



Appeal Decision

Site visit made on 30 May 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 September 2023

Appeal Ref: APP/U2370/W/22/3309470

119 Garstang Road, Claughton-On-Brock PR3 0PH

- 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 Ian Rutter (Clarke & Pulman) against the decision of Wyre Borough Council.
 - The application Ref 21/01173/FULMAJ, dated 17 September 2021, was refused by notice dated 21 April 2022.
 - The development proposed is a single-storey extension with mezzanine to existing storage building to create a retail unit (Use Class E(a)), and erection of workshop building (Use Class B2), with new carparking area in the existing yard.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council made their decision, the Wyre Local Plan (2011-2031) (incorporating partial update of 2022) (WLP) has been adopted. It is a revised replacement for the Wyre Local Plan (2011-2031) 2019. The wording of Policy EP2 has been updated to reflect changes to the Town and Country Planning (Use Classes) Order 1987 as brought in by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 which came into force on 1 September 2020. Neither main party has suggested the adoption of the plan has any implications for the appeal. I have determined the appeal accordingly.

Main Issues

3. The main issues are the effects of the proposed development on:
 - The vitality and viability of town, district and local shopping centres; and
 - The supply of employment land and premises.

Reasons

The vitality and viability of town centres

4. The appeal site is located on Garstang Road in Claughton-on-Brock. It forms part of an employment area allocated for B1 (now part of class E(g)), B2 and B8 business and industrial uses and includes, amongst other things, an auction mart, a builder's merchant, vehicle repairs and supplies and office uses.
5. The appellant's business currently encompasses a tyre service depot, agricultural machinery workshop and trade counter and a retail unit. The retail unit contains a two separately branded areas, one selling tractor parts, tools

and protective clothing and the other country clothing, shoes and gifts. It fronts onto Garstang Road directly opposite Catterall local centre, a newly built facility containing a small range of shops and services.

6. The proposed development involves a new workshop building to the rear of the site and the extension of an existing free-standing storage building to provide a standalone retail unit for the country clothing part of the business. The current retail floorspace (approximately 633 square metres) would remain in use for the sale of tractor parts. The proposal would increase the retail element of the site by about 430 square metres (gross floorspace). There is no disagreement surrounding the suitability of the site for the workshop element of the proposed development. The dispute therefore is confined to the additional retail provision on the site.
7. The appeal site is located outside of any designated town or local centre. The National Planning Policy Framework 2023 (the Framework) recognises the role that town centres play, that they should remain the focus for comparison retail growth, and that out of centre retail developments have the potential to compete with town centres and affect their viability and vitality. WLP Policy EP5 establishes that a sequential approach will be used to assess proposals for new retail and town centre development, to focus it on identified centres in the first instance, with edge of centre and out of centre development only being allowed where it is specifically supported by alternative plan policies or where no sequentially preferable site is available.
8. A sequential test assessment has been submitted by the appellant as part of the appeal documentation. The assessment considers the availability of premises within Garstang town centre and the local centres of Catterall and Great Ecclestone and concludes that there are no suitable and available properties that would meet their requirements. A unit in Garstang town centre is currently available which would provide approximately 400 square metres of retail floor space. However, no suitable sites were available within either Catterall or Great Ecclestone.
9. The available unit in Garstang town centre is slightly smaller than the proposed floorspace in the appeal scheme, nevertheless, I have not been presented with any persuasive evidence that the proposed retail use could not be accommodated within the floorspace available. This is an important consideration given that paragraph 88 of the Framework state that applicants, as well as local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
10. The appellant states that the clothing side of the business is not capable of functioning as an independent unit and that he sells brands which are preferred by their existing customer base due to their suitability for a rural lifestyle. The appellant claims that customers purchase from both elements of the retail business at the same time in the form of 'linked trips'. However, I have not been provided with any substantive evidence of what proportion of sales or the level of turnover which is made up of purchases made in this way or, for example, evidence of customer surveys to demonstrate the makeup and preferences of the existing customer base. Furthermore, I have also not been provided with any substantive evidence of how the clothing side of the business

is staffed, and whether this is reliant on staff working in the tractor parts element of the unit.

11. The Council has raised no concern over the accessibility of the appeal site. The appeal site is located close to the edge of Catterall local centre, which includes amongst other things, a convenience store, a hairdressers and food outlets. Parking is available within the local centre of which the appeal site is within walking distance. It also lies close to bus stops on the B6430 and is easily accessible on foot to nearby residential areas.
12. However, under current planning policy, the proposal would be located outside of a defined centre, and, as a result, without adequate and objectively evidenced justification it has the potential to harmfully undermine the viability of defined centres if there are similarly sized units within them that are currently vacant. As it has been demonstrated through the sequential test that a potentially suitably sized unit is available in Garstang town centre, I cannot be satisfied that the proposal would not harm the vitality and viability of it.
13. Whilst I acknowledge that the sale of farm equipment is a highly specialised form of retailing and may not always lend itself to a town centre location, the same cannot be said of clothing, footwear and gifts. The appellant states that the clothing brands sold are not normally seen in a high street location, however I have not been presented with any evidence other than a list of well-known brands including Barbour, Dubarry and Holland Cooper to support this claim. I am not persuaded that there is any reasonable evidence before me to indicate that there is anything that would prohibit the sale of such products in the high street or indeed why they could only be viably sold in an out of centre location.
14. I acknowledge that the proposal would create new jobs, would secure existing employment and makes efficient use of land in the appellant's ownership. Additionally, the appellant's businesses have rural roots and provide support to the farming community. Whilst these are positive matters to weigh in the overall planning balance, collectively they do not outweigh or overcome the harm that I have found on this main issue.
15. I conclude that the appeal site is not in a suitable location for the retail development. As such, the proposed development conflicts with the aims of WLP Policy EP5 and aims of the Framework in ensuring the vitality and viability of town centres. It also conflicts with the aims of WLP Policy SP2 in relation to the suitability of locations and sustainable patterns of development.

Employment land and premises

16. WLP Policy EP2 seeks to protect existing employment areas from development harmful to their contribution to employment provision within the borough. Within these allocated areas, uses within Use Classes B1 (now part of Use Class E(g)), B2 and B8 are considered acceptable. Accordingly, alternative uses are only permitted subject to certain criteria.
17. The primary use of the site, however, would remain and would be expanded with the proposed additional workshop. Nevertheless, retail uses falling within Use Class E(a) would fall foul of criterion 1 of WLP Policy EP2. In this regard, the development would conflict with the employment aims of the policy.

Nevertheless, a retail use already exists within the appeal site and therefore there is already some discrepancy with uses in the allocated employment area.

18. The retail element of the business, even in its expanded form would form a relatively small part of the overall use of the site. Therefore, whilst retail uses do not conform with the site's allocation in the development plan, I consider that they would not cause any material harm to the wider designation of the area as an employment area.
19. I therefore conclude that the proposal would not lead to an unacceptable reduction in the type, quantity or quality of employment land supply on the wider site. As a result, I find no material conflict with WLP policy EP2 or the aims of the Framework in this respect.

Conclusion

20. For the reasons set out above, and having considered the development plan as a whole, and all other matters raised, I conclude that the appeal should be dismissed.

KL Robbie

INSPECTOR