



Appeal Decision

Site visit made on 30 April 2024

by L Francis BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 MAY 2024

Appeal Ref: APP/D5120/W/23/3327388

62 Bellegrove Road, Welling, Kent DA16 3PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Babtiste against the decision of the Council of the London Borough of Bexley.
 - The application Ref is 23/00993/FUL.
 - The development proposed is the change of use from Class E vacant shop into take-away A5 (Sui Generis) with installation of an extraction flue.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, I saw that the development applied for was completed and I note that the application had been submitted retrospectively. I have dealt with the appeal on that basis.

Main Issue

3. The main issue is the effect of the appeal proposal on the balance of land uses within Welling district centre.

Reasons

4. 62 Bellegrove Road is located within Welling district centre, as defined by the Bexley Local Plan 2023. It comprises a relatively small shop unit, set within a 2-storey terrace with a mixture of shops and services at street level. Welling district centre is well served by a wide variety of shops and services, including many take aways. Whilst on my site visit I noticed a few vacant units, but vacancy is not a characteristic feature of the district centre.
5. Policy D9 of the Bexley Local Plan aims to control development within town centres, seeking to diversify uses within them whilst avoiding an over-concentration of any one non-class E use. Part 4 of this policy presents a series of criteria with which proposals must comply where the proposal would result in a loss of a class E use. Part 4e sets thresholds for particular non-class E uses, including a threshold of no more than 5% of the total units within a town centre being takeaways, or various other non-class E uses specified within the policy. The wording of Policy D9 is clear that where a non-class E use is proposed that all the criteria of part 4 of the Policy are expected to be satisfied.
6. The Council states that their most recent town centre survey, conducted in autumn 2023 showed that take aways within Welling district centre already

comprised 5.7% of the total number of units. With the appeal proposal, that proportion would rise to 6%.

7. The appellant maintains that due to the unit's small size, its loss as a Class E commercial unit has a negligible effect on the vitality and viability of the town centre. Equally, the appellant contends that its small size also means that the take-away has a negligible effect on the overall balance of uses within the town centre. The appellant has provided a letter from the property consultant that marketed the unit at the time it was for rent, stating that most of the interest in the unit was from take-away or hot food businesses. No substantive evidence has been provided to show that it would not be capable of occupation by a retail or other Class E use. In any event Policy DP9 does not stipulate that a loss of a class E use could be justified on the basis of marketing information.
8. The appellant's view that it is preferable that the site is in use in terms of the overall economic and social wellbeing of the town centre, particularly in terms of ensuring the longevity of the town centre in attracting visitors. An otherwise vacant unit would not have this effect. Whilst I acknowledge that the presence of a vacant unit would not assist in maintaining the vitality and viability of the town centre, there is no certainty that the unit would lie vacant were it not for the current take-away use.
9. The aim of the development plan policy is to ensure the balance of non-class E uses is maintained within shopping centres; this is consistent with the aims of the National Planning Policy Framework (the Framework) which states that in ensuring the viability of town centres, planning policies should make clear the range of uses permitted in defined town centre locations.
10. Although I acknowledge the effect of the loss of a small unit to a non-class E use is small in percentage terms relative to the centre as a whole, such losses can cumulatively have a significant effect on the overall vitality and viability of a town centre. Given that the percentage of take away uses is already over the 5% limit prescribed by Policy DP9, the additional take-away use has the effect of further eroding the balance of town centre uses, leading to a relative over-dominance of take-aways.
11. I find therefore that there the appeal scheme conflicts with the aims of Policy DP9 of the Bexley Local Plan which seeks to ensure an appropriate balance of land uses within town centres.

Other Matters

12. I acknowledge that the appeal scheme was not refused on the basis of the extraction equipment or shopfront alterations, the effect upon the living conditions of nearby residents, or upon highway safety. These are neutral matters in the determination of the appeal.

Planning balance and conclusion

13. The appeal scheme provides socio-economic benefits from its operation in that it provides a service and generates local economic activity. However, I the harm I have identified to the balance of town centre uses within Welling district centre does not outweigh these benefits. As such it is contrary to the development plan read as a whole.

14. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal should therefore be dismissed.

L Francis

INSPECTOR