
Appeal Decision

Site visit made on 13 December 2016

by Cullum J A Parker BA(Hons) MA MRTPI IHBC

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

Decision date: 19th December 2016

Appeal Ref: APP/B1550/W/16/3158597
45 West Street, Rochford, Essex, SS4 1BE

- 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 Michael Holmes against the decision of Rochford District Council.
 - The application Ref 16/00468/COU, dated 31 May 2016, was refused by notice dated 20 July 2016.
 - The development proposed is described as:
'Change of use of A1 shop to residential use NB:- property is currently mixed use Council tax ref 941311517'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal building is a Grade II listed building that is located within a conservation area. The appeal scheme relates to development, by means of a change of use under the Planning Acts, rather than listed building consent. Neither party raises concerns that the proposal would fail to preserve the special architectural or historic interest of the listed building, or that it would fail to preserve or enhance the character or appearance of the conservation area.
3. Given what is shown on the submitted drawings, and the evidence before me which includes no physical alterations, I see no reason to disagree in respect of these matters. I therefore consider that the proposed scheme in this case would not conflict with the statutory duties set out in Sections 66(1) or 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended, in respect of heritage assets.

Main Issue

4. The main issue is the effect of the proposed change of use on the vitality and viability of Rochford town centre.

Reasons

5. The appeal site comprises a mid-terrace building which is located within a secondary shopping frontage as defined by Policy 3 (and Figure 8) of the *Rochford Town Centre Area Action Plan (RTCAAP)*. The ground floor was occupied as a shop, with residential accommodation above. The appeal

scheme seeks the change of use of the ground floor so that it can also be used for residential purposes in association with the existing residential use of other parts of the building.

6. The appellant has directed me to a number of other planning decisions locally. They also point to the small size of the shop floor being about 12.92m² and lacking any washroom facilities. They consider that such factors make it very difficult to rent out the shop. However, small commercial units such as these can be attractive to start-up businesses, for example, that only require a small floor area. What is more, I have not been provided with any detailed financial information that demonstrates that the most recent commercial use of the ground floor was not financially viable. Nor is there any evidence that such as use has been proactively marketed for such purposes, for example. Such information might indicate that there is no longer a need or demand for the current use. However, in the absence of such information, I do not find the fact that the ground floor is a relatively small area provides justification in itself for the loss of commercial floor space within the secondary shopping area.
7. Policy 3 of the RTCAAP indicates that a balance is required to support the economic health of the town centre. In part, this is to be achieved by avoiding a cluster of uses within in a locality that undermine the character of the centre. I saw that along West Street there is a mixture of both commercial and non-commercial uses present. The appellant has indicated that, in their view, the vitality of the town centre has already been eroded through the loss of other retail shops within the town centre. However, if this is the case, then it would underline the importance of retaining commercial uses within this secondary shopping frontage area.
8. What is more, the uses within this locality most recently, as identified by the officer report, include a nail bar, piano and shoe shops, and an architecture firm. These are uses and services not uncommon in secondary shopping areas; where they provide and contribute to the overall retail and service mix within town centres. In this case, there is no cogent evidence that provides justification for the loss of ground floor commercial premises within the Rochford secondary shopping frontage.
9. Accordingly, the proposal development would result in a detrimental impact on the vitality and viability of the secondary shopping frontage, and by association, the wider Rochford town centre. As such, it would be contrary to Policy 3 of the RTCAAP, Policies RTC1 and RTC5 of the Core Strategy 2011, and Policy DM34 of the Development Management Plan 2014, which, amongst other aims, including those aforesaid, seek to ensure that the change of use to shopping frontages make a positive contribution to the vibrancy and vitality of town centres.
10. For the reasons given above, and having taken all matters raised into account, I conclude that the appeal should be dismissed.

Cullum J A Parker

INSPECTOR