
Appeal Decision

Site visit made on 3 April 2017

by Zoe Raygen Dip URP MRTPI

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

Decision date: 21 April 2017

Appeal Ref: APP/Z2830/W/16/3162056
5 High Street, Silverstone NN12 8US

- 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 & Mrs Riley against the decision of South Northants District Council.
 - The application Ref S/2016/1996/FUL, dated 10 August 2016, was refused by notice dated 6 October 2016.
 - The development proposed is change of use of post office to residential space. Block up 2 entrance doors and replace with windows.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the whether the proposal would support the vitality, viability and sustainability of Silverstone with particular regard to the viability and marketing of 5 High Street.

Reasons

3. 5 High Street forms a terraced property which is predominantly in residential use apart from a vacant area that was previously used for retail purposes. Irrespective of the exact size of the unit, the area supported the village post office with a store and toilet area to the rear, until the transfer of the post office to the Crofts Nisa store in the village in 2015. The area has been vacant since that time.
 4. A condition on planning application ref S/1991/0518/P requires that "The residential accommodation associated with Plot 2 shall remain ancillary to the retail use and shall not be sold or let as a separate unit." Subsequently in 2000 planning permission was granted to reduce the floor area of the retail element and increase the residential floorspace (S/2000/1145/P).
 5. In support of its refusal the Council relies upon saved policies H5, EV15 and R4 of the South Northamptonshire Local Plan 1997 (LP). Together these restrict the change of use of commercial and retail uses to residential uses particularly within small infill villages in order to protect the vitality, viability and sustainability of the villages. This would be in accordance with the requirements of the National Planning Policy Framework (the Framework) which seeks to support local services and guard against the loss of valued local
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facilities particularly where it would reduce the communities ability to meet its day to day needs thereby minimising journey lengths.

6. Saved Policy R4 requires that applicants demonstrate that the existing use is not and has no realistic prospect of becoming viable. The Council state that this needs to be demonstrated through the submission of details in accordance with its Guidelines for Market Testing (GMT) which would include information regarding the marketing of the property for a minimum of 12 months, market valuations, marketing strategy and a record of viewings. Furthermore, saved Policies H5 and EV15 state that permission for residential reuse will only be granted where it can be demonstrated that the building is not capable of conversion to a business use.
7. The shop is appended to what has been the appellant's home for 22 years and cannot be sold or let as a separate unit. As a result the appellants have not undertaken any recent marketing as it is their intention to remain in the family home. Nevertheless, the use of the shop unit is linked to the house by way of a condition on a planning permission.
8. Instead the appellants have submitted very limited information pertaining to a marketing exercise undertaken in 2008/2009. However, this is some time ago when market conditions may have been different to those existing today. While the GMT is not adopted as guidance, nor does it form part of the development plan I consider it provides a useful tool for assessing viability. This is not to say though that other means of demonstrating compliance with Policy R4 to the Council may be available, particularly given the nature of the shop unit appended to residential accommodation.
9. I do not doubt that the Post Office provided a valuable source of income to supplement that of the retail element as stated by the appellant. Furthermore, I acknowledge that the unit would need to be refurbished and a potential occupant may need a commercial mortgage. Moreover the shop has been vacant for over 14 months. However, this does not necessarily lead to the conclusion that a different retail or commercial offer would not be successful. In the absence of any evidence to the contrary I cannot rule out this possibility. The proposal would therefore be contrary to saved Policies H5, R4 and EV15.
10. The small shop is located fairly centrally within the historic core of the village, where there is a pub, church together with church hall, local shop and bus stop together with ample on street car parking. While it is sited just to the south of the main area it would be visible and conveniently accessed by foot from the other facilities. The appellant refers to the possibility of the use of the unit causing noise and disturbance to neighbours who have moved in since the property has been vacant. However, given the size of the unit I do not consider that there would be potential to cause significant levels of noise and disturbance. I do not consider therefore that these are factors that would significantly weigh against a commercial use in the property.
11. The Council state that there are about 200 new homes being built around Silverstone. This would increase the population of the village. It also refers to the increasing potential of Silverstone to act as a tourist hub. From its considerable evidence I consider that this has some legitimacy given the proximity of the appeal site to the nearby race track and associated development in and around the track. I acknowledge that the circuit and nearby campsites may have their own facilities and shops, nevertheless the

growth may lead to an increase in the use of bed and breakfast accommodation within the village further increasing the population of the village, albeit intermittently throughout the year.

12. The appellant refers to changes to shopping habits, which means that residents rarely make visits to small shops. However, at the time of my site visit I saw a number of visitors to the local shop. I appreciate that this is only a snap shot in time, nevertheless paragraph 28 of the Framework seeks to promote the retention and development of local services and community facilities in villages.
13. The growth of the village reinforces the importance of enhancing its social and environmental roles of sustainability through the provision of accessible local services and moving towards a low carbon economy. In the absence of compelling or substantiated evidence regarding the existing or future viability or marketing of the unit I have seen nothing to persuade me that the shop does not have the potential to prosper in the future particularly given the growth within the surrounding area.
14. For the reasons above, I conclude that the proposal would fail to support the vitality, viability and sustainability of Silverstone with particular regard to the viability and marketing of 5 High Street. As a result it would be in conflict with saved Policies H5 (III), E4, EV15 [part 2] (I) and (II) and R4 of the LP and paragraphs 28, 37 and 70 of the Framework. Together these seek to protect valued local services within the rural economy thereby reducing the need for car journeys

Other matters

15. The appeal site is located within the Silverstone Conservation Area (CA). Therefore special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area. The CA mainly covers the historic core of Silverstone. This is reflected in the dominance of traditional buildings constructed from local stone. The proposal includes alterations to the front of the building to remove the shop door and replace it with stone and windows to restore the original appearance of the building.
16. While therefore the appearance of the building would be altered it would not be in a harmful manner and the character of the CA would be preserved. Furthermore the limited external alterations would not have a harmful impact on the setting of the adjacent grade II listed building 7 High Street.
17. The appellant refers to a number of similar planning applications which have been approved in the local area (S/2005/1047/P, S/2012/0015/FUL, S/2013/0400/FUL, S/2014/2267/FUL, and S/2015/0142/FUL). I note though that two of the applications were accompanied by full details in accordance with the Council's GMT. One decision was granted on appeal, but nevertheless had some limited supporting information whereas the current proposal has no substantiated evidence. The decision regarding Deanshanger Post Office was made with no supporting information but in the context of the settlement already having four local shops as well as other facilities. The final decision was made prior to the publication of the Framework. I am satisfied therefore that there are sufficient differences between the decisions referred to and the current proposal in order that I may reach a different conclusion. In any case I have assessed the appeal based on its own merits.

Conclusion

18. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR