
Appeal Decision

Site visit made on 1 March, 2017

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 27th April, 2017

Appeal Ref: APP/K0425/W/16/3162821

5 Cornmarket, High Wycombe, HP11 2BW

- 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 Ms Yasmine Bi against the decision of Wycombe District Council.
 - The application Ref: 16/07244/FUL dated 27 July, 2016 was refused by notice dated 21 October, 2016.
 - The development proposed is change of use from Class A1 (shop) to a call booking taxi office (call centre) (Sui Generis).
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Decision

1. The appeal is allowed and planning permission is granted for change of use from Class A1 (shop) to a call booking taxi office (call centre) (Sui Generis) at 5 Cornmarket, High Wycombe, HP11 2BW in accordance with the terms of the application, Ref: 16/07244/FUL dated 27 July, 2016, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue is whether the proposed use would be an appropriate one in a primary retail frontage.

Reasons

3. The appeal building is in a town centre location at the end of the High Street, fronting the Cornmarket. The appeal proposal would retain and re-use the existing shopfront and would create a taxi booking office staffed by dispatchers and call handlers.
 4. The appellant has provided a use-class survey to demonstrate that the change of use brought about by the proposal would retain a percentage of 60% of units within the High Street west primary shopping frontage in A1 or A3 usage. This evidence is not contested by the Council.
 5. The Council is concerned that the proposed use, being sui generis, would be unacceptable in principle. However, as the proposal would retain the existing shopfront, and there would be some activity within the unit generated by employees entering and leaving the premises, it appears to me that it would not be at odds with the retail character of the High Street, and would make some contribution to vitality, albeit a moderate one.
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6. While the proposal would conflict with policy HWTC5 of the Council's Adopted Delivery and Site Allocations Plan July 2013 by introducing a Sui Generis use into the primary shopping frontage zone, as it would bring a vacant unit into use and would not result in less than 60% of the ground floor frontage length being retained in A1 and A3 uses, I conclude that it would not harm the retail character of the area, nor its vitality and viability overall, and would not therefore be an inappropriate use in the primary retail frontage.

Other Matters

7. The appellant has indicated that the office would function only as a call centre for pre-booked taxis, with customers to be picked up from various locations within the town. As the proposal would provide no seating and waiting area for customers, and as the area is pedestrianised during the day time. I can see no reason to doubt this. This is, in addition, a matter which is capable of being controlled by condition.
8. I conclude therefore that concerns based on the possibilities of taxis picking up passengers from the office in terms of potential effects on parking, traffic congestion and the generation of noise and disturbance are not well founded. No evidence has been put before me to substantiate claims that the proposed use would be likely to provide a focus for anti-social behaviour or have a harmful effect on the character of the area.
9. No evidence, either, has been put before me to demonstrate that the proposal would encourage levels of taxi use sufficiently great to undermine the use of public transport in the town.

Conclusion

10. For the reasons given above therefore, and taking into account all matters raised, I conclude that the appeal should be allowed.

Conditions

11. The Council has provided suggested conditions, to which I have had regard. In the interests of clarity, a condition is attached requiring implementation in accordance with the approved plans. I have been asked to consider the permanent change of use of the whole unit, and as I have concluded that that use would not harm the overall retail character of the area, I do not therefore consider it reasonable or necessary either to grant a temporary change of use or to restrict that use by condition to the first floor only. However, establishing the exact character of this use is important in protecting the living conditions of the occupiers of nearby dwellings and the functioning of the town centre, and a condition is attached restricting the use to that of a booking office, in order to avoid noise and disturbance and traffic and parking congestion in the vicinity.

S J Buckingham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WDC1, WDC2, WDC3 and WDC4.
- 3) The taxi booking office shall be used solely for the administration of the private hire taxi business, and shall at no time be open to visiting members of the public, and no private hire vehicles shall be kept at, operated from or serviced at the site.