



Appeal Decision

Site visit made on 20 November 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 8 December 2017

Appeal Ref: APP/L5240/W/17/3179720

12 High Street, Purley, Surrey CR8 2AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Nowsad Gani against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01833/GPDO, dated 6 April 2017, was refused by notice dated 13 June 2017.
 - The development proposed is the change of use of the ground floor from A1 retail use to 2 x 1 bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether it is undesirable for the Class A1 retail unit to change to a use falling within Class C3 (dwellinghouses) having regard to the provisions of Paragraphs M.2(1)(d)(i) and (ii) of Schedule 2, Part 3, Class M of the GPDO.

Reasons

3. The appeal site comprises the ground floor Class A1 retail unit, located within this shopping parade. The property is located within Purley District Centre, within the Secondary Frontage, which is a Primary Shopping Area, as identified in the Council's Local Plan: Strategic Policies Proposals Map 2013.
4. Paragraphs M.2(1)(d)(i) and (ii) of the GPDO mean that I have to consider whether the proposal would have an unacceptable impact: (i) on the adequate provision of services that may be provided by A1 and A2 (and other) premises, but only where there is a reasonable prospect of the building being used to provide such services, or (ii) where the building is located in a key shopping area, on the sustainability of that shopping area. These 2 sections apply independently of each other as they are stated in the alternative in the GPDO, separated by "or". Notwithstanding this, the Council indicates that both are relevant here.
5. In relation to the first matter, the Council has acknowledged that the property has been vacant. The appellant submits a letter from a commercial agent which provides brief details of marketing. It also refers to 2 offers which were ultimately withdrawn. Nonetheless, the letter does not indicate how many

viewings were undertaken and whether the marketing was continuous over the periods when it was under offer. Importantly, it does not indicate the rent level that was being asked for and how this may compare to other similar premises in the area. The appellant has also included brief details of other retail premises in Purley which are to let. However, I have no details of their vacancies, or whether any agreements have been reached since the submission of the details for the appeal. Consequently, I consider that the evidence is insufficient to demonstrate that there is no reasonable prospect of the unit being used for A1 purposes in the future.

6. I now turn to the effects of the proposal on the provision of A1 services and so the effect on the sustainability of the shopping area. I accept that there are vacant premises within the centre and the appellant includes some figures in relation to this. However, I am mindful that vacancy rates can fluctuate with economic trends and also in relation to individual centres with respect to responses to local conditions and development projects. Notwithstanding the vacancy rates referred to by the appellant, I consider that a retail unit in this location is a resource which could contribute to the vitality of the centre and its loss to a C3 use would be likely to permanently exclude this possibility. Therefore, I find that the proposal would have an unacceptable effect on the provision of retail premises, and so, on the sustainability of the shopping area.

Conclusion

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

S T Wood

INSPECTOR