
Appeal Decision

Site visit made on 24 May 2016

by Clive Hughes BA(Hons) MA DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 June 2016

Appeal Ref: APP/Q1445/W/16/3142446
150 Saltdean Vale, Saltdean, Brighton BN2 8HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Donald Campbell against the decision of Brighton & Hove City Council.
 - The application Ref BH2015/01799, dated 19 May 2015, was refused by notice dated 14 July 2015.
 - The development proposed is described as "creation of a one bedroom self-contained, energy efficient dwelling".
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) 2015 for the change of use from retail (A1) to self-contained flat (C3) with external alterations to front and rear at 150 Saltdean Vale, Saltdean, Brighton BN2 8HF in accordance with the terms of the application Ref BH2015/01799 dated 19 May 2015 and the plans submitted with it subject to the conditions set out in Paragraph M.2(3) of the above Order and the following additional condition:
 - 1) No development shall take place until full details of the proposed front door and front entrance have been submitted to and approved in writing by the Local Planning Authority. These details should omit the canopy as shown on Drawing No P05. The development shall be carried out in accordance with the approved details prior to the first occupation of the self-contained flat hereby permitted and the approved front door and entrance shall be so retained thereafter.

Procedural Matters

2. The Council has described the development as "Prior approval for change of use from retail (A1) to self-contained flat (C3) with external alterations to front and rear". This is a fuller description of the proposed development and I have used it for this Decision.
 3. The provisions of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) require the Local Planning Authority to assess the proposed development with regard to a number of criteria. In this case the objections raised by the Local Planning Authority relate solely to the detrimental impact that the change of use would
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have on the adequate provision of services of the sort that may be provided by a building falling in Class A1 to the locality.

Main Issue

4. The main issue is whether it is undesirable for the building to change to a Class C3 use due to its impact on the adequate provision of services of the sort that may be provided by a building falling in Class A1 or A2 subject to the reasonable prospect of the building being used to provide such services.

Reasons

5. The Council's Officers' Report confirms that the appeal property does not fall within a key shopping area. The parade is not classified as a local, district, town centre or regional shopping centre. It lies within a parade of 9 units on the ground floor of a three-storey building that stands out as it is located within a low density residential area surrounded mainly by detached and semi-detached bungalows. One of the units, No 152, immediately adjoining the appeal property, has been converted into residential use. The other uses in the parade include a convenience store, a hairdresser's and a hot food takeaway. Two other units appear to be in office use. Others appear to be vacant but due to closed blinds and the lack of signage the use of some units is unclear.
6. No 150 is situated close to the northern end of the parade next to a dwelling and the hairdresser's. The SNK Convenient Store, and possibly also the hairdresser's, is the only unit that appears to rely on passing trade. The takeaway was closed at the time of my visit; the opening hours were not on display. Overall, due to the number of vacant units and the closed blinds in other units, the parade has a run-down and neglected appearance.
7. No 150 is currently vacant. It has a "to let" sign in its window. According to the appellant, and not contradicted by the Council, the premises have been continually vacant since 1986 apart from a short period between 1999 and 2001 when it was used for the sale of garden furniture. The appellant says that attempts to market the property have failed although no details of any attempts at marketing it have been provided.
8. I visited other parades in the area, in particular those at Lustrell's Vale and Longridge Avenue. While both had vacant units they did not convey the run-down atmosphere I found at Saltdean Vale. Anybody wishing to open a shop in this general area would be more likely to choose a unit in one of the more successful parades. I am not convinced that there is any real prospect of No 150 being re-opened as an A1 use. The hairdresser's would be likely to attract most of its custom from regular clients rather than passing trade. While I was in the vicinity of the parade there were no pedestrians in sight at any time. This was in sharp contrast to the other parades which appeared to be relatively busy.
9. The appeal property has been almost continually vacant for about 30 years and I do not consider that there is a reasonable prospect of a retail use coming forward. I note the Council's concerns regarding the lack of marketing evidence but in this case I conclude that the loss of this retail unit is reasonable. In these circumstances, and given the approved residential use in the adjoining unit, I do not consider that the loss of this retail unit would have an adverse effect on the adequate provision of such services in the area.

Therefore it is not undesirable for the unit to change to a use falling within Class C3 (dwelling houses).

10. Concerning the proposed alterations to the elevations of the unit, there are no objections to the minor alterations to the rear in which a new door and windows replace the present arrangements. On the front, however, the proposed canopy would appear wholly out of keeping with the other premises in the parade. This would be harmful to the appearance of the area. To overcome this harm I have imposed a condition in line with that suggested by the Council requiring the submission of details of the front elevation omitting this feature. No other conditions are necessary as the Order imposes a condition requiring the completion of the development within 3 years.
11. Overall, therefore, I conclude that conditional prior approval should be granted.

Clive Hughes

Inspector

