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## Appeal Decision

Site visit made on 16 September 2019

**by Hilary Orr MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 October 2019**

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### **Appeal Ref: APP/A2280/W/19/3232373**

### **486 Lower Rainham Road, Rainham, Gillingham Kent ME8 7TN**

- 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 and Mrs Wilson against the decision of Medway Council.
  - The application Ref MC/18/3599, dated 14 December 2019, was refused by notice dated 22 March 2019.
  - The development proposed is the change of use of 486 Lower Rainham Road from residential use (Class C3) to office use (ClassB1(a)). No external or internal alterations are proposed.
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### **Decision**

1. The appeal is allowed, and planning permission is granted for the 'change of use of 486 Lower Rainham Road from residential use (Class C3) to office use (ClassB1(a)). No external or internal alterations are proposed', at 486 Lower Rainham Road, Rainham, Gillingham Kent ME8 7TN, in accordance with the terms of application, Ref MC/18/3599, dated 14 December 2019 and subject to the conditions set out below.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. The office (Class B1(a)) use hereby permitted shall be carried out in accordance with the following approved plans: Drawings entitled Existing/Proposed Ground/First Floor Plans received on 18 December 2018.

3. The use hereby permitted shall only operate between the hours of 0900 to 1700 Monday to Friday inclusive and at no time on Saturday, Sunday and Bank/Public Holidays.

### **Main Issue**

2. I consider the main issue is whether the proposed development provides an appropriate housing mix.

### **Reasons**

3. The appeal site is located to the south west of Lower Rainham Road within the settlement of Lower Rainham. The site is a two storey detached dwelling set within a generous plot. A detached outbuilding is sited to the north east of the dwelling set behind a substantial brick wall and gates. There is a small front garden and hard surfacing for parking of vehicles on the frontage of the site,

- with a pedestrian and separate vehicular access from the highway. The submitted plans show that there are currently four bedrooms on the first floor, with kitchen, lounge, dining and sitting room on the ground floor.
4. The area is characterised by both terraced and detached dwellings of various sizes and styles, although there are also a small number of commercial premises. The appeal dwelling is unremarkable and sits comfortably within this setting.
  5. The application is only for a change of use from a dwelling to an office. No internal or external works are proposed. The existing rooms would be used to provide office accommodation, and parking arrangements would remain as existing. The office space would be used by a total of six full and part time employees, carrying out administration for the Bespoke Brick Company Ltd.
  6. The proposed development would result in the loss of a four bedroom dwelling from the available housing stock. Saved Policy H2 of the Medway Local Plan (May 2003) (LP) makes it clear that development resulting in the net loss of existing residential accommodation will not be permitted unless: (i) it can be demonstrated that the existing building or site is unsuitable for continued residential use; or (ii) the proposal would provide facilities of significant benefit to the immediate local community. There is no evidence to suggest that the existing dwelling is unsuitable for ongoing residential occupation. Therefore, the proposal needs to be considered in the context of any benefits it would provide to the local community.
  7. In summary, Paragraphs 80 and 83 of the National Planning Policy Framework (The Framework) refers to significant weight being placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development, including those in rural areas through conversion of existing buildings.
  8. The parties have both referred to saved LP Policy BNE26 which broadly supports this approach. In summary, this policy relates to the diversification of the rural economy through the reuse of existing buildings where they are small in scale and appropriate to the size of the settlement, and can be carried out without detriment to the amenity, character and setting of the village.
  9. The proposal does not include any external or internal alterations, that would physically change the external appearance of the building. I acknowledge that a change of use alone can change the character of a building or wider area. However, the proposal is small scale and the administrative nature of the business means that it would be unlikely to be noticeable from outside the building. Moreover, the comings and goings of six staff and parking, would not be dissimilar from that expected if the dwelling was in occupation by a large family. Therefore, in my judgement the proposal would not harm the predominately residential character and appearance of the area.
  10. The Bespoke Brick Company Ltd is a local business providing brick and similar goods to the building industry. The business has a number of sites in the local area with the office currently based in the Medway City Estate. I have no evidence to inform me where the current employees live. Nonetheless, whether or not they all relocate with the business, in the longer term the proposal would undoubtedly provide employment opportunities for local residents. I consider that this benefit weighs heavily in favour of the proposal.

11. I acknowledge that the proposal would result in the small loss of one existing dwelling. However, I consider that this small loss is justified by the significant benefit of employment opportunities for the local community. Accordingly, I find that the proposal would comply with Policy BNE26 and thus not conflict with Policy H2 of the LP, and the appeal is allowed.

### **Conditions and other matters**

12. I have had regard to the conditions that have been suggested by the Council, and the Appellant has agreed to their imposition. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans as this provides certainty. In the interests of protecting the living conditions of existing residents, I have imposed a condition to restrict the working hours.
13. Further conditions have been suggested to control future development of the site; the storage of materials, plant and other equipment in the outbuilding or in the open; and to restrict the use to Class B1(a). I have assessed these, in accordance with the tests set out in the Planning Policy Guidance. However, such conditions can only be imposed in exceptional circumstances and where there are clear reasons for imposing them. I have no evidence before me to demonstrate that these conditions are necessary.
14. My attention has been drawn to a number of different concerns raised by third parties, including heavy rush hour traffic, access from the highway due to single lane traffic restrictions. These are matters that could affect the property, irrespective of whether it is in a residential or office use. Accordingly, they would not be a reason to withhold permission.
15. Other concerns have been raised about the effect that an office use could have on the living conditions of existing residents. As set out above, I have imposed a condition to restrict the working hours.

### **Conclusion**

16. I conclude that the loss of this single dwelling, by its change of use to an office, would not be harmful to the character and appearance of the area and would maintain an appropriate housing mix. The appeal is therefore allowed subject to the above schedule of conditions.

*Hilary Orr*

INSPECTOR