
Appeal Decision

Site visit made on 26 January 2017

by Julia Gregory BSc (Hons), BTP, MRTPI, MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 February 2017

Appeal Ref: APP/Q0505/W/16/3161849

Flat 2, 1 Wellington Court, Cambridge CB1 1HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by GRN Limited against the decision of Cambridge City Council.
 - The application Ref 16/0656/FUL, dated 8 April 2016, was refused by notice dated 24 June 2016.
 - The development proposed is change of use of Flat 2 from residential (use class C3) to an Estate Agent Office (use class A2).
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Decision

1. The appeal is dismissed.

Issue

2. The main issue is the effect on the supply of housing locally.

Reasons

3. Flat 2 comprises one of a block of six flats within the urban area of Cambridge where there is a mix of residential and office units locally.
4. Saved Policy 5/4 of the Cambridge Local Plan 2006 (LP) specifies that the change of use of residential development to other uses will not be permitted unless one of a list of criteria is complied with.
5. One of these criteria is that the property is unfit for human habitation and cannot be rehabilitated. Whilst I acknowledge that the unit is small, the unit was granted planning permission in recent years¹ and there is no suggestion that it is unfit for human habitation, albeit that it may not comply with standards that may be introduced locally and it is in an area where there is vehicular activity which can cause noise and fumes. Furthermore, although it has no amenity space, that did not prevent planning permission being granted for the residential use. None of the other policy criteria are argued.
6. The property was previously used as an office and lies within a mixed area. There is no dispute that the property would be suitable for use as an estate agents office and there would be no harm alleged in any other respects. However, the LP contains no policy seeking to protect office provision either according to the report made when planning permission was granted for the residential use of the premises.

¹ 11/0055/FUL

7. I note that this property is within an established employment area and I appreciate that the building would still have a mixed use and would provide an active street frontage, but those are not criteria of the policy.
8. The planning history of 2 Lock Street² has been brought to my attention. It seems that in that case residential occupiers had little privacy as well as no private amenity space and so the development offered a poor level of amenity to occupiers of a House in Multiple Occupation. The circumstances distinguish it from this self-contained flat. In any event I note that whilst the officer report was favourable, planning permission was not granted for that change of use.
9. Although the LP is for the period up to 1 July 2016, the policy has been saved as according with the National Planning Policy Framework (the Framework). No inconsistency with the Framework has been brought to my attention. I find therefore that it is not out-of-date in terms of paragraph 212 of the Framework.
10. Whilst I cannot give much weight to the emerging LP since I do not know how it will fare at Examination, proposed policy 3 in the emerging LP is not significantly different in its intent. It indicates that such change of use will only be supported in exceptional circumstances.
11. The Framework contains an imperative to boost significantly the supply of housing. Whilst the Council can demonstrate a 5 year supply, the requirement is not a minimum, and the change of use would conflict with that aim. The LP policy text advises that the retention of existing housing is as important as the provision of new housing in meeting local needs. There is no reference in the policy to any allowance for circumstances such as here where a residential unit came forward originally as a windfall.
12. I acknowledge that the scheme would result in the loss of only one residential unit in circumstances that might be replicated rarely, but to create new exceptions would be contrary to the provisions of the LP.
13. For the reasons given above I conclude that the development would harm the supply of housing locally contrary to the provisions of LP policy 5/4 and that the appeal should be dismissed.

Julia Gregory

Inspector

² 16/0001/FUL