
Appeal Decision

Site visit made on 13 May 2020

by L McKay MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 12 June 2020

Appeal Ref: APP/D1265/W/19/3242772
10 Maud Road, Dorchester DT1 2LW

- 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 & Mrs Quinn against the decision of Dorset Council.
 - The application Ref WD/D/19/001083, dated 11 March 2019, was refused by notice dated 25 July 2019.
 - The development proposed is Change of use of a former Post Office (A1) to that of residential (C3a).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 1 April 2019, Weymouth and Portland Borough Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked and replaced. I shall therefore determine the appeal having regard to the policies set out in the West Dorset, Weymouth and Portland Local Plan (LP) which was adopted in 2015.

Main Issue

3. The main issue is the effect of the proposed change of use on the provision of community facilities in the local area and the vitality of the shopping area.

Reasons

4. LP Policy COM3 resists proposals which result in the loss of local community buildings or structures (including sites which were most recently used for this purpose where the use has ceased or the building has been demolished) unless it has been demonstrated that there is no local need for the facility or that such a facility is no longer likely to be viable; and an appropriate alternative community use to meet local needs is not needed or likely to be viable. Local shops are identified as examples of community facilities in the supporting text to that Policy and in paragraphs 91 and 92 of the National Planning Policy Framework (the Framework).
5. The appeal site is part of a cluster of commercial uses including other retail units, a pub and a hot food takeaway, located within a predominantly residential area of Dorchester and within walking distance of Dorchester

- hospital. Both local and national policies identify the contribution of such local facilities to enabling and supporting healthy lifestyles, reducing reliance on the private car, promoting social interaction and wellbeing and the ability of a community to meet its day to day needs.
6. The Post Office facility previously operating from the appeal site has been transferred to another shop close by as part of Post Office streamlining, and therefore still exists in the local area. Nevertheless, although vacant, having regard to LP Policy COM3 the site is still a community building. While it may no longer be needed or viable as a Post Office, that does not necessarily mean that it is not needed or likely to be viable for other retail or community uses.
 7. The appeal site was marketed across a range of platforms from approximately May 2018 to January 2019, with limited interest. Although the asking price was reduced slightly during that period, from the evidence before me it still appears to have been advertised within the price range for solely residential properties in the town. The price was also substantially more than for another larger retail unit with residential accommodation in High East Street, marketed during a similar period. No explanation or justification of the marketing price has been provided. In addition, the site does not appear to have been advertised for rent or lease, only for sale. Therefore, I cannot be certain that it has been robustly marketed at a realistic price.
 8. Furthermore, although there was a For Sale sign in the window at the time of my site visit, I have no marketing information since January 2019. I therefore cannot be certain that there has been no interest in the site in the intervening period.
 9. Although I have been referred to other vacant commercial units in the area, I have very limited information about their marketing, whether they are in a comparable local shopping area, the length of vacancy or indeed whether they are still vacant. In addition, although on-line shopping has undoubtedly had an impact on the retail environment nationally, there is no substantive evidence before me of the effect on the retail market in Dorchester. As such it has not been demonstrated that these factors indicate a decline in the demand for, or viability of retail units in the local area.
 10. There is also no evidence before me that there has been consultation with local community groups or service providers on possible alternative community uses, or that the site has been actively marketed for such uses.
 11. The unit is not currently accessible for those with mobility issues due to the front step. However, there is no evidence before me that it is not physically possible to make the unit accessible, such as through provision of an access ramp, or that the cost of such works would be prohibitive.
 12. As the commercial floorspace does not appear to have been marketed separately from the residential accommodation, the impact of the absence of independent welfare facilities on the demand for the unit has not been tested. Consequently, there is no compelling evidence before me that the internal arrangements would prohibit any future use, as the appellants contend.
 13. Accordingly, it has not been demonstrated that there is no local need for the existing retail unit or that it is no longer likely to be viable, or that an

appropriate alternative community use to meet local needs is not needed or likely to be viable.

14. Turning to the shopping area, I observed at my site visit that although restrictions were in place due to the Covid-19 situation, the shops that were open were relatively busy. This supports the Council's suggestion that under ordinary circumstances it is a vibrant and well used shopping area.
15. The Post Office facility is still available nearby and the remaining commercial units cover a range of day-to-day needs. Therefore, the vacancy of the appeal premises has not resulted in a loss of services for the local community in the short-term. However, given my findings above, I cannot be certain that there is no demand for other retail or community facilities in this area or that such uses would not be viable. The permanent loss of the unit to residential use would prevent the site contributing to the range of services and facilities on offer in future and therefore in the long-term, the proposal would erode the vitality of the shopping area.
16. Although the parade is not symmetrical at ground floor, the various shopfronts remain largely traditional in appearance and span the whole frontage of the parade. The proposed removal of the large display windows of the appeal site would therefore result in a substantial change to the appearance of the parade. The need for curtains or blinds to provide for the privacy of future occupants would also create a dead frontage, which would contrast sharply with the active shop windows of the remaining units. Consequently, the proposed external changes would further erode the vitality of the parade and the attractiveness of the shopping area to customers.
17. Accordingly, the proposal would result in moderate harm to the provision of community facilities in the local area and the vitality of the shopping area. As such it would conflict with LP Policy COM3 and the provisions of the Framework which both seek to retain local services and community facilities.

Other Matters

18. The new windows proposed would improve heat retention and reduce running costs, however it has not been demonstrated that these benefits could not be achieved with another retail or community use. As such this carries very limited weight in favour of the proposal, which would be comfortably outweighed by the harm identified to community facilities and the shopping area.
19. As most former staff were apparently transferred to the new Post Office nearby, the proposal would not result in a significant loss of jobs and as such would not conflict with LP Policy Econ 3. Nor would it result in any loss of car parking. These would however be neutral impacts which would not outweigh the harm identified.

Conclusion

20. For the reasons given above, the appeal is dismissed.

L McKay

INSPECTOR