



Appeal Decision

Site visit made on 7 January 2026

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2026

Appeal Ref: APP/J2210/W/25/3374628

Albert Hall, Albert Street, Whitstable CT5 1HT

- 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 Mr Cheetham (Assemble Spaces Limited) against the decision of Canterbury City Council.
 - The application Ref is CA/25/00298.
 - The development proposed is Change of Use of existing Hall to 2No. 3-bed dwellings (following partial demolition) and erection of 2No. two-storey, 3-bed dwellings (with accommodation in the roof space) with parking and external amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of existing Hall to 2No. 3-bed dwellings (following partial demolition) and erection of 2No. two-storey, 3-bed dwellings (with accommodation in the roof space) with parking and external amenity space at Albert Hall, Albert Street, Whitstable CT5 1HT in accordance with the terms of the application, Ref CA/25/00298, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are (a) the loss of a community facility; and (b) the effect of the proposed development on the Thanet Coast and Sandwich Bay SPA and Thames, Medway & Swale SPA.

Reasons

Loss of Community Facility

3. Policy QL6 of the Canterbury District Local Plan 2017 (CDLP) requires proposals that involve the loss of community buildings and sites to demonstrate that there is no demonstrable need for the facilities within the locality and that other uses to serve the local community could not operate from the buildings or land.
4. Until it was vacated in 2023, the appeal building was used for some 32 years as a place of worship for Jehovah's Witnesses. There is no disagreement between the main parties that the building is no longer required by Jehovah's Witnesses for that purpose.
5. It is the appellant's position that this use of the building would not sit comfortably within the Local Plan's definition of a community facility as it was not open to the local community. The building would have been used for religious meetings and activities, with membership being tightly controlled. In this respect the appellant suggests the use was more akin to a privately operated and occupied building. On

this basis, the reuse of the building was not said to represent the loss of a public or privately operated community building or site, or a use for community purposes. Thus, it would not fall within the remit of Policy QL6.

6. The policy relates to both public and privately operated buildings and sites. Thus, the appeal building/site being privately operated would not necessarily in itself prevent the policy from being applied.
7. However, the restricted nature of access to it does limit the extent to which it would have been open and able to be used by the local community. In this respect I note that although the list of community uses within the Local Plan's definition is an open list, they are very much geared towards the wider community and access for all members of the local community rather than a very small number of people.
8. It seems that, having regard to the information before me, the building and site did not operate as a community building or site of the sort envisaged by the policy. I therefore have reservations as to whether Policy QL6 applies in this particular case. I am mindful that the lawful use would have allowed a wider range of uses to operate from the site, but the policy refers to public or private operated buildings or sites or uses for community purposes, not the lawful use.
9. However, for completeness, I have also had regard to the information submitted in relation to the marketing of the building and the extent to which it has been demonstrated that no other uses to serve the local community could operate from the building. The policy does not set out how an applicant should demonstrate that other uses could not operate from the building.
10. Clearly, the size and layout of a building will to some extent limit its suitability or attractiveness. Having regard to the appeal building, these are likely to have been negative factors in any potential purchasers wishing to use the building for community purposes. The Council suggest that changes to the building could have been made to make it more attractive to community users and point to a recent permission that included revisions to the building.
11. However, aside from the difficulty in an owner unilaterally deciding what changes to make to a building without knowing who the end user might be, the financial implications of undertaking such works without some potential return on the investment makes it a somewhat unrealistic proposition. The recent planning permission referenced by the Council includes new residential development, which no doubt was considered necessary to cover the costs of adapting the remaining part of the building.
12. The eventual sale price now agreed for the building does suggest that the initial price being sought was too optimistic. This, together with the sales details, may have put off some potential community users. Nonetheless, there is some evidence to suggest that even at a lower price there has been limited-to-no interest in the site, other than for residential development.
13. The site has been marketed, including on well-known property websites. Whilst it is difficult to know the full extent to which it may have been positively marketed for community uses or to community users, some attempts appear to have been undertaken. Furthermore, the nature of the building and its availability would have alerted possible community groups/users, especially local ones, to its potential for alternative, community uses regardless of how the sales particulars were phrased.

14. The policy places the onus on an applicant to demonstrate that no other uses could operate from the site. It is though inherently difficult to prove a negative and that there is no interest, especially as the policy sets no parameters for how to judge this. Nonetheless, at the same time there is nothing before me to show that the Council has been able to offer any suggestions or assistance in the form of identifying community users, groups or funding bodies which might genuinely have been interested in purchasing the site.
15. Therefore, even if the site falls within the scope of Policy QL6, the information before me tips in favour of a conclusion that there is nothing to show that other uses to serve the local community could operate from the buildings or land.
16. Therefore, I do not find the proposal represents an unjustified loss of a community facility. Consequently, it is not contrary to Policy QL6 of the CDLP which seeks to resist the inappropriate loss of such buildings and sites.

