
Appeal Decision

Site visit made on 12 June 2017

by K Ford BSocSc (Hons) MSc MRTPI

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

Decision date: 18th August 2017

Appeal Ref: APP/X0415/W/17/3170085

2 Station Approach, Little Chalfont, Buckinghamshire HP7 9PR

- 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 S Kocak against the decision of Chiltern District Council.
 - The application Ref CH/2016/1407/FA, dated 22 July 2016, was refused by notice dated 6 October 2016.
 - The development proposed is change of use to class A5.
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Procedural

1. The Council considers that the lawful use of the appeal site is Class A1 (shops). This is not disputed by the appellant. The application seeks a change of use to Class A5 (hot food takeaway). Although the unit was vacant at the time the appeal was submitted, at the time of my visit it was occupied by a sandwich shop. I invited the Council and the appellant to comment on what use this business would fall within.

Decision

2. The appeal is dismissed.

Application for costs

3. An application for costs was made by S Kocak against Chiltern District Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is the effect on the vitality and viability of the Local Shopping Centre of Little Chalfont.

Reasons

5. No 2 Station Approach is one of 5 premises in a parade of shops which forms part of the wider designated Local Shopping Centre of Little Chalfont. Positioned between 2 garages, the parade is adjacent to the entrance to Chalfont and Latimer station.
6. I saw when I visited the site that the premises are occupied and being used as a sandwich shop. It also contains a few stools and a bar type surface for use as a table, but the primary use is as a takeaway sandwich shop. The Council is of the view that this falls within class A1 (shops) and the appellant A3 (restaurants and cafes). From what I was able to see of the layout of the unit

and the way it is operating, it appears to me that the primary use of the premises is for the sale of sandwiches or other cold food for consumption off the premises. For the purposes of this appeal it should therefore be regarded as a use within Class A1. In my view this significantly undermines the appellant's argument that it would be hard to attract a Class A1 user to the premises.

7. Policy S7 of the *Chiltern District Local Plan 1997 (including alterations adopted 29 May 2001) consolidated September 2007 and November 2011* (Local Plan) does not define primary and secondary frontages in designated centres, referred to in paragraph 23 of the National Planning Policy Framework. The aims of policy S7 are however consistent with the underlying aim of defining frontages which is to ensure vitality and enable the management and growth of centres. In seeking to balance the proportion of different uses within Local Shopping Centres to protect the shopping function and provide customer choice, it is not considered that the policy is out of date.
8. Station Approach is on the edge of the shopping centre however there can be some expectation that premises at this end of the centre benefit from the footfall generated by its proximity to the station. I note that the premises have been subject to marketing whilst vacant and that the Parish Council has commented that they would be unlikely to be suitable for Class A1 use. Nevertheless, the fact that 2 other units in the same parade are currently in retail use and that there is now a retail business in operation in the appeal premises indicates to me that a Class A1 use could well be viable here. As 2 of the 5 premises in Station Approach are currently operating in an A5 use the proposal would be contrary to policy S7 of the Local Plan which states non class A1 shop uses should not exceed 50%.
9. The appellant has made reference to other cases where planning permission has been granted for a change of use in other centres within the district. Each case is determined on its own merits and I have based my decision on the information before me.

Conclusion

10. For the reasons outlined above and taking into account all other matters raised the appeal is dismissed.

K Ford

INSPECTOR