The Planning Inspectorate

Appeal Decision

Site visit made on 16 December 2019

by M Savage BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2020

Appeal Ref: APP/C3240/19/3231739
34 Station Road, Ketley, Telford TF1 5AQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Wioleta Irmina Porton against an enforcement notice issued by Telford and Wrekin Council.
- The enforcement notice was issued on 28 May 2019.
- The breach of planning control as alleged in the notice is without planning permission the unauthorised erection of a timber outbuilding and associated change of use to florists (Retail A1).
- The requirements of the notice are:
  1. Cease the use of the land for the purpose of florist business
  2. Remove the timber outbuilding, shown hatched on the attached plan, from the land
  3. Remove any debris arising from the works from the land
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the grounds set out in section 174(2)[a] of the Town and Country Planning Act 1990 as amended.

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The main issues are:

   - The effect of the appeal building on the character and appearance of the area;
   - Whether the appeal site is a suitable location for a retail use; and
   - Whether the appeal scheme would provide adequate parking.

Reasons

Character and appearance

3. The appeal site is located in prominent position on Station Road, an area generally characterised by a mixture of residential and commercial uses. The building has been erected to the front of a semi-detached dwelling which fronts onto Station Road, a short distance from a series of traffic lights. Next to the site is a fish and chip shop with associated parking.

4. The building is constructed of timber and is painted green with picket fencing. At the time of my visit wreathes and other plants were displayed outside the shop on the fencing and a shelving unit. Policy BE1 of the Telford & Wrekin

Local Plan (TWLP) 2011-2031 seeks to ensure that development respects and responds positively to its context and enhances the quality of the local built and natural environment, amongst other things.

5. Although the building is single storey, due to the prominent location of the site and its position forward of the principal building line, it appears an incongruous feature which diminishes the character and appearance of the area, contrary to Policy BE1, the requirements of which are set out above.

Suitability of location

6. Policy EC8 of the TWLP states that the Council will only support proposals for development outside or on the edge of Telford Town Centre, a Market Town, District or Local Centre where suitable sites within these centres cannot be identified though *[sic]* a sequential test. Neither the policy, nor the supporting text sets out what is required in terms of the sequential test.

7. The National Planning Policy Framework states that decisions should support the role that town centres play. Paragraph 86 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

8. The appeal site is not located in District centre or market town, nor is it in an edge of centre location. It is therefore located outside those areas that local and national policy seek to direct retail uses to. No substantive evidence has been submitted to demonstrate that suitable sites within district or town centres are not available, nor has it been demonstrated that edge of centre locations have been considered. In the absence of such evidence, I cannot be sure that there is not harm to the vitality of the town centre. Accordingly, the development conflicts with Policy EC8 of the TWLP and the Framework in this regard, the requirements of which are set out above.

9. The appellant has cited personal reasons for the relocation of her business to the appeal site. Whilst I have had regard to the needs of the appellant and her family, insufficient detail has been provided to demonstrate that this necessitates an out of centre location and I therefore afford it very limited weight.

Parking

10. The appeal site is located off Station Road, a road which was well used by traffic at the time of my site visit. The appeal site is located close to a set of traffic lights at the junction with Waterloo Road. Despite the proximity to the traffic lights, there did not appear to be any parking restriction along the section of road adjacent to the appeal site. A vehicle, which appeared to be associated with the florist business, was parked to the front of the property.

11. Policy C5 of the TWLP states that the Council will require all development to demonstrate that parking has been designed as integral to the proposal. Criterion iv) seeks to ensure that the location, quantity and quality of car parking reflects the density, nature, character and context of the development

as well as its intended usage and relationship with the surrounding area including any foreseeable parking issues in the local area.

12. The Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Although I saw that there is off street parking provision at the adjacent site, since this appears to comprise private land, I cannot be sure that visitors to the florists would be allowed to utilise the car park.

13. Whilst I have no substantive details regarding the current state of the road network, given the proximity of the site to the traffic lights, I am concerned that visitors to the florist may choose to park along a section of the street which could impede the free flow of traffic and, as a result, cause harm to highway safety.

14. Thus, the appellant has failed to demonstrate that there is sufficient parking at the site, contrary to Policy C5 of the TWLP, or that there would be no harm to highway safety, contrary to the Framework.

Conclusion

15. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

M Savage

INSPECTOR