



Appeal Decision

Site visit made on 3 October 2023

by K Allen MEng (Hons) MArch PGCert ARB

an Inspector appointed by the Secretary of State

Decision date: 1 November 2023

Appeal Ref: APP/M2515/W/23/3320551

157 High Street, Lincoln, Lincolnshire LN5 7AA

- 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 Mr Oliver Cox against the decision of the City of Lincoln Council.
 - The application Ref 2022/0967/FUL, dated 22 November 2022, was refused by notice dated 8 February 2023.
 - The development proposed is the change of use from Use Class E unit to one bedroom flat (C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It has been brought to my attention that the Central Lincolnshire Local Plan (April 2023) (CLLP) was adopted by the Central Lincolnshire Joint Strategic Planning Committee on 13 April 2023 and replaces the previous Central Lincolnshire Local Plan (April 2017). It is incumbent upon me to consider the most relevant and up to date information in reaching a decision. Both main parties have had the opportunity to comment on the implications of this for the appeal and I have dealt with the appeal on this basis. I am satisfied that no interested party has been prejudiced by this approach.

Main Issue

3. The main issue is whether, having regard to local and national policy, the proposal would undermine the vitality and viability of the Primary Shopping Area and Lincoln City Centre.

Reasons

4. Policy S36 of the CLLP supports numerous uses within Lincoln city centre, which would contribute to the primary role of the city centre in providing and maintaining a wide range of activities and services which attract a large number of visitors. The uses accepted include houses and flats, so long as they do not detract from the vitality and viability of the city centre. Further protections are afforded to the Primary Shopping Area where proposals for non-retail uses on ground floors will only be supported if they meet certain criteria, including having no demonstrable impact on the vitality and viability of the city centre as a whole.
5. The proposal would provide an additional dwelling within an accessible location that is free from flood risk and would bring a currently unoccupied unit into use. It would meet the nationally described space standards and would provide

a good quality living environment. The appeal property is residential in its appearance and no significant external works would be required to facilitate the conversion. It would not result in a large gap in retail uses or a dead frontage.

6. The parties agree that residential development plays an important role in ensuring the vitality of centres. Unlike the previously allowed scheme¹, this proposal would result in a residential unit at ground floor within the Primary Shopping Area. As such, there is a greater potential for non-commercial uses to have a harmful effect on the vitality and viability of the centre, which Policy S36 seeks to manage.
7. I note that the unit is vacant despite marketing efforts and that there are other vacant units in the area. This does not, in itself, offer sufficient evidence of a lack of demand for commercial use. Although there is demand for housing in the city and this development would help boost the supply, on the balance of evidence before me, it has not been demonstrated that the scheme would have no impact on the vitality and viability of the city centre nor detract from or otherwise harm town centre uses.
8. Therefore, having regard to local and national policy, I conclude that the proposal would undermine the vitality and viability of the Primary Shopping Area and Lincoln City Centre. It would conflict with Policy S36 of the CLLP where it seeks to control non-retail uses on the ground floor within the Primary Shopping Area, in order to protect the vitality and viability of Lincoln city centre. The proposal would also conflict with the National Planning Policy Framework (the Framework) where it requires development to support the role that town centres play at the heart of local communities, ensuring their vitality and viability.

Other Matters

9. The West Parade and Brayford Conservation Area comprises a large area of central Lincoln, incorporating residential terraces, commercial properties and the distinctive Brayford Pool. Insofar as relates to this appeal, it derives significance from the variety of architectural styles. Notwithstanding the variety, there is a visual unity in the immediate locality that results from consistency in scale. The proposal would restore and refinish the bay window. It would therefore preserve and enhance the character and appearance of the West Parade and Brayford Conservation Area.

Conclusion

10. For the reasons given above, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework that outweigh that conflict. Therefore, the appeal is dismissed.

K Allen

INSPECTOR

¹ Application Reference: 2021/0318/CNX