



Appeal Decisions

Site visit made on 19 May 2025

by Paul T Hocking BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2025

Appeal A: APP/V1260/C/24/3343163

The land and premises Quayside Poole Car Park, Poole Harbour, Poole

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr John Stanborough of Stanborough Developments Ltd against an enforcement notice issued by Bournemouth, Christchurch and Poole Council.
 - The enforcement notice was issued on 2 April 2024.
 - The breach of planning control as alleged in the notice is: The continuous use of the land as a car park in breach of condition no. 1 of planning permission ref: APP/Q1255/A/11/2161514 which states: The car parking use, hereby permitted, is a temporary one lasting for 3 years following the date of this permission. After 3 years the car parking use shall be discontinued and any car parking equipment or paraphernalia (such as signs, ticket machines and bay markings) shall be removed.
 - The requirements of the notice are: a) Cease the use of the land as a car park; b) Remove all associated car park machinery, equipment and signage, including the pay and display equipment, ANPR cameras and posts.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Appeal B: APP/V1260/W/24/3343166

- 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 John Stanborough of Stanborough Developments Ltd against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/23/01056/F, dated 14 September 2023, was refused by notice dated 28 November 2023.
 - The development proposed is: Continued use of land as Car Park. Renewal of Planning Permission APP/11/00763/C.
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Summary of Decisions

Appeal A

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted in the terms set out below in the Formal Decision.

Appeal B

2. The appeal is allowed, and planning permission is granted subject to conditions set out below in the Formal Decision.

Preliminary Matter

3. There has been a revised National Planning Policy Framework (the Framework) published by Government since planning permission was refused and the enforcement notice issued. It however does not raise new issues that are determinative for the purposes of my assessment and therefore injustice to the parties does not arise.

Appeals A and B – The ground (a) appeal and refusal of planning permission

Main Issues

4. The main issues are whether the car park use:
 - preserves or enhances the character or appearance of the Conservation Area;
 - results in the harmful over provision of car parking in the area; and,
 - is harmful to the regeneration of the town centre;

Reasons

5. The site comprises approximately 0.29ha of land located adjacent to Poole Harbour. It was previously occupied by a grain silo and concrete warehouse building which was demolished in around 2009. The site falls within one the Town Centre Heritage Conservation Areas, in particular, the Town Quay (the CA).
6. The appeals relate to the continued use of the site as a car park for 100 vehicles for a temporary period of 5-years.

Conservation Area

7. The site therefore lies within the CA. In determining these appeals, I have duties to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. As a designated heritage asset, the CA is irreplaceable, and so any harm or loss requires clear and convincing justification. The Framework advises that any harm which is less than substantial must be weighed against the public benefit of the proposal.
8. The townscape analysis¹ describes the CA as: *'The town quay survives with its complex of medieval woolhouse and old port buildings, relatively low scale in the central and great quays, and gable fronted warehouse style buildings and pubs front the harbour. A slightly finer grain created by the historic pubs present good architectural qualities over a range of historic periods. The east quay has a distinct contemporary style which sets it apart from the more traditional areas.'*
9. The character is then defined as being of open aspect in the central area with a tighter grain in residential areas. One of its strengths is also seen as car parking access. Its status as a CA therefore lies in the historic interest behind its development as well as the architectural interest of its buildings. The appeal site therefore derives its significance from its location within the CA.

¹ Town Centre Heritage Part 2: Character Statement, 2012

10. I accept that the gap created by the demolition of the buildings in around 2009 has had the most effect on the area's special character. That being so, the car park use maintains the current position, given the alternative in the first instance, should the appeal be dismissed, would be to see the site put to no beneficial use and thus the gap would remain. The car park use itself has therefore not exposed the rear and side elevations of neighbouring buildings. On that basis, the temporary car park use would preserve the character and appearance of the CA.
11. I conclude the temporary car park use preserves or enhances the character or appearance of the CA and so accords with Policies PP27 and PP30 of the Poole Local Plan, November 2018 (the LP) and Policy PQF3 of the Poole Quays Forum Neighbourhood Plan, February 2017 (the NP). These policies, amongst other things, require development to be compatible with surrounding land uses, preserve or enhance Poole's heritage assets and conserve or enhance the Plan area's important built heritage assets and their settings. For the same reasons the temporary use accords with the conserving and enhancing the historic environment objectives of the Framework.
12. As I have not found the temporary car park use to be harmful, there is no need to then assess the public benefits of the use.

