The Planning Inspectorate

Appeal Decision

Site visit made on 16 June 2020

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 6th July 2020

Appeal Ref: APP/A2335/W/20/3245589
Grand Car Centre, 16 Whitegate, White Lund Industrial Estate, Morecambe, Lancaster LA3 3BS

- 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 Ms Susan Kay (Sue's Tuck Truck) against the decision of Lancaster City Council.
- The application Ref 19/00433/CU, dated 05 June 2018, was refused by notice dated 26 July 2019.
- The development proposed is Retrospective application for the change of use of car sales forecourt for the siting of a mobile catering van (A5).

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application form submitted with the appeal is not dated. Therefore, I have taken the date of the application from the appeal form in the banner heading above.

3. The description of the development in the application form is 'I am proposing to site a small mobile catering truck on the forecourt belonging to the Grand Car Centre. I would like to change the use of this part of the land'. However, the development has already been carried out and the mobile catering van was present at the time of my visit. Therefore, I have adopted the description of the development from the decision notice in the banner heading above.

4. There are advertisements on the footway near to the scheme that refer to opening times as 0900 to 1500 Mondays to Fridays and 0900 to 1200 on Saturdays. However, the application form states that the hours of opening would be 0700 to 1400 Mondays to Fridays and 0700 to 1200 on Saturdays.

5. Therefore, I have determined the appeal on the basis that the proposal seeks to regularise the ongoing use and for the hours that have been applied for.

Main Issue

6. The main issue is whether or not the location is suitable for the development, having regard to local and national planning policy relating to town centre and employment uses.

Reasons

7. The appeal site is part of a forecourt used for the parking and storage of cars to the front of a single storey building in use for car sales. It is in the White Lund Industrial Estate, which is the largest employment area in the district and it is allocated in the Lancaster District Local Plan Adopted September 2008 (the LDLP) for business, industrial and storage and distribution uses.

8. Policy DM15 of the Lancaster City Council Local Plan for Lancaster District 2011-2031 Development Management Development Plan Document Adopted December 2014 (the DMDPD) seeks to retain employment land except in certain circumstances. These include where an employment use is no longer appropriate and viable, the site is no longer suitable, the re-use would meet the Council's wider regeneration objectives or the benefits would outweigh the loss of the employment site.

9. There is evidence before me of continuing demand for employment land and premises in this location, partly as a result of the opening of the Bay Gateway (the M6 link road). However, it has not been demonstrated that the appeal site is not suitable for continuing employment use or that the development contributes to regeneration objectives for the area. Nevertheless, I acknowledge that the development has resulted in only a small loss of employment land.

10. Policy DM1 of the DMDPD requires proposals outside of town centre locations or which are not in accordance with the development plan land allocations to demonstrate that the sequential test has been applied. This is consistent with policies in the National Planning Policy Framework (the Framework) that require main town centre uses to only be located in out of centre locations if there are no suitable town centre or edge of centre sites.

11. In this case, there is no evidence that any alternative sites were investigated or discounted. On the basis that no sequential test was carried out, the scheme fails to demonstrate that there are no suitable sites in accordance with the town centre aims in the development plan and the Framework. By virtue of its location, the scheme does not contribute to the vitality and viability of town centres.

12. The development is in an accessible location for people employed in, and visiting, the White Lund area. However, it is in a settlement that has food retail premises elsewhere, including on nearby Westgate. I accept that some people in the area will have limited time during the day to purchase food. However, there is no substantive evidence in this respect to demonstrates a significant need for the development in this location or that it results in significant benefits. Furthermore, it has not been demonstrated that the development is not detrimental to town or local shopping areas.

13. Therefore, the appeal site is not a suitable location for the development, with particular regard to the loss of employment land and the vitality and viability of town centres. The development conflicts with saved Policy EC5 of the LDLP and Policies DM1 and DM15 of the DMDPD. It also conflicts with the aims of the Framework in relation to supporting the role of town centres.

14. I note the Council's concerns that, if it was allowed, the development would set a precedent for future applications to come forward without any exceptional

locational justification. However, there is nothing before me to suggest that there is a reasonable prospect of similar development being repeated in this area. In any case, the Council would retain the right to consider each scheme on its individual merits, including any likely cumulative adverse impacts.

Other Matters

15. While I have no reason to doubt that people in the surrounding area will use the mobile catering van, I am not aware of third party representations in support of it. Therefore, this does not weigh in favour of the scheme.

16. In the absence of off-street parking provision, the Highways Authority recommends a temporary 12 month permission should be granted to allow an assessment of the impact on the surrounding highway network. However, even if the development does not harm to the safe operation of the highway, it nevertheless conflicts with the development plan. Therefore, this is not a matter that weighs in favour of the scheme.

Conclusion

17. For the reasons set out above, the appeal scheme is in conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal scheme is dismissed.

Sarah Manchester

INSPECTOR