS and so comply with the provisions within the Framework which seek to conserve and enhance the historic environment. Nor can I draw conclusions against the relevant policies of the development plan.
35. The installation of the louvres would be to a semi-private pedestrian access. They would be sited behind a gate, in an enclosed passage and so would not be readily visible. They also would have a neutral effect and so would preserve the character and appearance of the CA as a whole. There also would be no change to the functional relationship of the appeal site to the WHS and so the OUV of the WHS would be safeguarded.

Odour

36. The application was accompanied by a Kitchen Extraction System Report and Odour Risk Assessment. This sets out that filtration will take place within the proposed extraction system itself, with only filtered clean air discharged through a louvre to be installed in the side elevation of the property.
37. The Council has offered no substantive explanation as to why this system would not ensure effective dispersal. It relies on the comments of the environmental health manager, who only states low level extraction does not comply with their requirements. There is no further elaboration on why this is the case. Consequently, I find the evidence of the appellant to be more compelling.
38. The proposal would provide for suitable odour dispersal. It would therefore comply with Canterbury District Local Plan (July 2017) (CDLP) Policies DBE3, DBE6 and QL12 which require development to protect the amenity of neighbouring buildings, require alterations to be not detrimental to amenity and require conditions to be imposed on potentially polluting development to ensure mitigation measures are undertaken.

Amenity

39. The Shopfront Design Supplementary Planning Document (SPD) contains specific advice in relation to projecting signs. While this indicates that projecting signs may not be acceptable, it does not elaborate on the reasons why this may be the case.
40. It is proposed to site the projecting sign to one side of the fascia sign, which is in accordance with the SPD. Its materials and colour would be consistent with the treatments to the wider shopfront and its height would be contained within the

height of the fascia sign. It would be externally illuminated from spotlights attached to the bracket. It would appear as a cohesive part of the design of the shopfront.

41. The installation of the awning as shown on the submitted plans would provide for sufficient clearance over the highway to ensure there would not be an adverse effect on highway safety. It would be well integrated into the shopfront and would not be an uncharacteristic feature in the CA.
42. However, as I have set out above, I cannot be certain as to the effect of the installation of the trough light on the historic fabric of the listed building. Nor can I be certain as to whether the heavy wood brackets would be retained. Consequently, I cannot be satisfied that the proposal would have an acceptable effect on amenity. I acknowledge that the Council has subsequently approved an application for advertisement consent. However, I do not have full details of that before me. Consequently, I cannot be certain that the proposal would preserve or enhance the character or appearance of the CA as set out in s72(1) of the Act.
43. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. Of particular relevance to the proposal are CDLP Policies DBE3, DBE6, HE4, HE5, HE8, HE9 and HE10 which seek high quality design and to preserve heritage assets.

Other Matters

44. There would be economic benefits from the shop being in use and would support the vitality and viability of the High Street.

Conclusions

45. I find that the proposal would make appropriate provision for the dispersion of odours. The projecting sign would have an acceptable effect on amenity. These aspects of the proposal, along with the louvres would preserve the special interest and not harm the significance of the Grade II* listed building 1 and 2 High Street, preserve the character and appearance, and not harm the significance of the CA; and safeguard the OUV of the WHS. A lack of harm in these respects is a neutral consideration which weighs neither for nor against the appeals.
46. However, there is insufficient evidence before me to allow me to conclude that the internal works, shopfront and advertisements would preserve the special architectural and historic interest of the Grade II* listed building 1 and 2 High Street and not harm its significance. Nor can I be certain as to the effect on the character and appearance of the CA. Consequently, I cannot reasonably determine whether the proposal would meet the requirements of the Act or comply with the provisions within the Framework which seek to conserve and enhance the historic environment. Nor can I draw conclusions against the relevant policies of the CDLP. The different elements of the scheme before me are physically and/or functionally linked and the proposal needs to be considered as a whole. Therefore, notwithstanding that the Council has granted an advertisement consent, it would not be appropriate to allow at appeal part of the proposal.
47. Appeal A: The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be taken otherwise. For the reasons given, I conclude that the appeal should be dismissed.

48. Appeal B: For the reasons set out above, the appeal is dismissed.

49. Appeal C: For the reasons set out above, the appeal is dismissed.

Jennifer Wallace

INSPECTOR