Thanet Coast and Sandwich Bay SPA and Thames, Medway & Swale SPA.

17. These sensitive sites provide, amongst other things, wetland and important habitat which is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). These areas are easily disturbed by recreational activity from people living within a 'zone of influence' of the protected areas. The appellant does not dispute that the appeal site lies within a zone of influence.
18. Whilst the effects of the development alone might be limited, the Habitats Regulations require me to consider them in combination with other plans or projects. As such, additional recreational visitors to the protected areas from new developments, including from the appeal site, would be likely to have significant effects.
19. I am therefore required to consider any avoidance or mitigation measures that would be capable of addressing the adverse effects and to be certain that they would be effective. The Council indicate there to be a tariff-based system in place which would provide the necessary mitigation.
20. The appellant has submitted a unilateral undertaking which provides for a financial contribution towards mitigation and the Council confirms that this has addressed their concerns regarding the matter. As the competent authority, the Habitats Regulations require me to carry out an Appropriate Assessment.
21. I have had regard to the nature of the proposed development and the evidence before me, including the position of Natural England, in making an Appropriate Assessment. I am satisfied that the proposed financial contribution towards the identified strategic mitigation measures is sufficient to ensure the development will have no significant adverse effect on the SPAs.
22. I find that the contribution is necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with the Framework and Regulation 122 of the Community Infrastructure Levy Regulations.
23. Given these circumstances, the development would accord with the requirements of Policies SP1, SP6 and LB5 of the CDLP, the Framework, and the Habitats Regulations. Collectively, these seek to ensure developments protect sites of local, national and international conservation importance.

Other Matters

24. The Council is unable to demonstrate a five-year supply of housing land. The appellant indicates provision to be somewhere between 4.16 years and 4.40 years. The Council does not dispute these figures nor that the Housing Delivery Test for 2023 recorded a 67% delivery rate. This all weighs in favour of the proposal.
25. There are a number of matters which were not contentious in this appeal such as the effect of the proposal on the character and appearance of the conservation area, the effect on neighbouring occupants as well as on those of future occupants. Some of these matters would necessitate the imposition of planning conditions. The main parties also agree that the site benefits from an exemption to demonstrate a biodiversity net gain. Having considered the details before me there is nothing which would lead me to a different conclusion in any of these matters.

Conditions

26. I have had regard to the conditions set out in the Council's submissions, relevant guidance on the imposition of conditions and the development plan. Both parties have had the opportunity to comment on the conditions. Where pre-commencement conditions have been necessary, I have obtained the appellant's written consent.
27. In addition to the standard time limit, a condition specifying the approved plans is required in the interests of certainty.
28. Given the proximity of existing residential buildings and the high levels of on-street parking in the area, a Construction Environmental Management Plan will need to be agreed prior to the commencement of development to ensure the local environment is sufficiently protected.
29. To ensure the development functions as intended, conditions are required covering: refuse storage; surface water drainage; flood prevention measures; provision of on-site car and cycle parking.
30. To protect the living conditions of neighbouring occupiers, there is a need for the western facing window on the first floor of unit 3 to be obscurely glazed.
31. To protect the character and appearance of the building and area, details of the external materials; the joinery to windows and doors; brickwork and mortar; external façade; rooflights, rainwater goods, landscaping; ecological/biodiversity enhancements; and external lighting are necessary. A building recording condition would also be necessary to capture its heritage interest.

Conclusion

32. Having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions in the schedule below.

Stewart Glassar

INSPECTOR

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than [three] years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings and documents:

Site Location Plan	-	1099/100 Rev. P1
Proposed Ground Floor Plan	-	1099/113 Rev. P1
Proposed First Floor Plan	-	1099/114 Rev. P1
Proposed Second Floor Plan	-	1099/115 Rev. P1
Proposed Roof Plan	-	1099/116 Rev. P1
Proposed Front and Rear Elevations	-	1099/120 Rev. P1
Proposed Side Elevations	-	1099/121 Rev. P1
Proposed Side Elevations	-	1099/122 Rev. P1
Proposed Sections AA and BB	-	1099/127 Rev. P1
Proposed Sections CC and DD	-	1099/128 Rev. P1
Proposed Section EE	-	1099/129 Rev. P1

Flood Risk Assessment (prepared by Considine, dated 08/01/2025).
Drainage Strategy Technical Note (prepared by Considine, dated 08/01/2025)
Preliminary Ecological Appraisal (prepared by Native Ecology, dated 16/01/2025)
Bat Emergence Survey (prepared by Eco Assistance Ecologists Ltd, dated 25/06/2025)
- 3) No development shall take place until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. It shall include the following details:
 - Routing of construction and delivery vehicles to/from site
 - Parking and turning areas for construction and delivery vehicles and site personnel
 - Timing of deliveries
 - Details of site access point(s) for construction
 - Dust control measures
 - Demolition and construction waste - storage and removal
 - Temporary traffic management/signage
 - Details of wheel washing facilities prior to commencement of spoil removal on site and for the duration of spoil removal

The development shall thereafter be carried out in accordance with the approved details.
- 4) No development shall take place until a programme of building recording has been fully implemented in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.
- 5) No development, other than demolition, shall take place until details of the means of surface water disposal have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with such details as are agreed and thereafter retained.
- 6) No development above ground level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing

by the local planning authority. The development shall be carried out in accordance with the approved samples.

- 7) No development above ground level shall take place until section & plan details (at a scale no less than 1:10) through the external façade of the development hereby permitted, have been submitted to and approved in writing by the local planning authority. The details shall include:
- a) Section details showing facades, parapets, roof edges;
 - b) Section/plan details through heads, cills and jambs of all new openings, including ventilation louvres, and the curtain wall system;
 - c) Section details through the roof junction to existing dentil course;
 - d) Plan details through curtain wall to existing building flank.

The development shall be undertaken in accordance with the approved details.

- 8) Where existing window and door locations are to be retained, the existing joinery shall be refurbished and retained. Prior to any replacement of windows or glazing, details including cross-sections through glazing bars and frames at a scale of 1:10 shall be submitted to and approved in writing by the local planning authority. The existing windows and doors / joinery shall only be replaced if details justifying their replacement together with details including cross-sections through glazing bars and frames, elevation, glazing, material, colour and finish at a scale of 1:10 of all new external windows and doors have been submitted to and approved in writing by the local planning authority.
- 9) Prior to the first use of brickwork in the development hereby approved, details of coursing, depth, profile, brick bond, mortar mix and type and style of pointing shall be submitted to and approved in writing by the local planning authority. A 1m² sample panel of the brickwork laid in accordance with the submitted details shall be provided on site for inspection and approval by the local planning authority and thereafter shall be retained for the duration of the construction works for reference purposes with the development carried out in accordance with the approved sample panel and details.
- 10) Prior to first occupation of the development hereby permitted, details of the refuse storage facilities as specified upon the approved drawing 1099/113 Rev. P1 shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details and the refuse storage facilities shall be provided prior to the first use and thereafter maintained.
- 11) Prior to the first occupation of the development hereby permitted, the area for the parking of vehicles shown on the approved drawing 1099/113 Rev. P1 shall be operational and thereafter permanently retained.
- 12) Prior to the first occupation of the development hereby permitted, details of secure cycle storage at a ratio of 1 cycle space per bedroom shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details and shall be provided prior to the first use and thereafter maintained.
- 13) Prior to first occupation of the development hereby permitted, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. The details shall include:

- a) species, size and location of new trees, shrubs, hedges and grassed areas to be planted;
 - b) the treatment proposed for all hard surfaced areas beyond the limits of the highway; and
 - c) walls, fences, other means of enclosure proposed, including their detailed design, materials, colour and section details showing the interface with adjacent buildings.
- 14) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development, or in accordance with a programme of works to be agreed in writing with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives any written consent to any variation.
- 15) The rooflights hereby permitted shall be 'conservation style' rooflights, set flush with the roof plane and shall be retained as such for the lifetime of the development.
- 16) No construction work shall take place on the site outside the hours of 0730 to 1800 Mondays to Fridays inclusive, and 0800 to 1300 on Saturdays with no working on Sundays, Public or Bank Holidays, unless otherwise agreed in writing with the local planning authority.
- 17) All rainwater goods installed shall be constructed of cast iron or aluminium.
- 18) The flood resilience measures detailed within section 4.13 of the Flood Risk Assessment (prepared by Considine, dated 08/01/2025) shall be incorporated into the development.
- 19) The development hereby permitted shall be carried out in accordance with the recommendations set out within the Bat Emergence Survey Report (prepared by Eco Assistance Ecologists Ltd, dated 25/06/2025).
- 20) Prior to the installation of any external lighting, full details including location and types of lighting, fittings, illumination levels and spread of light shall be submitted to and approved in writing by the local planning authority. The external lighting scheme shall be designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'.
- 21) Within three months of works commencing, a detailed plan showing how the development will enhance and maintain biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include details of durable bat and bird bricks. The approved measures will be implemented and retained thereafter.
- 22) The first-floor window in the western-facing elevation of the dwellinghouse Unit 3 hereby permitted shall be provided and maintained with obscured glass to a minimum level of obscurity to conform to Pilkington Glass level 3 or equivalent and shall be installed before the first occupation of the development hereby approved and permanently retained thereafter.

***** END OF SCHEDULE*****