



Appeal Decision

Site visit made on 10 February 2026

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

an Inspector appointed by the Secretary of State

Decision date: 10 March 2026

Appeal Ref: 6001562

The Peacock Public House, 78 Peacock Street, Gravesend, Kent DA12 1EG

- 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 M Hasan, Al-Haqq Academy against the decision of Gravesham Borough Council.
 - The application Ref is 20250369.
 - The development proposed is Change of use from Public House (sui generis) to Place of Worship or Religious Instruction (Class F1) at ground floor.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use from Public House (sui generis) to Place of Worship or Religious Instruction (Class F1) at ground floor, in accordance with the terms of the application, Ref 20250369, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Al-Haqq Academy against Gravesham Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.
4. The appellant presents the former use of the site as a Public House (PH) as fall-back position; it is a material consideration in the determination of the appeal.

Main Issues

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

Reasons

Living Conditions

6. The appeal site comprises a former Public House (PH) located on the corner of Peacock Street and St Andrews Road. The immediate surroundings are residential, largely comprising Victorian terraced dwellings. There is residential accommodation on the first and second floors of the former PH, and dwellings adjacent to the site both on Peacock Street and St Andrews Road. There are also various other institutional and commercial uses in the area, including other places of worship.
7. The proposed use would be as a place of worship, with the intended occupiers being a Mosque which would contain a prayer hall and area for religious instruction for children (Madrasa). The Mosque would be open for prayers 5 times per day, the exact times would vary with the season. The appellant has clarified that the latest time worshippers would leave prayers would be around 11.10pm during the summer, with the earliest prayers starting at around 4am in July. The religious instruction area would accommodate up to 30 children aged between 5 to 15, typically between 5pm to 7pm during the week, and on weekend mornings between 9am and 12.30pm.
8. There would be a capacity of up to 65 people for worship. The appellant clarifies that afternoon Friday prayer would be the main service and most well attended, along with Eid prayers and evening prayers during Ramadan. It would be reasonable to expect a smaller congregation for early morning and other daytime prayers during conventional working hours; the appellant estimates an attendance of around 10-15 people for early morning prayers. Nevertheless, I have considered the effect on living conditions on the basis of the maximum capacity. No amplified sound would be used during prayers. Some prayers, including the early morning prayer would be led by the Imam, with an audible element of up to 4 minutes.
9. The evidence before me indicates that the operating hours of the former PH were between midday and 11.30pm on Monday, Thursday and Sunday, between midday and midnight on Wednesday, and between midday and 1am on Friday and Saturday. There is no evidence before me to suggest that there were planning restrictions regarding the capacity or operation of the PH. The former PH would have generated its own noise and activity, which would have extended late into the evening given the hours of operation. I attach significant weight in my assessment to the previous use of the site as a PH, with respect to the level of noise and activity that it would have generated through people arriving and leaving, particularly late in the evening.
10. The submitted noise assessment concludes that with the recommended sound insulation between the ground floor and residential use above, the proposal would not cause undue noise intrusion. The Council's environmental health officer recommends a condition requiring the mitigation measures to be carried out in accordance with the acoustic report, then a post-completion noise survey carried out to enable an assessment of compliance. Subject to this condition, I am satisfied that there would be no harmful effect on the residential accommodation above the Mosque as a result of noise generated from within the building.
11. The comings and goings to and from the proposed place of worship would be focused around prayer times during the course of the day. It is likely that this would be most noticeable during the early morning, when there would not have been activity associated with the PH when it was operating. Although there may occasionally be disturbance arising from early morning activity, particularly if the morning prayer is well attended, I do not consider there would be an unacceptable degree of harm to the living conditions of nearby residents as a consequence. Subject to conditions preventing the use of amplified sound and requiring windows and doors to be shut between the hours

of 8pm and 7am, I am of the view that there would be sufficient safeguards to protect the living conditions of surrounding residents.

12. Bearing in mind the noise and activity that would have been generated by the former PH, and subject to the restrictive conditions outlined above, the proposal would not result in unacceptable harm to the living conditions of surrounding residents. In conclusion on this main issue therefore, I find that the proposal would preserve the living conditions of nearby residential occupiers with particular regard to noise and disturbance. This would be consistent with the aims of Policy CS19 of the Gravesham Local Plan Core Strategy 2014 (Core Strategy) insofar as it requires new development to safeguard the amenity of its occupants and those of neighbouring properties.

Highway Safety

13. Peacock Street has on-street parking lining each side of the street, in areas between built-out footway. The on-street parking is restricted to resident permit-holders, or otherwise there is a maximum stay of 2 hours, with no return within 1 hour. This restriction operates between 7am to 7pm Monday to Saturday. There would be some opportunity for on street parking on the streets in the vicinity. There is also a large public car park close by (Parrock Street car park), with a short, level walk to the appeal site. The appeal site's edge of town centre location is also close to public transport. The former PH did not have any off-street parking.
14. The Council indicates that the proposal prompts a parking requirement of 12 spaces. However, Policy P5 of the Gravesham Local Plan First Review Saved and Deleted Policies Version (2014) (Local Plan) allows exceptions to the vehicle parking standards where a change of use is proposed if it were to be prejudicial to the townscape or lead to the building being unused or underused. This is subject to a caveat that the proposal should not unduly exacerbate on-street parking problems in the area.
15. The Council, in its reason for refusal, refers to an absence of conclusive details as to the precise number of worshippers to be in attendance at each prayer and their mode of travel to the Mosque. The appellant indicates that it would not be possible to provide precise numbers in this regard, although they have, as set out above, provided an estimate of the morning prayer attendance based on their experience as well as a maximum figure for overall capacity. I consider this approach is reasonable.
16. The local area is subject to a Controlled Parking Zone and representations from interested parties refer to parking stress locally. I note that photographic evidence submitted shows occasions where vehicles have either stopped or parked in the middle of the one-way street. Whilst I appreciate this could be unsafe and would obstruct the highway, I cannot conclude that the proposed use would directly cause this behaviour by drivers.
17. Given the appeal site's location within walking distance of a significant residential area, along with the availability of public transport close by, there would be alternatives to private transport as a means of reaching the appeal site. Significantly, the highway authority has not raised any objection to the effect of the proposal on the availability of on-street parking, or the safe operation of the local highways.
18. For those who do travel by car, even if there were no on-street spaces available locally, the presence of the Parrock Street car park close by would provide a reasonable alternative to parking on-street. The Council confirm that the car park contains 607 spaces including 30 accessible spaces. It would be a short, level walk along pavements

and over a pedestrian crossing to reach the appeal site from the car park. Given the opportunity for alternative means of reaching the appeal site, along with the nearby car park, there is limited evidence that the proposal would result in existing on-street parking stress being unduly exacerbated. There is also little substantive evidence before me to suggest that the proposed use would directly result in the occupation of the existing on-street disabled parking bays.

19. There would be no dedicated pick-up or drop-off areas for the Madrasa element of the proposal. The appellant confirms that children attending would largely be living within the area. As described above, the location of the appeal site means it would be accessible by means other than the private car, and in the event that people choose to drive, a large car park is located within a short walk. There is no compelling evidence before me that the use of the site for religious instruction, during the early evening and weekend mornings, would result in unacceptable harm to highway safety arising from vehicular pick up or drop off attributed to the Madrasa.
20. The appellant proposes a travel plan to assist in making sustainable modes of travel to the site more attractive. This would include the provision of a travel information board, newsletter, annual travel meeting, public transport taster tickets, and details of parking management. The travel plan would be necessary to ensure appropriate traffic management during times of peak demand, along with providing monitoring, and encouraging the use of sustainable means of travel. It would be necessary to secure the provision of the travel plan by condition.
21. In conclusion on this issue therefore, I do not find that there would be unacceptable harm to highway safety arising from the proposed use. The proposal would be consistent with the aims of Policies T1 and P5 of the Local Plan insofar as they require the consideration of the impact of traffic generated by proposed development on the transport system and environment, ensure the proposed development to be adequately served by the highway network, and ensure development does not unduly exacerbate on-street parking problems in the area.

