



Appeal Decision

Site visit made on 13 July 2021

by J P Longmuir BA(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2021

Appeal Ref: APP/W3710/W/20/3265973

2 All Saints Square, Bedworth, CV12 8LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal for prior notification under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 3, Class M.
 - The appeal is made by Mrs Kalpana Singh against the decision of Nuneaton & Bedworth Borough Council.
 - The application Ref 036860, dated 2 January 2020, was refused by notice dated 24 March 2020.
 - The development proposed is the prior notification for the change of use of part of the ground floor from financial use (A2) to residential (C3).
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Decision

1. The appeal is allowed and prior approval is not required under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) Schedule 2, Part 3, Class M for the change of use of part of the ground floor from financial use (A2) to residential (C3) at 2 All Saints Square, Bedworth, CV12 8LU in accordance with the terms of the application Ref 036860, dated 2 February 2020, and the plans submitted with it, subject to the following condition:

No occupation of any dwelling shall occur until the glazing and ventilation have been fully installed in accordance with full details first submitted to and approved in writing by the Council. The glazing and ventilation shall be maintained as approved thereafter.

Procedural Matters

2. The above description of development is taken from the decision notice, which is more succinct than the application form.
3. Part 3, Class M of the above Order allows for the permitted changes of use to dwellings subject to certain conditions. The developer is required to apply to the local planning authority for a determination as to whether prior approval will not be required, as set out in paragraph W of the Order.
4. I have had regard to the Development Plan and the National Planning Policy Framework (the Framework) but only in so far as they relate to the considerations in Class M.

5. The revised Framework was published on 20 July 2021 after the submission of the appeal statements. Both parties were given the opportunity to comment on its changed significance or otherwise.

Main Issue

6. The main issue is the effect of the proposal on the viability and vitality of the shopping area.

Reasons

7. The appeal site is within the town centre of Bedworth, which is characterised by pedestrianised, predominately twentieth century precincts. The commercial area extends over several streets, and I noted that there were a significant number of vacant premises. There are a substantial number of flats above and to the rear of the commercial premises.
8. The appeal site is at the end of one of these precincts, on a corner with Church Way, which as the name implies runs alongside a churchyard. The appeal site has a narrow frontage onto All Saints Square, one of the commercial precincts. It also extends substantially to the rear, where there is parking and a service area.
9. The building has flat roofs stepped over various levels and has little fenestration facing Church Way. The building has a large shop style window on the All Saints frontage with a distinctive doorway on the corner formed by a chamfered cut away section. There is a new ground floor domestic style access door to the other side. The upper storey is blank.
10. The appeal site was vacant at the time of my site visit and the appellant advises that it has been so for 4 years. The planning officer's report notes that this was formerly used by HSBC.
11. The site is located on a primary shopping frontage, wherein policy TC2 of the Nuneaton and Bedworth Borough Plan resists the loss of retail units. However, the appeal site is only a very small part of the All Saints frontage and therefore even if occupied would only be a small element of the commercial offer. Moreover, much of the site is to the side and rear and the proposal allows the re-use of the building, which I observed was looking forlorn. Such a vacant building discourages shoppers into the area.
12. The proposal would allow residential use which would help the footfall in the town centre thereby making a contribution to its viability and vitality over a large part of the day and evening. Paragraph 86 (f) of the Framework recognises such benefits.
13. The proposal would allow the conversion to flats which would make a contribution towards housing land supply and have social and economic benefits.
14. I note the Council make reference to an Action Plan being underway, but I also have to have regard to the purposes for the introduction of Class M and find that this particular proposal on this particular site reflects its intention.

Conditions

15. Class M in the Order has its own standard conditions, which should not be replicated. Paragraph 56 of the Framework and the Planning Practice Guidance (PPG) provide the tests for the imposition of conditions. I note the comments from the Council about the importance of ventilation and glazing for good living standards bearing in mind the adjacent streets. This is necessary and reflects the considerations of (f) of Class M. Accordingly I impose such a condition albeit re-worded for simplification.

Conclusion

16. I therefore conclude that prior approval is not required, and the appeal is allowed.

John Longmuir

INSPECTOR