
Appeal Decision

Site visit made on 17 February 2025

by **D M Young JP BSc (Hons) MA MRTPI MIHE**

an Inspector appointed by the Secretary of State

Decision date: 4 March 2025

Appeal Ref: APP/F0935/W/24/3356584

2 Christian Street, Maryport, Cumbria, CA15 6HT

- 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 Rachel Sarah Newton against the decision of Cumberland Council.
 - The application Ref is FUL/2024/0063.
 - The development proposed is a part change of use for the use of a room as a barbers shop.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the development on the viability and vitality of Maryport town centre.

Reasons

3. The appeal scheme seeks to change the use of a single room within the domestic property to operate a barbers shop. As I saw when I visited the site, the change of use has already taken place. The appeal property is a two-storey end terrace located within Maryport Conservation Area. The business was previously located on Wood Street which as I understand it is within the town centre.
4. The Council's opposition to the scheme is predicated on Policy S16 of the Allerdale Local Plan Part 1 2014 (the LP) which expects main town centre uses to be located within existing centres such as Maryport. I am satisfied that a barbers shop, albeit operating on an appointment only basis, is a main town centre use.
5. Policy S16 goes on to state that applications for main town centre uses outside of defined centres will be refused where the applicant has not demonstrated compliance with the sequential approach to site selection, or where there is clear evidence that the proposal would have a significant adverse impact on the vitality and viability of a nearby centre. In a similar vein, LP Policy DM8 allows for commercial uses outside the town centre subject to a sequential approach where the applicant must demonstrate there are no suitable alternative sites within the town centre. The sequential approach in Policies S16 and DM8 is supported by national policy in paragraph 91 of the National Planning Policy Framework.
6. It is common ground that the Appellant has not carried out a sequential test and the Council point to a number of vacant premises with the town centre boundary including within the primary frontage that are currently vacant. While I appreciate the Appellant's reasons for relocating the business to the appeal property, those

arguments could equally apply to other town centre operators that might wish to relocate primarily for affordability reasons.

7. While it might be argued that the relocation of one small business in itself might not undermine the viability and vitality of the town centre, one must consider the precedent that would be set if this appeal were to be allowed. In that scenario there is a very real prospect that other businesses could relocate away from the town centre. Cumulatively this could have a significant effect on the viability and vitality of Maryport town centre, contrary to the aims and objectives of Policies S16 and DM8.
8. I have noted comments regarding other applications¹, however, I am satisfied that the circumstances of those cases are materially different to the current scheme in terms of their location within the town centre boundary. I accept the use is very low-key and has little, if any, adverse effects on neighbouring occupiers. Moreover, I am satisfied that the use has not harmed the Maryport Conservation Area. However, these are all neutral considerations.
9. Finally, I have considered whether the identified harm could be overcome by the imposition of conditions. However, in this instance I am not persuaded the identified harm and associated policy conflicts could be satisfactorily addressed by conditions.

Conclusion

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

D M Young

INSPECTOR

¹ LPA Refs: FUL/2022/0167 and FUL/2024/0110