

## Appeal Decision Notice

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Decision by Janet M McNair, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2086
- Site address: Ross-shire Business Centre, 1 Castle Street, Dingwall IV15 9HU
- Appeal by G & M Properties against the decision by the Highland Council
- Application for planning permission 12/03939/FUL dated 12 October 2012 refused by notice dated 25 February 2013
- The development proposed: Alterations and change of use from offices (Class 4) to guest house (Class 7)
- Application drawings: P172.12.02C, P172.12.03, P172.12.04, P172.12.05, P172.12.06, P172.12.07C, P172.12.08B, P172.12.09, P172.12.10
- Date of site visit by Reporter: 16 April 2013

Date of appeal decision: 10 May 2013

### Decision

I allow the appeal and grant planning permission subject to the 4 conditions listed at the end of the decision notice. Attention is drawn to the 3 advisory notes at the end of the notice.

### Reasoning

1. The appeal site, currently occupied by a 1960s office block, is located on the west side of Castle Street, just outside the Dingwall Conservation Area. An access from Castle Street leads to 19 parking spaces to the west (rear) and south of the building. The access also serves two flats in separate ownership to the west of the site. The appellant proposes to convert the office block to provide 21 *en suite* bedrooms, including two bedrooms for staff; an open plan lounge/dining room and kitchenette; a shop; a laundry; and a luggage store. Seventeen parking spaces are proposed.

2. The adopted Ross and Cromarty East Local Plan 2007 (as continued in force 2012) includes the site within Dingwall Town Centre, where further commercial development, including improved visitor facilities, is encouraged, subject to appropriate parking and the amenity of existing properties. Policy 44 of the Highland-wide Local Development Plan 2012 (HwLDP) supports tourist developments within settlement boundaries, provided these can be accommodated without adverse impacts on neighbouring uses and comply with Policy 28: Sustainable Design. Policy 34 takes a similar approach to development within



Settlement Development Areas. A guest house use in the town centre would therefore accord in principle with these policies, which seek to promote new facilities for visitors and tourists, irrespective of whether demand is demonstrated. However, the policies all contain provisos.

3. In addition, Policy 28 of the HwLDP, to which the council's decision refers, requires proposals to be considered on the extent to which (among other things) they are compatible with public service provision, including roads; are accessible by public transport, cycling and walking as well as car; impact on individual and community residential amenity; demonstrate sensitive siting and high quality design in keeping with local character; and contribute to the economic and social development of the community. Developments judged to be significantly detrimental in terms of the relevant criteria are stated not to accord with the LDP, and all are required to be compatible with the council's Supplementary Guidance on Sustainable Design.

4. The determining issues in the appeal are whether, having regard to these various provisions of the development plan, the appeal site is capable of accommodating a guest house use without giving rise to unacceptable road safety or parking or problems, or unacceptable effects on the amenity of the area, including on neighbouring uses.

5. Dealing with these in turn, Castle Street is a cul-de-sac where, in common with the remainder of the town centre, vehicle speeds are likely to be low. There is no specific evidence that the existing access, which already serves 19 parking spaces, has given rise to significant road safety problems. Council roads officials did not object to the application, or suggest that the access should be improved. The site plan shows that vehicles could continue to turn within the site and thus enter and leave in forward gear.

6. The parking standards in the council's roads guidelines do not include a standard for guest houses. Roads officials initially sought one parking space per bedroom. This reflects the standard for hotels, which are likely to give rise to a level and pattern of parking demand similar to a guest house. The 17 parking spaces proposed fall short of the one space per bedroom ratio. However, the hotel standard is a maximum. The guidelines recognise that developments will be affected by factors such as the type of development, its location, accessibility to sustainable modes of travel, proximity to other facilities, and the size of the development. They also countenance a level of provision lower than the standard where it can be demonstrated by an assessment of parking requirements, or by proximity to public parking, for example within a town centre, that this would be acceptable.

7. The appeal proposal is unlikely to increase demand for kerbside parking in Castle Street during the day compared with the current office use. In any event, parking in the vicinity of the site is controlled, and limited between 8 am and 6 pm to 30 minutes with no return permitted within an hour.

8. Parking demand could increase in the evenings, including when events are taking place in churches nearby. Guest house residents are likely to regard the public car parks I was shown at the site inspection as too far from the site always to be convenient to use. Private car parks and other private land cannot be assumed to be available for guests.

9. However, budget accommodation of the type proposed could well attract some visitors without cars, particularly as the building is in the town centre, about 200 metres (m) from Dingwall's rail station and less than 100 m from one of its main bus stops. I also note that the appellant proposes to provide a bike store. While the circumstances of the 2010 appeal at the Royal Hotel can be distinguished from those of the current appeal, the terms of the Royal Hotel appeal decision do not indicate that the reporter regarded the availability of overspill parking spaces at the Ross-shire Business Centre as essential to make the Royal Hotel proposal acceptable. He also noted that an absence of dedicated car parking could discourage car use, in line with sustainability principles.

10. Turning to amenity, the proposal would be likely to increase activity at and around the site in the evenings. However, it lies on the edge of a residential area and close to the commercial area of the town centre. In that context, I am not persuaded that this increased level of activity would have a significant adverse effect on the amenity of neighbouring uses. The two residential flats to the north of the site have their main aspects to the east and west and a large workshop, vegetation and fencing provide significant screening at ground floor level for the land immediately at the rear. While first floor bedroom windows in the front section of the appeal building adjacent to Castle Street would have higher level views, a significant proportion of these views is already available to office workers, who are more likely to be in the building during the day than guests. This will include times when residents are likely to be outside. The first floor windows have only oblique views of the remainder of the gardens. The rear section of the building, which lies opposite these gardens, is single-storey and separated from the site by a substantial timber fence and garden trees. The houses and garden ground beyond the flats are far enough from the site for their privacy not to be significantly affected.

11. It cannot be assumed that the premises would be poorly run and maintained. I am satisfied that there is scope to provide suitable refuse storage and recycling facilities within the site. In common with any new external lighting proposed, details could appropriately be reserved for future approval. As the number of on-site car parking spaces would be slightly reduced and the existing layout largely unchanged, there is no reason to expect the proposal to have a detrimental effect on access to the two flats to the west of the site.

12. Some local objectors are concerned that granting permission could allow the premises to be used as a house in multiple occupation (HMO), which could also fall within Class 7 but give rise to planning issues different from those of a guest house. However, this could be addressed by restricting the permission to guest house use only. The council's Supplementary Guidance: Houses in Multiple Occupation, published under the auspices of Policy 33 of the HwLDP, recognises this as a means of ensuring that any change of use from a guest house to an HMO is fully considered. The council's Supplementary Guidance on Sustainable Design appears to focus on new buildings. In any event, the external alterations proposed to the appeal building, including the removal of external water storage tank housing, and new timber cladding and windows, would improve its appearance. That said, these alterations are not such as to affect the setting of the adjacent listed building.

13. Policy 28 sets the test for accordance with the HwLDP as the avoidance of significant detriment. Having considered all the matters raised, and assessed the proposal's likely parking requirements, I find no matters that outweigh my conclusion that, subject to the conditions listed below, the appeal site is capable of accommodating a guest house use without giving rise to significant or unacceptable adverse effects on road safety, parking or amenity. The conditions reflect those suggested by the council. While concerns regarding the loss of office space are understandable, a guest house would also provide employment. The proposed shop is small, clearly ancillary to the guest house, and unlikely to affect existing retail premises in the town. Fire safety is controlled under separate legislation and effect on property values is not generally held to be a planning consideration. The CCTV cameras that the appellant states it intends to provide, at least if external, would require to be the subject of a separate planning application.

*Janet M McNair*

Reporter

### Conditions

1. No development or work shall commence until a detailed specification of all the proposed external materials and finishes, details of all new windows, (including trade names and samples where necessary), and details of any new external lighting proposed, have been submitted to, and approved in writing by, the planning authority. Thereafter, the development shall take place in accordance with these approved details.

*Reason: To ensure that the development is sensitive to, and compatible with, its context and local architectural styles.*

2. No development shall commence until a scheme for the storage of refuse and recycling within the application site has been submitted to, and approved in writing by, the planning authority. The approved scheme shall be implemented prior to the guest house being first used for that purpose and maintained in perpetuity thereafter.

*Reason: To ensure that suitable provision is made for the storage of communal waste and recycling bins.*

3. No development shall commence until full details of a covered and secure communal bicycle storage/racking system has been submitted to, and approved in writing by, the planning authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the guest house being first used for that purpose and maintained in perpetuity thereafter.

*Reason: In order to reduce dependency on the private car and to encourage use of public transport.*

4. Notwithstanding the provisions of Class 7 of the schedule to the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended, or any Order revoking and re-enacting that Order, with or without modification, the approval hereby granted relates only to the use of the premises as bed and breakfast guest house accommodation and for no other use or purpose, including any other activity falling within Class 7 of the said Order.

*Reason: In order to allow the Planning Authority to retain effective control over the use of the site, in the interests of the amenity of adjacent occupiers.*

### Advisory notes

- 1. The length of the permission:** This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
- 2. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).)
- 3. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position. (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended).)