Appeal Decision

Site visit made on 29 September 2008.

by B C Scott BA(Hons) Urban & Regional Planning MRTPI

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

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Decision date:
8 October 2008

Appeal Ref: APP/M3835/A/08/2076267

5 Offington Lane, Worthing, BN14 9RY.

- 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 M Halford against the decision of Worthing Borough Council.
- The application Ref: WB/08/0248/FULL, dated 5 February 2008, was refused by notice dated 7 April 2008.
- The development proposed is change of use of first and second floors from vacant maisonette to 4 no. self-contained studio flats.

Procedural Matters

1. The description of development in the head note (above) is from the application form. The Appellant since adopts the Council's description *change of use of first and second floors from vacant property to 4 no. self-contained studio flats*, which I apply.

2. The appeal application follows a previous refusal for a likewise scheme in which the development is stated to involve *a change of use from vacant offices*.

3. In the circumstances, I give consideration to whether or not the appeal proposal would result in a change away from an employment generating site, which governs the main issue in this case.

Decision

4. I allow the appeal, and grant planning permission for change of use of first and second floors from vacant property to 4 no. self-contained studio flats at 5 Offington Lane, Worthing, BN14 9RY, in accordance with the terms of the application Ref: WB/08/0248/FULL, dated 5 February 2008, and the plans submitted therewith, subject to the following conditions:

   1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.

   2) The dwellings hereby permitted shall not be occupied unless and until the cycle store shown in the submitted plans has been built and the store shall be retained thereafter.

   3) The cycle store shall not be built other than to match the facing brickwork and the roof of the parent property.

Main Issue

5. I consider the main issue in this case to be the effect of the proposed development on the local economy.

Reasons

6. It is not disputed that the appeal property originally comprised a maisonette (the first and second floors in question) above an existing shop. The maisonette was occupied for many years until it became used as offices, which then fell vacant to the present day. The Appellant asserts that the office use was unauthorised and temporary; the accommodation having reverted to a vacant maisonette. The Council asserts that the lawful use is offices notwithstanding its description of development and the absence of a Lawful Development Certificate.

7. On the face of it, the period of non-use as offices is substantial (8 years – although this is disputed by the Council) and the period since residential use is considerable (19 years). I have no conclusive evidence before me to state otherwise. From my observations of the outside of the appeal premises, especially from the derelict looking area to the rear, I came to the view that the appeal accommodation is sadly neglected. Whereas, no other uses were made of the accommodation since it became vacant, it is telling that the Appellant made no attempt to seek a Lawful Development Certificate to facilitate promotion of the premises for resumption of the office use. To my mind, that indicates a lack of intention by the Appellant to continue with the office use. For those reasons, I consider that the office use should be regarded as having been abandoned, which means there is no current lawful use of the appeal premises.

8. The appeal premises are in a commercial centre where a mixture of residential and office uses exist above shops and nearby. The proposed development would see the appeal premises revert to their original residential use, away from potential provision of a local employment opportunity. The thrust of Policy NE5 of the West Sussex Structure Plan 2005 (SP) and Policy REGEN 2 of the emerging Core Strategy Development Plan Document 2007 is to protect local employment opportunities.

9. The Council submits comprehensive general evidence about the local economy that shows a declining availability of office space. From my examination of the appeal site area I was struck by the large number of office vacancies and by the significant number of surviving residential uses. I formed the view that the premises above the shops naturally drift between residential and office use, subject to demand. Given their history, the appeal premises are not an existing employment site and I have no evidence to show that they are part of such allocated land. There is nothing before me that shows the appeal premises to be important for local employment opportunities.

10. Accordingly, I conclude that the proposed development would not be harmful to the local economy, in accordance with the objectives of SP Policy NE5 and emerging policy REGEN 2.

11. The Council does not raise objection to the proposed residential use per se, which I fully understand owing to the form, location and origins of the appeal premises. I have considered all other matters raised, but none alters my conclusion on the main issue.

12. In addition to the standard condition concerning time limit, in view of the main issue in this case, I impose the Council's suggested conditions in the interests of sustainable travel provision (cycle storage) and the resultant appearance of the appeal premises (matching materials).

B C Scott
INSPECTOR