The Planning Inspectorate

Appeal Decision

Site visit made on 30 June 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 July 2020

Appeal Ref: APP/P1615/W/19/3241049
2, High Street, Coleford, Gloucestershire, GL16 8HF.

- 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 Dependable Properties Ltd against the decision of Forest of Dean District Council (the LPA).
- The application Ref.P0684/19/FUL, dated 25 April 2019, was refused by notice dated 12 August 2019.
- The development proposed is the conversion of shop to dwelling with associated works.

Decision

1. The appeal is allowed and planning permission is granted for the conversion of a shop to a dwelling with associated works at 2, High Street, Coleford, Gloucestershire, GL16 8HF. The permission is granted in accordance with the terms of the application Ref.P0684/19/FUL, dated 25 April 2019, and the conditions set out in the attached Schedule.

Preliminary Matters

2. The appeal premises are part of a Grade II listed building[1] within the Coleford Conservation Area (CA)[2]. In October 2019, the LPA granted listed building consent for the conversion of these premises to a ground floor flat with associated work (ref. P0685/19/LBC). I agree with the LPA that the proposed development would preserve this listed building and the character and appearance of the CA and accord with policy AP5 (historic environment) of its adopted Allocations Plan 2006 to 2026 (AP)[3].

Main Issue

3. The main issue is the likely effect upon the vitality of Coleford Town Centre and the local economy.

Reasons

4. The appeal premises comprise approximately 85m^2 of retail floorspace within Coleford Town Centre and an Active Town Centre Frontage (ATCF), as identified within the development plan. Amongst other things, AP policy AP55 permits a variety of uses within this town centre, including residential uses. However, the conversion of ground floor space to residential is not permitted. NP policy CTC4 also states that the loss of retail premises to wholly residential use in

[1] Listed as 1, 2 and 3 Market Place and 2 High Street. These early C18 houses have later ground floor shops.
[2] Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act are engaged.
[3] The AP, the Core Strategy (CS) and the Coleford Neighbourhood Development Plan (NP) form part of the development plan.

Coleford Town Centre will not be supported. These policies and AP policy AP5 are the most relevant development plan policies to the determination of this appeal. The proposal would be at odds with AP policy AP55 and NP policy CTC4. This policy conflict weighs heavily against granting planning permission.

5. In town centres it is not unusual, for a variety of reasons, for some retail premises to become vacant before another retail use is found. In this regard, as I saw during my visit, whilst very many shops within the ATCF were occupied there appeared to be a small number of vacant retail premises. It would serve little, if any, purpose for such premises to remain unoccupied for lengthy periods of time. As set out within the National Planning Policy Framework (the Framework), town centres should be allowed to grow and diversify in a way that can respond to rapid changes in the retail industry and allow a suitable mix of uses, including housing.

6. I note that the appeal premises were last used for retail purposes in 2017. A lengthy period of time has therefore lapsed since these premises made any meaningful contribution to the local economy and the vitality of Coleford town centre. On behalf of the appellant, I have also been informed that the appeal premises are no longer suitable for retail purposes due to the prohibitive cost of retrofitting the building for modern retail use and for obtaining the minimum Energy Performance Certificate. The internal arrangement of the appeal premises, its heritage interest, the limited floorspace and the steps leading up from the footway to the entrance are all constraints that are likely to deter any potential retailers from occupying 2 High Street.

7. The LPA is critical that no marketing details of the premises have been submitted. However, there is no suggestion that the premises have been deliberately left vacant for the purposes of securing residential use and there is no evidence before me to demonstrate that the cessation of retail use from the appeal site has had any significant adverse impact upon the vitality of the town centre or the local economy. Moreover, since the application was made there has been a material change in circumstances following the COVID-19 pandemic. This has had a major impact upon the economy and retail activity, including a significant increase in on-line shopping.

8. Whilst there will almost certainly be an economic recovery, the future for town centre retailing is very far from clear. Given the above noted constraints and the length of time that has lapsed since the appeal premises were last used for retail purposes, a re-use of 2 High Street for retail purposes appears to be a rather forlorn hope. The proposal would avoid the premises remaining empty for a further indefinite period of time and the occupiers of the dwelling would almost certainly support retail businesses within the ATCF and help support the local economy. There is greater force in the appellant's argument that the proposal would not harm the vitality of the town centre.

9. Although I have found that the proposal would conflict with AP policy AP55 and NP policy CTC4, there is nothing of substance to demonstrate any harm to the objectives of these policies. I am unaware of any other retail premises within Coleford Town Centre that have been vacant for the same length of time as 2 High Street and which are subject to the same constraints for retail re-use. My decision does not therefore set a precedent which could be of concern to the local community. I conclude on the main issue that the proposal would be unlikely to harm the vitality of Coleford Town Centre or the local economy.

Other Matters

10. The proposed development would add to the stock and choice of housing within the district and would be well related to services and facilities, including public transport. It would also accord with the thrust of the Government's objective for securing the effective use of land and buildings. Furthermore, the proposal would reinstate the original use of this listed building and ensue that this designated heritage asset does not fall into disrepair. These matters add moderate weight to the appellant's argument for granting permission.

Planning Conditions

11. In addition to the 'standard' condition requiring development to commence within three years, in the interests of certainty a condition would be necessary specifying the approved plans. To encourage travel by sustainable modes of transport a condition would be necessary requiring the provision and retention of secure and covered cycle parking.

Overall Conclusion

12. I have found that the proposal would accord with some aspects of the development plan and conflict with others. Securing sustainable development lies at the heart of both local and national planning policies. The proposal would not offend any economic, social or environmental objectives or result in any adverse impact. It would comprise sustainable development. This and my findings in respect of the other matters outweighs the conflict with AP policy AP55 and NP policy CTC4.

13. Given all of the above, I conclude that the appeal should succeed.

Neil Pope

Inspector

SCHEDULE OF PLANNING CONDITIONS

1. The development hereby permitted shall commence no later than three years from the date of this decision.

2. The development hereby permitted shall be undertaken in accordance with the following approved plans: 1:1,250 scale site location plan (drawing ref. 680/PL11A); 1:200 scale block plan (drawing ref. 680/PL12A) and; 1:50 scale proposed floor plan (drawing ref. 680/PL10).

3. The dwelling hereby permitted shall not be occupied until details of secure and covered cycle storage facilities for use by occupants have been provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be retained thereafter.