



Appeal Decision

Site visit made on 22 October 2024

by N Duff BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2024

Appeal Ref: APP/B3438/W/24/3347025

3 Alton Castle, Tape Street, Cheadle, Staffordshire, ST10 1BG

- 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 Mr Idnan against the decision of Staffordshire Moorlands District Council.
 - The application Ref is SMD/2024/0084.
 - The development proposed is Change of use on partial ground floor and first floor from class E to class C5 short term let to accommodate 7 units. Proposed single storey extension and dormer to first floor at rear.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has confirmed that the floor plans submitted as part of the appeal were not those considered and consulted on as part of the planning application. Whilst I sympathise with the appellant given the circumstances put forward, unfortunately I have no evidence to demonstrate that the plans submitted here have been subject to public consultation and they did not form part of the Council's decision. Therefore, to consider such a modification would be a substantive difference and procedurally could prejudice interested parties by depriving those who should have been consulted on the change the opportunity of such consultation. Furthermore, it is not for the appeal procedure to advance proposals. This is best achieved through the submission of revised planning applications. For this reason, I have determined the appeal on the basis of the plans that were before the Council when it made its decision.
3. The Council has stated in the reason for refusal insufficient information relating to the exact proposed use of the units. The Council has stated in their evidence that the principle of the change of use would be acceptable whether the development were for dwellings or temporary holiday lets. The appellant has made representations confirming that the use is for short term lets. I have therefore determined the appeal based on the units being under class C5 as per the description of development in the application form. I am satisfied therefore that the Council nor interested parties are prejudiced by my dealing with the appeal in this way.

Main Issue

4. Whether the proposed development would provide acceptable living conditions for future occupiers in terms of the provision of windows and internal living space.

Reasons

5. The appeal site is a former public house and is occupied at ground floor level in part by a hot food takeaway with further rooms at ground floor and first floor levels. The building is situated on the pavement edge of Tape Street, a busy thoroughfare through Cheadle.

Living Conditions

6. The proposed conversion of the ground, first and part of the second floor (loft space) into 7 self-contained units includes modest extensions to the building. The units on the ground floor and first floor would all have windows providing natural daylight to future occupiers. The proposed unit labelled as 'Apmt 2 bed duplex' has accommodation on the first floor and two double bedrooms within the proposed converted loft space. The proposed bedrooms in the loft space would not have any windows.
7. Due to the lack of windows to the proposed duplex apartment, future occupiers, whether on a temporary or permanent basis would be deprived of natural daylight and an outlook in those rooms. The occupiers would therefore have to rely on artificial light to illuminate the rooms when required. The lack of windows means that there would be no outlook for occupiers. This together with the absence of daylight or sunlight to the rooms results in a poor-quality living environment that would be gloomy and unwelcoming. There is an expectation for bedrooms to have windows to allow for natural daylight and some outlook, and without this would cause significant harm to the living conditions of future occupiers.
8. The duplex apartment labelled as 'Apmt 2 bed duplex' (Apmt 2) has an internal floor area of 62sq.m. The Technical housing standards – nationally described space standard (NDSS) which is to be applied across all tenures, states that there should be a minimum of 70sq.m for a two-bed unit over two stories. The proposed duplex apartment falls appreciably short of this minimum standard. Therefore, the failure to meet this minimum standard would result in unsatisfactory living conditions for future occupiers. The NDSS states that as a minimum, a one bed unit should have 37sq.m of internal floor space. Therefore unit 4 would fall short by 2sq.m. Whilst the shortfall of unit 4 is not significant, the value given in the NDSS is a minimum standard, and therefore to be below this would fail to meet the day to day needs of occupants.
9. For the reasons mentioned the proposed development would fail to provide satisfactory living conditions for future occupiers with particular regard to the provision of windows and internal living space. Therefore, the proposal would be contrary to policies DC1 and H1 of the Staffordshire Moorlands Local Plan (2020) (SMLP) which between them seek to ensure that new development is of a high quality and protects residential amenity in terms of satisfactory daylight and outlook and by seeking to achieve adequate internal space for the intended number of occupants in accordance with the NDSS.

10. The proposal would also not accord with sections 5 and 12 of the National Planning Policy Framework (The Framework) which between them encourage well designed places with a high standard of amenity for existing and future users.

Other Matters

11. The site is located within the Cheadle Conservation Area (CA). The CA derives its significance from its role as a historic market town which has retained much of its historic street pattern and many historic buildings.
12. Given that the proposed works to the building are minimal, including the conversion of the existing building comprising mainly internal modifications and the modest extensions proposed behind the main façade, I am satisfied that the proposed development would not cause harm to the CA and would preserve its significance.
13. A Grade II Listed building, the Black Horse Public House Inn, an early 19th century building is located close to the appeal site on the junction of Tape Street and High Street in a prominent position. Having regard to my duty under S66(1) of the Listed Building and Conservation Areas Act (1990) (as amended) I am satisfied that due to the location of the proposed development and the busy road between the two sites, that the proposed change of use would not detract from the significance of the designated heritage asset, insofar as it relates to its setting.
14. The Council is satisfied that the proposed development is in a suitable location, has sufficient car parking and the design of the proposed extensions would be acceptable, I have no reason to disagree, however, whilst weighing in favour of the development these matters do not outweigh the harm identified in the main issue.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given the appeal is dismissed.

N Duff

INSPECTOR