
Appeal Decision

Site visit made on 4 October 2016

by S J Papworth DipArch(Glos) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 October 2016

Appeal Ref: APP/M3835/W/16/3149806

Shop (ground floor), 17 New Broadway, Worthing BN11 4HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Chandrakant Patel against the decision of Worthing Borough Council.
 - The application Ref NOTICE/003/16, dated 15 March 2016, was refused by notice dated 29 April 2016.
 - The development proposed is the conversion of the ground floor to a residence.
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Decision

1. I dismiss the appeal.

Main Issue

2. This is the effect of the proposed change of use on the sustainability of the New Broadway and Tarring Road shopping area.

Reasons

3. Class M of the 2015 Order provides for the change of use of premises falling within Use Class A1 (shops) or Class A2 (financial and professional services) to Class C3 (dwellinghouses) and the building operations reasonably necessary to carry out the conversion. The applicant must apply to the Council for determination as to whether prior approval is required with regard to transport and highway impacts; contamination; flooding; the adequate provision of services in a retail use, and in a key shopping area, the effect on the sustainability of the area; and the design or external appearance of the building.
 4. The Council have drawn attention to saved Local Plan Policy S12 on changes of use from retail and to Core Strategy Policy 6 on the need to protect medium scale local centres such as this. Section 2 of the National Planning Policy Framework sets out policies for retail uses, and states at paragraph 23 that residential development can play an important role in ensuring the vitality of centres.
 5. Of the matters to be considered in the Order, it is the sustainability of the area that features in the reason for refusal, although doubts are cast in the Officer's Report on whether the actual conversion works would have an altered appearance on completion in order to meet Building Regulation requirements. Having mind to the nature of the shopfront and the information on the
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drawings, it is considered now that the removal of the shopfront would have a detrimental effect on the character and appearance of the area contrary to paragraph M.2.(1)(e) of the Order.

6. The shop is presently vacant, and is sited within the Tarring Road Medium Scale Centre, which should be regarded as a key shopping area for consideration under the Order. The Council has provided statistics on the current state of the frontages in the area, and it is clear from the site inspection that there is some fragility in the retail and similar uses. There is some level of vacancy that detracts from the character and appearance, and there are a proportion of professional and financial services, and some businesses that appear marginal in their appeal to a passing trade.
7. However, the frontages are on a main road with some parking available on-street, and there is the proximity of the West Worthing railway station close by which should provide foot-fall. In addition there is much residential development nearby. The shopping area appears one that should be providing for the needs of a local community. There is evidence of marketing and a lack of interest at present, but the shop is in a prominent location and appears capable of being used as such. The loss of this unit within the parade of shops would be contrary to the aims of paragraph 70 of the Framework to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
8. Whilst the parade of shops is showing some signs of decline, the situation does not appear so far advanced as to indicate that there would be no reasonable prospect of the unit being occupied within its existing use class, or that no harm would occur to the sustainability of the area by the proposed change of use. Conversely, the parade of shops is not so vibrant and active as to indicate that a single change of use would have no discernible adverse effect.
9. The provision of a single housing unit in this sustainable location would further the aims of paragraph 47 of the Framework in boosting the supply of housing, whatever the 5 year housing land supply situation is in this District, and would be in line with the rationale of this permitted development regime. However, that has to be balanced against the harm that the change of use could cause to the sustainability of the shopping area.
10. In that balance it is concluded that the loss of the unit would harm the sustainability of the area in reducing its ability to supply the community's day-to-day needs, risking the need for travel to meet those needs. The proposal does not accord with paragraph M.2.(1)(d) on the sustainability of the shopping area and it has not been shown that the conversion can be carried out without harm to the character and appearance of the area under paragraph M.2.(1)(e). For the reasons given above it is concluded that the appeal should be dismissed.

S J Papworth

INSPECTOR