



Appeal Decision

Site visit made on 19 September 2023

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Appeal Ref: APP/Y3940/W/23/3318710

45-46 Blue Boar Row, Salisbury, Wiltshire, SP1 1DA

- 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 Done Brothers (Cash Betting) Ltd against the decision of Wiltshire Council.
 - The application Ref PL/2022/07032, dated 6 September 2022, was refused by notice dated 15 March 2023.
 - The development proposed is change of Use from retail unit (E use class) to betting shop (sui generis use class).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal building is grade II listed. An application for listed building consent for changes to the building has not been submitted. The appellant's initial submissions inferred that the application included alterations to the shopfront. The Council sought clarification on this, and the appellant confirmed that such matters would be considered through a future application. Therefore, my consideration of the proposal does not include any changes to the building that would require listed building consent or planning permission.

Main Issue

3. The effect of the proposal on the building and the character and appearance of the area, which includes the Salisbury City Conservation Area and a Primary Shopping Area.

Reasons

4. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
5. The appeal building is a substantial building with a formal front façade. It rises over 3 primary storeys with an attic storey lit by dormers with decorative barge boards that sit behind a parapet. Its brick façade is enhanced by a stone cornice, keystones and quoins. Although the shopfront is modern it includes

some components of a traditional shopfront and sits comfortably within the building's façade. The primary special interest of the building would appear to lie in the historic composition, detail and fabric of the upper parts of the building's front elevation. Additionally, the level of activity associated with the shopfront, which includes the opportunity to look into the building through the shopfront glazing, is an aspect of the building that also makes a modest contribution to its significance and long established relationship with the historic retail core of the City.

6. The appeal building stands within the extensive Salisbury Conservation Area (SCA). It is within Character Area 2 in the City of Salisbury Conservation Area Appraisal and Management Plan which covers the Market Place. The Market Place is a broad and vibrant area, particularly on market days. It is well defined by continuous built form to all sides, with buildings of a variety of styles and ages that serve together to provide an architecturally rich area that has a strong identity. Most of the buildings are listed and almost all make a positive contribution to the character and appearance of the area.
7. The proposal would see the retail use of the building lost to a sui generis betting shop use. Although the shopfront would not need to be fully blocked up as it had to be in the past for a building to be put to this use, views into the building would be screened from the outside through the positioning of large boards and/or full height adverts. This is illustrated by the way that the existing unit on Winchester Street is presented, and the photographs of other units provided by the appellant. In these examples it is not possible to easily look into the ground floor of the building, and shopfront displays are limited to lifeless advertisement posters.
8. The effect of arranging the shopfront in this way would be to visually disconnect the activity of the interior of the current retail unit from the street. Its shopfront would appear less vibrant and active than it would if retained in a conventional retail use.
9. Blue Boar Row already includes some non retail uses that have less active frontages such as its two large banks. Remaining retail units and those units that have a more active frontage aid the retention of the vitality and level of activity associated with the row of shops. The proposal would erode this further; modestly harming the special interest of the listed building, and more significantly harming the vibrant and bustling character of the historic market square.
10. The appeal site has been marketed since January 2022. No details of the marketing exercise have however been provided, so it is not clear what level of interest the marketing of the building has generated. At my visit I saw other units on Blue Boar Row that were empty. However, no details have been provided to indicate how long these have been empty or whether there are plans for any to be reoccupied soon.
11. At my visit I could see that the works to introduce a substantial new retail business to the large unit to the west of the site are at an advanced stage. Retaining a conventional retail use at the appeal site would complement this adjacent business, and it is likely that the appeal site would be more attractive to a retail operator once the adjacent business is established. Additionally, I observed that in general terms the centre of the city did not appear to suffer from many vacant units. For these reasons, I give little weight to the matter of

the vacancy of the existing building or the vacancy of buildings in the area in general.

12. It is suggested that since the change to the Use Class Order in 2020¹ most of the units on Blue Boar Row could operate as retail units without an application. Whilst this is a matter that I do not dispute, I need to consider current uses rather than potential future uses, as there is nothing before me to indicate that there is a trend for retail uses to be introduced in buildings that are not currently used for retail.
13. The appellant explains the plan to relocate an existing betting shop on Winchester Street to the appeal site. The existing unit is close by to the west. A condition of the gambling licence includes surrendering the existing business in place of the new premises. However, there is no guarantee that a further betting shop would not move into the Winchester Street unit, or that it would revert to a retail use. Furthermore, Winchester Street is a more modest street that does not face out over the historic market square. I note that it is included within Saved Policy S1 of the Salisbury District Local Plan (SDLP) as a secondary shopping area. The impact of a lifeless shopfront is not therefore necessarily the same for Winchester Street as it would be at the appeal site.
14. Saved Policy S1 of the SDLP identifies Blue Boar Row as primary frontage. It sets out to retain a predominantly retail element to these areas with the principal role of retaining the area as a retail centre to ensure that the vitality of the city centre is sustained or enhanced. Retaining 60% of each section of primary frontage in retail use is set out as a guide within the SDLP, however the Policy clarifies particular factors that should be taken into account.
15. Of these factors I consider it necessary to give significant weight to the matter of the appeal site's location and prominence within the shopping frontage. The appeal building faces out over a prime area of city centre retail space, with a high level of historic significance that is associated with this long established use.
16. Additionally, the Policy refers to the nature and character of the proposed use and the level of activity associated with it. I have already established that the presentation of the shopfront would be such that all activity associated with the new use would be carried out within the building and not visible from the street. Shopfront displays would be limited to a set of advertisement panels. The proposal would thus erode the level of vitality associated with this important city centre location to the extent that it would undermine the retail function of the town centre.
17. I have found that the proposal would harm the character and appearance of the SCA. Additionally, I have found that it would also modestly harm the special interest of the listed building. In terms of the National Planning Policy Framework (the Framework) the harms identified are less than substantial. Paragraph 202 of the Framework establishes that any harm to a designated heritage asset should be weighed against the public benefits of the proposal.
18. Bringing the ground floor of the building back into use is a heritage related public benefit, as a vacant building is more vulnerable to an unnoticed maintenance issue or vandalism. Additionally, a vacant shopfront is harmful to

¹ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

the character and appearance of the SCA. However, the weight I give to these matters is limited by the fact that the proposal only relates to the ground floor and the plans suggest that access to the three upper floors would be blocked. The proposal would not therefore secure a full use for the whole building.

19. The benefit of bringing the ground floor of the building and the shopfront back into use carries some weight. I need to consider this in the context of Paragraph 189 of the Framework which states that heritage assets are an irreplaceable resource and Paragraph 199 which establishes that great weight should be given to the conservation of a heritage asset. I am not satisfied that the benefits would be sufficient to outweigh the harm identified.
20. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building and the character and appearance of the SCA. It would be contrary to Policies S1, S2 and S3 of the SDLP, Policies 57 and 58 of the Wiltshire Core Strategy 2015 and the Framework. Together these Policies seek to ensure that development proposals sustain the vitality and viability of town centres and shopping streets in primary areas, create a strong sense of place by drawing on the local context and being complimentary to the locality, enhance local distinctiveness, and conserve the historic environment.

Conclusion

21. In conclusion, the proposal would conflict with the development plan and there are no other considerations that outweigh that conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR