



Appeal Decision

Site visit made on 15 February 2010

by **D R Cullingford BA MPhil MRTPI**

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

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Decision date:
5 March 2010

Appeal Ref: APP/H0738/A/09/2117919

**The Beckfields, Beckfields Avenue, Ingleby Barwick, Stockton-on-Tees
TS17 0QB**

- 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 by Mr Sukhjinder Singh Jagpal against the decision of the Stockton-on-Tees Borough Council.
- The application (ref: 09/2466/COU and dated 5 October 2009) was refused by notice dated 30 November 2009.
- The development is described as 'planning permission for change of use from A1 retail to A5 hot-food take-away'.

Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

Reasons

2. The Beckfields is listed as a 'neighbourhood shopping centre' in the Local Plan and the appeal premises (unit 4, now a vacant flower shop) is one of 5 small units originally conceived as being attached to a small supermarket (currently a 'One Stop Shop'), a health centre and a public house. The health centre now accommodates a betting shop and an estate agent. The shops face a car park for some 70 vehicles beneath the gloom of a deep overhanging canopy. The submissions suggest that retail activity at the centre has sometimes been a struggle, so that 3 of the 5 original units in the main section of the parade now offer hot food to take away in the form of pizzas or Chinese or Indian cuisine; the remaining unit is a hairdresser's. At least 2 of those permissions for hot food shops were granted on appeal in 1993 and 1998, the former encompassing unit 4 (the current appeal property) as well as unit 3. Recently, however, an appeal (APP/H0738/A/08/2084684 and dated 12 December 2008) relating to a previous submission of this proposal was dismissed on the grounds that it would cause unacceptable harm to the vitality and viability of this centre and that reasonable efforts to market the premises had not been demonstrated. The Council remain concerned that this scheme would adversely affect the vitality and viability of this local centre, contrary to 'saved' policies S10 and S14. That is the issue on which this appeal turns.
3. Apart from the appeal premises, the only units in A1 retail use within this centre are now the small supermarket and the hairdresser's. Hence, the proposal would result in only 25% of the units remaining in retail use and that would, self-evidently, adversely affect the retail character of this

neighbourhood centre. Moreover, given the presence of the existing A5 units, the scheme would lead to 50% of the outlets being hot-food take-away shops. I think that such a concentration of similar enterprises would serve to dominate the character of the centre and, with the public house, create a neighbourhood enclave largely devoted to uses providing food and drink. The existing hot-food take-away shops were not open at the time of my site visit (early afternoon), so that the shop fronts were dark or shuttered, presenting a somewhat forbidding and uninteresting frontage to the parade. The proposal would inevitably accentuate those harmful effects and complete, save for the hairdresser's and the entrance to the supermarket, a parade of A5 uses. I consider that such development would harm the retail character, as well as the vitality and viability, of this neighbourhood centre and thus contravene the requirements of policy S10.

4. The claim is that the appeal property has been vacant and marketed for over a year without success, thereby demonstrating the lack of need for, and viability of, an A1 use here. The duration of the campaign is not disputed and it is accepted that reasonable efforts have been made to market the premises, as required by policy S10. But that requirement is but one strand of the policy. It does not automatically follow that fulfilling it would be sufficient to warrant the proposed change of use. In this case the harmful consequences indicated above would ensue. I am not convinced that such consequences should be preferred to the unit remaining vacant for a further period with the possibility of accommodating a more compatible occupant. And, although I realise that competition from the large Tesco store (located elsewhere in Ingelby Barwick) must be stiff (especially as it is estimated to be under trading), I consider that it is not uncommon for specialist outlets to trade viably in the shadow of such competition or for other uses to contribute to the vitality of a neighbourhood shopping centre. Hence, and having considered all the other matters raised I find nothing sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR