
Appeal Decision

Site visit made on 25 November 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 02 January 2020

Appeal Ref: APP/V1260/W/19/3235695

Wisteria, 93 Bargates, Christchurch, Dorset BH23 1QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class M of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mrs Christine Shave against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 8/19/0651/PNRD, dated 4 March 2019, was refused by notice dated 30 May 2019.
 - The development proposed is to use the shop area as living accommodation. The shop sign will be removed and an appropriate style front door installed.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have used the description of the development from the decision notice as this is more precise than the description given on the application form.
3. Notwithstanding that the prior approval application is dated 4 March 2019, in response to my query, the Council has confirmed that the application was not received as complete and registered until 5 April 2019, as this was the date that they received the 'red line plan'. Therefore, the decision was issued within 56 days following the date on which the application was received by the Council.
4. On 1 April 2019, Christchurch Borough Council merged with Bournemouth Borough Council and Borough of Poole Council to become a Unitary Authority, Bournemouth, Christchurch and Poole (BCP) Council. Until such time as they are revoked or replaced, the development plans for the merged local planning authorities remain in place for the area which they relate to within the BCP Authority. It is therefore necessary, where the development plan contains material that is relevant to the planning judgement to be made in this case, to refer to policies set out in the plans produced by the now dissolved borough council.

Main Issue

5. The main issue is the effect of the proposed change of use on the sustainability of the key shopping area.

Reasons

6. The appeal shop is located on Bargates within the Christchurch town centre primary shopping area as defined by Policy CH3 of the Christchurch and East Dorset Local Plan, Part 1 – Core Strategy (2014) (CS). There is no definition in the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) of a key shopping area and whilst the Council's development plan policies are not decisive in respect of the proposed development, the fact that the shopping area is worthy of protection by a development plan policy persuades me that the appeal site forms part of a key shopping area.
7. The appellant contends that the designation of Bargates as a primary shopping frontage was probably before the construction of the underpass. However, I have not been presented with any substantive evidence in support of this view.
8. The appellant cites other examples of residential properties at ground floor level interspersed with non-residential uses in Bargates. I saw these properties at the time of my site visit, however Policy CH6 of the CS indicates that non-retail uses (other than Class A1) should not cumulatively amount to more than 30% of all ground floor units in the primary shopping frontage at Bargates. This policy provides evidence of what can be considered as a viable proportion of retail frontage.
9. The percentage of non-retail uses would be increased by the change of use from some 41% to about 43%. Whilst this would be a small increase in non-retail frontage, the proportion of retail uses is already significantly below what the Council policy implies is a sustainable level. The proposal would therefore exacerbate the existing lack of retail frontage.
10. Consequently, the increase in non-active frontage would adversely affect the attractiveness of Bargates as a place to shop which, in turn, could lead to fewer shoppers supporting it.
11. I, therefore, conclude that the proposal would harm the sustainability of the key shopping area.

Other Matters

12. The Council's reason for refusal also refers to the application not being accompanied by evidence of the marketing of the property. However, as the site is within a key shopping area, I am not considering whether there is a reasonable prospect of the building being used to provide Class A1 or A2 services.
13. I have had regard to the appellant's representations about her personal circumstances. However, these do not outweigh the harm I have found.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Andrew Bremford

INSPECTOR