



Appeal Decision

Site visit made on 7 June 2023

by V Simpson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2023

Appeal Ref: APP/J1725/W/22/3297759

40-42 Park Street, Gosport PO12 4UH

- 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 J Harris against the decision of Gosport Borough Council.
 - The application Ref 21/00523/FULL, dated 18 June 2021, was refused by notice dated 23 December 2021.
 - The development proposed is described as 'Change B1 office space into living accommodation'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - whether the proposal would provide adequate living conditions for future occupiers of the property, with particular regard to noise and disturbance, and internal floor space; and the effect of the development on;
 - the provision of employment land within the Borough; and
 - highway safety.

Reasons

Living conditions - future occupiers

3. The site is located within an active industrial estate and on the junction between Park Street and Jubilee Road. Nearby businesses within the industrial estate include but are not limited to; a steel fabrication business; and multiple businesses that appear to be carrying out trade in association with vehicle repair and maintenance.
4. I have not been provided with information regarding the levels of noise generated within the industrial estate, or details of any restrictions that may apply with regard to the hours of operation of businesses within it. Although a snapshot in time, during my morning and mid-week site visit, a large articulated vehicle made a delivery to the steel fabricators on the opposite side of Jubilee Road from the appeal site, and there was a reasonable amount of activity and noise being generated from the operation of the businesses within the area. I have no reason to doubt that the types and levels of activity I witnessed were atypical during weekday daytimes. Therefore, and given the number; range; and type of businesses operating from the industrial estate, I do not doubt that the level of noise and activity would be significantly greater

and more disturbing, than that which may reasonably be expected to be experienced within a residential property.

5. Even if measures - beyond those required by building regulations - were put in place to minimise disturbance caused by activity within the industrial estate, details of such measures have not been identified. I am unable to conclude therefore, that the harm which would be caused to the living conditions of future occupiers, as a result of the noise and activity levels associated with the operation of the industrial estate, could be satisfactorily mitigated. Great weight is attributed to the harm that would be caused in respect of noise and disturbance.
6. Rear garden areas serving several residential properties abut Park Street close to its junction with Forton Road. However, they are not surrounded by the industrial estate in the same way that the appeal site is. Therefore, and even if the occupiers of these existing residential properties encounter disturbance resulting from the use of the industrial estate, it is unlikely to be to the same extent as that which would be encountered by any future occupiers of the proposed development. The presence of these other dwellings would not, therefore, justify the creation of a unit of living accommodation which would fail to provide appropriate living conditions for any future occupiers.
7. The proposed accommodation would include 2 bedrooms. The Council has not specified what standards they have assessed the floor space against. However, within the explanation of policy LP10 of the Gosport Borough Council Gosport Borough Local Plan 2011-2029 – dated 2015 (the Local Plan) it is confirmed that in securing quality neighbourhoods, residential development should have regard to the guidance set out in the Council's Design Guidance: Supplementary Planning Document dated 2014 (the Design SPG) relating to space standards.
8. The evidence indicates that the proposed accommodation would have an internal floor area lower than that specified within the Design SPD for a 2-bedroom/3-person home. It has not been demonstrated that future occupiers would be afforded adequate internal floor space. I am therefore not satisfied that there is any justification for a departure from the requirements of Policy LP10 of the Local Plan and the Design SPD in this instance. However, only limited weight is afforded to this harm, as the shortfall is small.
9. For the reasons given above the development would fail to provide adequate living conditions for future occupiers, with particular regard to noise and disturbance, and internal floor space. Consequently, and in respect of this main issue, it would conflict with Policy LP10 of the Local Plan, where it seeks to ensure that development creates high-quality neighbourhoods and, which would not cause harm by noise, light pollution, vibration, smell or air pollution.

Employment land

10. The appeal site is located within the Forton industrial estate. It forms part of an employment land designation as defined within Policy LP16 of the Local Plan. I accept that employment is a high priority of the Council, and this is reflected within Policy LP16 of the Local Plan, which seeks to safeguard existing employment land for employment purposes.

11. The evidence indicates that the land and building subject of this appeal has been either vacant, or that it may have been unlawfully occupied, for considerable periods of time. While it has been suggested that there is no demand for the rental of the property as it stands, it has not been put to me that the proposed development would form part of an employment-led mixed-use scheme which would comply with the requirements of LP16. 5. of the Local Plan.
12. Furthermore, no compelling evidence demonstrating that the property has been appropriately marketed for an employment-based use has been put forward. As such, the lack of demand for an employment-based use of this property has not been demonstrated.
13. Paragraph 187 of the National Planning Policy Framework (the Framework) guides that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities, and that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. It further advises that where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
14. The operation of the existing businesses within the industrial estate brings benefits to the economy and supports jobs. I have previously found that the noise and disturbance resulting from the operation of businesses within the industrial estate would cause harm to the living conditions of future occupiers, and that no suitable mitigation measures have been identified which would overcome this harm. As such the development would not integrate effectively with the existing businesses in the area.
15. For the reasons given above, the proposed development would have a harmful effect on existing employment land within the Borough. Consequently, it would conflict with Policy LP16 of the Local Plan, which seeks to safeguard existing employment land for employment purposes. Substantial weight is accorded to this harm.

