



Appeal Decision

Site visit made on 1 October 2025

by E Pickernell BSc MSC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2025

Appeal Ref: APP/V1260/W/25/3365323

The garage between 22 Banks Road and 1 Panorama Road, Poole BH13 7QE

- 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 Mullins against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref is APP/24/01342/F.
 - The development proposed is change of use to dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- whether the location of the development is suitable having regard to flood risk;
- the effect of the proposal on the availability of employment space locally, having regard to local development plan policies;
- the effect of the proposal on the character and appearance of the area;
- whether the proposal would result in acceptable living conditions for future occupiers of the proposed development with particular regard to privacy, internal space and light and for the occupiers of 1 Panorama Road with particular regard to privacy; and
- whether the proposal would secure appropriate Biodiversity Net Gain.

Reasons

Flood risk

3. The appeal site is within Flood Zone 1; however, it falls within a future flood zone with a high risk of flooding as identified in the Council's Strategic Flood Risk Assessments (2017 and 2024).
4. Despite the provision of roof light windows, the proposal primarily involves the change of use of an existing building; no extensions or additional floorspace is proposed. The change of use from storage to a dwelling would represent a change from a 'Less Vulnerable' use to a 'More Vulnerable' use, as defined by Annex 3 of the National Planning Policy Framework (the Framework). Planning Practice Guidance (PPG) states that changes of use can increase the vulnerability of the

development or result in occupation or use by people who are more vulnerable than the previous occupants/users to risks from flooding. In its current use the building would not be occupied as a place of residence and as such the vulnerability of the development to the risks of flooding would increase as a result of the proposal.

5. Under the provisions of Para 176 of the Framework there is no requirement for a sequential test or exception test in this instance. However, minor proposals in areas at risk of flooding in the future should still be accompanied by a site-specific flood risk assessment.
6. Para 181 of the Framework states that when determining any applications, local planning authorities should ensure that flood risk is not increased elsewhere. It also sets out that development should only be allowed at areas at risk of flooding if certain matters can be demonstrated. These include that development is appropriately flood resistant and resilient, that it incorporates sustainable drainage systems, that any residual risk can be safely managed and that safe access and escape routes are included where appropriate as part of an agreed emergency plan.
7. The appellant provided a site-specific flood risk assessment albeit relatively brief, within the submitted Design and Access Statement, along with a Flood Warning and Evacuation Plan.
8. The proposal includes the provision of first floor accommodation comprising living/dining room and two bedrooms. These would be above anticipated flood levels. The ground floor would accommodate a kitchen intended for cooking only, bathroom and garage/storage. The appellant contends that the ground floor would not be habitable space, and I note that the Environment Agency's comments are predicated on this arrangement. However, the layout and use of the ground floor could not be reasonably controlled or enforced and could be used as habitable space by future occupiers which would make them vulnerable to flood risk.
9. There would be no escape route from the building in the event of a flood other than through the ground floor. The intention is that occupiers trapped in the building would be rescued from the first-floor windows, however little detail about how this would be achieved has been provided.
10. Furthermore, it is proposed that in a flood event, if they have not been able to evacuate, occupiers would take refuge on the first floor whilst awaiting rescue. In this scenario occupiers would be without kitchen or bathroom facilities. I am not convinced that this would be a safe option for future occupants who would have no access to clean water or sanitation facilities during such an event.
11. The Flood Warning and Evacuation Plan suggests that occupiers should subscribe to a flood warning service and leave the property to travel to high ground in advance of a flood event. However, limited details of the proposed evacuation route have been provided and given that only one road leads in and out of the Sandbanks area it has not been demonstrated that this is likely to be a safe or viable option. Furthermore, it has not been demonstrated that the proposed evacuation point, Canford Cliffs, is an appropriate place for residents to be evacuated to, in terms of shelter and facilities. I am therefore not satisfied that residual risks can be safely managed or that there is an appropriate emergency plan in place.

12. No significant flood resistance or resilience measures are proposed as part of the development. In respect of drainage, it is intended that the existing soakaway would be used, however it has not been demonstrated that the condition or capacity of the soakaway would be adequate to meet current standards.
13. Overall, I conclude that the location of the development is not suitable having regard to flood risk. It therefore conflicts with Policy PP38 of the Poole Local Plan (adopted November 2018) (PLP) and the Framework which seeks to manage flood risk.

Employment

14. Policy PP16 of the PLP states that proposals for a change of use for sites currently or previously used for B1, B2 or B8 employment generating uses in locations outside of employment, retail or town centre areas will be permitted where the site is no longer suitable for continued employment use and the cost of refurbishment or development would be prohibitive.
15. Policy PP40 of the PLP states that proposals for change of use on isolated employment sites must demonstrate that the existing use of the site is not attractive to future occupiers for its existing use or other permitted uses.
16. I note that a Certificate of Lawfulness for existing use or development for domestic storage (B8) was approved in October 2023. However, there is no evidence before me which demonstrates that the appeal site has ever generated any employment or was ever intended to. Consequently, the appeal site does not comprise an employment site and the proposal would not result in any loss of employment space, or jobs. Accordingly, the proposal would not result in a conflict with the above-mentioned policies.
17. I conclude that the proposal would have an acceptable effect on the availability of employment space locally, having regard to local development plan policies.

Character and appearance

18. The appeal site comprises a garage with a relatively large roof space, located to the rear of bungalows and a chapel which face Panorama Road and adjacent to a detached block of flats. The area surrounding the appeal site comprises a variety of house types including flats, houses and bungalows. Some of the dwellings are large properties on good size plots, however they are laid out in a relatively regular linear format. Accordingly, the area is mixed in character and building type but with a degree of uniformity of layout.
19. The positioning of the appeal building is broadly in accordance with the prevailing building line of Banks Road and in this respect does not appear incongruous in terms of its siting. Its appearance is reflective of its current use as a garage and as such it is similar in size and scale to some of the domestic outbuildings which exist in the area. I recognise that the plot is narrower than is typical for dwellings in the area, however the evidence suggests that the existing building has been in situ for many years. Although its appearance has changed through the addition of a pitched roof in recent years, it is nevertheless an established feature of the street scene which has a relatively neutral impact on the character and appearance of the area.

20. The proposed conversion of the building to a dwelling would involve minimal changes to the exterior of the building. As such the established character and appearance of the area would be virtually unchanged as a result of the proposals and consequently no harm would occur thereto. Although the building would not have the appearance of a traditional dwelling, for the reasons outlined above its retention would not result in harm and I do not find that its appearance makes it unsuitable for residential use.
21. I therefore conclude that the proposal would have an acceptable effect on the character and appearance of the area. It would therefore accord with Policies PP27 and PP31 of the PLP and The Sandbanks Peninsula Neighbourhood Plan 2023 – 2033 (Adopted July 2024) (NDP). Together these seek to ensure that a good standard of design is achieved which reflects local patterns of development, respects existing character and responds to the height, scale and character of buildings in the area.

Living conditions

22. The proposal involves the provision of living and bedroom space on the first floor. This includes an open plan living/dining room and two bedrooms. These rooms would be lit by roof windows within the north facing roof slope of the building. Whilst the orientation of the building means that limited direct sunlight would enter these windows, they would be angled towards the sky which would allow a reasonable amount of day light to enter these rooms.
23. In the absence of any compelling evidence to the contrary I am satisfied that sufficient day light would enter these rooms to allow them to function as habitable accommodation without an overreliance on artificial lighting.
24. The plans indicate that the ground floor kitchen would be served by a window on the rear elevation in the location of the existing windows. This is generous in size and would allow sufficient light to enter the kitchen to ensure the future occupiers would not be over-reliant on artificial lighting when using this room.
25. Policy PP27 of the PLP requires that developments provide satisfactory external and internal amenity space for occupiers. The supporting text to the policy states that the Council encourages applicants to comply with the Nationally Described Space Standard (NDSS). It goes on to say that schemes which are significantly below these standards e.g. more than 20% of floor space, will need to demonstrate how the development will achieve an acceptable standard of living for future occupants.
26. The NDSS requires that to provide one bed space, a single bedroom should have a floor area of at least 7.5 sqm and that to provide two bed spaces, a double (or twin) bedroom should be at least 11.5sqm. The plans indicate that the bedroom sizes are 11sqm and 13sqm, equating to a two-bedroom, three-person dwelling. As the building has two storeys the NDSS requires a minimum gross internal floor area of 70sqm.
27. The parties disagree as to the gross internal area of the proposed dwelling. The Council have calculated this as 68sqm, whereas the appellant states that it would be 78sqm. Even if I take the lower of these two figures, the internal space provided would not be significantly below that required by the NDSS. As such the proposal would not conflict with Policy PP27 in this regard.

28. The windows serving the first floor of the appeal building would be relatively close to the northern boundary of the site. However, they would look directly onto the rear roof slope of the adjacent chapel. The two bungalows to either side of the chapel do not have any first-floor windows in their rear elevations. Consequently, there would be no direct overlooking to windows of habitable rooms if neighbouring properties. The roof windows are relatively high in the roof space which means that limited views between the roof lights and the ground floor rear windows of 1 Panorama Road and its amenity space would be available. The parties disagree in respect of the height of these windows, however in the event that the appeal was to be allowed, this could be controlled by condition.
29. Overall, I conclude that the proposal would result in acceptable living conditions for future occupiers of the proposed development with particular regard to privacy, internal space and light and for the occupiers of 1 Panorama Road with particular regard to privacy. It would therefore accord with Policies PP27 and PP37 of the PLP and SAND5 of the NDP which together seek to ensure that developments do not negatively impact upon neighbouring properties, provide satisfactory space for new occupiers and contribute towards tackling climate change by minimising the need for artificial lighting.

Biodiversity Net Gain

30. Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 has the effect that planning permission granted for the development of land in England is deemed to have been granted subject to the biodiversity gain condition. However, paragraph 17 of schedule 7A lists certain statutory exemptions which mean that the condition does not always apply. This includes the de minimis exemption; development that does not impact a priority habitat and impacts less than 25 sqm of onsite habitats and 5 m of linear habitats.
31. PPG explains that the exemption is designed to cover planning permissions for change of uses to development where there is no, or only a de minimis impact on onsite habitat. Given that the proposal would not involve any external changes other than the insertion of roof windows, the proposal would not require the approval of a biodiversity gain plan before development is begun because a statutory exemption applies.
32. Policy PP33 of the PLP states that where relevant, new development should seek to incorporate ecologically sensitive design features to secure a net gain in biodiversity as appropriate. Were I to allow the appeal, such features could be secured through the imposition of a condition.
33. On this basis I conclude that the proposal would secure appropriate Biodiversity Net Gain. It would therefore accord with Policy PP33 of the PLP.

Other Matters

34. The fifth and sixth reasons for refusal relate to the effect of the proposal upon European habitats sites including the Dorset Heathlands Special Protection Area (SPA) and the Poole Harbour SPA/SSSI/Ramsar site.
35. The Council confirm that these matters could be addressed by contributions being secured for Strategic Access Management and Monitoring. Evidence of payments has been submitted with the appeal, along with a signed planning obligation.

36. However, I have found that planning permission should be refused on other grounds and so there is no need for me to consider the effect of the development on the integrity of these habitat sites. This is therefore a neutral matter in the appeal.
37. I have been provided with a list of applications for changes of use which have been dealt with by the Council, however I have very limited details of these proposals and therefore cannot be certain that there are any parallels with the appeal scheme.

Planning Balance

38. The Council is unable to demonstrate 5 years' worth of housing supply as required by the Framework with supply said to stand at 2.1 years. In such circumstances para 11d) of the Framework indicates that where the Policies which are most important for determining the application are out-of-date, permission should be granted unless (i) the application of the policies of the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. This includes areas at risk of flooding. Consequently, the presumption in favour of sustainable development does not apply in this instance.
39. The lack of harm in respect of the other main issues is a neutral factor in the appeal.
40. The Framework seeks to significantly boost the supply of homes, and the proposal would make a small contribution to housing supply in an area with reasonable access to services and facilities. Furthermore, the proposal would make use of a brownfield site, which the Framework encourages. The Framework states that substantial weight should be given to the value of using suitable brownfield sites within settlements for homes. For the reasons given, I do not consider the site to be suitable. Nevertheless, given the extent of the shortfall in housing supply I give moderate positive weight to the benefits of the proposal.
41. However, the benefits of the proposal do not outweigh the harms in respect of flood risk to which I attach significant weight.

Conclusion

42. The proposal would conflict with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be determined other than in accordance with it. Therefore, the appeal is dismissed.

E Pickernell

INSPECTOR