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# Appeal Decision

Site visit made on 6 December 2021

**by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 December 2021**

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**Appeal Ref: APP/F0114/W/21/3279555**

**7 Gay Street, Bath BA1 2PH**

- 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 Mrs J Pepler against the decision of Bath and North East Somerset Council.
  - The application Ref 20/04860/FUL, dated 18 December 2020, was refused by notice dated 4 May 2021.
  - The development proposed is described as the change of use from office (Class E) to a dwelling (Class C3).
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## Decision

1. The appeal is allowed and planning permission is granted for the change of use from office (Class E) to a dwelling (Class C3), at 7 Gay Street, Bath BA1 2PH in accordance with the terms of the application, Ref 20/04860/FUL, dated 18 December 2020, 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: GA1-RER1; GA1-RE REV B; GA1-SEC1 REV A; GA1-SER1 B; GA-LP; GA-SP; GA1 BCS; GA1-B; GA1-G Rev A; GA1-F Rev A; GA1-S REV A; GA1-T; GA1-R; GA-SEC2; GA1-FE.

## Main Issue

2. The main issue is the effect that loss of office space would have on the economy of Bath.

## Reasons

### *Background*

3. Part 2c of Policy B1 of the Bath and North East Somerset Core Strategy 2014 (the CS) sets out the Council's ambition of achieving a net additional increase to the stock of office premises of 40,000m<sup>2</sup> by 2029, through enabling the development of 50,000m<sup>2</sup> of new space, linked to a managed release of 10,000m<sup>2</sup> of that which is qualitatively least suitable for continued occupation.
4. Within the above context, Policy ED1B of the Bath and North East Somerset Placemaking Plan 2017 (the PP) sets out the basis for considering changes of use where planning permission is required. It states that the redevelopment of

office space to non-student residential will be permitted unless there are strong economic reasons for refusal. Given that the site is located within the Bath Central Area, consideration in this case centres on whether the change of use would entail a significant loss of strategically important office accommodation. Relevant criteria set out within Policy ED1B relate to the quality of space, the availability of alternative space, market signals, and the strategic context.

### *Assessment*

5. 7 Gay Street, was originally constructed as a dwelling, and forms part of a Grade I listed terrace. Its internal layout comprises many rooms distributed across a number of floors, linked by steep staircases. This has the effect of limiting both use of the space and its accessibility. In this regard the space compares poorly to modern purpose-built office accommodation. The fact that the building is Grade I listed, and thus a designated heritage asset of the highest significance, places further obvious limitations on the adaptations which could be made to address its functional limitations. In this regard, and particularly given No 7's good state of preservation, it seems hardly necessary to require the appellant to demonstrate that major interventions such as the insertion of a lift or removal of historic walls would be inappropriate.
6. Now vacant, No 7 has nonetheless been used as an office both in the past, and until recently, and some other properties in the terrace are similarly used. Such space doubtless appeals to some users. However, this does not alter the fact that its quality is functionally inferior to that provided by modern purpose-built office accommodation.
7. I have not been provided with any clear indication of how the Council defines office space which is 'qualitatively least suitable for continued occupation'. However, in view of my findings above I consider that No 7 can be counted as such. This otherwise appears consistent with the Council's conclusion in relation to a very similar scheme at 41 Gay Street opposite, which was approved in January 2021, just a few months prior to the appeal scheme's refusal.
8. In terms of the broader context, the Council notes that there was a net loss of 14,713m<sup>2</sup> of office space in Bath during the period 2011-2019, which increased to 17,559m<sup>2</sup> in 2020. The type and quality of the space lost is unclear. However, at face value this indicates poor past performance against the target set out within Policy B1. Though this does not seem to have made any difference to the Council's decision in relation to No 41, allowing a change of use at No 7 could contribute to the above trend. Such a finding would be consistent with a 2018 report which advocated protection of existing office space in Bath. This report is however dated, and circumstances have changed. In this regard Policy ED1B looks to current market signals and forecasts to ensure that the long-term target set out within Policy B1 remains justified throughout the plan period.
9. Here the appellant has provided evidence of the good current availability of office space in Bath, including within comparable buildings providing similar space. This demonstrates that despite the reported loss of space, demand is not currently close to outstripping local supply, and that ample alternatives to the use of No 7 exist.
10. The appellant has additionally engaged in a short period of marketing post-refusal without any serious interest. Though not explicitly required by Policy

ED1B, this provides a further indication that the market for office space in Bath is sufficiently well supplied that the proposed loss of space could be readily absorbed without any adverse effect on business.

