
Appeal Decision

Site visit made on 10 October 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 04 November 2016

Appeal Ref: APP/U4610/W/16/3153654
144 Lockhurst Lane, Coventry CV6 5NY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P. Gunaszelan against the decision of Coventry City Council.
 - The application Ref FUL/2016/0205, dated 20 January 2016, was refused by notice dated 19 February 2016.
 - The development proposed is change of use application from retail store/car part sales (B8) to shop including off licence (A1).
-

Decision

1. The appeal is dismissed.

Procedural matters

2. At the time of my site visit, the proposed development existed on site. I have based my decision on what I saw on site, together with the submitted plans and details.
3. The site address on the planning application form is recorded as No 126 Lockhurst Lane. However, all other correspondence before me, including the appeal form and planning decision notice refer to the site address as No 144 Lockhurst Lane. I have therefore amended the site address, as above, and dealt with the appeal on this basis.

Main Issue

4. This is whether the proposal is in a suitable location with regard to the policies of the Coventry Development Plan and the National Planning Policy Framework.

Reasons

5. The appeal site is adjacent to Livingstone Road within an area dominated by industrial units and is approximately 100 metres outside of the site is Foleshill Road District Centre which supports a variety of shops, services and facilities.
6. For retail development outside of defined centres, Saved policies S9 and S11 of the Coventry Development Plan¹ seek to ensure that retail proposals do not have a significant harmful impact on the vitality and viability of a defined centre. In addition, to the policies within the Development Plan, the more recent National Planning Policy Framework (the Framework) applies two tests

¹ City of Coventry Unitary Development Plan (adopted December 2001)

for uses which are not in existing town centres, the sequential test and the impact test. As the Planning Practice Guidance (PPG) on *Ensuring the vitality of town centres* puts it, these tests seek to deliver the Government's "town centre first" policy².

7. Whilst the proposal is below the requirements set out in paragraph 26 of the Framework for an impact assessment, the planning application is not supported by a sequential test. Furthermore, no justification is given for the development outside of a defined centre and the need for the development within the location proposed has not been demonstrated. As such the proposal is contrary to Saved policy S11 that only permits retail units outside of defined centres if it is firstly demonstrated that more central sites are not suitable.
8. The evidence before me, together with my observations on site, confirms that there are two vacant units within the Foleshill Road District Centre. In the absence of any evidence to the contrary, I find no reason why the proposal is not located within the defined centre. As proposed, the change of use undermines current planning policy which adopts a town centre first approach, and is contrary to Saved Policy S9 that does not permit proposals for new shops unless it cannot be *provided for equally well in vacant shops within a nearby defined centre*.
9. In all, therefore, I find that the retail unit is not within a suitable location with regard to the policies of the Coventry Development Plan and the Framework.

Conclusion

10. For the reasons set out above, I conclude that the proposed development is contrary to the development plan and the Framework and therefore the appeal is dismissed.

R Walmsley

INSPECTOR

² ID 2b-012-20140306