

FORMAL OBJECTION 2

Planning Application: PL/2026/00390

16 Budbury Place – Proposed Change of Use to HMO

1. Statutory and Policy Context

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

In addition:

- Section 66(1) of the Town and Country Planning Act 1990 requires special regard to be given to the desirability of preserving a listed building and its setting.
- Section 72(1) requires special attention to preserving or enhancing the character or appearance of a conservation area.

The application fails to demonstrate compliance with these statutory duties.

2. Heritage Impact – Listed Building & Conservation Area

The building is Grade II listed (as recorded by Historic England) and occupies a prominent position overlooking the town.

NPPF Requirements

- **Paragraph 205:** Great weight should be given to the conservation of heritage assets.
- **Paragraph 206:** Any harm to a designated heritage asset requires clear and convincing justification.
- **Paragraph 207:** Substantial harm should be wholly exceptional.
- **Paragraph 208:** Where less than substantial harm occurs, this must be weighed against public benefits.
- **Paragraph 200:** Applicants must describe the significance of heritage assets affected.

The Design and Access Statement fails to:

- Provide a proportionate and evidence-based Heritage Impact Assessment.
- Assess significance in accordance with NPPF paragraph 200.
- Demonstrate how intensified occupation preserves the building's significance.
- Provide any heritage balance exercise under paragraph 208.

In the absence of this information, the Local Planning Authority cannot lawfully discharge its statutory duty.

3. Design & Impact on Character

NPPF Requirements

- **Paragraph 131:** Development should function well and add to the overall quality of the area.
- **Paragraph 135(c):** Development should be sympathetic to local character and history.
- **Paragraph 139:** Poor design that fails to take opportunities for improving character should be refused.

No evidence has been submitted to demonstrate that occupation by five separate entities:

- Preserves the established residential character of the gated community.
- Maintains the domestic scale and intensity of use.
- Avoids urbanisation of the private access and curtilage.

The proposal materially alters the character and dynamics of a small gated residential enclave.

4. Residential Amenity

NPPF Requirements

- **Paragraph 135(f):** Development should create places with a high standard of amenity for existing and future users.
- **Paragraph 187:** Planning decisions should ensure development is appropriate for its location considering effects of noise and pollution.
- **Paragraph 191:** Decisions should mitigate and reduce potential adverse impacts from noise.

No acoustic assessment has been submitted.

No evidence has been provided regarding:

- Noise insulation standards.
- Transmission between adjoining listed structures.
- Impact of intensified comings and goings.
- Visitor and delivery frequency.

The absence of technical assessment renders the application non-compliant with national policy.

5. Highway Safety & Parking

NPPF Requirements

- **Paragraph 115:** Development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety or severe residual cumulative impacts on the road network.
- **Paragraph 116:** Development should provide safe and suitable access for all users.
- **Paragraph 117:** Maximum parking standards should only be set where justified.

The application fails to provide:

- A traffic survey.
- A parking stress survey.
- Trip generation data.
- Swept-path analysis.
- School walking route survey.
- Visitor parking assessment.

The private single-track road:

- Is shared by pedestrians and vehicles.
- Has no pavement.
- Has no street lighting.
- Is already subject to deterioration.

The Local Planning Authority cannot reasonably conclude there will not be severe cumulative impacts.

6. Fire Safety & Building Safety

NPPF Requirement

- **Paragraph 135(f)** requires a high standard of amenity and safe environments.
- **Paragraph 187(a)** requires development to be appropriate for its location.

No information has been submitted regarding:

- Compartmentation.
- Protected escape routes over three floors.
- Cavity barriers.
- Fire separation between adjoining listed structures.
- Smoke ventilation.

Given the listed fabric and multi-occupancy use, this omission is serious.

7. Ecology & Biodiversity

NPPF Requirements

- **Paragraph 186:** Planning decisions should protect and enhance biodiversity.
- **Paragraph 187(d):** Development should minimise impacts and provide net gains where possible.

No ecological survey has been submitted.

No bat survey has been provided despite potential habitat suitability (including lesser horseshoe bats).

Without ecological assessment, the Authority cannot comply with its biodiversity duty.

8. Sustainable Development

The NPPF establishes three overarching objectives: economic, social, and environmental.

The applicant has failed to demonstrate:

- Social benefit outweighing heritage harm.
- Environmental neutrality regarding ecology and conservation.
- Sustainable transport integration.
- Support for town vitality.
- Protection of existing family housing stock.

The proposal therefore fails to satisfy the presumption in favour of sustainable development (Paragraph 11).

9. Inclusive Access

NPPF Requirement

- **Paragraph 135(f)** requires safe, inclusive, and accessible places.

No evidence has been provided regarding:

- Disabled access.
- Step-free entry.
- Accessible sanitary facilities.
- Wheelchair circulation.
- Garden accessibility.

The age and listed constraints of the building create inherent accessibility barriers that have not been addressed.

Planning Balance

In accordance with NPPF paragraph 11, where applications conflict with the development plan and cause harm (particularly to designated heritage assets), permission should not be granted unless adverse impacts would not significantly and demonstrably outweigh the benefits.

No public benefits have been clearly articulated.

No heritage balance has been undertaken.

No technical assessments have been provided.

The application is therefore:

- Unsupported by evidence.
- Non-compliant with national policy.
- Contrary to statutory heritage duties.
- Harmful to residential amenity.
- Potentially harmful to highway safety.
- Deficient in ecological assessment.

Conclusion

The applicant has failed to discharge the burden of proof required under:

- The Town and Country Planning Act 1990
- The National Planning Policy Framework

In its current form, the application is materially deficient and should be **refused**.