Highway safety

16. Within the appeal site, one car parking space has been shown to serve the proposed residential accommodation.
17. Policy LP23 of the Local Plan requires that provision is made for parking cars as part of development proposals. Table 1a of the Council's Parking: Supplementary Planning Document 2014 (the Parking SPD) indicates that for 2-bedroom residential accommodation, 2 allocated car parking spaces should ordinarily be provided. The Parking SPD also guides that this level of provision may be reduced where a mix of unallocated and allocated parking can be provided. The parking SPD further indicates that suitable car parking is necessary, because a lack thereof can lead to excessive or inappropriate parking which is harmful to the safety of the highway.
18. I have been presented with no cogent evidence from which to conclude that the level of car parking provision as indicated within the parking SPD, should not

be required in this case. Furthermore, during my site visit, I noted that the availability of on-street parking within the area was extremely limited. Given this, and the observed levels of activity in the area, I have no compelling reason to doubt that there is significant pressure and competition for on-street car parking within the area. Consequently, and on the evidence before me, partial reliance on unallocated on-street car parking provision, would be harmful to highway safety in the area.

19. Even if the Council has granted planning permission for other 2-bedroom residential accommodation with either no parking provision or only a single parking space, I have not been provided with details of these cases. As such I am unable to make comparisons between any such schemes and the development subject of this appeal.
20. For the reasons given above, the development would be harmful to highway safety. In respect of this main issue, it would conflict with Policy LP23 of the Local Plan and the Parking SPD. However, given that one allocated parking space has been indicated, I accord only moderate weight to the harm that would be caused in this respect.

Other matters

21. The site is near the Solent Special Protection Area's (SPA's) which include the Portsmouth; Solent and Southampton water; and Chichester and Langstone Harbours SPA's. However, there is no need to further consider the implications of the proposal on the protected sites because the scheme is unacceptable for other reasons.
22. I do not know the full circumstances leading to the granting of planning permission at 23/25 Park Street for a residential dwelling. Furthermore, since the granting of that permission in 1988, the planning policy context has changed significantly. The weight that is attributed to the granting of this previous permission is therefore extremely limited.
23. Even if other properties within the street, except that at 23-25 Park Street, are in use for residential purposes, I have not been provided with sufficient information to enable me to understand the basis or lawfulness of any such occupation. I, therefore, accord this consideration very limited weight.
24. Although there may have been a considerable number of planning applications for development within Park Street over the last 20 years, it has not been demonstrated that any of these – other than that which is subject of this appeal - relate to proposals for new residential development. No weight is therefore attributed to this consideration.
25. The building and appeal site subject of this appeal appear to have been substantially renovated since the photographs within the appeal statement prepared on behalf of the appellant were taken. An effect of this renovation has been to significantly improve the appearance of the building. On this basis, I am unconvinced that the building is likely to fall into disrepair should this appeal not be allowed. The weight attributed to the risk of the building falling into disrepair is therefore limited.
26. That the existing building would be brought up to current building control standards is a benefit. However, I cannot conclude that such benefits are

necessarily dependent on this appeal being allowed, and as such only limited weight can be attributed to this consideration.

27. The evidence suggests that the revitalisation of a disused building would result from the implementation of the development proposals. However, given that the appeal site was found to be in use at the time of my site visit, very limited weight is attributed to this consideration.
28. The development would contribute to meeting the Government's objective of significantly boosting the supply of new homes. It would also add to the supply of housing in the Borough, helping to address the Council's shortfall in housing land supply. However, given that only a single dwelling is proposed, the contribution would be modest. Moderate weight is therefore attributed to the benefits associated with additional housing delivery.
29. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be given to the desirability of preserving the [listed] building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case the grade II listed 2-12 Halliday Close, great weight should be given to the asset's conservation.
30. Comprising a little altered terrace of red brick Queen Anne style houses, which were originally built as Officers Quarters for the Royal Marine Light Infantry barracks at Forton, the significance of 2-12 Halliday Close is its historic fabric and former use. The setting of the Listed building is informed by a large playing field to the front and by the presence of buildings - both residential and commercial, to the sides and rear of the building. The development would involve the change of use of parts of an existing building and land, as well as minor exterior alterations and additions. Given this, and the presence of the intervening buildings between the site and 2-12 Halliday Close, the development would not cause harm to the significance of the heritage asset or its setting. This being the case the requirements at paragraph 200 and 201 of the Framework are not engaged. The absence of harm in respect of this matter is a neutral consideration.
31. Amongst other things, paragraph 38 of the Framework advises Local Planning Authorities to work proactively with the appellants and to seek to approve applications for sustainable development where possible. However, in this case it has not been demonstrated that more effective communication between the Council and the appellant during the Council's consideration of the application would have resulted in a different outcome.

Planning balance

32. The Council has confirmed that it does not have a 5-year supply of deliverable housing sites. In such circumstances, paragraph 11.d) of the Framework falls to be considered.
33. In the context of the development plan, I have found that the development would be contrary to Policies LP10, LP16, and LP23 of the Local Plan. These policies are generally consistent with the aims of the framework at paragraphs 130, 81, and 111, which seek to ensure that; places are created with a high standard of amenity for existing and future users; decisions should help to

create the conditions in which businesses can invest, expand and adapt; and to prevent development which would have an unacceptable impact on highway safety.

34. Against the benefits identified within this decision letter are the identified harms that would be caused to; the provision of employment land; the living conditions available to future occupiers; and to highway safety.
35. Overall, I find that the adverse impacts of the development would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. Therefore, and even if adverse effects on the integrity of the SPA's could be avoided, the proposal would still not benefit from the presumption in favour of sustainable development at paragraph 11.d) of the Framework.

Conclusion

36. The proposed development conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
37. For the reasons given above, this appeal is dismissed.

V Simpson

INSPECTOR