

## Comment

<b>Consultee</b>	Michael Amherst (1338341)
<b>Email Address</b>	[REDACTED]
<b>Address</b>	
<b>Event Name</b>	Local Plan Publication Consultation June 2023
<b>Comment by</b>	Michael Amherst (1338341)
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<b>Consultation Point</b>	19.1 Paragraph ( <a href="#">View</a> )
<b>Status</b>	Submitted
<b>Submission Type</b>	Web
<b>Version</b>	0.1

### Part(s) of Local Plan responding to

To which part(s) of the Local Plan does your response relate to?

Please indicate the documents(s) and part(s) you are commenting on.

*Publication Local Plan (including changes to the Policies Map designations) - Page number(s) / Paragraph number(s) / Policy no./name / Place-based strategy / Site Allocation(s) no./ name / Maps / Tables*

*Sustainability Appraisal Report - Page number(s) / Paragraph number(s)*

*Other (for example an omission or alternative approach)*

Para 19.1 - Key Business Plan

### Legal Compliance, Soundness and Duty to Co-operate

Do you consider the Local Plan is:

<b>Legally Compliant</b>	.	No
<b>Sound</b>	.	No
<b>Complies with the Duty to Co-operate</b>	.	No

### Reason Consider Unsound

Do you consider the Local Plan is unsound , because it is not:

- . Justified
- . Effective
- . Consistent with national policy

## Details of reason(s) for representation

Please give details of why you consider the Local Plan is or is not legally compliant, unsound or fails to comply with the duty to co-operate. Please be as precise as possible. If you wish to provide comments in support of the legal compliance and/or soundness of the Local Plan, or its compliance with the duty to co-operate, please use this box to set out your comments. *Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the response. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.*

We own a small unit in [REDACTED]. The ground floor and basement are retail, the uppers were previously flats but were used as ancillary by the previous tenant and are now classed as offices. The 'office' area is spread out over 3 floors and equates to only 183.86 m2. Three different agents have tried to let the space over the last three years but we have had no serious interest and the space remains unlet. All three agents have said the space is too small, too poorly configured (as a period property) to be reconfigured or made attractive to prospective office tenants. The only user they can foresee for it is to return it to flats.

While supporting the principle of Key Business Areas, we believe that the use of Article 4 to place a blanket ban on conversion of space, including space that is not attractive to tenants and unlettable as office space, is unjustified and goes against national guidelines concerning residential conversion.

In July 2021 the NPPF was revised, requiring Article 4 Directions to be limited to situations where a direction is 'necessary to avoid wholly unacceptable adverse impacts' and where it is based on 'robust evidence, and applies to the smallest geographical area possible'.

We believe that by including very small units in period properties, that are not desirable or usable as offices in the Article 4 directives, is not necessary to avoid wholly unacceptable adverse impacts as these spaces will never be used as offices.

## Modification(s) consider necessary

Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, when considering any legal compliance or soundness matter you have identified in the question above. Please note that non-compliance with the duty to co-operate is incapable of modification at examination. You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. *Please note your response should provide succinctly all the information, evidence and supporting information necessary to support / justify the suggested change. After this stage, further submission will only be at the request of the Inspector, based on the matters and issues they identify for examination.*

We believe that any further use of an Article 4 for the Key Business Area should include an exemption for particularly small units. This exemption could be coupled with the existing Class MA of General Permitted Development Order, thereby meaning only units below a certain size and that have been vacant for three months, need be exempted.

## Participation at Examination

Do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

If you are not on our consultation database and you respond to this consultation, your details will be added to the database. This allows us to contact you with updates on the progression of the Local Plan and other planning policy documents.