



Appeal Decision

Site Visit made on 7 June 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/D1780/W/21/3270165

21 St James Road, Southampton SO15 5FB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class M.
 - The appeal is made by Mr Rex Vass against the decision of Southampton City Council.
 - The application Ref 20/01776/PAC3, dated 16 December 2020, was refused by notice dated 22 January 2021.
 - The development proposed is described on the application form as change of use of the ground floor from Class A1 to residential C3.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether it would be undesirable for the building to change to a use as a dwellinghouse.

Reasons

3. Before a shop can change use to a dwellinghouse under the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO), a determination is needed as to whether prior approval is required as to various matters. These include whether the change of use would be undesirable because of the impact on adequate provision of services or, where a building is located in a key shopping area, of the impact on the sustainability of that shopping area. There is no evidence of potential harm in respect of adequate service provision.
4. 'Key shopping area' is not defined in the GPDO or National Planning Policy Framework (the Framework). I have been directed to an appeal decision at Anerley Road, where an Inspector noted that the local shopping parade in question did not constitute a key shopping area. However, I have not been provided with the full decision and do not have the benefit of background evidence to understand the basis on which the Inspector reached that conclusion.
5. The St James Road shopping area is a single-sided parade of shops within a generally residential area. A mix of uses provides day to day services for the local population. There is a wider range of shops on Shirley Road, which runs parallel at around 650m distance. On this basis the parade would provide opportunities for nearby residents, particularly those living further from Shirley Road than the site, to access facilities without reliance upon private motor transport, while also promoting healthy lifestyles as advocated by the

Framework. I, therefore, find that the shops around the site should be considered a key shopping area for the purposes of the GPDO.

6. The appeal site is at one end of the parade of shops, adjoining fully residential properties. Like other shops in the parade, it has the appearance of a former dwelling that has had a shop window inserted at ground floor. The return of the unit to a dwelling would, therefore, continue the existing residential zone.
7. It may well be that the sustainability of a shopping area is founded in its ability to provide retail and other shopping centre services, and a range of units and uses would remain. I am mindful, though, that customer choice and a diverse retail offer may be required to ensure ongoing viability of the area as a whole.
8. A claim that the loss of a single peripheral unit would not affect sustainability is not supported by substantive evidence. There is no clear evidence as to how the shopping area functions and the loss of retail premises could hinder its ability to provide an attractive range of services. I, therefore, find that the proposal would harm the sustainability of the key shopping area.
9. Although it appears that No.7 has been vacant for some time, I do not know the circumstances surrounding this vacancy and so it does not give an indication of need, or current and future viability of the shopping area. Therefore, this vacancy does not lead me away from my earlier finding.
10. For the reasons given I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR