



Appeal Decision

Site visit made on 13 January 2020

by S A Schinaia MSc EngD FGS

an Inspector appointed by the Secretary of State

Decision date: 16th March 2020

Appeal Ref: APP/E9505/W/19/3237552

Land off Staithway Road, Wroxham, Norfolk

- 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 James Knight against the decision of The Broads Planning Authority.
 - The application Ref BA/2019/0214FUL, dated 25 June 2019, was refused by notice dated 21 August 2019.
 - The development proposed is the redevelopment of a redundant car park site to provide two new dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the appeal site is taken from the appeal form, as none was included in the application form.

Main Issues

3. The main issues are (1) whether the loss of the commercial use of the site to residential would be acceptable and (2) whether there are any other considerations, including housing delivery, that would outweigh any harm resulting from the appeal development.

Reasons

Change of use

4. The site is located off Staithway Road on Grange Walk to the east of The Grange, a Grade II Listed Building. It is surrounded by other dwellings on the south west and south boundaries and on the south west to the other side of Grange Walk. The site used to be a car park for commercial businesses, but is no longer in use. The industrial buildings surrounding the site to the north and north east were demolished. That land to the north is currently occupied by a boat storage use, while the land to the north east is vacant. The evidence indicates that the latter of those sites belongs to the appellant who is planning to apply for permission to build dwellings.
5. The evidence indicates that the land was used as residential gardens in the 1950s and no planning consent has ever been granted for change of use. Nonetheless, there is no certificate of lawfulness before me regarding the use of the site. Indeed, the appellant's own description of the appeal development

makes express reference to the site's use as a car park. Moreover, the wider evidence indicates that it was part of the land owned by the previous business (Windboats Marine) until 2018 and used as a car park ancillary to that business. For the purposes of determining this appeal, therefore, the lawful use of the site appears most likely to be a commercial one following from its most recent and long-term use as a car park ancillary to local business.

6. I also note the submissions that the previous commercial business, a builder of sailing yachts, did not require access or the use of the river basin and the appeal site does not have direct access to the water. However, the site is less than 50 m from the river basin, close to waterside businesses such that it has the potential to accommodate a commercial use connected to activities in the river basin. Therefore, the site should be considered a waterside site in the terms of Policies SP11 and DM28 of the Local Plan for the Broads (2019).
7. To determine the best future use of the site in line with the development plan, Local Plan Policies DM26 and DM28 should be followed, namely to follow a sequential approach, including the marketing of the site for twelve months and an independent chartered surveyor study that demonstrates that other employment uses, including a waterside use, community facilities, or tourism and recreation uses, have been explored but are unviable. The evidence indicates that the site has not been marketed for such purposes either in association with the former commercial business or separately.
8. Policy HBE2 of the Wroxham Neighbourhood Plan (2019) (WNP) does not support the appeal scheme because the proposal is for general market housing, not for retirement properties or any of the properties listed in the policy and it does not specifically address the housing needs of elderly people. Policy HBE1 of the WNP seeks to provide housing of a scale that is appropriate to the location and does not expressly support the proposed development given the commercial use of the site.
9. For the foregoing reasons, therefore, I conclude that the proposed development would lead to the unacceptable loss of the commercial use of the site contrary to Policies SP11, DM26 and DM28 of the Local Plan.

Other Considerations

10. I note that the appellant contends the inclusion of vacant holiday units within the housing calculations in the procedure adopted by the Local Planning Authority (LPA) to calculate the five year housing land supply. However, The Planning Inspectorate considered acceptable such an approach to produce a five year land supply and found calculations to be sound. In the updated five year land supply statement delivered in November 2019, the LPA identifies a deliverable supply of housing far in excess of five years (12.27 years and 17.70 years according the Liverpool and Sedgefield approaches respectively).
11. Whilst I agree that the development would provide the delivery of new homes in a sustainable location, there is no evidence that such a need could not be met in other locations. Therefore, bearing in mind that the benefits associated with the appeal development would be limited given the modest scale of development proposed, I conclude that the advantage of supplying additional dwellings in the site would not outweigh the harm caused by the loss of the commercial use of the site.

Other Matters

12. While I note the position of the Wroxham Parish Council and of neighbours in supporting the residential development of the site and other concerns raised locally, including in respect to the design of the proposed houses, these have not altered my overall decision.

Conclusion

13. For the above reasons, I conclude that the appeal should be dismissed.

S A Schinaia

INSPECTOR