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# Appeal Decision

Site visit made on 21 July 2020

**by Sarah Manchester BSc MSc PhD MEnvSc**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> August 2020**

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**Appeal Ref: APP/J2373/W/3252490**

**Unit 2 Woodman Centre, Vicarage Lane, Blackpool FY4 4ND**

- 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 Mr Ben Smith (Sunseekers Sunbeds) against the decision of Blackpool Borough Council.
  - The application Ref 19/0688, dated 17 October 2019, was refused by notice dated 11 December 2019.
  - The development proposed is use of premises as a tanning salon.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. Planning permission was granted in 2007 for Class B1 or Class B8 use, motor vehicle and/ or bicycle showroom or kitchen showroom. The permission was varied in 2010 to allow the appeal premises to be used as a bedroom or furniture showroom with ancillary sales.
3. Prior to the appeal proposal, the premises were in use for approximately 8 years as a flooring showroom with sales, which the Council states is sui generis use not dissimilar to the approved uses. Notwithstanding the development is described in the application form as change of use of former retail unit (A1) into tanning salon (sui-generis), there is no substantive evidence that the lawful use of the site is Class A1. Therefore, I have adopted the description of the development from the decision notice and the appeal form in the banner heading above and I have determined the appeal accordingly.

## Main Issues

4. The main issues are the effects of the proposal on:
  - i) The supply of employment land and premises; and
  - ii) The vitality and viability of town centres.

## Reasons

*The supply of employment land and premises*

5. The appeal site is a single storey detached commercial building in the Vicarage Lane/ South Shore business park, which is safeguarded for industrial and business uses. Adjacent land uses include residential and retail.

6. By virtue of being intensively developed and constrained, there are limited opportunities for future employment development and expansion in Blackpool. Accordingly, Policy CS3 of the Blackpool Local Plan Part 1: Core Strategy (2012-2027) Adopted January 2016 (the CS) seeks to retain safeguarded employment land. Furthermore, Policy DE1 of the Blackpool Local Plan 2001-2016 Adopted June 2006 (the LP) states that land within defined industrial/business estates will be retained for industrial and business issues and the development of retail or other non-class B uses will not be permitted.
7. The proposal is not an industrial or business use. Although currently vacant, the appeal premises were occupied historically and until relatively recently. I accept that there was little serious interest in the premises during the time that a new tenant was being sought. However, there is little evidence that the premises were offered at a realistic price, marketed through appropriate means and for an adequate length of time. The premises are in good condition and there do not appear to be any constraints to a future employment use. Therefore, while the relevant policies might not specifically require evidence of marketing, in the absence of any such information I am not persuaded that an employment use of the premises would not be commercially viable.
8. Therefore, the proposal would result in the loss of existing employment premises within a defined industrial/ business estate. It would conflict with the aims of saved Policy DE1 of the LP and Policy CS3 of the CS. It would conflict with the aims of the National Planning Policy Framework (the Framework) in relation to the need to allocate sufficient sites to deliver strategic priorities, including making sufficient provision for employment development.

*The vitality and viability of town centres*

9. Blackpool is an underperforming town centre in need of investment to maintain its vitality and viability. Consequently, Policy CS4 of the CS seeks to avoid retail and other town centre uses in edge of centre and out of centre locations except in specific circumstances including where there are no available more central locations, that the proposal would not harm existing centres or undermine the Council's regeneration aims for the centres, and the site is readily accessible by sustainable transport modes. This is consistent with the aims of the Framework that require main town centre uses to be located in accordance with a town centre first approach.
10. Notwithstanding that the appeal site is in a reasonably accessible location, the proposed tanning salon does not require an out of centre location. While the proposal might not result in significant harm to the vitality and viability of the town centre, it would undermine the Council's regeneration objectives and it would contribute to cumulative adverse effects on the town centre.
11. The evidence seeks to demonstrate that there are no suitable sequentially preferable town centre premises. However, this is based on a single search for commercial units listed on the Rightmove website and it did not include local property agent listings. Moreover, on the basis of the restricted search area, it is not clear that edge of centre or alternative out of centre sites were considered. Therefore, I cannot be certain that a satisfactory sequential assessment was carried out or that there are no sequentially preferable sites.
12. My attention has been drawn to a previous failed business investment in Blackpool town centre. While the failure is attributed in part to customers' not

being willing to drive into the centre and pay for parking, there are tanning salons in town centres elsewhere including locations with no off-street parking and limited on-street parking. Therefore, I am not persuaded that the town centre would be an unsuitable location for the proposal or that the previous business provides a justification for the appeal site.

13. There is a small sandwich shop in the business park which, although not an employment use, is nevertheless a compatible use. There is no substantive evidence to demonstrate that other premises in the business park are not in appropriate business uses. The large retail stores and leisure facilities elsewhere in the area are not in the area safeguarded for employment. On the basis of the evidence, nearby retail and town centre uses are not directly comparable to the appeal scheme and they do not provide a justification for it.
14. Therefore, the proposal fails to demonstrate that there are no sequentially preferable sites. Consequently, it would conflict with the town centre and regeneration aims for Blackpool of Policy CS4 of the CS. It would conflict with policies in the Framework relating to ensuring the vitality of town centres and that require proposals to satisfy the sequential test.

### **Other Considerations**

15. I appreciate the appellant's preference is for premises that are new or otherwise in excellent condition, that are accessible and that minimise the risk of crime. However, this does not provide a justification for the appeal proposal.
16. The creation of employment for 5 full-time staff would be a small benefit. However, there is little evidence that an employment use of the site could not provide a similar level of employment without the harm that I have found.

### **Conclusion**

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

*Sarah Manchester*

INSPECTOR