



Appeal Decision

Site visit made on 12 November 2019

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 6 December 2019

Appeal Ref: APP/R2520/W/19/3235195

24-26 Car Park, Southgate, Sleaford NG34 7RY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr N Allen (NJA Property Management Limited & RJW Property Management Limited) against the decision of North Kesteven District Council.
 - The application Ref 19/0211/VARCON, dated 13 February 2019, was refused by notice dated 23 May 2019.
 - The application sought planning permission for retrospective application in respect of continued use of land for Public Pay and Display Car Park without complying with a condition attached to planning permission Ref 17/1689/FUL, dated 5 March 2018.
 - The condition in dispute is No. 1 which states that:
This planning permission is granted for a limited period only expiring on 1st October 2020. On or before that date, all buildings, works, uses of land or other development hereby permitted shall be removed or discontinued (as the case may be) and the land restored in accordance with a scheme of work submitted to and agreed in writing by the district planning authority.
 - The reason given for the condition is:
 - *In the opinion of the District Planning Authority the temporary use to which this permission relates will by the said date have fulfilled its required purpose.*
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The appeal site has a lengthy planning history, dating back to 2007 when planning permission¹ was granted for a mixed use development, and then subsequently renewed in 2010². It is common ground between the parties that a material commencement was made in respect of that permission, albeit that it has not progressed any further.
3. An application for the use of the land as a public car park was granted temporary permission in 2009³. It was subsequently renewed on two occasions⁴, before culminating in a further permission in 2017⁵ (the 2017 application) for the continued use of the appeal site as a public pay and display

¹ LPA Ref No: 07/0682/FUL

² LPA Ref No: 10/0855/FULEXT

³ LPA Ref No: 09/0344/FUL

⁴ By way of LPA Ref Nos: 11/0047/VARCON and 14/0930/VARCON

⁵ LPA Ref No: 17/1689/FUL

car park. It is condition 1 of the 2017 application which the appellant sought to remove⁶ and which is now the subject of the current appeal.

4. Having regard to the above, the main issue is the whether the disputed condition is reasonable and necessary having regard to the role of Sleaford Town Centre and the vitality and viability of the primary shopping area.

Reasons

5. Central Lincolnshire Local Plan (CLLP) policy LP47 seeks to encourage developers to work positively with partners to assist delivery of the objectives and projects identified within the Sleaford Transport Strategy⁷ (STS) and the Sleaford Masterplan⁸ (the Masterplan). The car parking strategy for Sleaford, as set out in the Masterplan seeks to strategically locate car parks within walking distance of the town centre on the radial approaches to the centre. This, the supporting text⁹ to CLLP policy LP47 states, will reduce unnecessary vehicle movements through the centre of the town, reduce pollution and noise, and allow an improved and welcoming pedestrian environment.
6. CLLP policy LP46 sets out support for main town centres uses and, amongst other aims within the defined primary shopping area, supports proposals that add to the viability and vitality of the primary shopping area. The supporting text¹⁰ identifies the 'constant circulation of vehicle traffic around the one-way traffic management system, as a key barrier to the enhancement of the town centre's retail core. I have also been referred to further strategic documents produced by the Council which identify the dominance of the car as a significant barrier to enhancing the town's retail core¹¹.
7. Planning Practice Guidance (the Guidance) is supportive of the use of temporary planning permissions. They can be appropriate in order to provide a 'trial run' to assess the impacts of a proposal, or where it is expected that planning circumstances may change by, or at the end of, that period. 'Meanwhile uses' are also considered to be an appropriate use of temporary permissions while longer term proposals come forward. The Guidance is clear however that it will rarely be justifiable to grant a second temporary permission. If there is clear justification for doing so, further permissions should be granted permanently or refused.
8. The appeal site's planning history shows a succession of temporary permissions and renewals for the use of the site as a car park. Although I do not have specific evidence before me, I nonetheless appreciate from the site's planning history that the extant redevelopment scheme and the initial permission for the temporary use of the site as a car park coincided broadly with the global economic downturn. I accept too that, in very broad terms, the high street retail environment remains a challenging one. In this respect, the Council have adopted a pragmatic approach to matters in considering successive renewals of temporary permissions.