11. Though another now dated 2019 report identified constraints in the supply of new office space in Bath, the appellant additionally notes the existence of a number of large office schemes with planning permission. Whether or not implementation of these schemes will occur is unknown. However, if implemented before 2029, it is apparent that the space delivered could significantly change the overall balance, further adding to the supply.
12. The effects of the Covid-19 pandemic, and related shift to homeworking are otherwise noted. Though I share the Council's view that it may be too soon to fully understand the long-term effects, early indications are that it has contributed towards a significant increase in the amount of vacant office space locally. This could in turn have an effect on delivery of the approved schemes noted above. Neither could have been anticipated when Policy B1 was drafted.
13. Whilst my findings above cast some doubt on the continued justification of the target set out within Policy B1, it is otherwise far from certain that allowing the appeal would prevent its achievement. Even if it did, based on the evidence before me, I cannot conclude that this would be economically harmful.
14. I therefore find that considered either individually or cumulatively, the relatively small amount of poor-quality office space that would be lost would be neither significant nor strategically important, and nor would it significantly harm the Council's ability to plan positively for economic development.
15. I acknowledge the recent dismissal of an appeal relating to an office conversion at Riverside Court. Whilst similar background evidence appears to have been presented in that case, it involved a unit within a purpose-built office complex. The specific circumstances thus differed. That being so, the Riverside Court appeal does not alter my findings above.
16. For the reasons outlined above I conclude that the loss of office space would not harm the economy of Bath. The scheme would therefore comply with Policy ED1B of the PP, as considered above. Insofar as this provides a means by which Policy B1 of the CS is practically applied, I identify no overall conflict.

## **Other Matters**

### *Heritage assets*

17. No 7 forms part of a 16-unit terrace numbered 2-17 Gay Street. As noted above the latter, together with attached railings, is a Grade I listed building. Consequently, it is necessary to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.
18. Insofar as it is relevant to this appeal the special interest and significance of the listed building resides in its mid-C18th date, and origin as a terrace of high-status dwellings at the heart of the Georgian spa. In this regard it has a particularly important relationship with the Circus to the north.
19. The Council has already granted listed building consent for the minor physical alterations required to enable the proposed change of use. The scheme would

otherwise see No 7 returned to its original function as a dwelling; a context within which its significance would be better revealed and experienced than at present. This would provide a heritage benefit, lending additional weight in favour of the scheme. I am therefore satisfied that the listed building would be preserved.

20. The listed building is located within Bath Conservation Area (the Conservation Area) and World Heritage Site (the WHS). With regard to the former it is thus necessary to pay special attention to the desirability of preserving or enhancing its character or appearance. Insofar as it is relevant to this appeal the significance of both heritage assets resides in the planned Georgian townscape of which No 7 forms part. Given my findings in relation to the listed building above, it can only follow that the scheme would preserve the character and appearance of the Conservation Area as a whole, and that the significance of both the Conservation Area and the WHS would be conserved.

### **Conditions**

21. I have imposed a standard condition relating to the time period for commencement, and, as the scheme includes some external alterations, I have also imposed a condition identifying the approved plans. Both conditions are imposed for sake of certainty.
22. I have not imposed requested conditions requiring the provision and permanent retention of refuse and cycle storage. This is because the plans show that cycles and bins will be stored within the existing pavement vaults. The conditions are therefore unnecessary.

### **Conclusion**

23. For the reasons set out above I conclude that the appeal should be allowed.

*Benjamin Webb*

INSPECTOR