



## Appeal Decision

Site visit made on 27 September 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:  
28 October 2010

**Appeal Ref: APP/H0738/A/10/2130437**

**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 against the decision of the Stockton-on-Tees Borough Council.
- The application (ref: 10/0922/FUL and dated 8 April 2010) was refused by notice dated 9 June 2010.
- The development is described as a '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. I visited this site in early February 2010 in connection with a previous appeal relating to an identical proposal. I saw in September that nothing much had changed during the intervening 7 months or so. The Beckfields is still a 'neighbourhood shopping centre' and the appeal premises remain vacant. The shop is one of 5 small units originally conceived as complementing a modest supermarket, a health centre and a public house, but now supplementing a 'One Stop Shop', a betting office and an estate agent. Three of the five units in the main parade offer hot food to take away (pizzas or Chinese or Indian cuisine); 2 of those permissions were granted on appeal in 1993 and 1998, the former encompassing unit 4 (the current appeal property) as well as unit 3. In 2008 a hot-food take-away was prevented at unit 4 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 (APP/H0738/A/08/2084684). And, in 2010 my previous decision was based largely on the grounds that the change of use would harm the retail character, as well as the vitality and viability, of this neighbourhood centre and contravene the requirements of policy S10. That remains the issue on which this appeal turns.
3. I am afraid that my original findings still apply. As the appeal premises, the small supermarket and the hairdresser's are now the only units in A1 retail use, the proposal would result in 'shops' forming just 25% of the units remaining in this neighbourhood shopping centre and 50% of the outlets serving hot food to take away. Self-evidently, the retail character of The Beckfields would be

'diminished and become dominated by the concentration of hot-food take-away outlets. Perhaps the intended fish and chip shop would open during the day, so that the harmful day-time impact of the darkened frontages presented by the current take-away outlets might not be accentuated. But I doubt that opening hours could be guaranteed irrespective of demand. In any case, the harmful effects of an almost complete parade of non-retail uses would remain. Hence, this scheme would harm the retail character of this neighbourhood centre contrary to the requirements of policy S10. And, although I accept that the premises have been actively marketed (though not since the previous appeal), that requirement is but one strand of policy S10. As I indicated previously, the harmful consequences outlined above would ensue and, in those circumstances, there would be some planning benefit in the unit remaining vacant for a further period to 'exhaust' (within reason) the possibility of finding a more compatible occupant.

4. Nevertheless, it is now claimed that the recent permission (dated 24 February 2010) for a substantial extension to the Tesco store in the Ingleby Barwick Local Centre (barely  $\frac{3}{4}$  of a mile from the Beckfields Neighbourhood Centre) must effectively stymie any reasonable prospect of finding a retailer to occupy the appeal premises. I have some sympathy for that view because, as the planning officer indicates, there is no support in the Local Plan or the Core Strategy for any significant expansion of the role, function or scale of the Ingleby Barwick Local Centre and I find the contrary arguments advanced far from compelling. Moreover, I share some of the expressed doubts relating to the estimated low levels of trade diversion from existing centres and I note that the potential impact on 'neighbourhood centres' does not appear to have been considered at all. But, it seems to me that there has not yet been sufficient time in which to assess the real impact of the extension at the Tesco store. It still remains the case that specialist outlets can trade viably in the shadow of quite large convenience stores or that other uses might contribute to the vitality of a neighbourhood shopping centre. In the absence of any apparent marketing of the appeal property since the autumn of 2009, I remain unconvinced that the extension to the Tesco store, or any other matter raised, would constitute cogent reasons to alter my previous conclusion. I am afraid that, in the circumstances that currently prevail, I consider that this appeal should be dismissed.



INSPECTOR