



Appeal Decision

Site visit made on 14 April 2008

by **Malcolm Rivett BA (Hons) MSc MRTPI**

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email:enquiries@pins.gsi.gov.uk

Decision date:
30 April 2008

Appeal Ref: APP/H0738/A/08/2066494

Unit 1, Lindsay House, High Street, Stockton on Tees, TS18 1SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Instant Cash Loans Limited against the decision of Stockton on Tees Borough Council.
- The application Ref 07/2917/COU, dated 11 October 2007, was refused by notice dated 7 December 2007.
- The development proposed is change of use from A1 to A2.

Decision

1. I allow the appeal, and grant planning permission for change of use from A1 to A2 at Unit 1, Lindsay House, High Street, Stockton on Tees, TS18 1SS in accordance with the terms of the application, Ref 07/2917/COU, dated 11 October 2007, and the plans submitted with it, subject to the condition that the development hereby permitted shall begin not later than three years from the date of this decision.

Main issue

2. The main issue of this appeal is the effect of the proposal on the vitality and viability of Stockton Town Centre.

Reasons

3. The appeal property lies within the primary shopping frontage of Stockton Town Centre as defined by Alteration No 1 to Stockton on Tees Local Plan (LP). Policy S4 of Alteration No 1 of the LP states that in this area proposals for change of use to non retailing will be permitted provided that, amongst other matters not relevant to this appeal, it does not result in a continuous grouping of more than two non retail uses or more than 10% of the sum total of the length of primary shopping frontage being in non retail use. The policy's supporting justification indicates that retail floor space is at a premium in the primary frontage and that permitting more than 10% non retail uses would reduce the opportunities for retailing and weaken the attraction of the town centre as a shopping centre. The parties agree that currently more than 11% of the primary frontage is in non retail use. Consequently the proposal conflicts with policy S4.
 4. The appellant indicates that around 15% of the primary frontage is currently vacant, which is significantly above the national average. This is not disputed by the Council and is supported by what I saw on my visit. It is stated that the
-

appeal property, which has been vacant since September 2005, has been marketed for occupation without interest from an A1 use since December 2004.

5. I accept that maintaining a high proportion of retail uses is important in ensuring that the town centre remains attractive to shoppers. However, in my view a large number of vacant properties can undermine the vitality and viability of the centre. The proposal would make a small, although noticeable, contribution towards reducing the number of vacant properties in Stockton town centre. Furthermore, given the number of vacant properties which would remain in many parts of the primary frontage, I am not persuaded by the Council's argument that allowing the proposal would significantly reduce the opportunities to provide retail outlets in the town centre. I also note that the proposal would not create a group of non retail uses and therefore does not conflict with policy S4 in this respect.
6. Despite its conflict with part of policy S4, on balance I consider that the proposal would be more likely to support, rather than harm, the vitality and viability of the town centre. Moreover I am satisfied that it would have no conflict with the elements of national planning policy referred to by the Council.
7. The Council argues that allowing the appeal may make it more difficult for it to resist similar proposals in the future. However such proposals would need to be considered in relation to the number of non retail uses and vacant properties in the town centre (and other material considerations) at the relevant time. I am satisfied that the Council could successfully resist such a proposal if it could demonstrate that material harm to the vitality or viability of the town would be caused. The Council has also referred to other recent proposals for changes from A1 use which were dismissed at appeal. One of these is in the secondary shopping frontage and therefore not comparable with this proposal. In relation to the other it appears to me that the Inspector did not have the benefit of the evidence about vacancy rates which has been instrumental in my decision.
8. The appeal property lies within the Stockton Town Centre Conservation Area although I am satisfied that the proposal would not harm the area's character or appearance.
9. For the above reasons I conclude that the appeal should be allowed. The Council has suggested no conditions and, other than the standard implementation time limit, I consider none to be necessary.

Malcolm Rivett

INSPECTOR