
Appeal Decision

Site visit made on 24 September 2018

by Louise Phillips MA (Cantab) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2018

Appeal Ref: APP/L5240/W/18/3195213
76A High Street, Croydon CR0 1NA

- 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 Carvalho against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/05490/FUL, dated 3 November 2017, was refused by notice dated 10 January 2018.
 - The development proposed is a change of use of the ground floor retail premises and part of the basement from Class A1 (shops) use to sui generis use (pay day loan shop).
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Decision

The appeal is dismissed.

Preliminary Matters

1. After the planning application was determined, the Council adopted a new Local Plan, the Croydon Local Plan 2018. This has replaced all the policies in both the Croydon Local Plan 2006 and the Croydon Local Plan Strategic Policies 2013 which are cited on the decision notice. The Council has set out those policies of the 2018 Plan which it now considers to be relevant to my determination of the appeal and the appellant has had the opportunity to comment. For the avoidance of doubt, I have determined the appeal on the basis of the policies in the Croydon Local Plan 2018.
2. Similarly, I have taken account of the revised National Planning Policy Framework (the Framework), dated July 2018, which was published after the application was determined. Both parties have had the opportunity to comment although neither has done so.

Main Issue

3. The main issue is the effect of the proposed development upon the vitality and viability of Croydon Metropolitan Centre.

Reasons

4. The appeal property comprises a small ground floor unit with a basement in a three-storey parade on the western side of the High Street. It was last in retail use, falling within Class A1 of the Use Classes Order¹, but it has been vacant

¹ The Town and Country Planning (Use Classes) Order 1987.

for more than a year. It is proposed to change the use to a Pay Day Loan Shop, in *sui generis* use.

5. The site is located in the Croydon Metropolitan Centre and within a Secondary Shopping Frontage as designated by the 2018 Plan. In such locations, Policy DM4.2, together with Table 5.3, provides that a change of use of the type proposed will be refused unless it relates to a community use. The purpose of the policy is to maintain the vitality and viability of the Borough's centres, recognising that retailing is at their heart. The boundaries of the frontages were reviewed during the preparation of the 2018 Plan to ensure that they were fit for purpose.
6. The appellant represents an existing business in the town centre wishing to move to smaller premises (the appeal property). All staff would be retained and the unit presently occupied would likely be taken by a new business employing new staff. In this sense, the proposal would represent employment-related development which is supported by Policy SP3 of the 2018 Plan, but Policy SP3 requires such development to meet the standards of other relevant policies, including DM4.2. Insofar as it relates to the Metropolitan Centre, Table 5.1 concerns industrial locations and so it is not relevant to the proposal at hand.
7. The existing Pay Day Loan business clearly provides a valuable service to almost 1,000 local people by offering longer-term loans to those with little or no credit history, as well as supportive facilities such as translation. However, it does not constitute a community use of the type envisaged by Policy DM4.2, which refers to dentists or police offices as examples of such uses. Fundamentally therefore, the proposed development would be contrary to Policy DM4.2 of the recently adopted development plan.
8. Notwithstanding the benefit that the existing business provides, there is no persuasive evidence to suggest that it could not continue to operate successfully from its existing premises. The existing unit is close by and the business is said to be growing. Moreover, while it is vacant, there is no evidence to indicate that the appeal property could not be opened as an A1 retail unit consistent with Policy DM4.2. In this respect it is apparent that a long stretch of the High Street in the vicinity of the site and to the south is dominated by non-A1 uses including eateries, bars, hairdressers and similar. The strategy pursued in the development plan clearly intends to manage this trend by supporting retail use in particular locations and, overall, I find no justification for departing from it.
9. Consequently, I conclude that the proposed development would be harmful to the vitality and viability of Croydon Metropolitan Centre due to the loss of a retail unit in a designated frontage. It would be contrary to Policy DM4.2 of the 2018 Plan for the reasons already given.

Conclusion

10. The proposed development would conflict with the recently adopted development plan and there are no other considerations sufficient to outweigh this. I therefore conclude that the appeal should be dismissed.

Louise Phillips INSPECTOR