
Appeal Decision

Site visit made on 22 May 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 8 June 2017

Appeal Ref: APP/X5990/W/16/3166098
20 Strutton Ground, London SW1P 2HP

- 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 Belle Cour Beauty Salon against the decision of City of Westminster Council.
 - The application Ref 16/05942/FULL, dated 24 June 2016, was refused by notice dated 10 October 2016.
 - The development proposed is a change of use of the basement and ground floor from A1 to a beauty treatment salon.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The change of use has already taken place. The Council and the appellant differ in relation to the classification of the use as a beauty treatment salon. The appellant considers that it is a *sui generis* use whilst the Council consider it to be within use class A2.

Main Issue

3. The main issue in this appeal is the effects of the change of use on the retail character and function of the centre.

Reasons

4. The property sits within the Core Frontage of the Strutton Ground/Artillery Row Local Shopping Centre, as defined in the Council's Unitary Development Plan (UDP). The previous and lawful use of the property is as A1 retail.
5. Policy S21 of Westminster's City Plan (2016) states, amongst other things, that existing A1 uses will be protected throughout Westminster except where the unit is not viable, as demonstrated by long-term vacancy following attempts to let. There is no information submitted with the appeal that relates to the length of vacancy or unsuccessful attempts to let. Policy SS7 of the City of Westminster Unitary Development Plan (UDP) relates to local centres and states that, in the Core Frontages at ground floor level, planning permission for a change of use from A1 use will only be permitted in the most exceptional circumstances. In addition, the Council points out that the number of non-A1 uses is high; a point that I would agree with, having observed the area.

6. The appellant states that the use of the premises for a beauty salon would not affect the viability, physical attractiveness or the efficient functioning of the centre and considers these, along with the nature of the use, to be exceptional circumstances. There is no evidence to support the appellant's statement on viability and I do not consider that the small amount of ancillary sales to represent a meaningful retail element.
7. In my judgement, the use of the premises for a non-A1 use has a clear effect on the retail character and function of this area and is contrary to Policies S21 and SS 7. I find that none of the points referred to by the appellant represent exceptional circumstances sufficient to set aside the normal requirements of Policy SS 7.

Conclusions

8. It is not for me to make a formal determination on the disputed point in relation to the precise categorisation of the use of the premises. In this appeal the central issue is the fact that the use is a non-retail one.
9. I have taken account of the appellant's comments relating to the acceptability of the design of the premises and the contention that it has an acceptable effect on the area. Whilst this may be the case, the same would be expected of any use of the premises and does not outweigh the harm arising from the use of the premises. Taking account of all other matters raised, I conclude that there is nothing to outweigh the harm that I have identified, consequently the appeal is dismissed.

S T Wood

INSPECTOR