Appeal Decision

Site visit made on 28 July 2020

by AJ Steen BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2020

Appeal Ref: APP/Z3825/W/20/3246753
National Westminster Bank Plc, High Street, Henfield BN5 9HQ

- 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 Simon Lambor against the decision of Horsham District Council.
- The application Ref DC/19/1461, dated 18 July 2019, was refused by notice dated 12 September 2019.
- The development proposed was described as "change of use from former NatWest Bank (A2) to single residential dwelling (C3)".

Decision

1. The appeal is allowed and planning permission is granted for the change of use from former NatWest Bank (use class E) to single residential dwelling (use class C3) at National Westminster Bank Plc, High Street, Henfield BN5 9HQ in accordance with the terms of the application, Ref DC/19/1461, dated 18 July 2019, and the plans submitted with it, subject to the condition at the end of this decision.

Preliminary Matter

2. Listed Building Consent has been granted under reference DC/18/1997 for "works to facilitate the change of use from A2 financial into a single dwellinghouse." These works have been undertaken such that I was able to view the dwellinghouse on my site visit. Nevertheless, I have considered the appeal based on the drawings provided.

3. In undertaking those works, the development subject of this appeal has commenced. I note that the property is unoccupied at present such that it is not yet in residential use.

4. On 1 September 2020 the Town and Country Planning (Use Classes) Order 1987 (UCO) was amended. Uses within class A have been revoked and a new class E has been created that incorporates a number of previous classes including A1, A2 and B1. This means that a change of use between these classes would no longer require planning permission. I allowed the parties to comment on that and have taken their responses into account in coming to my decision. I have amended the description of development in my decision to relate to the current situation.

Main Issue

5. The effect of the change of use on the vitality and viability of Henfield High Street.

Reasons

6. The former NatWest Bank in Henfield is located within a terrace of buildings the remainder of which are in commercial uses, including Post Office, shops and cafes. It comprises two floors, with a single storey flat roofed extension to the rear. It does not have a shopfront but, at ground floor, has a central door with sash windows to either side. The previous bank use would have fallen within what was use class A2, now falling within class E.

7. Policies 12 and 13 of the Horsham District Planning Framework (HDPF) identify Henfield as a secondary centre. The former NatWest Bank is located within the primary retail frontage of Henfield. The policies seek to protect centres in order to sustain their roles in meeting needs and acting as a focus for a range of activities including retail, leisure and recreation, as well as residential use. They encourage the provision of main town centre uses within the centres and set maximum percentages for non-retail uses. In the case of non-commercial proposals, consideration is to be given to the importance of the building within the frontage and evidence of marketing of empty properties is required.

8. The proposal would result in the loss of a unit available for a commercial or leisure use within the centre of Henfield. The property has been marketed for the previous A2 use or a B1 office use since early September 2018. A marketing report dated February 2020 has been supplied with the appeal, and a marketing board was on the front elevation of the building, stating "office to let" at the time of my visit. The marketing report suggests that there were two telephone enquiries, including one for use as a dance studio, but these did not result in viewings. In July 2019, the marketing changed to reflect a smaller refurbished unit for use under the former classes A1, A2 or B1. This reflected Council advice that, if such a change of use required planning permission, this was likely to be possible.

9. The agents suggest that the demand for buildings for financial and professional services is limited and that such users no longer require a High Street presence. Demand for retail premises is also restricted and shop units normally desire good visibility from the High Street. However, there is no display window in the front of this building and that limits visibility. They conclude that the rent advertised is realistic and that the owners would have been open to negotiation. I understand that a solicitors' office and two other bank branches, one of which has been vacant and on the market for three years, have closed in Henfield in recent years.

10. The Council suggest that alternative uses have not been explored, such as café, micropub, health clinic or exercise studio. However, Policy 12 acknowledges that residential uses also contribute to a diverse range and choice of suitable uses within town and village centres.

11. My attention has been drawn to the potential for a smaller commercial unit at the front of the building that may be more attractive to commercial operators, with a maisonette to the rear. That maisonette would solely have access from the car park behind the building. The appellant has provided evidence to

demonstrate that, as there are no permanent rights of access over that car park, this would be impractical.

12. Taking account of all the above, I conclude that, on balance, the change of use would not materially affect the vitality and viability of Henfield High Street. As such, it does not conflict with Policies 12 and 13 of the HDPF.

Other matters

13. The former NatWest Bank is in the middle of a terrace that are listed Grade II as a single building. The ground floor of the terrace mainly comprise shop units. However, this section of the listed building comprises a double fronted terraced property, rendered to the front and with a single storey flat roofed extension to the rear. The significance of this building as a heritage asset comprises its modest, domestic, front elevation within the terrace. It is within Henfield Conservation Area that comprises a mix of development around the High Street. This listed building contributes to the significance of the conservation area as a heritage asset.

14. The physical changes to the building as part of this application for a change of use have been granted Listed Building Consent and implemented. These comprise internal changes resulting in a largely open plan layout to the ground floor and removal of the bank vault to the rear. These changes have not altered the significance of the building as a heritage asset.

15. The use of the building as a dwelling would have a different effect on the conservation area and adjoining listed buildings than use as a bank. There would be less people coming and going and it would alter the relationship between the building and the centre of Henfield. However, it has the appearance of a dwelling and the limited reduction in the number of people coming and going would not materially affect the busyness of the conservation area.

16. For these reasons, I conclude that the proposed change of use would preserve the listed building, including features of special architectural or historic interest, and the character and appearance of the conservation area. Consequently, it would not affect the significance of these heritage assets. As such, it would comply with Policy 34 of the HDPF and chapter 16 of the National Planning Policy Framework that seek to sustain and enhance the historic environment, including by ensuring that development in conservation areas is consistent with the special character of the area and secure a viable and sustainable future for heritage assets.

17. I note that the site plan only identifies the area of the existing building and the Council indicate there may be limited outside amenity space provided for use of occupants of the dwelling. Nevertheless, they do not suggest this would cause harm to the living conditions of prospective occupiers and I see no reason to disagree with their conclusions in this regard.

Conditions

18. I have imposed a condition to ensure that details of how the dwelling will comply with Building Regulations Optional Requirement G2 and provide superfast broadband speeds of at least 30 megabytes per second, and that facilities for cycle parking, refuse and recycling storage are submitted, approved and implemented so as to make the development acceptable in

planning terms. There is a strict timetable for compliance because permission is being granted retrospectively, and so it is not possible to use a negatively-worded condition to secure the approval and implementation of the outstanding matters before the development takes place.

19. The condition will ensure that the development can be enforced against if the required details are not submitted for approval within the period given by the condition, or if the details are not approved by the local planning authority or the Secretary of State on appeal, or if the details are approved but not implemented in accordance with an approved timetable.

20. A number of conditions were requested by the Council that related to hours of work, contamination and noise insulation. However, the need for them, and how they would be implemented, was not clear taking into account the location of the dwelling and that it is a listed building. Consequently, I have not included requirements relating to these matters.

21. I have not included a condition removing permitted development rights as I do not consider it to be necessary. Such rights should be removed only in instances of specific and precise justification. I find no exceptional circumstances in this case such as to warrant the wholesale removal of these rights.

Conclusion

22. For the above reasons and taking into account all other matters raised I conclude that the change of use from a bank to a dwelling would not conflict with the development plan and the appeal should succeed.

AJ Steen

INSPECTOR

Condition

The use hereby permitted shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in i) to iv) below:

i) Within 3 months of the date of this decision schemes for provision of cycle parking, refuse and recycling storage facilities and superfast broadband speeds of at least 30 megabytes per second, and to comply with Building Regulations Optional Requirement G2, shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.

ii) If within 11 months of the date of this decision the local planning authority refuse to approve the schemes or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.

iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved schemes specified in this condition, those schemes shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.