
Appeal Decision

Site visit made on 7 January 2021

by David Spencer BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21st September 2021

Appeal Ref: APP/X3540/W/20/3259129

Raceway Services, Back of Market Place, Saxmundham IP17 1AG

- 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 L Jardine against the decision of East Suffolk Council.
 - The application Ref DC/20/1099/FUL, dated 8 March 2020, was refused by notice dated 1 May 2020.
 - The development proposed is change of use of self-contained ground floor unit: Class A1 to C3.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of self-contained ground floor unit: Class A1 to C3 at Raceway Services, Back of Market Place, Saxmundham IP17 1AG in accordance with the terms of the application ref DC/20/1099/FUL and the conditions set out in the schedule at the end of this decision.

Application for costs

2. An application for costs was made by Mrs L Jardine against East Suffolk Council. This application is the subject of a separate Decision.

Preliminary Matters and Main Issue

3. At the time the Local Planning Authority (LPA) made its decision the extant development plan included the saved policies of the East Suffolk Council - Suffolk Coastal District Local Plan – Core Strategy and Development Management Development Plan Document 2013 (the CSDMDPD). This includes Policy DM10 on the protection of employment sites. On 23 September 2020 the LPA adopted the East Suffolk Council - Suffolk Coastal Local Plan (the SCLP) which replaces the CSDMDPD. Both parties have been able to take account of the changes to the development plan in their appeal submissions.
4. The planning history of the appeal premises is scant, but the last identified occupier of the premises was an A1 retail unit. Preceding uses appear to have also included B1(a) office and either A2 or sui generis for the previous betting shop use. The planning application was registered as a change of use from A1 (retail) to C3 (residential). The appellant submits that the appeal premises should now be considered under the new Class E use class order (effective from 1 September 2020). This encompasses previous A1, A2 and B1(a) uses provided they have been implemented. Accordingly, and having regard to the LPAs statement of case at paragraph 4.7, at the time of determining this

appeal I consider, on the balance of probabilities, that the appeal premises fall within the new Class E.

5. The consequence of the above changes in circumstance are that the main issue for this appeal is no longer a broader one regarding the impact of the proposed change of use on the resilience of the local economy as per Policy DM10 of the 2013 CSDMDPD. The LPA advises that the most comparable SCLP policy to DM10 would be Policy SCLP4.4 'Protection of Employment Premises'. The policy refers specifically to 'B' class uses in terms of protecting the loss of employment uses. The ambit of Policy SCLP4.4 applies to existing B2 and B8 uses and so would not be applicable to the appeal proposal. The most important development plan policies against which this proposal must now be determined are therefore Policies SCLP4.9 and SCLP12.28 of the SCLP.
6. Taking all the above into account the main issue in this appeal is the effect of proposed change of use on the vitality and viability of Saxmundham Town Centre.

Reasons

7. SCLP Policy SCLP4.9 provides the over-arching strategy for town centres in the District. The strategy clearly focuses on the core functions of town centres but recognises that there will be some diversify to uses within town centres, including residential development, smaller homes in particular, provided this would not undermine the vitality and viability of the town centre. Additionally, outside of the primary and secondary frontages, Policy SCLP4.9 also provides a more flexible approach to future uses and redevelopment opportunities, again where the vitality and viability of the town centre would be sustained and enhanced. SCLP Policy SCLP12.28 sets out a wider strategy for Saxmundham including the need to enhance the vitality and vibrancy of the town centre recognising that it is an important centre for the community of Saxmundham and a wider rural hinterland.
8. The appeal site is a small unit, of generally domestic appearance, situated on a quiet back street within both the Saxmundham town centre and Saxmundham Conservation Area. It is not within the recently defined primary shopping area or either the primary or secondary shopping frontages as part of the SCLP. Whilst there is a public car park a short distance to the north-west of the appeal site from which pedestrians can connect into 'Back of Market Place', the appeal unit has a low profile being generally not visible from the primary shopping area due to its position behind the buildings of the retail thoroughfare of the Market Place. The adjoining land uses are now predominantly residential including two dwellings under construction immediately to the south and the new housing on Bakers Mews directly to the west. There is not a particularly strong commercial character to the 'Back of Market Place' location.
9. The low profile and limited commercial attractiveness of the appeal location is demonstrated by the appellant's evidence of successive turnover of occupiers of the premises in the past 6 or so years and the extensive periods of vacancy despite incentives such as rents below market value. Whilst this evidence is not comparable to a sustained 12 months marketing exercise it nonetheless shows that commercial demand for this small, peripheral town centre unit has been distinctly weak over a prolonged period. I also find credence in the appellant's submissions that the economic impact of the Covid-19 pandemic, particularly on footfall and town centres, means the already limited commercial

attractiveness of the appeal site has been diminished further. As such the loss of this small, inconspicuous ground floor unit would not undermine the role and function of Saxmundham town centre as hub for main town centre uses and employment.

10. The appeal proposal is in a highly sustainable location. A small residential unit would make a positive contribution to meeting housing need as part of the wider strategy for Saxmundham. Moreover, the proposed change of use would assist the vitality and viability of the town centre by both bringing into active use what is becoming a down-at-heel building as well as accommodating additional town centre population to support the available services and facilities.
11. Given the residential appearance of the unit and the generally residential character of this part of the town centre, the character and appearance of the Saxmundham Conservation Area would be preserved and enhanced by the proposed active use of what is becoming a moribund unit.
12. I therefore conclude that the loss of this small, peripheral commercial unit would not adversely affect the vitality and viability of Saxmundham town centre. The proposal would not be contrary to SCLP Policies SCLP4.9 and SCLP12.28. It would comprise the type of residential development, targeted at the provision of smaller homes on appropriate town centre sites, that Policy SCLP4.9 supports. The proposal would also accord with the more flexible approach in Policy SCLP4.9 to future uses and redevelopment opportunities outside of the primary shopping area, where the vitality and viability of the town centre would be sustained and enhanced. The proposal would not contravene NPPF paragraph 83(d) but would accord with NPPF paragraph 85 which encourages a suitable mix of uses in town centres (including housing), in particular criterion (f) which recognises that residential development can often play an important role in ensuring the vitality of centres.
13. I have taken into account all other matters raised, but there is nothing that leads me to conclude other than the appeal should be allowed.
14. The LPA has suggested a number of proposed conditions which it considers necessary were the appeal to be allowed. I have considered the suggested conditions in light of the content of the Planning Practice Guidance on the use of conditions and the guidance at paragraph 55 of the NPPF.
15. In addition to the standard time limit condition, a condition requiring the development is carried out in accordance with the approved plans is needed in the interests of proper planning and for the avoidance of doubt. A further condition requiring details of bin storage is also necessary to ensure highway safety and to maintain the character and appearance of the area. I observed on site that off-street parking appears to be available within the red line of the application, albeit haphazardly. Given the corner location and likely pedestrian movements I consider a separate condition requiring details of the provision and maintenance of on-site parking space and cycle storage is necessary to ensure that highway safety would not be compromised.

David Spencer

Inspector.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan – Drawing No.001A; and Floor Plan – Dwg 002A.
- 3) Prior to the first occupation of the approved dwelling details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 4) Prior to the first occupation of the approved dwelling details of the areas to be provided for the manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Schedule ends.