



Appeal Decision

Site visit made on 6 February 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2025

Appeal Ref: APP/H0520/W/24/3352805

43 High Street, Brampton, Cambridgeshire PE28 4TG

- 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 Mrs Pauline Shaw against the decision of Huntingdonshire District Council.
- The application Ref is 23/02498/FUL.
- The development proposed was originally described as "There is no development or works proposed in this application, just a change of use. It is one single planning unit (comprising of the residential dwelling and the retail unit) Class Sui Generis and we would like to change it back into a single private dwelling Class C3."

Decision

1. The appeal is allowed, and planning permission is granted for change of use from shop to dwelling (Class C3) at 43 High Street, Brampton, Cambridgeshire PE28 4TG in accordance with the terms of the application, Ref 23/02498/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan dated 22 December 2023

Proposed Floorplan "Prior Approval Shop to Dwelling"
 - 3) The change of use hereby permitted shall be used only for the purposes of providing accommodation forming an integral part of the existing dwellinghouse within the site. The accommodation shall at no time be occupied separately or independently from the existing dwellinghouse.

Preliminary Matters

2. The description of the development in my banner heading above is taken from the planning application form. However, the wording of that description includes elements which are not acts of development or which are superfluous. Therefore, in my decision, I have used the description of development on the Council's decision notice which I consider concisely describes the development proposed.
3. The appellant's submissions include some account and marketing related evidence which was not before the Council when it made its decision. Whilst this evidence elaborates upon the appellant's case, I am satisfied that it does not substantially or fundamentally alter the proposed development. The Council has also had the opportunity to comment upon it. Through the Council's notification

processes during the appeal, third parties have also been given the opportunity to submit comments. I am satisfied that it is procedurally fair to accept the additional evidence, and I have had regard to it.

Main Issue

4. The main issue is whether the proposed development would accord with the relevant development plan policy concerning the loss of local services and community facilities.

Reasons

5. The evidence before me indicates to me that the appeal site, No 43 High Street (No 43), was originally a residential dwelling. Brampton's post office relocated into No 43, and for a long time it had the dual purpose of being a post office with shop and a dwelling occupied by a succession of postmasters. The post office within No 43 closed in 2021 and relocated within a Nisa local shop elsewhere in Brampton. Thereafter, the space within No 43 previously occupied by the post office traded solely as a card and stationery shop, but it closed in 2023. The proposal seeks the change of use of that shop to residential accommodation integral to the dwelling in the remains of the property.
6. Brampton is quite a large village and, as such, it is served by an array of services and facilities. A number of them are also located on High Street, a short distance from the appeal site.
7. Policy LP 22 of Huntingdonshire's Local Plan to 2036 specifically relates to local services and community facilities. Its criteria relate to both the provision of new or expanded local services and community facilities together with their loss. Paragraph 6.44 of its supporting text provides a helpful summing up of the purpose of the policy. This is, in summary, to maintain the sustainability, vitality and viability of settlements and support their local facilities for the needs of the community.
8. One circumstance in which the loss of a local service or community facility accords with Policy LP 22 is when a proposal demonstrates, via marketing efforts, that there is no reasonable prospect of the service or facility being retained or restored. The marketing submissions before me are a property consultant's quote for undertaking a marketing exercise and a summary of the exchanges held between them and the appellant about its likely success. Since a marketing exercise did not actually take place, and I have only limited evidence of the property consultant's professional views, I find that a demonstration of reasonable steps to effectively market the property has not taken place.
9. Policy LP 22's supporting text does state that a robust marketing exercise is the most transparent way of demonstrating that a local shop is no longer viable. However, the supporting text also sets out that it may be appropriate for alternative arrangements to establish if there is a realistic prospect of maintaining a service or facility, and the policy does not set out that this approach cannot be applied to local shops.
10. Therefore, a marketing demonstration is not the only means by which a proposal involving the loss of a local shop can comply with Policy LP 22. Should a demonstration be made that there would be no reasonable prospect of the shop

being retained or restored because of insufficient community support, this would also comply with Policy LP 22.

11. To this end, I firstly note that only letters in support of the proposal have been received in response to the Council's public consultation exercises. This includes a confirmation of support from Brampton Town/Parish Council and, in other comments, reference is made to a considered lack of community support for the shop.
12. Furthermore, Brampton is well-served by premises selling convenience goods including cards and stationery. During my site visit I entered the High Street Co-op and, on the same parade, the chemist and Grieves off-licence. Each sold cards and stationery and Co-op its typical significant assortment of convenience items. Elsewhere in the village I visited the Nisa local which, again, sold cards and stationery and a range of items akin to the Co-op. Consequently, I consider that the demands of Brampton's residents for cards, stationery and convenience items more generally are well provided for.
13. Therefore, the nature of the responses from the public provides evidence that the shop is not in demand within the community and, furthermore, the community demands for the items the shop within No 43 sold are already catered for. Consequently, I am satisfied that there is no reasonable prospect of the shop being retained or restored because of insufficient community support. This means that the proposal complies with criterion e) i) of Policy LP 22 and, in turn, the policy as a whole. The proposal therefore complies with the relevant development plan policy concerning the loss of local services and community facilities.

Other Matters

14. Both appeal parties refer to a development of a very similar nature in Warboys which was also the subject of an appeal. All the detail of that development is not before me, neither is the evidence which was before the Inspector. Consequently, it is not possible to draw very accurate comparisons between the Warboys development and that proposed in this appeal. Appeal decisions are heavily dependent on the case-specific evidence and circumstances, and I have come to my own views on this appeal having regard to the evidence before me now, my own experience and the particular circumstances of the case. Regardless, I have been able to ascertain that, in any case, the Warboys development was allowed at appeal¹.
15. The appeal site is within the Brampton Conservation Area (CA). The CA contains many traditional buildings, including cottages, some of which are served by thatched roofs. Render and brick are prominent building materials, and it is quite commonplace for buildings within the CA to exhibit two different colour tones of brick. The presence of some open spaces and mature trees provides the CA with a quite verdant character. These facets positively contribute to the character and appearance of the CA, and I find that the significance of the CA is principally derived from its architectural and artistic interest.
16. The CA contains a number of listed buildings, and this includes, next door to the site, 41 High Street and, on the opposite side, 49 High Street. Each are Grade II listed. No 41 is a distinctive, white-rendered property with a half-hipped thatched

¹ Appeal decision APP/H0520/W/24/3344055

roof, sash windows and a panelled door. No 49 is another traditional property. Its chequerboard brick pattern is especially distinctive and contributes significantly to its character. The significance of Nos 41 and 49 I again find to principally stem from their architectural and artistic interest.

17. The proposal seeks a change of use only. The amalgamation of the former shop into the dwelling in the remains of the property would not, therefore, affect the significance of any of the designated heritage assets which I have described above and no harm upon them would result.

Conditions

18. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in the light of the National Planning Policy Framework and the Planning Practice Guidance.
19. Other than the standard time limit condition, it is necessary to ensure that the development is carried out in accordance with the approved plans for the reason of certainty. The planning application sought permission on the basis that the accommodation proposed for change of use would form part and parcel of the existing dwellinghouse. I have assessed the acceptability of the proposed development on this basis. Therefore, to define such use, I have imposed condition 3. In the interests of precision or clarity I have made some amendments to the wording of the conditions from those suggested by the Council.

Conclusion

20. The proposed development accords with the development plan as a whole, and there are no material considerations which indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed, subject to the conditions above.

H Jones

INSPECTOR