



Appeal Decisions

Site visit made on 9 April 2024

By J Burston BSc (Hons) MA MRTPI AIPROW

an Inspector appointed by the Secretary of State

Decision date: 19 April 2024

Appeal A ref APP/R3650/Y/23/3318250

The Old Mill, Mill Lane Godalming GU7 1EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Marlston Developments Ltd against the decision of Waverley Borough Council.
 - The application Ref is WA/2022/01558.
 - The development proposed is Change of use from offices (use class E) to 7 dwellings (use class C3) and associated works (as amended by highways information received 30/08/2022).
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Appeal B ref APP/R3650/Y/23/3318251

The Old Mill, Mill Lane Godalming

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Marlston Developments Ltd against the decision of Waverley Borough Council.
 - The application Ref is WA/2022/01557.
 - The works proposed are Listed building consent for repositioning of internal stairwells and internal alterations replacement and new windows and rooflights; new tiled roofing on part of the building (amended description).
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. These appeal decisions address both planning and listed building consent appeals for the same site and the same scheme. The remit of both regimes is different, and the main issues identified below relate to either the planning appeal (Appeal A) or the listed building appeal (Appeal B) or both. To reduce repetition and the avoidance of doubt I have dealt with both appeals together within this single decision letter.
4. In reaching my decisions I have had regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which

require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

5. Since the planning application was determined the Waverley Borough Local Plan Part 2: Site Allocations and Development Management Policies (2023) (LPP2) has been adopted. This supersedes the Waverley Local Plan (2002). Whilst Policies HE3 and HE5 referred to in the reasons for refusal have been superseded, the replacement Policy DM20 is similar and reflects the requirements of the Act and the National Planning Policy Framework, which both main parties have commented on within their Statements of Case. As such, it has not been necessary to seek further comments from the parties.
6. A revised version of the National Planning Policy Framework (the 'Framework') was published after the appeal was submitted. The sections of this document most relevant to this appeal have not been altered. As such, it has not been necessary to seek further comments from the parties. Where I have referred to specific paragraphs of the Framework, the numbering used is that of the December 2023 version.
7. Appeal A: Following the refusal of the planning application, the Environment Agency has raised no objection to the planning application. On this basis the Council has stated that it has withdrawn its reason for refusal based on flood risk. From the evidence before me I see no reason to disagree.

Main Issues

8. The main issues are:

- In relation to Appeal A, the effect of the scheme on the living conditions of future occupiers;
- In relation to Appeal A, whether the proposed development would result in the unacceptable loss of employment land; and
- In relation to both Appeals A & B, whether the proposals would preserve the special architectural or historic interest of the Grade II listed building on the appeal site and/or the character or appearance of the Godalming Conservation Area (CA) in which the site is located.

Reasons

9. The appeal site is located towards the western edge of Godalming. The site comprises a Grade II Listed former mill building, which has been converted to office use, but is currently vacant. The proposal seeks to convert the building to residential use to form 7 flats.

Living conditions of future occupiers

10. The Council states that units 2 and 5 would not fully comply with the internal dimensions referred to in the Government's 'technical housing standards – nationally described space standard' (March 2015). The Nationally Described Space Standards prescribe minimum gross internal floor areas and storage. However, the failure to meet the technical requirements does not necessarily mean

that living accommodation would be unacceptable or sub-standard. Moreover, in the absence of a development plan policy securing these standards, they carry limited weight. The Council has not referred me to any other specific requirements or standards for the amount of internal floor space required with this type of development.

11. In the absence of any substantive evidence to the contrary from the Council, I consider, based on the evidence provided, a satisfactory standard of accommodation would be provided with adequate floorspace for movement and circulation to deliver reasonable living conditions for the future occupants of the proposed units in this particular case.
12. In terms of visual outlook from flats 4 and 7, rooflights would be the sole source of light, outlook and ventilation to the bedrooms. While these may provide a source of light and ventilation, outlook would be limited and of poor quality to the detriment of the living conditions of the future occupiers of the flats.
13. I therefore conclude that whilst the quantity of living space provided would be adequate, the proposal would not provide a good standard of amenity in terms of outlook. Accordingly, the development would be contrary to Policy TD1 of the Waverley Borough Local Plan (Part 1) (LPP1), which seeks, among other things, to ensure that new development maximises opportunities to improve the quality of life for future residents.

Loss of employment land

14. The Old Mill is currently used as an employment site. In this respect LPP1 Policy EE2 states that the Council will permit the change of use of existing employment sites to residential and other alternative uses where it can be clearly demonstrated that there is no reasonable prospect of the site being used for employment use. Furthermore, the appeal site and its surrounding area are located within an area washed over by an Article 4 direction to resist the change of use from office to residential use. The Council asserts that it would expect *“an appropriate, and in this case high, level of evidence to demonstrate that there is no reasonable prospect of the site being used for employment use.”*
15. The Employment Land Review Update 2016 (ELR) states in its Executive Summary that *“It is therefore important that Waverley provides a continuing supply of land suitable for B2 and B8 uses, as well as premises meeting the needs of businesses of all sizes in order to maintain a healthy mix of business. Ensuring a supply of good quality, well located employment sites is maintained will help to support investment by existing business and managed growth in the local business base in accordance with the Waverley Economic Strategy.”* Nevertheless, I accept the appellant's comments that the quantities of employment land referred to in the ELR are highly likely to be out of date due to the passage of time and the implications of more people working from home.
16. The appellant states that the appeal property is not suitable for office use for reasons of poor wheelchair access and accessibility, unsatisfactory parking, unsuitable layout, and poor EPC rating. This statement is however supported by very limited evidence. The appellant has also supplied details of vacant office space in the Godalming area which equates to 7919.14sqm. A further report made by Owen Isherwood (Chartered Surveyors) has provided details of office space on its books which have been on the market between 18 – 36 months. Nevertheless,

there is very limited evidence of how and for what duration the appeal site has been marketed or that the change of use would not undermine the economic viability of Godalming.

17. Whilst I have no reason to question the evidence provided by a commercial agent this alone does not conclusively demonstrate that there is no demand for the appeal site for employment use. Overall, there is insufficient evidence to persuade me that there is no need for the site for employment use.
18. To conclude on this main issue, the proposed development would result in the loss of employment land and would therefore conflict with Policy EE2 of the LPP1 as set out above. In reaching this conclusion I have also borne in mind the framework paragraph 127a which states that *"In particular, they (Local Planning Authorities) should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework"*.

Heritage Assets

19. The listed mill has a typical linear form comprising 3 floors on the mill stream front elevation and single storey at the rear, lit by a regular and continuous arrangement of windows along the front elevation. The former corn mill was subdivided internally to form offices in the 1980s, which has disrupted the open floor arrangement. Although the post medieval beams and upright supports are still visible. This conversion probably also led to the replacement of the traditional wooden window frames and door openings to modern UPVC. The historic water wheel has been replaced by a turbine and spiral staircases have been added both internally and externally.
20. The listed mill complex was first added to the statutory list in 1970 and benefits from a relatively extensive official list entry that details reasons for its designation. According to the summary of the site's history, the mill has its origins in the 18th Century.
21. From the evidence available to me, and from my own observations, I consider the significance and special interest of the Old Mill is drawn in part from its historic use as a corn mill as well as from its surviving historic fabric, form and layout. The grounds, local topography, stream side location and traditional ancillary structures within its setting also contribute to the listed building's significance and special interest.
22. The Godalming Conservation Area (CA) was designated in 1974 and extended in 1984 and 1989. The historic use, layout and relationship between buildings within the CA is of interest and contributes positively to the character and appearance of the CA as a whole. So too does its landscape context, to which undeveloped green spaces, proximity to the river and views out to the surrounding countryside all contribute.
23. The appeal site is situated towards the western boundary of the CA, where it follows the course of the River Ock. The appeal site's location away from the core of the settlement but close to the river, together with other nearby buildings such as the Old Granary, is telling of its historic use and function as a place of small-scale industry at the settlement edge.

