



Appeal Decision

Site visit made on 14 November 2024

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/V2255/W/23/3333153

8 Cross Lane, Faversham, Kent ME13 8PN

- 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 David Milham, Goodspire Limited against the decision of Swale Borough Council.
 - The application Ref is 23/502802/FULL.
 - The development proposed is to extend the existing office premises located on the ground floor of 8 Cross Lane Faversham by converting the existing first floor flat (8a Cross Lane) and change of use to provide two additional offices with storage and toilet. The front first floor office will be approximately 14 sq. m and the rear 12 sq.m.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on local housing supply.

Reasons

3. The appeal site is a first floor flat. The ground floor of the property is in use as offices occupied by a commercial finance consultancy. The proposal would create additional office space, enabling the business to employ an additional consultant and administrator.
4. The appeal site is located within Faversham town centre but is not within a defined primary or secondary shopping frontage. Policy DM1(3) of Bearing Fruits 2031: The Swale Borough Local Plan (2017) (Local Plan) outlines that, outside the primary and secondary shopping frontages the Council will permit non-retail uses providing that, amongst other things, they do not result in the loss of existing residential accommodation. As a result, the appeal site would not be a suitable location for the appeal scheme when applying local planning policies.
5. As the proposal would result in the loss of a residential dwelling, the development conflicts with the policies of the Local Plan because it does not meet any of the exceptions identified within Policy DM1. This would be harmful given the relative certainty and public interest that flows from a planning system that is genuinely plan led. Consequently, the proposal would be contrary to Policy DM1 and DM2 of the Local Plan which seek, amongst other aspects, to prevent the loss of residential accommodation.

Other Matters

6. The appeal property is within the Faversham Conservation Area (CA). There is no dispute between the parties that the proposed physical works to the property, which would be limited to the internal arrangement of rooms, would have an adverse effect on the character or appearance of the CA. Having considered the proposal and visited the site I concur with that view. Accordingly, it is my view that the development proposed would preserve the character and appearance of the CA and I shall make no further reference to this matter.
7. The appellant has suggested that there is no alternative office accommodation currently available in Faversham, and that if the appeal is not granted the business will move premises to Canterbury, resulting in loss to the local economy and increased commuting emissions as a result of changes to employees' commuting patterns. A number of offices and commercial premises in the local area have also been converted to residential use resulting in a loss of available commercial floorspace. I am sympathetic to the appellants' difficulties finding alternative office floorspace, and acknowledge the content of the Swale Employment Land Review (2018). However, I have not been provided with detailed evidence about the current supply of available local office floorspace and there is little evidence before me that the business would be required to re-locate further afield given other options that might be available to them.
8. The proposal would support the expansion of a local business, enabling the employment of an additional consultant and administrator, and would provide benefits to the local economy through additional salary payments. Due to the small scale of the proposal these factors are afforded moderate weight.
9. The Council can demonstrate a five-year supply of housing land, and the emerging Faversham Neighbourhood Plan may indicate sufficient capacity to accommodate Faversham's housing need through site allocations. However, one of the Government's objectives, set out within paragraph 60 of the National Planning Policy Framework (2023), is to significantly boost the supply of housing. Consequently, this tempers the weight given to the scheme's economic benefits.
10. The appellant has identified development plan policies relating to bringing forward an increase in homegrown business creation and inward investment and the extension of existing employment sites, which it is contended that the proposal would accord with. I also acknowledge that Cross Lane has other commercial uses within it and that no concerns have been raised in relation to the office's proposed opening hours. However, the absence of harm or development plan conflict with respect to other relevant matters is neutral and weighs neither for nor against the proposal.
11. My attention has been drawn to a planning permission (Ref: 22/504451/FULL) for or the change of use of the rear of 14 West Street from residential use to a health centre. However, the Council's evidence indicates that this site, unlike the appeal site, is located within a defined primary shopping frontage. Policy DM1 of the Local Plan does not provide the same protection for residential accommodation which is located within primary shopping frontages and consequently the circumstances are different. I therefore give this other case

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limited weight, and I have determined this appeal on its individual planning merits against the local and national planning policies.

Conclusion

12. I am mindful of the Public Sector Equality Duty (PSED) arising from section 149 of the Equality Act 2010. This requires me to have due regard to the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not. Amongst other things, for the purposes of the Equality Act, protected characteristics include disability. I am satisfied that the proposal would provide additional office floorspace which could accommodate a private office area for the sole use of an employee who has a protected characteristic for the purposes of applying the PSED.
13. I have given careful consideration to the employee's personal circumstances in this case. While I recognise the importance of having sufficient office space it has not been shown that the specific accommodation needs cannot be met in another way. On the basis that an alternative could deliver similar benefits for the appellant, these personal circumstances do not outweigh the harm that I have found to the local housing supply.
14. Whilst the proposal would provide economic benefits, it would harm local housing supply, and the appeal site's location does not meet the criteria for office conversions set out within Policy DM1 (3) of the Local Plan. Therefore, the proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this finding. Therefore, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR