The Planning Inspectorate

Appeal Decision

Site visit made on 1 April 2021

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Appeal Ref: APP/J1535/W/20/3261203
1 Market Place, Abridge, Essex, RM4 1UA

- 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 David Blackledge against the decision of Epping Forest District Council.
- The application Ref EPF/0395/20, dated 23 January 2020, was refused by notice dated 24 April 2020.
- The development proposed is the partial conversion of the existing retail/shop unit and staff facilities to a retail/shop unit towards the front and residential accommodation to the rear.

Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. Firstly, the effect of the loss of part of the retail floorspace on the village function of Abridge; secondly, the effect on the living conditions of future occupiers of the residential unit with respect to size, daylight and sunlight; and thirdly, the effect of the proposed development on the integrity of the Epping Forest Special Area for Conservation.

Reasons

3. The appeal site lies in the centre of Abridge, a village with limited retail facilities. In addition to the appeal premises I saw three other small shops in the village centre; currently a delicatessen, a florist and a fireplace and wood-burner showroom, as well as a number of pubs, a restaurant and a funeral director.

4. The appeal site comprises a ground floor retail unit and is currently occupied as a beauty salon. At the time of my site visit the salon was closed, presumably due to Covid-19 restrictions, but the proprietor was on site undertaking painting and decorating. With the exception of the w.c. and small kitchen the whole of the ground floor unit was fitted out as a beauty salon, including a number of cubicles containing sunbeds. The premises appeared to be of a good quality and well maintained.

5. Policy TC6 of the Epping Forest District Local Plan Alterations (LP), 2006, resists the change of use to any non-retail use of shop premises in, amongst other locations, villages unless it can be demonstrated that (i) there is no market demand for a retail use. In this case where the proposed change of use would be to a residential use the other exceptions would not apply because there is no alternative retail provision proposed and the new use would not meet an identified community need. Emerging Policy E2 of the Epping Forest District Local Plan Submission Version (LPSV), 2017, similarly protects village shops.

6. The proposed change of use seeks to divide the ground floor and convert the rear portion, including the entrance, toilet, kitchen, the area shown as an office on the submitted plan and about a third of the remaining retail floorspace into a one bedroom residential unit. The remaining space would be retained as retail floorspace and a new w.c. and kitchenette would be installed. Although the evidence states that there would be no change to the number of employees at the site it is clear that the current beauty salon could not continue to provide the same level of facilities in the significantly reduced area.

7. The loss of about half of the premises to a non-retail use, in the absence of any evidence to demonstrate that there is no market demand for a retail use over the entire floorspace, would be contrary to LP Policy TC6, notwithstanding that some retail floorspace would remain. Moreover, the National Planning Policy Framework (NPPF) in paragraph 83(d) expects planning policies and decisions to enable the retention and development of accessible local services such as local shops and paragraph 91(c) expects policies and decisions to enable and support healthy lifestyles through the provision of, amongst other things, safe and accessible local shops. The loss of retail floorspace in a village centre would conflict with both of these aims.

8. The appellant refers to the limited public parking facilities for shoppers and states that an increase in parking restrictions locally has adversely affected retail outlets in Abridge. However, no evidence is provided to demonstrate this and although parking is limited there are a number of spaces close by and many dwellings in the village lie within walking distance of Market Place. The availability of parking would not therefore justify the proposed change of use.

9. It is concluded on the first main issue that the proposed loss of part of the retail floorspace, in the absence of any evidence to demonstrate that there is no market demand for it, would have a materially detrimental effect on the village function of Abridge and would conflict with LP Policy TC6, LPSV Policy E2 and the NPPF.

10. Turning to the living conditions of future occupiers of the proposed residential unit, the Council estimates that this would have a gross internal area of some 49m². LPSV Policy DM10 requires all new housing to meet or exceed the minimum internal space standards set out in the Technical housing standards – nationally described space standard, 2015. Although the LPSV does not form part of the Development Plan it has been endorsed by the Council as a material planning consideration to be used in the determination of planning applications and the plan has been submitted for independent examination. I therefore consider that draft Policy DM10 which seeks to adopt nationally described space standards into the Development Plan can be afforded significant weight.

11. Although the minimum size set out for a one storey dwelling for two people is 50m² a dwelling for one person with a bathroom is required to be at least 39m². The proposed unit would therefore exceed this standard, in compliance with draft Policy DM10. The bedroom and living area would be irregular in shape. Nevertheless, they appear to provide useable space and although the bathroom would be internal, with adequate lighting and mechanical ventilation this would be acceptable.

12. With respect to daylight and sunlight, the existing kitchen has high level obscure glazed panels which allow some natural light into the room. However, their position on the north elevation of the building would mean that there was little or no sunlight penetration. Moreover, the obscure glazing and position, high in the wall would significantly limit outlook.

13. It is proposed to install similar glazing panels adjacent to the existing panels to provide natural light to the lounge/dining area. Elevation plans are not provided but it is assumed that the panels would be at a similar height in the wall to those currently existing and similarly obscure glazed since they look out onto a site that is currently vacant but appears to be undergoing re-development. Like the panels in the kitchen they would thus allow little or no sunlight or outlook. The only other window would be in the bedroom which would overlook a courtyard that provides access to buildings at Auction House to the rear. Overall the internal living conditions would be gloomy and oppressive. Moreover, no outside amenity space is proposed.

14. It is concluded on the second main issue that although the internal space would be satisfactory for one person, the lack of natural light into and outlook from the kitchen and lounge/dining area would have a materially harmful effect on the living conditions of future occupiers which would be exacerbated by the absence of outside amenity space. In consequence, the proposed dwelling would conflict with emerging LPSV Policy DM9 and the NPPF which, taken together, expect new development to provide a high quality of design that secures a high standard of amenity for future users and, in particular, provides for adequate levels of sunlight, daylight and outlook.

15. Turning to the third main issue, the appeal site lies over 3km from the Epping Forest Special Area of Conservation (SAC) and as such the Council confirms that there would be no recreational impacts from the proposed development. Nevertheless, the Council suggests that it would result in an increased amount of traffic and therefore a contribution towards ameliorating the effects of air pollution would be required. No such contribution has been proposed. The development does not propose any new parking spaces and the application form states that there would be no change to the existing parking arrangements for cars/vans. Street parking is limited in the vicinity. The applicant refers to a regular bus service and to there being ample space for cycles and motorcycles.

16. From the limited evidence available it is not possible to determine whether the proposed development would or would not have any material effect on the integrity of the SAC with respect to air pollution. However, as I have found that the proposed development would have a materially harmful effect on the village function of Abridge with respect to the loss of retail floorspace and would be materially harmful to the living conditions of future occupiers of the proposed

dwelling, either of which would provide sufficient grounds to justify dismissing the appeal, I do not need to consider this matter further.

17. Turning to other matters, the appeal site lies within the Abridge Conservation Area and is itself an old building. I agree with the Council's Conservation Officer that the lack of elevation drawings prevents the effect of the proposed development on the character or appearance of the CA from being properly assessed. This adds to my concern.

18. For the reasons set out above and having regard to all other matters raised, including the objection of the parish council, I conclude that the appeal should be dismissed.

K E Down
INSPECTOR