



Appeal Decision

Site visit made on 21 February 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 March 2023

Appeal Ref: APP/D1265/W/22/3299693

Land Rear of 5 High Street, Wimborne Minster BH21 1HR

- 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 O Urel against the decision of Dorset Council.
 - The application Ref 3/21/0668/FUL, dated 28 March 2021, was refused by notice dated 4 February 2022.
 - The development proposed is described as “extend existing single storey building and change use to that of hand car wash facility.”
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr O Urel against Dorset Council. This is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - highway safety and the safety of pedestrians;
 - the vitality and viability of Wimborne Town Centre (the town centre); and
 - the character and appearance of the Wimborne Minster Conservation Area (WMCA) and the setting of adjacent heritage assets.

Reasons

Highway and pedestrian safety

4. The appeal site comprises part of the High Street Car Park (HSCP) located within the town centre, and in close proximity to the High Street and other nearby retail and commercial services. The proposed development comprises the change of use of the existing single storey building on the appeal site for a car wash facility as well as an extension to the rear of a similar size to the existing building. It would result in the loss of 4 car parking spaces within the HSCP, with the temporary use of a further 3 spaces for waiting customers.
5. The proposed extended building would comprise two areas for washing and drying cars, with vehicles entering the side of the extended section of the building and exiting into the HSCP access, towards the High Street. Whilst unlikely, given the difficulty of turning right out of the car wash facility and back into the HSCP, it is not an impossible scenario without clear directions.

6. Although reference has been made to proposed extended building being able to accommodate three vehicles within the building, the details shown on plans provide limited certainty that this would be the case. Moreover, given the already informal arrangement and lack of defined circulation space in the HSCP, insufficient evidence has been presented to demonstrate that vehicles could manoeuvre into the car wash facility without causing conflict with other drivers, pedestrians or parked vehicles.
7. The existing vehicle access to the HSCP from the High Street is enclosed by buildings on both sides, with only sufficient width to allow one vehicle through at any one time. It involves the need to navigate around the existing building on the appeal site via a blind 'dog-leg' arrangement and, given the absence of a separate pavement, both drivers and pedestrians using the access need to be alert to the presence of the other. Upon exiting, drivers are also required to pay particular attention to the potential for other vehicles entering the HSCP at the same time, which may result in having to undertake a reversing manoeuvre, either into the HSCP or back onto the High Street. Given the location of the buildings either side of the access, visibility of pedestrians on the pavement, including those waiting to get on or alighting a bus at the nearby bus stop, is substantially restricted, making the latter manoeuvre hazardous.
8. Both main parties acknowledge that the existing access arrangement is convoluted but, given the length of time it has been in operation, represents an accepted situation. Whilst customers of the car wash facility may also be intending to visit the town and therefore park in the HSCP as part of the same visit to the facility, as the proposed development would introduce a different use to the HSCP it is likely to generate additional trips.
9. Given the already hazardous nature of the existing vehicle access the HSCP, the likely increase in the number of vehicles entering or exiting would increase the risk of conflict between the various users of the HSCP and the High Street, harming highway safety. I am not persuaded that the installation of a mirror or imposing a condition requiring a Management Plan to be submitted and approved would overcome this conflict, nor that the proposed development would make the access arrangements better or safer.
10. Furthermore, whilst an additional 3 parking spaces would be provided for customers waiting to enter the car wash facility, in the absence of information confirming the likely customer numbers across different times, I cannot be certain this would be sufficient. As a result, should drivers wishing to visit the car wash facility arrive in the HSCP when all the waiting bays were in use, there is no guarantee that they would not obstruct other drivers by waiting within the circulation space, particularly to avoid paying any parking charges required to park elsewhere in the HSCP. This could not be satisfactorily overcome by customers 'catching the eye' of employees of the car wash facility, even if a member of staff was available at the facility's entrance at all times. The potential for 'haphazard parking' and the effect it may have on other users of the HSCP, including limiting the circulation of vehicles in the site, is therefore an important consideration.
11. Despite the existing lack of formal parking space demarcation, I observed vehicles parked in a safe manner at the time of my site visit. However, as there were available parking spaces at this time, this does not imply that, should the

HSCP be full, drivers would not leave their vehicles in haphazard or obstructing locations, thereby causing harm to highway safety and conflict between HSCP users. Similarly, given the lack of information regarding the current demand for the parking within the town centre, there is insufficient certainty to conclude that the loss of spaces would not increase the number instances of vehicles having to leave the HSCP as it is full or park in an unsafe manner. This would lead to further conflict with other users and harm to highway safety.

12. I acknowledge the lack of objections received from the Highway Authority in response to either the pre-application enquiries or during the determination of the planning application, but my own observations and the evidence before me indicates that the proposed development would cause unacceptable harm to highway safety. Therefore, it would conflict with Policy KS11 of the Christchurch and East Dorset Local Plan: Part 1 – Core Strategy 2014 (the Core Strategy) which states that development must be designed to provide safe layouts and access for all modes of transport. I also find conflict with paragraph 130 of the Framework which requires development to function well to create places that are safe, inclusive and accessible.

Vitality and viability

13. Saved Policy WIMCO23 of the East Dorset Local Plan 2002 (the Local Plan) identifies the HSCP within a larger site known as *(b) Land south of Mill Lane, accessed from Hanham Road*. Beyond this identification, no further restrictions or requirements are set out. Furthermore, although the approximate number of spaces to be provided is referenced within the supporting text to Policy WIMCO23, this refers to the entirety of the land specified under (b), not just the HSCP.
14. At the time of my site visit (early afternoon), whilst representative of a snapshot in time, I observed the spaces located within the appeal site were in use with a large area of the wider HSCP free from parked cars. Aside from references to anecdotal local knowledge, I have limited substantive information before me which confirms the number of parking spaces that should be provided in the HSCP or the current demand for car parking in the town centre, including the HSCP.
15. The loss of up to 7 car parking spaces during the operational hours of the car wash facility may result in existing users of the HSCP, and consequently the town centre, having the inconvenience of finding an alternative place to park. However, whilst this is likely to have highway safety implications, I do not regard this to be sufficient to cause harm to the vitality and viability of the town centre nor do I have any evidence demonstrating that this would be the case. I therefore conclude that the proposed development would not cause unacceptable harm to the vitality and viability of the town centre and, furthermore, the proposed loss of car parking spaces would not be contrary to Policy WIMCO23.

Character and appearance

16. As the appeal site is located within the WMCA and close to 4 listed buildings, I am required by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of that area

and preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

17. The WMCA comprises the whole of the central area of the town, including the parish church of Wimborne Minster (the Minster). The significance of the WMCA relates to the historic settlement pattern and the subservient nature of most buildings in the town to the Minster. The High Street is a principal shopping street within The Centre zone identified in the Wimborne Minster Supplementary Planning Guidance No 15 (April 2006) (the SPG), that connects the Minster to The Square, a traditional space from which six streets radiate. Domestic scale buildings along the High Street are sited at the back of the pavement and, aside from two narrow accesses, including into the appeal site, have a continuous frontage that maintains a strong sense of enclosure.
18. Both sides of the High Street include several small shop fronts at ground floor, with office and residential use above. Whilst the built form comprises a variety of roof features and eaves detailing, with brick, render and colour washed facades the street "has a strongly cohesive character on account of the common building scale, consistency in building heights and continuous building lines" (the SPG). Although the existing building punctuates the vista to the HSCP beyond, it is experienced from few locations in the High Street or other key streets within the WMCA.
19. As recognised at paragraph 207 of the Framework, not all elements of a Conservation Area will necessarily contribute to its significance. Given the appeal site's location to the rear of the High Street, it forms part of a larger area of spaces including car parking, service yards, gardens and other areas that provide an ancillary function to the surrounding uses. As a result, the appeal site does little to contribute to the significance of the WMCA. Furthermore, any increase in the activity on the appeal site, given its location within an existing car park and its compatible use, would have a neutral effect on the character and appearance of the WMCA.
20. Turning to the setting of nearby listed buildings, the Framework states that the setting of a heritage asset is the surroundings in which it is experienced and that this can be more extensive than its curtilage. Heritage assets are clearly influenced by the comprehension of external factors and development within their setting, the extent of which is not fixed and can evolve over time.
21. Several Grade II listed buildings are located adjoining or close to the appeal site, namely: LF King at 12 The Square (No 12), Wilson and Son at 5 High Street (No 5), International Stores at 7 High Street (No 7) and The Square Post Office (the Post Office). From the evidence before me, including the listing descriptions, I consider the significance/special interest of these buildings to be largely derived from their architectural detailing and the quality of the materials used. In addition, in respect of No 7 and the Post Office, it relates to the former combined use of these properties as the New Inn.
22. The existing building on the appeal site comprises a single storey brick structure with a flat roof, adjoining No 7. Given the scale of the existing building to the adjoining properties, and the substantial setback in its frontage, it is subservient to the properties of No 5 and No 7. The front elevation would be altered to facilitate an opening large enough to allow a vehicle to exit the building, following being washed and dried. Therefore, during the hours the car wash facility is in operation, the vista from the High Street will be punctuated

by views into the building of vehicles being washed or drying. Outside these times, the proposed roller shutter doors would be visible.

23. Due to the existing building's subservience to the nearby listed buildings and the limited visual relationship to No 5 and No 7, I do not consider these alterations would detract from how the listed buildings are experienced. Although the front elevation of the existing building is devoid of fenestration and several signs and downpipes are fixed on to it, the proposed development would also have a neutral effect on the listed buildings.
24. Given the above, I conclude that the proposed development would preserve the character and appearance of the WMCA and would not affect the significance/special interest of the nearby listed buildings in terms of their setting. As such, it would satisfy the requirements of the Act and paragraph 197 of the Framework.

Other Matters

25. The proposed development would provide modest social and economic benefits from the employment of the equivalent of 4 full time members of staff and the provision of a car wash service in the town. Given the scale of the appeal scheme, any economic benefits from the construction works would be short lived and ultimately small. These do not outweigh the harm that I have identified.
26. Notwithstanding the lack of evidence regarding the existing or lawful use of the building on the appeal site, at the time of my visit, it was not in use and the sole external door was padlocked. Given the absence of windows I was unable to confirm if the building was empty. Furthermore, I have no substantive evidence before me to conclude that the proposed development represents the best use of the existing building. These circumstances, therefore, do not represent a realistic fallback scenario that weigh in favour of the appeal scheme.
27. The appeal application was reported to the Council's Eastern Planning Committee with an officer recommendation for approval. However, the Council is not duty bound to accept the recommendations of its officers. Clear and specific reasons have been set out for refusing the proposed development and I share the Council's view that, in respect of the highway safety and the safety of pedestrians, the appeal scheme would be unacceptable. Additionally, the lack of objection, in principle, to the proposed development from Town Council is a neutral factor in my determination of the appeal. Thus, none of these other considerations, on their own or in combination, alter my decision.

Planning Balance and Conclusion

28. I have found that the loss of car parking spaces in the HSCP would not cause harm to the vitality and viability of the town centre nor to the character and appearance of the WMCA and the special interest/significance of nearby listed buildings in terms of their setting. However, I have found unacceptable harm to highway safety which is the prevailing consideration and one to which I give greater weight.
29. The proposed development conflicts with the development plan, when read as a whole, and material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development

plan. Having considered all other matters raised, the appeal is therefore dismissed.

Juliet Rogers

INSPECTOR