



The Planning Inspectorate

Appeal Decision

Site visit made on 4 August 2014

by **Kenneth Stone Bsc(Hons) DipTP MRTPI**

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

Decision date: 7 August 2014

Appeal Ref: APP/V2255/A/14/2219483

75-77 High Street, Milton Regis, Sittingbourne, Kent ME10 2AR

- 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 Mr John Stephens against the decision of Swale Borough Council.
 - The application Ref SW/14/0245, dated 29 January 2014, was refused by notice dated 22 April 2014.
 - The development proposed is described as the change of use from commercial premises previously a Post Office to residential use.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I have used the site address from the appeal form in the heading above, which differs from that on the application form, as this more accurately describes the site and is used on the Council's decision notice.

Main Issue

3. The main issue in this appeal is the effect of the proposed change of use on the vitality and viability of the High Street.

Reasons

4. The appeal site is on the ground floor of a three storey Grade II Listed Building located in the High Street of Milton Regis a small historic settlement that is now a suburb of Sittingbourne. The High Street and surrounding area are within a designated Conservation Area.
5. The property accommodates a commercial area, formerly used as a Post Office, on the front half of the ground floor with residential accommodation to the rear and the upper floors. The proposal would convert the commercial floor space into residential use integrated with the remainder of the property. In respect of this appeal Policy B3 in the Swale Borough Local Plan February 2008 (LP), seeks to maintain and enhance the functioning, vitality and viability of other commercial areas outside of the core and secondary shopping areas by only allowing non-retail uses that meet certain criteria. Those criteria of particular relevance to this appeal require market testing to demonstrate that there is insufficient demand for either the retention of the retail use or that another service or facility, not currently provided in the locality, cannot be provided from the unit.

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6. Whilst there are a number of marketing particulars provided by the appellant all relate to the whole premises and rely heavily on the Post Office use. There is little reference to other retail uses or indeed other services or facilities that may be appropriate in this location. The marketing periods are spread over a significant period of time and there are long gaps between some of these, particularly with the most recent marketing which was only commenced in November 2013 after a break of in excess of 3 years. This latter marketing has been on the basis of the whole property as residential and provides little reference to commercial use of this space.
7. The concern that a significant impediment to the use of the commercial area for a viable retail use is the limited space and lack of facilities. However, the marketing has been on the basis of the premises as a whole whereby the operator of the retail unit would also have access to the residential areas. Indeed as there are no physical alterations proposed to this Listed Building this would need to be the case and the commercial floor space would not be provided as an independent unit. I am not persuaded therefore that this is a significant obstacle.
8. The appeal is located in the middle of the High Street in a small village centre which plays an important role in catering for the day-to-day shopping requirements of the surrounding community. There were a limited number of vacant premises in the centre but given the total number of units I wads of the view the centre appeared reasonably active. The introduction of a residential use, being a non-retail use or non-service facility, at this location in the centre would introduce an inactive frontage in the middle of the commercial frontage to the detriment of the centre. This would erode its retail function and undermine its vitality and viability.
9. For the reasons given above I conclude that the proposed change of use would result in material harm to the vitality and viability of Milton Regis High Street and there has been insufficient evidence provided to demonstrate that there is a lack of demand for an appropriate use. Consequently the proposed development would conflict with policy B3 of the LP which amongst other things seeks to maintain and enhance the functioning, vitality and viability of other commercial areas in the built up area of Sittingbourne.

Other Matters

10. There are no physical alterations proposed and the Council have concluded that there would therefore be no impact on the Listed Building or the Conservation Area. I see no reason to disagree with their conclusions in this regard and thereby the proposal would preserve the Listed Building, including any features of special architectural or historic interest which it possesses, and the character and appearance of the Conservation Area. However, this does not outweigh the harm that I have identified above.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR