



Appeal Decision

Site visit made on 13 October 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2020

Appeal Ref: APP/M3645/W/3246805

31b Banstead Road, Caterham, CR3 5QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Home Build Centre (Caterham) Ltd against the decision of Tandridge District Council.
 - The application Ref 2019/2162/NC, dated 12 December 2019, was refused by notice dated 4 February 2020.
 - The development proposed is the change of use from Use Class A1 (Retail) to Use Class C3 (Residential) for use as 2 x apartments (Prior Notification).
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Decision

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from Use Class A1 (Retail) to Use Class C3 (Residential) for use as 2 x apartments (Prior Notification) at 31b Banstead Road, Caterham, CR3 5QH in accordance with the terms of the application Ref 2019/2162/NC, dated 12 December 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 19/070-01, 19/070-02, 19/070-03, 19/070-04, 19/070-05.

Procedural Matters

2. I have determined the appeal on the plans submitted. For clarity, the description of the proposed development in the banner heading above is taken from the Council's decision notice.
3. A recent appeal decision¹ at the same site was issued during the course of the appeal, as such both parties were invited to comment on its content. The Decision related to an application for full planning permission and therefore carries limited weight in the appeal.

Main Issue

4. The main issue is the effect of the proposed change of use on retail service provision in the area.

¹ APP/M3645/W/19/3242279

Reasons

5. The proposed development is located within a previously occupied retail unit, understood to have been vacant since the New Year. The site is not located in a 'key retail' area.
6. The proposal satisfies the provisions of Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). However, in relation to Section M.2 the Council considers the proposal to not be desirable in terms of the proposed change of use. Specifically, whether the proposed change of use would result in an inadequate provision of retail services in the area and whether there is a reasonable prospect of the retail space being used to provide such services in future.
7. The retail unit is understood to have been marketed continuously since April 2019. A further update, including detail of the marketing, recipients of marketing materials and subsequent interest has been provided, dated 30th January, by the appellant as part of the appeal and which parties have opportunity to comment on. Although the Council infer that an adequate marketing period would be 12 months for such a proposal this is not a specific requirement of the GPDO. I also noted at the time of my visit, the unit appeared to be being marketed as previously confirmed by the appellant.
8. I have no substantive evidence before me to consider that the property has been the subject of an unrealistic valuation. The lack of apparent interest in the retail unit demonstrates there is no reasonable prospect of the retail unit being used to provide retail services in future.
9. The unit is located in a largely residential area, the adjacent building is a convenience store which has had approval in place since 2018 for residential conversion. I concur that this should not be seen as rationale in itself to allow the appeal and the appeal should be considered on its own merits. The neighbouring approval does not appear to have been enacted nor are there any indications of any imminent change being likely. I cannot therefore be certain there will be any loss of the neighbouring store to local retail space.
10. Other retail offers exist within a relatively short walk of the unit, including convenience stores and a larger supermarket. I acknowledge that these constitute a different service than that previously provided by the hardware store and few appear to be independently owned. However, I have no reason to consider that there is a local demand for such premises from the evidence provided.
11. The Council has concerns regarding the marketing undertaken by a single commercial agent outside of the immediate area. However, as referred to in the previous appeal decision¹, the location of the agent in Purley is a short distance from the property, as such their location would not appear unsatisfactory, neither would it seem inappropriate for the marketing to have been undertaken by a single agent.
12. The Council refer to a depleting stock of retail units across the District. However, no substantive evidence has been provided to demonstrate that this is an issue, particularly in the immediate area of the proposal.
13. Therefore, I consider that the proposal satisfies the requirements of the GPDO.

Conditions

14. Although no conditions have been proposed by either party, for clarity and accuracy a condition relating to the development proceeding in accordance with the approved plans is necessary.
15. The Highway Authority did propose conditions regarding access and parking provision however these were not considered to be appropriate for imposing on such a prior approval.

Conclusion

16. For the reasons above the appeal is allowed and approval is given for the proposed change of use.

M Scriven

INSPECTOR