

Appeal Decision

Site visit made on 17 October 2016

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 17 November 2016

Appeal Ref: APP/P1133/W/16/3151476

5 Fore Street, Kingskerswell, Newton Abbot, Devon, TQ12 5HT

- 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 Simon Tock against the decision of Teignbridge District Council.
 - The application Ref 15/03066/COU, dated 2 November 2015, was refused by notice dated 18 December 2015.
 - The development proposed is the conversion of existing ground floor post office/shop & coffee shop into 2 No. apartments (i.e. change of use application).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant's appeal statement refers to two properties when talking about the appeal site; namely 3 and 5 Fore Street. However, all the other evidence before me, such as the application form, appeal form, site plan and Council's decision notice all refer to the appeal site simply as 5 Fore Street. I have therefore similarly referred to the site as 5 Fore Street in the banner heading above.

Main Issue

3. The main issue is the effect of the proposed change of use on the retail function of the village centre of Kingskerswell.

Reasons

4. The appeal site comprises two separate ground floor retail premises which are located on Fore Street in Kingskerswell. One of these is currently vacant but has permission for use as a shop/coffee shop (A1 and A3 use classes). The other comprises a post office (PO) (A1 use). Both have residential accommodation above. The area immediately surrounding the appeal site comprises relatively high density residential development along with a small number of shops and services, which include a salon, health centre, Co-op supermarket, garage and wool shop. This area clearly forms the village centre of Kingskerswell and at the time of my site visit, around lunchtime on a weekday, in spite of inclement weather there was a steady turnover of visitors to the area.
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5. Policy S16 of the Teignbridge Local Plan 2013-2033 (LP) specifically aims to develop Kingskerswell as a thriving, sustainable village, by, amongst other things, enhancing the range of shops and facilities. Policy KK5 of the LP, also seeks to improve the provision of local shopping, services and other key village centre uses in Kingskerswell. To this end, Policy WE12 of the LP sets out that the loss of retail or community facilities for another use will only be permitted if one of the following criteria apply: a) There will continue to be a sufficient choice of that type of provision within the local area; b) The existing use is causing a significant problem which can only be resolved with relocation and which outweighs the loss; c) The proposed replacement use has significant benefits which outweigh the loss or; d) It can be demonstrated that the use is no longer necessary or viable in the long term.
6. The proposed change of use would result in the loss of two retail facilities. There are other retail premises in Kingskerswell but these are relatively limited in number as outlined above. I therefore do not consider that the choice of retail provision in Kingskerswell is sufficient to justify the loss of two retail units at the appeal site. The proposal would make a modest contribution of housing to local housing supply. However, Teignbridge District Council is able to demonstrate a 5 year supply of housing land, therefore, this would not be a significant benefit sufficient to outweigh the loss.
7. Fore Street is not a main transport route which, in conjunction with the South Devon Link Road, restricts opportunities for passing trade. I also note that the majority of residents of Kingskerswell undertake their main shopping away from the village centre meaning the shops along Fore Street are used for 'top-up' shopping only. Nevertheless, as demonstrated by letters received from local residents, Fore Street plays a valuable role in providing local shopping and other services for residents of Kingskerswell. Particularly the elderly and vulnerable in the area, for whom accessibility to alternative locations is more of a challenge. Whilst the responses received in relation to the proposal are only representative of a small percentage of the local population they are, nevertheless, a material consideration. The appellant states that the premises have been on the market for sale or let for two years without any firm enquiries since listing, and that the current uses are not commercially viable. However, there is no substantive evidence before me to support these statements. In light of the above I am not persuaded that the retail uses are no longer necessary or viable in the long term.
8. On the evidence before me I therefore find no compelling reason to allow the loss of the retail facilities at the appeal site, which would be detrimental to the retail function of the village centre of Kingskerswell in that it would reduce the number of shops and facilities provided here. The proposal would therefore be contrary to Policies S16, KK5 and WE12 of the LP which seek to protect such uses. Reference is made to other policies, of which I do not have copies of. However, I have concluded against those which I consider to be most relevant in this appeal.
9. Much of the main parties' cases and third party representations focus on the loss of the PO specifically. I acknowledge that POs are generally highly valued in local communities. Nevertheless, the PO could cease operation at the appeal site at any point regardless of the outcome of this appeal. POs simply require an A1 shop premises to operate from. Reducing the number of retail premises in Kingskerswell would reduce the choice of premises available for use as a PO

which is already limited. It is this reduction in retail provision therefore which I consider to be harmful rather than the loss of the PO itself. Similarly the same applies to the loss of the coffee shop.

10. Reference is made to permission granted for Decoy Post Office to be converted to residential use, and the change of use of other retail shops in Fore Street to residential. I have not, however, been provided with full details in respect of these therefore I cannot be certain of the exact circumstances in order to make any meaningful comparisons. In any event, each application and appeal must be determined on its own planning merits. Whether the appeal site was previously a residential property, converted to retail in the 1950s/60s, is of little consequence to the determination of this appeal which must be considered against the relevant development plan at this time.

Other Matters

11. As set out in the Planning Practice Guidance it is only in exceptional circumstances where it may be appropriate for the Council to use a condition to grant permission for only part of a development i.e. to split a decision. I have considered the appellant's request to allow the change of use of the coffee shop only. However, as I have found harm from the loss of retail facilities at both premises, it would not be appropriate to grant a split decision in this instance.
12. Whilst I understand the appellant's frustration at not being given the opportunity to withdraw their planning application, and the apparent lack of advice and support provided by the Council, this does not outweigh the harm I have found.
13. Finally, in consideration of this appeal it appears from the plans before me that the proposed bedroom in unit 2 would have no window which raises matters relating to outlook and light. I also note that there are existing access steps directly outside of the window to the proposed bedroom in unit 1 which might result in overlooking. These matters could adversely affect the living conditions of future occupiers of the development. However, as I am dismissing for other reasons, I am not pursuing these matters further.

Conclusion

14. For the reasons given, and having regard to all matters raised, the appeal is dismissed.

Hayley Butcher

INSPECTOR