24. The significance and special interest of the CA is underpinned by its historic origins and evolution as a compact market town. The character and appearance of the CA as a whole is evident by the quality and range of traditional buildings that are representative of the local vernacular in their materials. The historic use, layout and relationship between buildings within the CA is of interest and contributes positively to the character and appearance of the CA as a whole. As stated above the landscape context of Godalming, also contributes positively to the CA.
25. The proposed subdivision of the mill would further erode the historic plan form and circulation of the building, particularly at attic level entailing loss of this remaining open working floor, and introduction of a domestic layout and pattern of circulation within each of the units created. This would be further reflected externally in the introduction of a more identifiably domestic arrangement of windows and rooflights. Though in terms of external form, the building would essentially remain recognisable as a former mill, the changes otherwise entailed in conversion would further undermine and obscure key defining characteristics of its historic design. Nevertheless, given the existing disruption to the historic layout, the adverse impact of the proposal on the significance of the mill would be less than substantial, but which carries considerable importance and weight.
26. In respect of the CA, the proposals would lessen to a limited extent the integrity of a valuable component in the social and historic evolution of the settlement. The impact of the proposal would be apparent from the public highway and from surrounding buildings. This would diminish the contribution this building makes to the appearance and architectural interest of the CA and in particular the street scene hereabouts. In the context of the Framework, it would result in less than substantial harm to the significance of this designated heritage asset. When the CA is considered as a whole, the adverse impact upon this designated heritage asset would be limited.
27. Paragraph 208 of the Framework states that *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”* This is considered in the heritage balance below.

Planning and Heritage Balances

28. The Old Mill is currently disused, and the building is in a state of disrepair and deterioration. This is not in dispute. The re-use of the building would bring back an active use to it, and investment into the fabric, and halting further deterioration of the listed building, which would be of wider public benefit.
29. The scheme would also involve the replacement of the modern window and door frames with more traditional wooden fenestration. This could potentially deliver conservation benefits. Public benefits would also accrue to the local economy during the construction operations and from any future occupiers.
30. It has been claimed that residential conversion would secure the optimum viable use of the listed building. I accept that the commercial office market in Godalming is challenging and that the appeal building is constrained by poor wheelchair access, limited parking, limited accessibility and usability of floorspace. However, I have not been provided with any firm evidence that alternative uses which might entail less harm to the significance of the listed building have been seriously considered.

31. I therefore lack the evidence necessary to conclude that residential conversion represents the only viable option. Furthermore, in the absence of any detailed schedule of works, the full costs of conversion are unknown, and thus the scheme viability may in doubt. For these reasons I cannot conclude that the proposed residential conversion would secure the listed building's optimum viable use.
32. The proposed development would provide 7 dwellings in an accessible urban location. In general terms, the scheme would therefore make a contribution towards addressing a shortfall in the Council's 5-year supply of deliverable housing sites (5YHLS). However, this should be tempered in the knowledge that it has not been demonstrated that the residential conversion is the optimum viable use. Consequently, this reduces the weight of public benefits the proposals would achieve to a moderate level.
33. I accept that there would be no harm in respect of archaeology, highway safety and flood risk. However, these would be neutral in the overall heritage and planning balances and not expressly of public benefit.
34. On the other hand, the proposals would lead to the loss of employment land, contrary to the development plan and would fail to preserve the special interest of the Grade II listed building and the CA, as set out in the Act. Even though the harm to each heritage asset would be less than substantial, this would be permanent.
35. To bring all these factors together, I conclude that the totality of public benefits would not be of sufficient weight to outweigh the harm identified in this case and the considerable importance and weight this carries. Therefore, the proposals would be in conflict with the 'conserving and enhancing the historic environment' policies of the Framework and the Act.

Other Matters

36. I have noted that a number of other planning permissions granted by the Council for the change of use of offices to residential use have been brought to my attention. However, full details of the circumstances surrounding those earlier decisions are not before me. Furthermore, those decisions were reached in a different national and local policy context. I have considered the current proposal on its merits, taking account of the current development plan and other relevant material considerations.

Conclusion

37. For the reasons given above, and taking into account all matters raised, both Appeal A and Appeal B should be dismissed.

J Burston

INSPECTOR