Other Matters

22. The appeal site falls within the Zone of Influence of the European designated sites of the Thames, Medway and Swale Special Protection Area (SPA) and Ramsar site. These sites are designated due to their international importance for their over-wintering bird populations which vary across the sites. The primary threat to the over-wintering birds is through disturbance due to the recreational use of the protected areas.
23. As the competent authority in the context of this appeal, adopting the precautionary principle, I do not consider that there would be any likely significant effect upon the internationally important features of the SPA and Ramsar site either alone or in combination with other plans or projects. This is because the proposal would not introduce any additional recreational pressure on the designated sites though any increase in number of residents likely to use the protected sites for recreational purposes.
24. The Council is satisfied that the site is not economically viable, or capable of being made economically viable, as a PH and that the property had been appropriately marketed. There is no dispute that the former PH and the proposed place of worship comprise social and community uses, this is supported by paragraph 98 of the Framework. Although I acknowledge that many interested parties take a different view regarding the loss of the building as a PH and its significance and role within the local

community, the evidence before me does not lead me to dispute the findings of the viability assessment or marketing. There is no compelling evidence before me that there is not a demand or need for an additional place of worship, in this case, a Mosque.

25. As the appeal proposal would serve the community, albeit in a different manner to the former PH, there would be no loss of community facility arising from the appeal scheme. I see no reason to dispute the Council's view that the proposal, including the loss of the former PH, would be consistent with the aims of Policy CS10 of the Core Strategy. Amongst other things, the policy supports proposals that protect, retain or enhance existing physical and social infrastructure or lead to the provision of additional infrastructure that improves community well-being.
26. Reference is made by interested parties to a food bank, youth centre and events including 'Eid in the Park'. There is no indication that the proposal would provide these services, and the appellant clarifies that they have not organised the events cited.
27. With regard to precedent, each case must be considered on its own merits, in light of the individual circumstances presented. A risk of a particular outcome setting a precedent would not in itself provide any cause to withhold planning permission for a proposal which complies with the development plan read as a whole. I have also been referred to the volume of support for the proposal. Whilst there is both significant support and objection, the volume of representations does not weigh in favour or against the planning merits of the scheme.
28. Whilst there are concerns from interested parties regarding the character and appearance of the building, I note there would be no external changes. Whilst any building works associated with the change of use may be disruptive, this would be short term and is not a reason to withhold permission. Representations also refer to issues arising from the management of internal building works at the appeal site, which interested parties consider undermines the assurances of considerate behaviour. I have been referred to a court judgment¹ which is said to confirm that past conduct may be relevant where it informs expectations of future management. Nevertheless, I have little compelling evidence before me to suggest that future management of the proposed use would not be effective.
29. I have been referred to a series of court judgments² which, amongst other things, are said to clarify that voluntary assurances and goodwill are insufficient where harm would otherwise arise, planning judgments must be based on a realistic interpretation of evidence and likely human behaviour and not rely on optimistic scenarios presented. Full references or transcripts of the judgments have not been provided. As set out in my reasoning, the evidence provided by the appellant with regards to attendance and capacity is in my view a reasoned assessment. There is little substantive evidence that congregational numbers would exceed the stated limit. The presence of other mosques nearby is not evidence in itself that limits on numbers would be breached. The findings of the judgments as set out in the interested parties' submissions neither outweigh nor alter my conclusions on the main issues.
30. I have also had regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, which requires me to consider the need to eliminate

¹ Quoted as 'North Wiltshire DC v Secretary of State for the Environment'

² The judgments are quoted as 'West Midlands Probation Committee v Secretary of State for the Environment, Tesco Stores Ltd v Dundee City Council, Newbury District Council v Secretary of State for the Environment, Sainsburys Supermarkets Ltd v Wolverhampton City Council, ISKCON and others v United Kingdom'.

unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability as well as religious faith. I have little substantive evidence before me that the proposal would discriminate against persons with these protected characteristics or the other aims of the PSED stated above.

