

**PLANNING COMMITTEE**  
**Appeal Decisions**

**31 July 2019**

**1. PURPOSE AND RECOMMENDATIONS**

**Purpose of Report:** To inform Members of notified appeals and appeal decisions and to take them into account as a material consideration in the Planning Committee's future decisions.

**Recommendations:** It is **RECOMMENDED** that:  
**(This report is for Information)**

**Wards:** Eastern

**1.0 Appeal Reference: APP/U1240/D/19/3227898**

**Planning Reference: 3/18/3048/HOU**

**Proposal: Removal of Roof; Increase in Height Of The Ridge And Eaves For First Floor Habitable Accommodation**

**Address: Roanoke, Lower Rowe, Holt, Wimborne BH21 7DZ**

**Appeal dismissed**

The proposal involved raising the ridge of the roof by 1.5 metres, the incorporation of dormers and an end gable addition to a single storey dwelling. The site lies within the South East Dorset Green Belt.

The Inspector considered that the main issues in this case were: (i) whether the proposal would be 'inappropriate development' in the Green Belt and (ii) whether the harm by reason of inappropriateness and loss of openness would be clearly outweighed by 'other considerations', and if so whether this would amount to the 'very special circumstances' required to justify the proposal.

In regard to the planning history of the site, the Inspector noted that the original building had previously been substantially extended. He came to the view that 'the existing cumulative increase in its size would be noticeably increased by the addition of a first floor. The raising of the ridge by about 1.5m and the incorporation of dormers and an end gable would further change the form and character of the original building and increase its bulk.'

The Inspector came to the view that 'the individual and cumulative effect of the appeal scheme would be one of the building being disproportionately extended in conflict with the Framework. Moreover, the raising of the roof and the construction of the dormers would by definition dominate the existing building and result in a material loss of openness, especially bearing in mind that the building is set some distance apart from neighbouring buildings on

slightly elevated land in a rural landscape with a predominantly open character.'

The Inspector therefore concluded that the addition of the first floor would be inappropriate development in the Green Belt contrary to the Framework and Local Plan Policy GB3, which is harmful by definition. He was also of the view that there were no very special circumstances in this instance to justify the development and the appeal was dismissed on that basis.

## **2.0 Appeal Reference: APP/U1240/W/18/3216783**

**Planning Reference: 3/17/3060/CONDR**

**Proposal: change from shop (A1) with storage above to A4 (drinking establishment) on both floors and construct single storey extension at rear for use as store without complying with Condition 7 of planning permission 3/15/1291/FUL dated 17 February 2016 which required :**

*'The use hereby permitted shall not be open to customers outside the following times: 09.00 hrs to 23.00 hrs Monday to Saturday and on Sunday, Public and Bank Holidays'*

**Address: 6 East Street, Wimborne Minster BH21 1DS**

### **Appeal allowed**

Located within Wimborne Minster Town Centre, the appeal premises front a street designated as a secondary shopping area. Whilst there are residential properties, notably above some of the ground floor premises and to the rear of East Street, away from the main shopping frontage, the area is largely mixed in character. It includes a number of shops and other uses associated with town centre locations, as well as several cafés, restaurants and bars

In February 2016, planning permission was granted for a change of use from a shop (A1) to a drinking establishment (A4), subject to a number of conditions, one of which sought to restrict the opening hours of the premises to between 0900 and 2300 in order to protect the amenity of the area and residential properties in the vicinity (Condition 7).

An application to vary this condition by altering the opening hours of the premises to between 1100 and 2330 Sunday to Thursday, 1100 and 0030 Friday to Saturday was refused at Committee contrary to officer recommendation. The Council's Licensing Authority had separately granted a licence allowing the premises to remain open until 0030am on Fridays and Saturdays.

The Inspector considered the main issue was the effect that varying the conditions would have on the living conditions of nearby residents, with particular regard to noise and disturbance.

In allowing the appeal, the Inspector noted concerns raised by local residents and the Council in respect of noise, disturbance and anti-social behaviour

issues which, it was argued, result from the cumulative impact of drinking establishments benefiting from late-night opening hours but determined that:

*' ... the proposal before me does not relate to a change of use to allow an additional drinking establishment. The appeal premises have been operating for over 26 months, and the presented information does not suggest that any complaints have been received by the Council in respect of noise or disturbance issues caused by the appeal premises. In addition, no objection to the proposed extended hours has been raised by the Council's Environmental Health Officer or the Police*

*In the absence of evidence to the contrary, perceived or actual anti-social behaviour issues within the town centre cannot be imputed to the appeal premises. Furthermore, as the use of the outdoor area to the rear of the premises is restricted by way of a condition, I am satisfied that the living conditions of the occupiers of River Cottage would not be unduly affected by the proposal*

*Consequently, based on the evidence before me, I consider that the proposed extended hours of opening would not unacceptably harm the living conditions of nearby residents, with particular regard to noise and disturbance. I therefore find no conflict with saved Policy DES2 of the East Dorset Local Plan (2002), which seeks to protect residential amenity, notably from noise and disturbance'.*

The Inspector allowed the appeal with the following conditions.

*'1) The rear outside area shall not be used by customers and staff for drinking, smoking and socialising. The area shall be used for emergency escape only and the rear door shall be fitted with an automatic closing device that shall be maintained in good working order and the said rear door shall be kept closed when the premises are occupied. In addition, no further openings shall be formed in the rear elevation without express planning permission.*

*2) The use hereby permitted shall only be open to customers between the hours of 1100 and 2330 Sunday to Thursday and 1100 and 0030 Friday to Saturday.*

*3) Amplified or other music may only be played in the premises between the hours of 1100 and 2300 Monday to Sunday'.*