



Appeal Decisions

Site visit made on 17 November 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal A Ref: APP/Y9507/W/19/3243468

Riverbank, High Street, Petworth, West Sussex GU28 0AU

- 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 Mrs Sheila Hart against the decision of South Downs National Park Authority.
 - The application Ref SDNP/19/04624/FUL, dated 20 September 2019, was refused by notice dated 9 December 2019.
 - The development proposed is change of use of rear room currently used as retail store and first floor offices to residential to form a self-contained two bedroom flat. Soundproofing and fireproofing internal walls. Formation of WC at ground floor level.
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Appeal B Ref: APP/Y9507/Y/19/3243470

Riverbank, High Street, Petworth, West Sussex GU28 0AU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Sheila Hart against the decision of South Downs National Park Authority.
 - The application Ref SDNP/19/04625/LIS, dated 20 September 2019, was refused by notice dated 9 December 2019.
 - The works proposed are internal alterations including installation of dividing walls and sound/fire proofing party floors to facilitate change of use.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The proposed development and works affect a listed building located in a conservation area, and I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. As both appeals relate to the same site, I shall therefore consider them in a single document, in the interests of brevity.
4. The site address and the description of the proposed development and works as detailed on the application form have been amended in subsequent documents. I have adopted the address detailed on the appeal forms and the descriptions included within the decision notices, which identify the appeal premises and the extent of the proposed development and works more precisely.

Main Issues

5. The main issues are:

- In respect of Appeal A, the effect of the proposal on the vitality and viability of Petworth town centre; and
- In respect of Appeal B, whether the proposed development and works would preserve the special architectural and historic interest of the Grade II listed building.

Reasons

Vitality and viability

6. The appeal site comprises a two-storey terraced property and a low storage building along its rear boundary. The premises, which are presently vacant, include a ground floor retail unit and offices at first floor level. The site lies within the centre of Petworth, an attractive market town which is defined as an affluent catchment area with a high quality independent shopping offer and low retail vacancy rates. Whilst it lies on the edge of the shopping precinct, the High Street, where the appeal building is situated, nevertheless retains a mercantile character, by reason of the number of commercial units, particularly in proximity to the Golden Square. This is also illustrated by the fact that the site forms part of the area designated as a Primary Shopping Frontage.
7. The appeal scheme seeks to convert part of the ground floor space and the whole of the first floor level into a two-bedroom dwelling. The appellant's submissions indicate that the appeal premises were first marketed for sale from January 2017 at a price guide of £700,000, which was subsequently reduced to £650,000 in January 2018. A distinct agent was instructed in December 2018, when the guide price was further reduced to £500,000. This suggests that the original guide prices may have proved unrealistic.
8. As part of the marketing exercise, the property was advertised by a variety of means, including the preparation of sales particulars, the erection of a 'For Sale' board, and advertising on 'all main internet property portals'. Although there seems to have been little interest for the property, this could be for a number of reasons. In particular, I have been presented with limited evidence to explain how the guide price was set out, other than calculations using the price per square metre of a small number of other premises sold in the area in recent years.
9. In the absence, for example, of a more detailed valuation carried out by a suitably accredited professional, I am unable to ascertain, on the basis of the available information, whether the present guide price constitutes a realistic value of the appeal premises in the current market, and reflecting their present condition. As a result, the guide price may have dissuaded potential offers from prospective purchasers to express interest in the premises, which could explain why they have not been sold to date. It is also unclear whether the premises were also marketed for letting for example.
10. The proposed development and works would significantly reduce the size of the area available for trading, not solely by reason of the floorspace which would be lost to residential use, but also the limited size of the area provided for storage, refuse and ancillary activities. The size of the shop would be further

eroded by the toilet facilities which would have to be provided within premises of a reduced size. For these reasons, the proposal would reduce the size of the shop to such an extent that it would unacceptably undermine the viability of the premises. This would in turn adversely affect the viability and vitality of Petworth Town Centre.

11. It is accepted that the minimum marketing period appears to have been adhered to, and that the premises have remained vacant for a long period of time. However, having regard to the available evidence, I am unable to conclude that the marketing exercise was sufficiently robust or provide enough justification for reducing the size of the retail premises to this extent. Sufficient information to demonstrate that it would no longer be viable to retain the ground floor premises as a whole in some form of commercial use is also lacking. Additionally, there is no substantive evidence demonstrating that the proposed arrangement would prove more viable.
12. The appeal scheme would not result in the loss of a retail unit in its entirety, but it would nevertheless erode the viability of the ground floor premises by reducing their size to a harmful degree. This would have a detrimental effect on the vitality and viability of Petworth town centre. The proposal would therefore conflict with Policies SD1 and SD37 of the South Downs Local Plan (2014-33)¹ (LP) and Policy WS1 of the Petworth Neighbourhood Plan².
13. These policies seek to protect the vitality and viability of the retail function of the market towns and village centres sited within the National Park. It would also be contrary to section 7 of the National Planning Policy Framework (the Framework), which requires planning policies and decisions to support the role that town centres play at the heart of local communities. The policies which I have been referred to do not however preclude the loss of employment premises, and I find no conflict with Policy SD37 in that particular regard.

Heritage Asset

14. The appeal property, which may date from the 17th century, is a Grade II listed timber-framed building with more recent herring-bone infilling and a plain clay tiled roof. It forms the end of a terrace of houses subsequently converted to shops, as exemplified by the addition of relatively modern shopfronts. The significance of this designated heritage asset derives primarily from its early origins and retention of its timber frame and traditional construction. There is no doubt that the appeal property, together with the numerous surviving buildings, make an important contribution to the considerable sense of historic character which defines the Petworth Conservation Area, as notably derived from its tight urban grain and strong sense of enclosure.
15. The proposed works would require the erection of a partition wall to formally subdivide the retail unit from the proposed dwelling. They also include the installation of plasterboard and skim between existing joists and to internal walls to provide noise insulation and fireproofing. Whilst the appeal scheme may not lead to the loss of historic fabric, the proposed subdivision would cause harm to the building's internal layout. The proposed works would also hide the building's timbers, which are presently largely exposed and contribute to the special interest of this designated heritage asset.

¹ Adopted July 2019.

² Made July 2018.

16. As a result, these alterations would have a detrimental effect on the significance of this listed building, and have a harmful effect on its understanding and appreciation. Although the appellant considers these works necessary to meet Building and Fire Regulations, there is nothing before me to suggest that alternative solutions have been explored to preserve the significance of the listed building.
17. The proposal would cause less than substantial harm to the special interest of the Grade II listed building. In such circumstances, paragraph 196 of the Framework states that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Although the appeal scheme could secure the long term future of the building by bringing it back into use, I have been presented with limited evidence to demonstrate that the proposed arrangement would represent the optimum viable use for these premises. Overall, the harm identified would not be outweighed by the limited public benefits which would be derived from the proposal.
18. No concerns have been raised by the Authority regarding the effect of the proposal upon the character or appearance of the Petworth Conservation Area, and there are no reasons for me to reach a different view. The proposed changes affecting the listed building itself would be internal and the works relating to the outbuilding at the rear are considered acceptable. Given the above, the appeal scheme would not be detrimental to the Conservation Area and would thus preserve its significance.
19. The appeal scheme would however fail to preserve the special architectural and historic interest of the Grade II listed building. It would therefore fail to accord with LP Policies SD12 and SD13, and section 16 of the Framework, which seek to ensure that development proposals preserve or enhance the significance of designated heritage assets. The proposal would also conflict with the first purpose of designation of the South Downs National Park, which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

Conclusion

20. For the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

S Edwards

INSPECTOR