



Appeal Decision

Site visit made on 9 February 2022

by Paul Thompson DipTRP MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st March 2022

Appeal Ref: APP/Q3115/W/21/3275986

20 Upper High Street, Thame OX9 2BZ

- 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 B Hutton (Greenford Ltd) against the decision of South Oxfordshire District Council.
 - The application Ref P20/S4632/FUL, dated 2 December 2020, was refused by notice dated 17 March 2021.
 - The development proposed is Change of use and conversion of ground and first floor to number 20, to form a single dwelling and reinstate its historic residential use.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use and conversion of ground and first floor to number 20, to form a single dwelling and reinstate its historic residential use at 20 Upper High Street, Thame OX9 2BZ in accordance with the terms of the application, Ref P20/S4632/FUL, dated 2 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 03 (Existing and Proposed Site Location and Block Plan) and 30 (Proposed Plans and Elevations).
 - 3) The development hereby approved shall be carried out in accordance with the details specified in the letter dated 29 January 2021 (ref: RH/jlb/SODC/21/1) from Greenford Ltd detailing the relevant works, of upgrading to the partition wall between No 20 and No 20A and No 19 to provide acoustic and fire insulation.

Procedural Matters

2. My consideration of the appeal does not extend to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which relates to a grant of listed building consent for any works to the building. The Council has approved the corresponding internal works to implement the proposed residential use and these are outside the scope of this appeal, which only relates to the proposed change of use of the building.

Main Issue

3. The main issue is the effect of the proposal on the vibrancy and commercial vitality of Thame town centre, including the loss of a small employment opportunity.

Reasons

4. The policies of the South Oxfordshire Local Plan 2011-2035¹ (the LP) are supportive of the role of the district's town centres and the delivery of new homes. Policy TH1 places an emphasis on the approach outlined in the Thame Neighbourhood Plan² (the TNP), but it is also keen to strengthen the retail offer within the town centre. The TNP is clear that retail and housing are both key to the viability and vibrancy of the town centre. Both therefore make important contributions to the aims of Policies STRAT1 and TC2 of the LP. The policies of the TNP take the more generalised approach of the LP and direct development in a focused manner within the town centre.
5. In respect of retailing, TNP Policy WS2 is entitled *Retain and enhance primary and secondary retail frontages* but has a clearly defined and distinguished approach to each type of frontage. Its protection of retail uses is restricted to primary frontages and the approach to secondary frontages is inherently more flexible. The policy supports changes of use from residential to uses falling within use classes A1-A5³, but neither it nor its supporting text suggest that an objective of the policy is to preclude changes in the opposite direction. If that were the case, it would be referred to in the part of the policy that protects primary frontages.
6. The overall objectives of the *Working and Shopping* section of the TNP suggest a flexible approach to development and encourage employment, retail, and residential uses in the town centre. This reflects the circumstances on the ground and the supporting text to TNP Policy WS2 confirms that the secondary frontages include some shops, but are more mixed in their character.
7. The Council advocate that a critical mass of retail and service options must be retained in order for the town centre to stay attractive to visitors, but it does not quantify what this should be. It has also suggested that there is demand for small scale retail units, such as the appeal site, but there is no substantive evidence before me to demonstrate this. In addition, the Council has granted permission for a significant redevelopment of the cattle market, which would lead to an increase in retail floorspace.
8. With all of the above factors in mind, the proposal relates to a relatively small extent of floorspace within the secondary frontage of the town centre. Based on the total retail, trade, and service floorspace recorded in the South Oxfordshire District Retail and Leisure Needs Assessment (2016)⁴, it would lead to a very minor loss of retail trading space. Furthermore, while removal of a commercial use within the town centre would undoubtedly reduce the potential for employment generation, it is unlikely that the loss of employment opportunities created by the retail trading space would have a harmful effect on the viability of the town centre.
9. For the above reasons, the appeal proposal would not have a harmful effect on the vibrancy and commercial vitality of Thame town centre, including the loss of a small employment opportunity. Hence, it would accord with the aims in respect of such matters as expressed in LP Policies STRAT1, TH1 and TC2 and TNP Policy WS2.

¹ Adopted December 2020.

² Made in March 2013.

³ These are now all encompassed in Class E and are referred to as such in the LP.

⁴ This formed part of the Council's evidence base to its Local Plan.

10. I have not found against Policy WS7 of the TNP, as it does not appear to be relevant to the appeal proposal. It refers to the change from employment or service trade uses to those now falling within class E. This implies there is a difference between the former and latter, a point which is reaffirmed in the policy supporting text, as small scale employment uses are categorised as use class B1. This is not repeated in the following sentence but it is clear therein what the policy refers to. I note this point was also raised by the Inspector in the appeal decision for 90 High Street⁵.

Other Matters

11. The appeal property is a Grade II listed building. I have therefore had regard to the statutory duty referred to in section 66(1) of the Act. However, the proposed development does not include any external alterations requiring planning permission that would affect the special interest of the listed building and I have noted above that the Council has already granted consent for the internal works to the building.
12. The appeal site is also situated within the Thame Conservation Area (CA). I have had regard to Section 72(1) of the Act, which requires that special attention be given to the desirability of preserving or enhancing the character or appearance of the CA. The building contributes positively to the character and appearance of the High Street and the proposal would not be harmful to the defining characteristics of the CA, particularly as I have already alluded to the mixed character of the town centre.
13. Thame Town Council has referred to harm that would be caused by the proposal to the living conditions of occupiers of the upper floor at 18-20 Upper High Street. I note that the Council has imposed a condition on the listed building consent which requires upgrading of partition walls to address matters of noise and fire insulation between the appeal building and those neighbouring. This condition has been suggested by the Council for the appeal. There is no substantive evidence to demonstrate that such an approach would not be appropriate for the appeal, it would therefore be sensible for me to adopt the same approach.
14. The Town Council also suggest that the floor area would fall below the minimum requirements, as set out in the Government's Technical Housing Standards - Nationally Described Space Standards (NDSS). Footnote 49 of the National Planning Policy Framework⁶ advises that policies may make use of the NDSS, where the need for an internal space standard can be justified. I have not been referred to any policies in the development plan which refer to internal space standards or compliance with the NDSS. With this in mind, while the NDSS may provide a useful indication of what would constitute a reasonable size for residential accommodation, the evidence before me does not suggest it is a policy requirement. In any event, while the floorspace would be small, this is not uncommon in historic properties within town centres and I am mindful that this particular building would be returned to residential use, which it was originally intended for.

⁵ Appeal Reference: APP/Q3115/W/17/3176597.

⁶ National Planning Policy Framework, revised on 20 July 2021.

Conditions

15. In addition to the standard time limit for the appeal, in the interests of clarity I have specified the approved plans. Furthermore, in the interests of the living conditions of the occupiers of the proposed dwelling and those neighbouring, a condition is necessary to deal with noise and fire insulation safety.

Conclusion

16. For the reasons given above, I conclude that the appeal should succeed.

Paul Thompson

INSPECTOR