The Planning Inspectorate

Appeal Decision

Site visit made on 11 May 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/G0908/W/21/3267633
Former Natwest Bank, 14 High Street, Wigton, Cumbria CA7 9WY

- 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 M J Tagg (Tagg Developments Ltd) against the decision of Allerdale Borough Council.
- The application Ref FUL/2020/0051, dated 27 February 2020, was refused by notice dated 15 December 2020.
- The development proposed is conversion of former bank to provide 1 no. house and 2 no. flats.

Decision

1. The appeal is dismissed.

Procedural Matters

2. In accordance with the statutory duty set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('The Act') I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Wigton Conservation Area (CA). In accordance with the statutory duty set out in Section 66(1) of the Act, I have also given special regard to the desirability of preserving the Wigton Labour Club or its setting or any features of special architectural or historic interest which it possesses.

3. The amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. The Allerdale Local Plan (Part 1) was adopted in July 2014 meaning that it is approximately seven years out of date. However, being out of date does not mean that a policy carries no weight. Policies DM9 and S19 are broadly consistent with the Framework in terms of ensuring the vitality of town centres, so I have afforded them a significant amount of weight in this case.

Application for costs

4. An application for costs was made by Mr J Tagg (Tagg Developments Ltd) against Allerdale Borough Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is whether the vacant ground floor commercial unit to the front of the appeal property is a suitable location for residential use.

Reasons

6. Policy DM9 of the adopted Allerdale Local Plan Part 1 (ALP1) states that applications for uses not defined as main town centre uses on the ground floor of properties within areas of primary frontages will be refused.

7. According to policy DM9 Primary frontages are defined where retail development is concentrated to manage the different town centre uses and protect areas of the centre where the singular or cumulative loss of retail may be considered to have a detrimental impact upon vitality and viability. It goes on to state that applications for uses not defined as main town centre uses on the ground floor will be refused.

8. Policy S16 of the ALP1 aims to promote the vitality and viability of town centres by focussing town centre uses within specified centres and identifies Wigton as a Key Service Centre. The supporting text to policy S16 states that these Key Service Centres perform supportive roles to their catchment areas, offering key services to their respective local and visitor populations. It also states that a broad and varied mix of uses to promote the vitality and viability of town centres within their defined settlement boundaries will be supported, having regard for the protection of primary and secondary frontages.

9. Therefore, the proposal would need to comply with the provisions of policies DM9 and S16 for it to be acceptable in principle. These policies also reflect the approach set out within paragraph 85 of the National Planning Policy Framework (the Framework).

10. The appeal property was formerly a bank and is located within an area designated as primary retail frontage by the development plan. It is now partially vacant on the ground floor at the front of the building. It also has and element of residential use and is occupied as such on the first floor and the rear of the ground floor. The proposal would see the currently vacant ground floor space to the front of the building being used for residential purposes as well as new residential use on the second floor and an intensification of the existing residential use on the first floor and rear ground floor.

11. The proposed residential use of the second floor and the intensification of the existing residential use of the building are not in dispute. The issue of dispute between the main parties is therefore the proposed residential use of the ground floor to the front of the building.

12. The proposed use of the ground floor space to the front of the appeal property would not be a traditional town centre use such as retail or financial services. In support of the appeal scheme the appellant has submitted evidence stating that given the high vacancy rates in this part of Wigton, that the proposal would bring back into use a currently vacant building thereby increasing the vitality and viability of the centre. They have also submitted marketing evidence to show that the building is neither viable nor in demand for a retail or financial services use.

13. However, whilst this evidence shows that the property was marketed between October 2017 and May 2018, and again in July 2018 when it was purchased by the appellant for a reduced price, it also shows that the property has not been actively marketed since and certainly not within a recent six-month period. Therefore, the market for this type of property has not recently been tested.

14. Furthermore, evidence submitted by the Council shows that a former Barclays Bank building has been recently successfully brought back into use within the centre. Consequently, it would not be unreasonable to think that the centre of Wigton is now showing signs of there being a renewed demand for this type of use and that as a result, there is a reasonable prospect of the ground floor unit at the front of the appeal property could potentially be brought back into use for this or another E class use.

15. I note that the appellant has previously worked with the Council to make the property available, rent free, for use as a retail unit and that since October 2018 this has been unsuccessful. However, in the appellant's statement this is attributed to the appeal property not having a shop front making it unsuitable for a retail use. However, this does not necessarily mean that it would be unsuitable for a financial services use.

16. I also note the recent change in government policy towards being more flexible in allowing non-traditional town centre uses in centres and the role that residential use can play in supporting the viability and vitality of such areas. However, according to the Planning Practice Guidance[1] (the Guidance) these uses must be suitably located and complementary to such town centres. It also states that residential development can play this role by giving communities easier access to a range of services. This is similar to the approach outlined in policy S16 and paragraph 85 of the Framework.

17. Therefore, given that the proposed use would remove a potentially marketable financial services unit from the primary retail frontage area of Wigton, to the detriment of the viability of the centre, it would be neither complimentary nor suitably located. It would also therefore, not give the local community easier access to a range of services. Moreover, even though there is currently a high vacancy rate for commercial properties in the area this may not always be the case should the economic circumstances change further.

18. As a result, I find that the ground floor unit at the front of the appeal property could potentially be viable and used as a financial services or other similar commercial unit. I therefore conclude that the vacant ground floor commercial unit to the front of the appeal property is not a suitable location for residential use. Accordingly, it would fail to meet the requirements of policies DM9 and S16 of the ALP1. It would also therefore conflict with paragraph 85 of the Framework.

Other Matters

19. Concerns have been raised by interested parties in relation to highway safety. However, the Highway Authority have not objected to the proposal and from the evidence before me I see no reason to disagree. Consequently, I have not considered this matter further.

20. The appeal property is located next to a grade II listed building, the Wigton Labour Club. It is also within the Wigton Conservation Area. The appeal property is also a non-designated heritage asset. However, as the Council have not raised any concerns and given that I am dismissing the appeal on other substantive grounds, I have not considered these matters further.

[1] Paragraph: 001 Reference ID: 2b-001-20190722

21. I am also aware that there is an ongoing land ownership dispute between the appellant and neighbouring occupiers. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990.

22. None of the other matters raised alter or outweigh my conclusion on the main issue above.

Planning balance and conclusion

23. The proposal would not accord with the development plan when read as a whole and there are no material considerations which indicate a decision otherwise than in accordance with it. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR