



Appeal Decision

Site visit made on 25 February 2026

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 March 2026

Appeal Ref: APP/V1260/C/24/3347506

300C Ringwood Road, Poole BH14 0RY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Andrew Clark against an enforcement notice issued by Bournemouth Christchurch and Poole Council.
- The notice was issued on 30 May 2024.
- The breach of planning control as alleged in the notice is without planning permission, and at ground floor level, the use of part of the building as a self-contained residential dwelling indicated in the area-coloured green on the ground floor layout plan attached as Appendix A.
- The requirements of the notice are to
 - i. Cease the use of part of the building indicated in green on the ground floor layout plan attached as Appendix A to this Notice, as a self-contained residential dwelling.
 - ii. Remove the fixtures, fittings and appliances from the kitchen area, including the sink, work surfaces, cooker, washing machine, fume extractor units, kitchen style wall and floor cupboards and hot and cold-water service and foul waste drainage pipes from within the area in green on the ground floor layout plan attached at Appendix A to this Notice.
 - iii. Remove the internal wall division that has been erected to create the self-contained residential dwelling shown as a red line on the attached plan at Appendix A to this notice.
 - iv. Following compliance with (i), (ii) and (iii) above, brick up the doorway as shown as a blue line on the ground floor layout plan attached as Appendix A to this Notice with materials which match the existing external elevations.
 - v. Remove from the land affected, all resulting materials following compliance with points (i) to (iv) above.
- The periods for compliance with the requirements are: 6 (six) months be allowed for compliance with step (i) of the Notice. 9 (nine) months be allowed for compliance with steps (ii) to (v) of the Notice.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

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

Preliminary Matters

1. During the appeal process, a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 13th May 2024 (UU) was submitted. The UU seeks to secure a financial contribution towards mitigation of additional recreational pressures upon the Dorset Heathlands Special Protection Area, the Dorset Heaths Special Area of Conservation and Ramsar sites, and the Poole Harbour Special Protection Area, and Ramsar site (the habitats sites). I have had regard to the UU in my decision.

The Appeal on Ground (a) and the Deemed Planning Application

Main Issues

- whether the development provides acceptable living conditions for existing and future occupiers, with particular regard to internal space, privacy and outlook; and
- the effect of the development on the integrity of the habitats sites.

Reasons

Living conditions

2. The main parties agree that the residential unit the subject of the appeal falls below the minimum internal floor space guidelines provided within National Development Space Standards (NDSS), having an internal floor space area of approximately 32 square metres.
3. Nevertheless, the NDSS are guidelines, with Policy PP27(2) of the Poole Local Plan 2018 (LP) requiring 'satisfactory external and internal amenity space for both new and existing occupiers' be provided. Indeed, LP para 9.5 refers to encouraging applicants to comply with the national prescribed space standards when preparing and submitting planning applications. The paragraph continues that schemes that 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.
4. I observed at my site visit that whilst internal floorspace is modest, the layout of the unit provides a reasonably sized kitchen, as well as a living and sleeping area which although small, benefits from acceptable levels of natural light, and a separate wetroom, WC and areas for storage. As such, I find that the layout provides for comfortable and useable internal living space within a logical floorplan.
5. The land adjacent the building is used for vehicles sales, and these vehicles are parked in close proximity to the windows serving the flat, particularly that serving the living and sleeping area. Nevertheless, whilst potential customers of vehicles would be in close proximity to the windows giving opportunity to look into the property, given the small scale of the commercial operation, such instances are likely to be infrequent, and would not be significantly different to other properties windows that I observed in the area which overlook pedestrian pavements.
6. Moreover, any direct noise or light pollution from the vehicle sales is also likely to be relatively infrequent and fleeting, and would not result in such levels of disturbance that would harmfully effect occupants living conditions.
7. In terms of outdoor space, a very modest area is available adjacent to the main entrance of the flat which I observed had been utilised for such things as plant pots. Although this would not provide sufficient space, or indeed an attractive area for sitting out due to its size and proximity to the vehicle sales area, I observed that the apartment is in walking distance of areas of open space which occupants could utilise. As such, the lack of usable open space, in this particular instance, would not result in unacceptable living conditions for occupants.

8. Consequently, I conclude that the development would provide acceptable living conditions for existing and future occupiers, with particular regard to internal space, privacy and outlook. In these respects, it would accord with LP policies PP27 and PP28. These policies, amongst other matters, requires that development provides a good standard of design with satisfactory internal and external space and living conditions for its occupants.

Habitats Sites

9. The site lies within proximity of the habitats sites. The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) require that permission may only be granted after having ascertained that the development will not affect the integrity of the habitats sites.
10. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (April 2020) advises that the Dorset Heathlands is designated for protected and priority habitats and species including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes as well as other typical species of lowland heathland, wetlands and dunes.
11. Furthermore, the Poole Harbour Recreation 2019-2024 Supplementary Planning Document advises that Poole Harbour is designated due to the important bird species that inhabit the area including Common Shelduck; Pied Avocet; Black-tailed Godwit; Mediterranean Gull; Common Tern; Little Egret; and Eurasian Spoonbill. There is also an internationally important assemblage of waterfowl including Dunlin, Redshank and Brent Goose, as well as supporting habitats for seagrass; shallow inshore waters including coastal lagoons; intertidal sediments; saltmarsh; and reedbeds.
12. The habitats sites are an important recreational resource, and it is likely that occupants of the development would visit. On this basis, it cannot be ruled out that the development, when considered alone or cumulatively with other schemes, would have significant effects on the features of interest of the habitats sites due to increased recreational use.
13. To seek to mitigate against such effects, the UU secures financial contributions in accordance with the Council's approach to strategic mitigation, which will contribute towards the delivery of Strategic Access Management and Monitoring.
14. The Council have received and accepted the UU and I am satisfied, on the basis of the evidence before me, and following consultation with Natural England that the UU provides a sufficient mechanism to enable the delivery of proportionate strategy to mitigate the effects of development which could affect the habitats sites.
15. I therefore find following Appropriate Assessment, that with the proposed mitigation measures in place, secured through the UU, the development would not have an adverse effect on the integrity of the habitats sites. The development therefore accords with LP Policies PP32 and PP39 which, amongst other things, seek to ensure necessary contributions are secured and that development will not lead to an adverse effect on the integrity, directly or individually, of the habitats sites.

Conditions

16. The Council has provided a suggested condition in the event of the appeal being allowed, which I have assessed with regard to the advice provided in the Planning Practice Guidance. Condition (1) is imposed to ensure that details of measures to provide 10% of the predicted future energy use of the residential unit from on-site renewable sources are submitted, approved and implemented so as to make the development acceptable in planning terms, in accordance with LP Policy PP37. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively worded condition to secure the approval and implementation of the renewable energy use measures before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

Formal Decision

17. 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 at ground floor level, the use of part of the building as a self-contained residential dwelling indicated in the area-coloured green on the ground floor layout plan attached at 300C Ringwood Road, Poole BH14 0RY and subject to the following condition:
- 1) Within three months of the date of this decision, details of measures to provide 10% of the predicted future energy use of the residential unit from on-site renewable sources, or details of why such measure are impracticable or inappropriate, shall be submitted to and approved in writing by the local planning authority. Any such measures approved must then be implemented within three months of the approval in writing from the local planning authority and shall be retained thereafter.

S Harrington

INSPECTOR



Planning Inspectorate

Plan

This is the plan referred to in my decision dated: **18 March 2026**

by **S Harrington MA MRTPI**

Land at: **300C Ringwood Road, Poole BH14 0RY**

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Not to scale