31. Representations were made to the effect that the right for freedom of thought, conscience and religion, pursuant to Article 9 of the Human Rights Act 1998, does not displace lawful and proportionate planning control pursued in the public interest. I have found that the proposal would be consistent with the aims of the development plan, subject to the controls set out in the conditions. I am satisfied that having had regard to Article 9 of the Human Rights Act 1998, that it would be proportionate in the circumstances to allow the appeal.

Conditions

32. The Council has provided some suggested conditions which I have considered against advice in the Framework and Planning Practice Guidance (PPG). Consequently, I have amended or omitted some of the suggested wording.
33. I have imposed the standard time period for commencement of development (1) and specified the approved drawings to ensure suitable development (2).
34. Condition 3 requiring the submission and agreement of a travel plan prior to first occupation is necessary in the interests of sustainable travel and management of travel during peak periods.
35. Condition 4 requiring the provision of the noise mitigation measures specified in the acoustic report is necessary in the interests of protecting the living conditions of neighbouring residents. Conditions 5 and 6 are also necessary in the interests of ensuring acceptable living conditions for neighbouring residents.
36. The Council recommends a condition restricting the use to a temporary 2-year period. The advice of the PPG (Reference ID: 21a-014-20140306) in this respect is that the circumstances where it would be appropriate to impose a temporary condition include where a trial run is needed to assess the effect of a development on an area. I do not consider that the evidence supports this approach given the conditions stated above would safeguard the living conditions of nearby residents and encourage sustainable travel. Consequently, I do not regard a temporary condition as necessary or reasonable.

Conclusion

37. For the reasons given above, the appeal should be allowed.

L Francis

INSPECTOR

Schedule

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

2. The development hereby permitted shall be carried out in accordance with drawing numbers - Location Plan dated 11 April 2025, PA-644-205, 24315-D02-A, 24315-D03-A.
3. No religious services, prayers, classes or events shall take place on the site until a Travel and Parking Management Plan has been submitted to and approved in writing by the local planning authority.

The Travel and Parking Management Plan shall include (but is not limited to) measures and initiatives to discourage the use of the car as the main means of travelling to the site including, amongst other things, targets for non-car modes of travel and arrangements for the promotion of the initiatives to discourage the use of the car identified in the Travel Plan. In addition an assessment of the following should be included:

- the number of people attending each religious service, prayer class or event held at the premises
- details of the mode of transport used
- details of where the trip was made from
- for those using cars - the availability of other modes of transport and how well used
- modal shift over time

Thereafter, the Travel Plan shall be implemented as approved and monitored annually, and a report which includes the monitoring results, together with any amendments to the plan, shall be submitted to the local planning authority for written approval after 18 months from the first commencement at the site, and thereafter annually. Following the written approval of the subsequent reports, the approved revisions to the Travel Plan shall be implemented in full and thereafter complied with.

4. Prior to first use of the development hereby permitted, a post completion noise survey/sound insulation test shall be undertaken by a competent qualified acoustic consultant and shall be submitted to and approved in writing by the local planning authority.

The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in the noise assessment by Hepworth Acoustics dated March 2025 (Report Ref: P24-458-R01). If the post completion survey reveals that the noise emission limit as set out in the above report has not been met, further noise mitigation shall be implemented as agreed with the local planning authority. The final noise mitigation scheme shall be operated and maintained thereafter.

5. The place of worship hereby permitted shall only be open for worship between the hours of 4:00am and 11:30pm. The Madrasa shall only take place between 5.00pm to 7.00pm on weekdays and 9:30am to 12:30pm at weekends.
6. The use hereby permitted shall only operate and be open to the public where the following is implemented:
 - (a) there shall be no amplified music or voice at any time
 - (b) all windows shall be kept closed during services/prayers that take place at any time between the hours of 8:00pm and 7:00am.

End of Schedule