



Appeal Decision

Site visit made on 7 June 2022

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2022

Appeal Ref: APP/D1265/W/22/3291287

4A North Street, Beaminster DT8 3DZ

- 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 Martin Langley against the decision of Dorset Council.
 - The application Ref: WD/D/20/002690, dated 27 October 2020, was refused by notice dated 30 November 2021.
 - The development proposed is described as the change of use of redundant commercial building to 1.no dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have used the description of development to reflect that as provided within the Council's decision notice and as stated at section E of the appeal form, in the interests of accuracy and consistency.

Main Issue

3. The main issue in this appeal is whether future occupants would be likely to experience acceptable living conditions in terms of internal and external space provision, odour, noise and disturbance.

Reasons

4. The appeal building, which has been used as office space, is located within Beaminster, set back from the adjacent highway, and comprises a very modestly sized, two storey building predominately constructed in stone. The evidence in this appeal confirms that the site is located within the Beaminster Conservation Area, and there does not appear to be dispute between the main parties that the appeal building is considered to be a curtilage listed building in association with the Grade II listed building at 4 North Street. The appeal building is positioned between properties that front onto North Street, an electrical substation, and a factory. The appeal site is located adjacent, and in very close proximity, to that factory.
5. Amenity Policy ENV16 of the West Dorset, Weymouth and Portland Local Plan (2015) (the Local Plan) confirms that development that is sensitive to noise or unpleasant odour emissions will not be permitted in close proximity to existing sources where it would adversely affect future occupants. As noted above, the appeal site is located in close proximity to a factory, which the evidence before me indicates is currently used by a food manufacturer.

6. Whilst I acknowledge that there are other residential properties within North Street, none are in such close proximity, with the appeal site being confined to a space immediately adjacent to that factory. I therefore share the Council's concerns regarding noise disturbance and odour, and without additional information regarding the potential impact and potential measures needed to mitigate any harm in that respect, I find that the living conditions of future residents would be unacceptable in those regards.
7. I note that to overcome that issue, it has been put to me that a pre-commencement planning condition could be attached to any permission, and which required the submission of additional information in respect of odour and noise. However, in my view such a condition would not be appropriate, given that, in the event that mitigation measures were required, that could further impact on the amount of living space at the proposed dwelling, a matter that I shall now turn to.
8. Policy ENV12 of the Local Plan concerns the design and position of buildings and, amongst other matters, provides that development will only be permitted where it complies with national technical standards and that new housing should meet and where possible exceed minimum space standards. The Council maintains that the appeal building would not provide adequate living conditions for future residents by reason of the limited space provision both internally and externally.
9. In terms of internal floor space, the evidence indicates that approximately 45sqm of space would be provided, arranged over two floors. The proposed dwelling has been assessed as being a two storey, one bedroom, two person residence and, as such, the proposed internal floorspace would fall significantly short of the 58sqm minimum gross internal floor area as provided within the Technical Housing Standards – Nationally Described Space Standards (2015) (the NDSS). Consequently, I consider that the size of the proposed dwelling would be too small to meet the essential space requirements of future occupants when considered against required standards of the NDSS and in respect of Policy ENV12 of the Local Plan.
10. External amenity space can take many forms, the appropriateness and amount of which depends on the nature of the housing being provided. The shape, size and form of the external space at the site would provide a small sitting out area. However, it would be a very small, constrained, courtyard where outlook would be confined to views of high walls which surround the courtyard and by the high sided wall of the appeal building. In that regard, it would be an oppressive space enclosed by walling. Furthermore, and for the same reasons regarding the height and proximity of boundary walls to the appeal building, outlook from the proposed living room at ground floor level would be dominated by the boundary walls. Overall, and even having regard to the one bedroom nature of the proposal, in my view the external amenity area to be provided would not be of a sufficiently good quality or space in terms of providing adequate living conditions for future residents.
11. For the above reasons, the appeal scheme would conflict with Policies ENV12 and ENV16 of the Local Plan in terms of noise, odours, internal and external amenity space. The proposal would also fail to accord with those sections of the National Planning Policy Framework (the Framework) which concerns achieving well designed places with a high standard of amenity for future users.

12. The Officer's report confirms that the Council is presently unable to demonstrate the required supply of deliverable housing sites. Paragraph 11(d) of the National Planning Policy Framework (the Framework) provides that where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
13. The scheme would provide very limited economic benefits in terms of employment opportunities during the conversion phase and through the future spend of residents within local businesses. Whilst the information before me is limited in this regard, I understand that the appeal building has been marketed for rental since July 2020 without success. As such I give weight to the scheme being a potentially viable option that would help preserve this listed structure which makes a positive, albeit very limited, contribution to the appearance of the Beaminster Conservation Area. The proposed development would assist with the Government's objective to boost the supply of housing and the proposed dwelling would be at a location with convenient access to services and facilities.
14. Against those benefits, the appeal proposal would be unacceptably harmful to the living conditions of future residents in terms of noise, odour and amenity space, with a very significant shortfall in terms of internal space provision. By reason of the importance placed within the Framework in ensuring that appropriate levels of amenity would exist for future users, in my view, these adverse impacts of the appeal proposal significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the Framework when taken as a whole. As a result, the application of paragraph 11 of the Framework does not indicate that permission should be granted.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR