



Appeal Decision

Site visit made on 17 February 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 February 2025

Appeal Ref: APP/L3815/W/24/3350207

140 High Street, Selsey, West Sussex PO20 0QE

- 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 Ramu Madala against the decision of Chichester District Council.
 - The application Ref is SY/24/00279/FUL.
 - The development proposed is described as the change of use of ground floor Class E shop premises to a hot food takeaway (Sui Generis) including installation of external ducting for the mechanical extract ventilation system.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Ramu Madala against Chichester District Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The National Planning Policy Framework (the Framework) was updated in December 2024 and further amended on 7 February 2025. However, the sections pertinent to this appeal have not changed so the revised version has been referenced in this decision.

Main Issue

4. The main issue is whether the proposed development would impact the vitality of Selsey retail centre.

Reasons

5. The appeal building is within Selsey retail centre. It is a 2-storey building with a ground floor retail unit and a 2-bedroom flat above. The retail unit has been vacant for approximately 2 years but prior to that was a butcher's shop. The proposal seeks to convert the retail unit into a fast-food takeaway.
6. Chichester Local Plan Key Policies (LP) Policy 29 seeks to support the vitality of settlement hubs and village centres, including Selsey retail centre, by protecting retail uses. The policy sets out 2 criteria which must be demonstrably met when seeking to change the use of a retail unit. It requires that (1) the proposal would not result in the reduction of shopping facilities, or (2) there is no demand for that continued retail use and the site has been marketed effectively for such use or no local need has been identified.

7. Although the retail unit in question is vacant and is not currently contributing to the retail centre, the proposal would, by changing its use, remove its potential to be used for retail and therefore constitute a reduction in shopping facilities. Therefore, with nothing before me to show that there is no demand for a continued retail use in the unit, that appropriate marketing has been undertaken or that there is no local need for further retail units, the proposal would fail to comply with LP Policy 29.
8. It is acknowledged that Selsey Neighbourhood Plan 2014-2029 (NP) Policy 008 refers to the previous 'A' uses classes for retail and hot-food takeaways. However, this policy appears to refer more broadly to the NP area with specific regard to the economy of the area and not specifically retail provision. NP Policy 010 is the specific retail centre policy and clearly sets out the protection of retail uses within the High Street, amongst other areas, aligning with LP Policy 29 in terms of requiring proof of a lack of demand and effective marketing. For the aforementioned reasons the proposal would therefore fail to comply with NP Policy 010.
9. Although the development plan constitutes the LP and the NP, it is noted the Council have referred to Policy E7 of the Emerging Local Plan (eLP) as well. The eLP is a considerable way through the examination process so its policies hold weight. Policy E7 aligns with LP Policy 29 and continues the requirement for marketing to be undertaken. Therefore, the proposal would fail to comply with eLP Policy E7.
10. It is acknowledged that the existing retail unit now falls into use class E, due to the changes to the Use Class Order¹, and that this classification allows a wider variety of alternative uses which the appellant considers could have a similar or potentially more harmful impact than that proposed. However, this has not been substantively evidenced, so does not mitigate the need to comply with the relevant development plan policies.
11. Consequently, for the reasons given above the proposal would not comply with LP Policy 29, NP Policy 010, and emerging policy E7. It has not, therefore, been shown that the proposal would not harm the vitality of Selsey retail centre.

Other Matters

12. Despite the agreed position of the main parties, as the appeal building is within the Selsey Conservation Area (CA) I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA is related to the historic form of development which informs the High Street in terms of plot ratios and building lines as well as the forms the buildings take. The proposal would not alter the frontage of the appeal site but would require the installation of a flue to the rear. This however is not an overly visible location and would not alter the plot ratio, building line, or building form nor its visual relationship with the High Street. Therefore, the proposal would preserve the CA's character and appearance.
13. However, this would constitute a lack of harm, and by definition is a neutral matter so cannot weigh for or against the proposal. This would also be the case for the lack of harm identified by the Council in relation to environmental health matters, character and appearance, and living conditions.

¹ The Town and Country Planning (Use Classes) Order 1987 (as amended)

14. That the appellant considers that the Council has given poor and inconsistent advice is unfortunate. However, this does not alter the planning merits of the case.

Conclusion

15. For the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR