



Appeal Decision

Site visit made on 17 December 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 January 2025

Appeal Ref: APP/C1625/W/24/3351044

49 High Street, Stroud, Gloucestershire GL5 1AN

- 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 Andrew Windsor against the decision of Stroud District Council.
 - The application Ref is S.24/0401/FUL.
 - The development proposed is change of use of office to residential.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is clear from the submissions that the proposal relates only to the rear part of the ground floor of the appeal property. Also, the development is to change the use of this part of the building from an office to a self-contained studio apartment. On my visit I saw domestic furniture within the building as well as fitted bathroom appliances in a room towards the back. However, it seems the residential use has not commenced and so I have assessed the appeal on the basis the development has not started.
3. The planning application form says the proposed residence would be a social, affordable or intermediate rent property. However, there is no legal agreement or planning obligation before me that would control the tenure of the dwelling. Therefore, it would be inappropriate in my assessment to assume the proposed unit would be affordable housing as defined under the terms of the National Planning Policy Framework (the Framework).
4. Since the appeal was lodged a revised version of the Framework has been issued. The main parties have been invited to submit comments on the amended document and I have considered the responses.

Main Issues

5. The main issues are (i) whether the development would provide satisfactory living conditions, and (ii) its effect on the retail use of the property and the vitality of the town centre.

Reasons

Living conditions for future occupants.

6. The appeal drawings show the main living areas of the apartment within a single room. Access to the unit would be via a glazed door in the end wall that

faces out onto an adjoining car park. This door with windows on either side would provide the only source of natural light and ventilation to the main part of the apartment, as well as the only view of the outside.

7. The fenestration would allow natural light to the nearest part of the flat. However, the residence would have a long and thin floor plan meaning that a significant section of the proposed living space would be away from the windows. As a consequence, future occupants would be highly reliant on artificial light sources in order to comfortably use a large part of the apartment. Overall, occupants of the flat would have insufficient access to natural light and so they would have a poor living environment.
8. The doors and windows are openable and so I am satisfied that together with extraction fans they would provide sufficient ventilation to the apartment. Also, the glazing would provide a reasonable outlook from within the flat towards distant buildings and of the sky. The Council claims the apartment would fail to accord with Nationally Described Space Standards but I am taken to no planning policy that requires dwellings to be above a certain size. In any event, the apartment would provide sufficient space for normal domestic activities.
9. However, I conclude the development would not provide satisfactory living conditions for occupiers in terms of access to natural light. In these regards, it would not accord with policies ES3 and ES12 of the Stroud District Local Plan 2015 (the LP). Amongst other things, these look to ensure development provides places where people enjoy living, particularly having regard to access to sunlight and daylight. The Council's refusal reason also refers to LP policies HC1 and CP14 but these contain no provisions relevant to this issue.

Effect on the commercial use of the property and the vitality of the town centre.

10. The appeal property lies within Stroud town centre. The front part of the ground floor is used as a shop that faces out onto the High Street.
11. The Council refers to LP policy HC2 in support of its concerns on this matter. However, this policy relates specifically to new homes above shops in town centres whereas the appeal development relates to a residence behind a shop. As such, LP policy HC2 is not strictly relevant to my assessment.
12. In any event, the part of the appeal property that would be affected by the proposal has been used as an office rather than part of the retail unit. Also, a business continues and so it is fair to assume the shop as it stands is of a sufficient size to support a retail operation. Therefore, I fail to see how the development would significantly undermine the potential viability of the shop.
13. For these reasons, I conclude the development would have no harmful effect on the retail use at the appeal property and on the vitality of the town centre. Therefore, I find no conflict with LP policy HC2.

Other considerations and planning balance.

14. While I have found it would be acceptable when considered against the second main issue, I have also concluded the development would not provide satisfactory living conditions. As such, it would be contrary to LP policies when considered as a whole. It follows to consider whether other factors justify granting planning permission contrary to the development plan.

15. The appeal property lies within a conservation area and it is close to several listed buildings. However, the development would not affect the external appearance of the building and so it would have no impact on the visual qualities of the area nor on the historic or architectural significance of any property. The scheme would preserve the character and appearance of the conservation area and the setting of listed buildings. Acceptability in these regards is a neutral factor in my assessment.
16. The Council advises that as of 1 April 2024 it could demonstrate a 4.33 years' supply of housing land when assessed against local housing need. As such, it is unable to demonstrate the minimum 5 years' supply of deliverable housing sites as required under the terms of paragraph 78 of the Framework. In such circumstances, footnote 8 and paragraph 11(d) of the Framework indicate that the adverse impacts of the development should be considered against its benefits in the context of the Framework as a whole.
17. The proposal would result in a new dwelling in a suitable urban location near to a broad range of shops and facilities. Future residents are bound to support local services and businesses and so the development would help ensure the vitality of the town centre. Also, it would contribute towards the housing stock and it would represent the development of a windfall site in a suitable location as promoted under the terms of the Framework. These benefits all add support towards allowing the appeal, although they would be fairly modest in actual terms as only a single additional dwelling would be created.
18. At the same time, the Framework states that good design is a key aspect of creating better places in which to live. Planning decisions should ensure that developments create places that promote well-being with a high standard of amenity for users. Development that is not well designed should be refused.
19. When considering the Framework policies as a whole, the harm that would be caused through the unsatisfactory living conditions at the proposed apartment would significantly and demonstrably outweigh the benefits of the scheme. The presumption in favour of sustainable development as set out under paragraph 11 of the Framework does not apply. Consequently, I find insufficient justification to grant planning permission contrary to the LP.

Other Matters

20. The Council raises concerns over the effect of the development on the integrity of the Cotswold Beechwoods Special Area of Conservation and the Rodborough Common Special Area of Conservation. It suggests planning obligations are required to secure contributions towards mitigation to offset the ill-effects of recreation on these protected sites. However, I need not consider this issue further as I am minded to dismiss the appeal for other reasons. A finding that the development would be acceptable in these regards would be a neutral factor and so it would not influence my overall conclusion.

Conclusion

21. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR