
Appeal Decision

Site visit made on 24 June 2020

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Appeal Ref: APP/V0728/W/20/3248717
11, High Street, Lazenby TS6 8DZ

- 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 Lynn Mitchell against the decision of Redcar & Cleveland Borough Council.
 - The application Ref R/2019/0390/FF, dated 13 June 2019, was refused by notice dated 19 December 2019.
 - The development proposed is described as change of use from derelict public house to community centre.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The site address specified in the heading above is taken from the planning application form and differs to that entered on the decision notice. From my site inspection, I am satisfied that parties refer to the same site as defined on the submitted site plan. As the latter refers to a former business, I am satisfied that the site address as originally specified by the appellant is correct.

Main Issue

3. The main issue is the effect of the proposed change of use upon levels of on-street parking and possible safety issues for users of the highway.

Reasons

4. The appeal site comprises the ground floor of a former public house which is located upon main vehicular and pedestrian route through Lazenby. The area is predominantly residential, interspersed with a limited number of community services and facilities. A series of narrow terraced residential streets run off High Street in the vicinity of the site. The area is characterised by an absence of on-site parking to serve properties. As such, there is a heavy reliance upon on-street car parking. Indeed, during my site inspection I observed that on-street car parking in the surrounding area was prevalent to a point that was nearing capacity.
5. I have noted that the site is within reasonable walking distance to residential areas. I am aware that the occupiers of surrounding residential properties would have been exposed to parking and vehicular movements of customers

and servicing associated with the former use of the site. Nonetheless, there is an absence of a local bus service within easy reach of the site. Although a rear yard area is included within the application site red line boundary, no details of any potential for on-site car parking have been provided. No provision for any other off-street parking provision for vehicles visiting the appeal site have been proposed. Furthermore, the area of the floor space and submitted layout have indicated to me that the proposed use would be capable of attracting a corresponding proportion of visitors at any one time and consequential adverse implications for parking and safety of users of the highway. However, to counter this, the submitted evidence does not provide sufficient details of how many visitors would be expected at any one time, how visitors would travel to and access the site and when those visits would take place relative to one another.

6. In light of these facts, I cannot be satisfied that the probability of conflict with users of the highway would be unlikely to occur as a consequence of the appeal proposal. Therefore, I find that the effect of the proposed change of use upon levels of on-street parking would be harmful to the safety of users of the highway.
7. The appellant has advanced that the appeal proposal would be no greater in effect than the use of the site as a public house. However, no evidence has been brought before me that would suggest that the resumption of that use would be viable and therefore constitute a realistic option to draw a comparison against. Neither have any details been put before me to confirm that the terms of that former use would be unrestricted. Similarly, the appellant has submitted that the site benefits from Permitted Development for equivalent alternative uses for the site. However, this argument was not fully developed as part of the evidence submitted to adequately substantiate the appeal proposal. For these reasons none of these arguments justify the harm that I have identified.
8. Policy S4 (e) of the Redcar and Cleveland Local Plan (adopted May 2018) states that locations should be avoided that would put human safety at unacceptable risk. Furthermore, part (p) of that policy expects developments to provide suitable and safe vehicular access and parking suitable for its use and location. The appeal proposal conflicts with this policy in these regards.
9. I note that the Local Plan contains a number of other policies which seek amongst things to direct development to the most sustainable locations as well as supporting development that would involve re-use existing buildings, enhance areas, safeguard the living conditions of occupiers of neighbouring properties, reduce health inequalities and raise aspirations and skills. Nonetheless, I find that compliance with these is out-weighted by the harm to highway safety and conflict with Policy S4 (e) and (p). Accordingly, I find that the appeal proposal conflicts with the development plan when taken as a whole.

Conclusion

10. For the reasons set out above, I conclude that this appeal should be dismissed.

C Dillon

PLANNING INSPECTOR