



Appeal Decision

Site visit made on 7 November 2017

by R A Exton Dip URP MRTPI

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

Decision date: 13th November 2017

Appeal Ref: APP/N2739/W/17/3181200

The New Bungalow, Holme Lane, Selby YO8 3EL

- 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 Mr Daniel Wrigglesworth, Abbey Blinds against the decision of Selby District Council.
 - The application Ref 2017/0152/COU (8/19/1988/PA), dated 10 February 2017, was refused by notice dated 5 July 2017.
 - The development proposed is described as change of use from domestic dwelling to Class A1 shop including extension for showroom and warehouse facility.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on housing supply within the district.

Reasons

Housing supply

3. The appeal site spans between Holme Lane and New Millgate. It comprises a detached bungalow and its associated curtilage. The surrounding area is mainly residential with a small number of commercial uses nearby.
4. Policy H5 of the Selby District Local Plan adopted 2005 ('the Local Plan') states that proposals involving a nett loss of residential accommodation will only be permitted where one of 4 criteria are met. The Council and appellant disagree over compliance with 2 of these criteria and also the weight that Policy H5 should be afforded.
5. Criteria 1 and 2 of Policy H5 state that nett loss of residential accommodation will be permitted where the existing premises or the environment are unsuitable for residential use. I note the marketing information forming part of the appellant's evidence stating a lack of interest in the property when last offered for sale, and difficulties in letting it before that. However, the level of interest in a property offered for sale or rent is a reflection of the market at a particular point in time and not necessarily a determination that it is unsuitable for a particular use. The conduct of particular tenants is not a definitive determination that a property is unsuitable for residential use either

6. The appellant's marketing evidence refers to a lack of interest in the property due to its location. The reason for this is not qualified. I saw nothing on site that indicated the environment is unsuitable for residential use. On the contrary, there is dominance of residential uses in the surrounding area.
7. The appellant contends that Policy H5 of the Local Plan is out of date, not consistent with the National Planning Policy Framework ('the Framework') and therefore should carry limited weight. The age of the Local Plan relative to the Framework is not in itself an indication of consistency. The Framework requires local planning authorities seeks to boost significantly the supply of homes by utilising a range of measures. Different measures will be appropriate in different areas and as the appellant states the policies and advice in the Framework should be applied as a whole.
8. The explanatory text for Policy H5 sets out that the Council's approach to housing delivery is a combination of bringing forward new housing land and making the best use of existing housing stock. This includes the retention of housing in and around town centres. To seek to resist the loss of housing stock in order to meet the district's overall housing requirements is therefore not inconsistent with the Framework. Consequently, I afford Policy H5 of the Local Plan full weight.
9. Overall, I conclude that there is insufficient evidence before me to demonstrate that The New Bungalow or its environment is unsuitable for residential use. This is the test set by Policy H5 and not whether there is no interest or a realistic prospect of the property being brought into residential re-use, as suggested by the appellant. Consequently, I conclude that the proposal conflicts with Policy H5 of the Local Plan.

Other matters

10. I note the appellant's comments on the pre-application advice given by the Council. However, I have considered this appeal on its own merits based on the policies and evidence before me and therefore I afford this very limited weight.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR