The Planning Inspectorate

Appeal Decision

Site visit made on 13 July 2015

by Michael J Hetherington BSc(Hons) MA MRTPI MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 August 2015

Appeal Ref: APP/W1715/W/15/3017887
Capstan House, High Street, Hamble-le-Rice, Hampshire, SO31 4HA

- 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 Ian Fairbairn - Fairbairn, Aubrey, Dingley Properties against the decision of Eastleigh Borough Council.
- The application ref. C/15/75937, dated 23 January 2015, was refused by notice dated 26 March 2015.
- The development proposed is: change of use from mixed use (A1 ground floor and B1 first floor) to 4 C3 flats (3 one bed and 1 two bed).

Decision

1. The appeal is dismissed.

Main Issues

2. The Council raises no concern about the scheme's effect on the character and appearance of the Hamble Conservation Area, in which the building is located. I have no reason to take a different view. Accordingly, the main issues in this appeal are the scheme's effects on (a) the vitality and viability of Hamble village centre and (b) highway safety.

Reasons

3. Capstan House is a grade II listed building situated on High Street, a narrow one-way road that links The Square with The Quay. It therefore occupies a central position within the village centre of Hamble. Policy 140.TC of the Eastleigh Borough Local Plan Review (2001-2011) (LP) does not permit proposals involving the change of use of a ground floor shop in an identified shopping area to a use which does not attract customers. Given that the appeal building contains a ground floor art gallery in class A1 (shopping) use, the conversion to residential use now proposed would conflict with that policy.

4. The appellant suggests that various factors are sufficient to over-ride this policy conflict. It is accepted that High Street contains a significant number of residential properties. However, this is a feature of the village centre as a whole, and does not in itself justify the loss of a retail unit – particularly a unit lying on such a central linkage. Given that the number of retail units in the centre as a whole is not substantial, I agree with the Council that the introduction of a further section of 'dead frontage' into High Street would be likely to diminish the street's vitality – to the detriment of the vitality and viability of the centre as a whole.

5. The appellant points to difficulties in retaining a retail use in this location, due to the building's type and character, as well as the site's servicing difficulties. A 'To Let' board was being displayed at the time of the site visit, but details of the length, nature and outcome of any marketing efforts are not before me. Furthermore, the ground floor unit is currently occupied. As such, and notwithstanding the views of a local commercial agent, it has not been demonstrated that there is no customer demand for this type of unit. For these reasons, I do not feel that the particular circumstances that have been described are sufficient to over-ride the above-noted policy conflict. I conclude that the vitality and viability of Hamble village centre would be unacceptably harmed, contrary to LP policy 140.TC.

6. The appeal site contains no off-street parking. It lies within a controlled parking zone and the Council states that occupiers of new residential developments would not be entitled to parking permits. Car parks within the zone are chargeable during the day. I saw on my visit that there is some on-street parking on roads outside the parking zone boundary. However, the Council has provided no substantive evidence that this has created highway safety problems. Furthermore, it is by no means clear that the appeal scheme would result in increased car usage. The premises already give rise to vehicle movements – indeed the Council acknowledges that the building's current uses create more vehicle trips than would arise from the proposed conversion. While the current uses are unlikely to give rise to overnight parking, it seems to me that the flats now proposed – which would be small, located close to a bus stop with regular services to Southampton and provided with cycle parking – would be attractive to non-car owners. For these reasons, I conclude on balance that highway safety would not be materially harmed by the proposal. The scheme would not conflict with LP policy 59.BE. Nevertheless, this does not overcome my conclusion in respect of the first main issue above.

7. The appellant notes that planning permission is only required for this proposal because the property is a listed building. However, the validity of its listing – which the appellant disputes in the light of its modern rear extension – is not a matter for me to determine. Furthermore, the permitted development rights that apply in respect of changes of use from class A1 shops and class B1(a) offices to class C3 dwellinghouses under the Town and Country Planning (General Permitted Development) (England) Order 2015 are subject to specific conditions, including those relating to the effects of the change of use on service provision or the sustainability of a key shopping area (in respect of changes of use from shops) and on transport and highways impacts (in respect of changes use from shops and offices). The Council states that the proposal would have been resisted on those grounds. Taken together, these matters do not amount to a realistic 'fallback' position sufficient to justify the proposal.

8. I have considered all other matters raised, including the scheme's contribution towards local housing provision, but none change my overall conclusion that the appeal should not succeed.

M J Hetherington

INSPECTOR