⁶ LPA Ref No: 19/0211/VARCON

⁷ LPA Appendix 3 – October 2014

⁸ LPA Appendix 2 – 'April 2011 – Final Report'

⁹ Paragraph 9.6.3

¹⁰ Paragraph 9.5.2

¹¹ Sleaford Town Centre Vision (June 2015); 'People, places & Parking Review: Sleaford Town Centre'; Sleaford Strategic Delivery Plan 2018 – 2025

9. However, the Guidance is quite clear in this respect. I accept that the 'meanwhile use' has now been in existence for an extended period of time, but also that there is no presumption that a temporary permission should become permanent. However, the appellant states that the 'meanwhile use' now 'needs to become' its permanent use.
10. To support this claim, a survey of the town centre refers to a number of vacant commercial properties on a number of streets within Sleaford. Beyond that, however, I have little in the way of compelling evidence to indicate to me that this should be taken as evidence of a deeper malaise within the town that the proposal to retain the car park use on a permanent basis would counter, or that should preclude the termination of the 'meanwhile use'. Nor have I been presented with any evidence to demonstrate that the extant scheme remains unviable, or that alternative schemes, and perhaps more viable alternatives, have been considered.
11. The CLLP, particularly policy LP47, but also an increasing range of Council documents and masterplans identify, and have done so for a considerable period of time, that town centre traffic congestion is a key barrier to the vitality and viability of the town centre. Clearly, there is more at play here than just the appeal site; a relatively small public car park in a central location within a one-way system which also caters for through traffic in addition to other centrally located car parks and which has the added constraint of a railway crossing. Nonetheless, it is a clear, and clearly repeated, intention of the Council to ensure that car parks are located close at hand on radial routes into the centre. And whilst the appeal site car park is small, it is conveniently located and so would undoubtedly act as a draw for those looking to park within the main town centre. The continued retention of existing car parks in central locations, such as the appellant proposes, would clearly run counter to that aspiration.
12. I accept that the SSDP does not actively set out to reduce town centre car parking capacity, or the closure of all central car parks. I accept too that the Money's Yard car park, also centrally located but accessed from a different street remains open. As it is, as I understand it, a Council-run car park, the Council have the ability to directly influence its fate. I see these broadly stated aims as a two-pronged approach; the provision of a network of car parks on radial approach routes and steps to discourage direct access to, and parking within, the town centre itself. The proposal to retain the car park on a permanent basis would not support these aims, would hamper the site's ability to contribute to the aims of CLLP policies LP46 and LP47 in terms of the still-extant redevelopment scheme and would do little to encourage the exploration of alternative redevelopment schemes.
13. Whilst the appellant states that nothing has changed in the rationale of using the land as a car park since permission was first granted, I note the increasing weight of strategic documentation since the original approvals that have informed the CLLP and its adoption in 2017, and continues to support further supplementary Council documents such as the Sleaford Car Parking Strategy (2018) and the SSDP (2018 – 2025). It has not been demonstrated that the continued use of the site for car parking would directly contribute to the vitality or viability of the town centre's primary shopping area, nor that it would contribute to the improvement of traffic circulation within the town centre. The proposal would be in conflict with CLLP policies LP46 and LP47 for these

reasons and would fail to support the longer term aims of the Council in terms of reducing traffic levels within the town centre and supporting car parks on radial approaches to the town.

14. I have noted that the Council do not object to the car park's continued use in terms of impacts on character and appearance, living conditions or highway safety. I saw too that the site was reasonably clean and tidy at the time of my visit to the site and that it provided, by way of a bridge over the river, an additional convenient means of accessing further nearby retail opportunities. These are however factors that carry only limited weight in support of the permanent retention of car parking within the appeal site, and could equally apply to alternative uses of the appeal site. They do not therefore outweigh the harm that I have identified above.

Conclusion

15. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR