



Appeal Decision

Site visit made on 27 October 2020

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Ref: APP/W1850/W/20/3256662

1 Church Lane, Ledbury, Herefordshire HR8 1DL

- 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 and Mrs H J Rex against the decision of Herefordshire Council.
 - The application Ref 193806, dated 30 October 2019, was refused by notice dated 27 January 2020.
 - The development proposed is alterations to convert former tea shop at ground floor and kitchen/office at first floor to form new two bedroom holiday/short term let (incl change of use).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on the vitality and viability of Ledbury Town Centre; and, on parking and cycle storage provision.

Reasons

Ledbury Town Centre

3. The appeal site comprises a Grade II listed property, which is a part two storey, part three storey timber framed building with associated yard areas. Notwithstanding its historic purpose, at present the appeal property forms part of the 'primary shopping area' for Ledbury Town Centre. This incorporates buildings in a range of forms and sizes, including historic properties, which together with their diverse commercial and community uses, contribute to the vitality and viability of Ledbury Town Centre and its character as a historic centre.
4. Based on the planning history of the site, the appellants' assert that only part of the ground floor of the appeal property has a lawful A3 use. However, it is not the role of this appeal to determine, to what extent an existing use is lawful or not. In any event, even if I were to accept the appellants' assertions, the proposal would still result in the loss of an A3 use, along part of the primary shopping area.
5. Moreover, the appeal site is located along Church Lane, a short thoroughfare linking the High Street and historic Town Hall with St. Michael's Church. As such, given the limited number of buildings along here, this particular part of the primary shopping area is highly sensitive to change. Consequently, despite

the modest scale of the proposal, the loss of a town centre use would reduce footfall and affect the vitality and viability of this part of the town centre. Such small changes would also incrementally contribute to undermining the vitality and viability of Ledbury Town Centre as a destination of choice for retail, leisure and community activities, whilst also having an erosive effect on its historic character.

6. Although the proposal would not significantly alter the historic appearance of the appeal property, for the above reasons, it would harm the vitality and viability of Ledbury Town Centre. This would be in direct conflict with Policy EE3.1 of the made Ledbury Neighbourhood Development Plan (Ledbury NDP) which in the interests of promoting Ledbury Town Centre as a destination of choice for retail, leisure and community activities, does not support the change of use of premises falling within Use Class A3 to other uses. The proposal would also be contrary to the aims of Policies E5, E6 and LB1 of the Herefordshire Local Plan – Core Strategy (CS) in relation to protecting town centres and primary shopping areas.

Parking and cycle storage

7. At present, no on-site parking provision is available for the appeal property and the proposal would not alter this. The appeal site is also within walking distance of a range of shops, services and public transport facilities. The appellants have also identified scope to provide covered cycle storage facilities at the appeal site, which could be secured by a planning condition, if the appeal were to succeed. This would further promote sustainable modes of travel.
8. Based on the foregoing, the proposal is consistent with the aims of Policies SS4 and MT1 of the CS and Policy EE3.1 of the made Ledbury NDP. Amongst other things, these Policies require development proposals to be accessible and facilitate a genuine choice of modes of travel including, walking, cycling and public transport, along with promoting sustainable modes of travel and retaining or enhancing the existing provision of parking spaces.

Other matters

9. I am aware that the Town and Country Planning (Use Classes) Order (1987) was revised in September 2020. Nevertheless, given the specific nature of the proposal before me, this does not alter my findings on the first main issue.
10. Because of the town centre location of the appeal site, advertisements and signs are not uncommon in the area. As such, the removal of the existing signage at the appeal property would not be a significant benefit.

Other considerations

11. The Council has acknowledged that it currently is unable to demonstrate a 5-year supply of housing land, with the current level of housing being 3.69 years. However, the proposal is specifically for holiday accommodation and not open market housing. As such, the provisions of footnote 7, paragraph 11 d) ii. of the National Planning Policy Framework (the Framework) do not apply.
12. I am aware it is suggested that holiday accommodation only use could be required by the imposition of a condition. However, even if I were to consider the proposal as providing additional open market housing, Paragraph 213 of

the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework.

13. The policies cited by the Council in its first reason for refusal, including supporting residential uses along upper floors of buildings within town centres are broadly consistent with the Framework, which supports the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. As such, I attach significant weight to the harm arising from the first main issue.
14. Set against the harm identified, an additional residential unit would make little difference to the overall supply of housing and the extent to which it would support tourism would also be limited. Therefore, despite the Framework supporting the supply of housing and tourism, any social and economic benefits associated with the proposal, would be limited.
15. The location of the proposal supports the aims of the Framework for prioritising pedestrian and cycle movements and facilitating access to public transport. As advocated by the Framework, the proposal would also make use of a heritage asset. Nonetheless, there is nothing to suggest that such environmental benefits could not be derived from other uses at the appeal property, I therefore attach limited weight to these.
16. Consequently, the adverse impacts on the Council's strategy for protecting Ledbury Town Centre as a destination of choice for retail, leisure and community activities, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

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

M Aqbal

INSPECTOR