
Appeal Decision

Site visit made on 10 April 2017

by Andy Harwood CMS MSc MRTPI

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

Decision date: 22 May 2017

Appeal Ref: APP/D0121/W/17/3166406

43 Beechmount Close, Weston-Super-Mare BS24 9EX

- 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 'Partnerships in Care' against the decision of North Somerset Council.
 - The application Ref 16/P/1768/F, dated 21 June 2016, was refused by notice dated 16 September 2016.
 - The development proposed is the change of use from a residential dwelling (C3) to an office and storage (B1) associated with the use of the adjacent rehabilitation facility.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a residential dwelling (C3) to an office (B1) use associated with the use of the adjacent rehabilitation facility, at 43 Beechmount Close, Weston-Super-Mare, BS24 9EX in accordance with the terms of the application, Ref 16/P/1768/F, dated 21 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan (1:1250) and layout/floor plan (un-scaled) received by the Council on 4 July 2016.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking and re-enacting that Order, with or without modification), and the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, the use hereby approved shall only be used as a class B1 office use in association with the adjacent property known as 'The Copse', by the operators of that rehabilitation facility and it shall not be used as B1 office use unconnected to the use of those premises.

Procedural Matters

2. The Council issued a decision notice on 16 September 2016 which refused planning permission but did not include a reason for the refusal. The Council acknowledges that this was an administrative error. I have taken that as the
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date of the decision. A further decision notice was issued on 10 October 2016 which clarifies the Council's concerns and why planning permission was refused.

3. The planning application was made in the name of 'Partnerships in Care' and I have used that title for the appellant. The appeal form confirms that this is a limited company. I understand that the business may trade under a different title now but the appeal has been submitted by the original applicants for planning permission.
4. The use applied for is described as an "office and storage (B1)". However, Class B1(a) of the Use Classes Order¹ which relates to "offices" does not include "storage" within its definition. I have considered the application on the basis of it proposing a B1(a) office with storage being normal ancillary activity to that use given that it would take place within a small part of the building. I have therefore omitted "storage" from the decision.

Application for costs

5. An application for costs was made by 'Partnerships in Care' against North Somerset Council. This application is the subject of a separate Decision.

Main Issue

6. The effect of the proposals upon the character and appearance of the area.

Reasons

7. The appeal site includes a 2 storey detached dwelling and its surrounding gardens and driveway located within Beechmount Close which is a cul-de-sac in a suburban part of Weston-Super-Mare. The cul-de-sac includes dwellings along both sides although a substantial building is positioned at the end of the road. That building is a residential rehabilitation centre for people with mental illness, learning disabilities and some occupants with substance misuse problems known as The Copse.
8. The Copse is larger in scale than nearby dwellings and rather than the domestic front gardens nearby, there is a hard-surfaced parking area behind a substantial close-boarded fence around the front boundary. The appeal site immediately adjoins the grounds around The Copse, and the close-boarded fence continues along the boundary between the properties. The fencing separates the site from The Copse but the 2 sites are closely related to each other. The dwelling on the site is in a tucked away position, further back than the dwelling that adjoins the other boundary and is not therefore prominent within the street-scene of Beechmount Close.
9. The proposal is not linked to any proposed increase in bed-spaces at The Copse. The additional space is aimed at improving the practicalities for the appellant's operations rather than increasing capacity. The dwelling is proposed for use as an administrative office along with some training facilities and storage space. No physical changes to the building are proposed. The Council within the officer report to the Planning Committee confirm that the development is not considered to give rise to increased traffic. Additional meetings due to the proposed increase in space may well lead to some increase

¹ Town and Country Planning (Use Classes) Order 1987, as amended

in the number of people travelling to the site for meetings that may not currently be possible at The Copse. I cannot rule out that some people would travel here from the appellant's other facilities. However I have no evidence that the level of use will significantly increase as a result of the proposal or that parking within the cul-de-sac would be unsafe or inconvenient for existing residents. The space available is limited in floor area and this will provide a limitation to the number of people that could use the building. There may be some use of the building outside of normal office hours but I do not consider that this would change the character of the site.

10. The comings and goings of people between the appeal site and The Copse may be noticeable on occasions as would the displacement of parked vehicles onto the existing parking area at the front of the dwelling. The movement of existing staff at most would be over a short distance between the parking area or from the entrance to the Copse.
11. Some staff at the appeal site may also use the existing garden as a smoking and social area which would not have a significant impact upon the character and appearance of the site. The Council refers to minor alterations that may be required to use the building as a modern office such as fluorescent or high intensity lighting and equipment as well as the use of blinds rather than curtains. These internal changes would be very difficult to notice from outside of the building. Minor signage would not be visually intrusive and is controlled through other regulations.
12. The nature of social interaction between the business related users of the appeal site and neighbouring dwellings would be different from residential use of the appeal site. I acknowledge that the National Planning Policy Framework (the Framework) at paragraph 69 refers to the important role that the planning system can play in facilitating social interaction. Beechmount Close would remain primarily residential in nature. The dwelling adjoins the grounds surrounding The Copse on one side and is set well back from the adjoining dwelling on the other side. It is discretely positioned. The loss of residential use within the building in this position at the end of the cul-de-sac would make very little difference to the overall character and appearance of the road.
13. Another appeal² has been referred to relating to a site in Mansfield Avenue. In locational terms the current appeal site is not directly comparable with that other site which is in a more noticeable position within that road.
14. I do not consider that the proposed change of use would be a more intensive use or make a significantly noticeable difference to the overall character of the Beechmount Close given that the appeal site is so closely related to The Copse. In relation to the main issue, the proposal would have an acceptable impact upon the character and appearance of the area. This economic development within the settlement would therefore comply with Policy DM47 of the Sites and Policies Plan, Part 1³.

Other Matters

15. Some of the objectors have drawn attention to concerns regarding anti-social behaviour by current occupants of The Copse and alleged impacts that they cause as well as the lack of need due to the presence of other facilities within

² Appeal Ref: APP/D0121/A/14/2215883 relation to 1 Mansfield Avenue, Weston-super-Mare, BS23 2YD

³ North Somerset Council, Development Management Policies, Site and Policies Plan, Part 1

north Somerset. However, this proposal is not proposing additional accommodation and would help to improve the running of the existing business. The Council has suggested a condition requiring that no further residents should be accommodated in The Copse without their prior written approval. I am concerned that this could hamper normal operations of the existing facility. The existing office within The Copse is referred to as being cramped at only 12m² in area and from the information provided it is not clear that it would make much difference if used for a different purpose. I consider that such a condition would be unreasonable and unnecessary based upon the submitted evidence.

16. It is unlikely that the proposed use will cause any significant impact upon noise or other effects upon living conditions in the area. I have no evidence that the use of the building and garden would be any noisier than residential use.
17. The loss of a dwelling will have a very small impact upon housing supply within the area. I have not been provided with any evidence of current housing needs and whether this would make a harmful difference.

Other Conditions

18. I have imposed a condition specifying the submitted details as this provides certainty that the development will be implemented as proposed.
19. Planning permission runs with the land. It is not normally personal to an individual or company. The impacts of the proposal could however be greater if the appeal site were used as an office for a business unconnected to The Copse. I consider that it is necessary to ensure that the use of the appeal site remains connected to The Copse. I have therefore attached a condition along the lines suggested by the Council which I consider would help to limit noticeable impacts upon the residential area from activity and additional vehicles. I have amended the suggested wording including the omission of the reference to "storage" for the reasons set out within the procedural matters paragraphs, above.

Conclusion

20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Harwood

INSPECTOR