
Appeal Decision

Site visit made on 23 October 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 13 November 2017

Appeal Ref: APP/A5270/W/17/3179640
247 Oldfield Lane North, Greenford UB6 8PP

- 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 Padar against the decision of the Council of the London Borough of Ealing.
 - The application Ref:170650FUL, dated 9 February 2017, was refused by notice dated 25 April 2017.
 - The development proposed is the change of use of ground floor from retail shop (A1 Use Class) to restaurant (A3 Use Class).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the planning application describes the proposal as change of use from A1 (green grocers) the Council, in its decision notice, and the appellant, in the grounds of appeal, use the generic use class description (Class A1). It was also noted at the time of the site visit that the unit was in use as a barber's shop which also falls within Class A1 Shops. I shall therefore adopt the description of development on the notice of refusal as accurately reflecting the proposal before me.

Main Issue

3. The main issue of the appeal is the effect of the proposed change of use on the vitality and viability of the local shopping parade.

Reasons

4. The appeal site is an end of terrace ground floor unit, with residential accommodation on the first floor. The site forms part of a wider parade which comprises of nine units, all with residential accommodation on the first floor. The area is characterised by a mix of commercial and residential uses and the parade is designated as a primary shopping frontage. At the time of the site visit all units were occupied, with all but the units at 259 and 265 Oldfield Lane North, having A1 retail uses.
5. Policy 4B of the Ealing Development Management - Development Plan Document 2013 (the DPD) states that A1 retail uses should constitute 100% of the designated primary frontage at street level and should not result in the loss of necessary local shopping.

6. It is accepted that, due to the proposed opening hours, an active frontage would result during the day and into the evening. Given the opening hours, the proposal would also encourage pedestrian flow into the locality. As such, the appellant contends that the active frontage would attract more people to the parade and therefore it is not necessary for all units to have an A1 use to sustain the vitality and viability.
7. Despite an active frontage remaining, the proposal would result in a level of retail use within the primary shopping frontage which would be significantly below the 100% figure sought within the DPD. It is acknowledged that the figure has already been breached by the A3 uses at Nos 259 and 265. Nevertheless, the cumulative impact of an additional A3 unit would substantially increase the percentage of non-retail uses to a significant level within the parade.
8. Furthermore, no evidence has been submitted to demonstrate that the unit has been marketed effectively for a continued retail use or to fully justify the loss of an A1 use at the appeal site. In the absence of such information specific to the appeal site, I am not persuaded that a non-retail use is the only viable option for the unit.
9. The National Planning Policy Framework encourages local business and local economic growth. The Framework also clearly states that local planning authorities should define primary shopping areas, based on a clear definition of primary and secondary frontages and set clear policies as to which uses will be permitted in such locations.
10. At the time of the site visit, the parade was relatively lively, with no visual evidence to demonstrate that the parade or surrounding area was in decline. Nonetheless, the proposal before me would result in a permanent change of use. Such a change would prejudice the dominance of A1 uses and the principal role of the parade as a local shopping centre. The proposal would result in the loss of an A1 retail unit, which would lead to A3 uses being an increasingly dominant element of the parade.
11. Consequently, the proposal would have a harmful effect on the retail function and vitality of the parade contrary to Policy 4B of the DPD and Policy 4.8 of The London Plan (2016). Taken together these policies, amongst other things, seek to safeguard the retail function and vitality of local shopping parades as they provide a useful local service within walking distance of residential areas.

Conclusion

12. For the reasons given above, and taking account of all matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR