

Appeal Decision

Site visit made on 29 January 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13.03.2024

Appeal Ref: APP/D1265/W/23/3323961

14B South Street, Dorchester, Dorset DT1 1BS

- 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 Swanmore Estates Ltd against the decision of Dorset Council.
 - The application Ref P/FUL/2022/07965.
 - The development proposed is the change of use of upper floor flat (C3 dwellinghouse) to storage associated with the shop on the ground floor (Class E - Commercial, Business and Service).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of upper floor flat (C3 dwellinghouse) to storage associated with the shop on the ground floor (Class E - Commercial, Business and Service) at 14B South Street, Dorchester, Dorset DT1 1BS in accordance with the terms of the application, Ref P/FUL/2022/07965, and the plans submitted with it, 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: Location Plan dwg no. J21006 and Proposed Floor Plans dwg no. PLAN 2.

Preliminary Matters

2. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. This has not raised any new matters which are determinative to the outcome of this appeal.
3. My attention is drawn to the emerging Dorset Council Local Plan; however, I have not been referred to any specific policies the Council consider to be of relevance.

Main Issue

4. The main issue is the effect of the proposal on the viability and vitality of the town centre.

Reasons

5. The appeal site comprises a residential unit which forms part of the upper floors above an existing ground floor retail unit which fronts South Street in Dorchester town centre. The accommodation, which has been vacant for some time, is in a poor state of repair. The property is served by a doorway which provides direct access from South Street; however, the internal stairs have been removed which means pedestrian access to the flat is currently obtained solely through the ground floor shop, via stairs to the upper floor and across an external area between the upper parts of the building.
6. The surrounding area comprises buildings of a range of architectural styles and ages, with a mix of retail and commercial uses at ground floor, some of which are vacant, with associated uses or vacant space above. The appeal would see the change of use of the residential unit on the upper floors of the building to storage use in connection with the ground floor retail unit. Whilst I note the Council's concern regarding the lack of justification in terms of the business need for the proposed storage space, the appellant nevertheless indicates the additional storage and other ancillary space would offer benefits for the operation of the existing retail use.
7. Policy INT1 of the West Dorset, Weymouth and Portland Local Plan adopted 2015 (the LP) sets out a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area. In the absence of any clear analysis of the town centre and the way it functions, in particular the level and types of activity associated with the residential use of the building, I cannot be certain of the effect of the proposed change of use on the vitality and viability of the town centre. Moreover, notwithstanding the role residential uses play in ensuring the vitality of centres, there is nothing before me to demonstrate that the proposed business use would not meet the aims of Policy INT1, or that the storage use would not be an effective use of the building to meet the needs of the existing business.
8. For the foregoing reasons I therefore conclude that the proposal would not have an adverse effect on the viability and vitality of the town centre. In that regard it would accord with Policy INT1 of the LP and the aims and objectives of the Framework which seek to ensure the vitality of town centres and the effective use of land.

Other Matters

9. The Council indicate that it has been struggling to meet its housing land supply requirements, however the officer's report gives a clear statement that it does benefit from a 5-year housing land supply. While the situation may be fragile such that there is a high demand for housing in the area, and the Framework encourages the use of vacant properties to provide empty homes which would help to meet demand, my attention has not been drawn to any development plan policy that actively seeks to prevent the loss of housing. I therefore have no reason to give this matter such weight that it would warrant a decision otherwise than in accordance with the development plan.

10. The appeal property is within the Dorchester Conservation Area (the CA). As required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am required to have special regard to preserving or enhancing the character or appearance of a conservation area. The ground floor of the building would be retained in retail use and no changes are proposed to the external appearance of the building. Furthermore, there is nothing before me to suggest that the proposal would give rise to any tangible effects in terms of the vibrancy of the area. I am therefore satisfied the proposed change of use would preserve the character and appearance of the CA.

Conditions and Conclusion

11. In addition to the standard time limit condition for implementation; a condition is necessary to ensure the development is carried out in accordance with the approved plans in the interests of certainty.
12. For the reasons given, I conclude that the appeal should succeed.

E Worley

INSPECTOR