



Appeal Decision

Site visit made on 9 December 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2025

Appeal Ref: APP/A4710/W/24/3348725

572 Rochdale Road, Todmorden, Calderdale OL14 7SL

- 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 Ross Rudman against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 24/00187/FUL.
 - The development proposed is change of use of ground floor to 1no dwelling and external alterations.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of ground floor to 1no dwelling and external alterations at 572 Rochdale Road, Todmorden, Calderdale OL14 7SL in accordance with the terms of the application, Ref 24/00187/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos; Location Plan; AO23/295/P/001.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing building.

Preliminary Matter

2. Prior to the determination of this appeal, a new version of the National Planning Policy Framework (the Framework) has been published. The substantive matters of the case before me are not however affected thereby. I do not therefore feel any of the main parties' cases would be prejudiced by me proceeding without further consultation thereon.

Main Issue

3. The main issue is the effect of the proposed change of use of the vitality and viability of the Walsden (and Bottoms) Town Centre.

Reasons

4. The appeal site is a stone-built end terrace property set at the rear edge of the footpath fronting the highway. Apart from the adjacent building, which is in use as a convenience store, the surrounding buildings are predominantly residential. 576 and 578 Rochdale Road appear to have previously been in use as commercial properties but are now in residential use. The ground floor is vacant with a boarded-up shop front and the upper floor is in residential use.

5. Whilst the property lies within Walsden (and Bottoms) Town Centre and a Primary Shopping Area, it does not appear to have been in use as a retail premises or any other use for many years. The large ground floor window has been boarded up with the property having no active ground floor use and making no contribution to the vitality and viability of the area. Conversely, bringing the ground floor back into use, whilst not maintaining the retail use and altering the frontage to reduce the size of the window opening, would improve the appearance of the street scene and character of the area by bringing the building back into use and reintroducing an active ground floor frontage. In addition, it lies within a predominantly residential area and would, albeit in a limited way, boost the housing stock in the area.
6. The proposal would not harm the vitality and viability of the Walsden (and Bottoms) Town Centre. It would comply with Policies RT1 and RT7 of the CLP which together and amongst other matters supports residential proposals in town centres provided retail character is not harmed and there is no fragmentation in any part of the Primary Shopping Area and resists the loss of facilities that would undermine the role of the centre.
7. The reason for refusal also refers to Policy RT2 which permits town centre uses if they meet certain criteria. Whilst I have not been provided with a definition of town centre uses within the Local Plan, the Framework definition does not include residential uses. As the Local Plan is required to be consistent with the Framework, I do not consider that this policy is relevant to this appeal.

Other Matters

8. The Council state that the proposal is within 50 metres of Grade II listed buildings, although I have not been provided with any details of them. The Council has indicated that the proposal would not be prominent in the views from the listed buildings. This is due to the distance between the appeal site, and intervening buildings. As such, I am satisfied that the development would have a neutral effect on the heritage assets and would preserve setting, and thereby, the special interest of the listed buildings.

Conditions

9. To provide certainty I have included the standard time limit condition and specified that the development should be carried out in accordance with the approved plans. In addition, a condition requiring matching materials is necessary to ensure a suitably in keeping result to the development in the interests of the character and appearance of the area.

Conclusion

10. For the reasons given above the appeal should be allowed.

H Senior

INSPECTOR