Parking provision

13. The appeals relate to an existing use, albeit arising from a series of temporary planning permissions since 2009, and it would therefore not result in a new provision.
14. There is then very little evidence in the form of data to demonstrate that the continuation of the use, for a period of 5-years, would result in an overprovision of parking in the area.
15. It is also said to be located in an already highly sustainable location, and therefore car ownership is far lower than the average for the Council's administrative area. That being so, I am not persuaded that the continuation of the use would harmfully erode the Council's objective to seek a modal shift to more sustainable transport choices such as walking, cycling and public transport or otherwise affect accessibility. Whilst the car park does not serve a specific development, I am not persuaded its general use is otherwise harmful.
16. I conclude the temporary car park use does not result in the unacceptably harmful over provision of car parking and so accords with Policies PP27, PP34 and PP35 of the LP and Policy PQF4 of the NP which seek, amongst other things, for development to consider the needs of all transport users, not prejudice the potential for future transport schemes, maximise the use of sustainable forms of transport and improve accessibility. For the same reasons, it accords with the BCP Council Parking Standards SPD, January 2021, and the promoting sustainable transport objectives of the Framework.

Regeneration

17. Whilst I accept there is currently no certainty as to how the site will be developed, albeit permission was previously granted for 64 flats and 2 retail units, I am no doubt that it will come forward again for an optimum viable use.

18. Whilst I need not try and predict when this will be, I do not find that the continuation of the car park use, that has subsisted since 2009, for a further period of 5-years, will unacceptably harm a plan-led approach for the future development of the site.
19. The alternative in the first instance, should the appeal be dismissed, would be to see the site put to no beneficial use. The existence of a planning permission and continuation of the use will however not prevent future schemes coming forwards, and the car park use could cease at any time during the temporary permission period to allow development to proceed. Accordingly, the objective of creating a more vibrant high street and quay as opportunities arise would not be stymied by the continuation of the use.
20. I conclude the temporary car park use is not harmful to the regeneration of the Town Centre and so accords with Policies PQF8 and PQF10 of the NP. These policies, amongst other things, require development to create a more vibrant high street and quay.

Planning conditions

21. It would be in the interests of proper planning to limit the approved use to a period of 5-years and to be carried out in accordance with the submitted layout drawing. It is also necessary to have coordination between local authority managed car parks and for there to be no overnight parking in the interests of neighbouring living conditions. There is then little evidence to support that further planning conditions would be necessary or reasonable for a temporary car park that is not used overnight.

Conclusion

22. For the reasons given above I conclude that the appeals should succeed.

Appeals A and B - Overall Conclusion

23. For the reasons given above I conclude that the appeals should succeed. The enforcement notice will be quashed and planning permissions will be granted.

Formal Decisions

Appeal A

24. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the continuous use of the land as a car park in breach of condition no. 1 of planning permission ref APP/Q1255/A/11/2161514 at the land and premises Quayside Poole Car Park, Poole Harbour, Poole referred to in the notice, subject to the conditions at Annexe A.

Appeal B

25. The appeal is allowed and planning permission is granted for continued use of land as Car Park at the land and premises Quayside Poole Car Park, Poole Harbour, Poole in accordance with the terms of the application, Ref APP/23/01056/F, dated 14 September 2023, subject to the conditions at Annexe A.

Paul T Hocking

INSPECTOR

Annexe A

1. The car parking use, hereby permitted, is a temporary one lasting for 5 years following the date of this permission. After 5 years the car parking use shall be discontinued and any car parking equipment or paraphernalia (such as signs, ticket machines and bay markings) shall be removed.
2. The use shall only be carried out in accordance with the drawing titled 'Illustrative Car Park Layout' Drawing Number 'PQ002'.
3. Within 8 weeks of the date of this permission, a scheme for car park "pay and display" controls, with parking charges and hours of operation coordinated with local authority managed town centre car park charges/uses (including a prohibition on night time use and a requirement that the site be securely locked during the over-night closures) shall be submitted to the local planning authority for approval in writing. The car park shall only operate in accordance with these subsequently approved details.