
Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 03/02/15
Ymweliad â safle a wnaed ar 03/02/15

**gan Vicki Hirst BA(Hons) PG Dip TP
MA MRTPI**

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 17 Chwefror 2015

Appeal Decision

Hearing held on 03/02/15
Site visit made on 03/02/15

**by Vicki Hirst BA(Hons) PG Dip TP MA
MRTPI**

an Inspector appointed by the Welsh Ministers
Date: 17 February 2015

Appeal A: APP/B6855/C/14/2226149

**Site address: Kingsbridge Centre, Swansea Road, Kingsbridge, Gorseinon,
Swansea, SA4 4AS**

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr G Lloyd against an enforcement notice issued by the City and County of Swansea Council.
- The Council's reference is ENF14/0005.
- The notice was issued on 17 September 2014.
- The breach of planning control as alleged in the notice is without planning permission, change of use of from a former educational establishment to a Hairdressing Salon (Use Class A1).
- The requirements of the notice are cease the unauthorised use of the site as a hairdressing salon (Use Class A1).
- The period for compliance with the requirements is 3 months from the date on which the enforcement notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

Summary of decision: The appeal is dismissed and the enforcement notice is upheld with the corrections and variations as set out in the formal decision below.

Appeal B: APP/B6855/A/14/2224206

**Site address: Kingsbridge Centre, Swansea Road, Kingsbridge, Gorseinon,
Swansea, SA4 4AS**

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- 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 G Lloyd against the decision of the City and County of Swansea Council.
- The application Ref 2014/0692, dated 1 May 2014, was refused by notice dated 30 June 2014.
- The development proposed is retention of part of former education learning facility as a hairdressing and beauty salon.

Summary of decision: The appeal is dismissed.

Procedural Matter

1. It is evident that the use comprises a hairdressing and beauty salon and would be more accurately described in the enforcement notice as including both. At the hearing both main parties agreed that there would be no injustice caused to any party from varying the notice to include the reference to a beauty salon and to correct a minor typing error in the drafting. I shall correct the notice accordingly.

Appeal A - ground (a), the deemed planning application and Appeal B

Main Issues

2. The main issues are the effect of the proposal on the vitality and viability of local centres, the effect on industrial and commercial site availability and whether, in the light of national and local planning policies, there is justification for this use in this location.

Reasons

3. The appeal site is situated within a part of the Kingsbridge Centre, which comprises a range of commercial workshops, offices and car showrooms. It lies within the settlement limits of Gorseinon and some 900 metres south of its district shopping centre as defined in the City and County of Swansea adopted Unitary Development Plan (UDP).
4. The Kingsbridge Centre was historically used as a car showroom with part being used more recently as an education facility in association with Gorseinon College. It has an extant permission for a change of use back to a car showroom and has been subdivided into four main units comprising office suites, a car valeting and washing facility, an MOT garage and the hairdressing and beauty salon the subject of this appeal. It is located within a wider area comprising a range of uses, including two public houses, further car sales showrooms, leisure facilities and a trading estate.
5. The UDP's policies are in general accordance with the objectives of national planning policy advice in Planning Policy Wales, Edition 7, July 2014 in promoting established town, district, local and village centres as the most appropriate locations for retailing, leisure and complementary functions.
6. In this case, the Council is of the view that Gorseinon and Gowerton provide a range of local retail outlets and other facilities and would be the most sequentially preferable locations for new retail development such as the appeal proposal. I note that Gowerton has no formal status as a district or local centre within the UDP but I am satisfied that it falls under the "small parades, corner shops and village stores"¹ referred to in the UDP as playing an important role in meeting day-to-day shopping needs. However, on the basis of its less formal status within the plan I consider that it would be a sequentially less preferable location to the district centre of Gorseinon.
7. Gorseinon currently has six vacant units. The appellant contends that none are suitable for the business as three have a limited ground floor area and any use of the upper floors would limit access for those less able, two would have limited passing footfall as they do not have frontages to the main shopping street and the sixth would be too large being a former supermarket.

¹ Paragraph 2.4.17, City and County of Swansea Unitary Development Plan, November 2008

8. It would appear from the evidence presented at the hearing that whilst a floorspace of approximately 120 square metres would be desired, the current business has developed into the space available rather than this being sought as a result of an original business plan. Nonetheless I acknowledge that three of the vacant units are in terraced properties and may require further extension to be of a sufficient size to accommodate the now established business needs. I agree that the former Somerfield store is more suited to a large retailer.
9. The two units situated to the rear of the former Somerfield store have a larger ground floor area than those within the terraced properties and are situated next to a car park and only a short walking distance from the main shopping street. It was confirmed at the hearing that most customers travel by car and have appointment times. I noted on my unaccompanied site visit that there was a steady flow of pedestrians past these vacant units, but nonetheless it would appear from the evidence presented that the reliance on passing trade is not the primary customer base. I consider that due to the size, location and proximity to a car park these units would represent appropriate available premises within the district centre and which would be sequentially preferable to the current location.
10. The appellant contends that the location of the business does not affect the vitality and viability of the centre demonstrated by the uptake of available units within Gorseinon in recent years despite the recession and the presence of some 15 hairdressers in the area. This is recognised but if this argument was used to justify every proposal for a retail use outside of the centre when there are sequentially preferable options available it would undermine the principle of locating businesses together in the interests of the vitality and viability of local shopping centres and in the most sustainable locations. The upturn of the centre could be attributed to a number of factors and its success could be further enhanced by locating the appeal business within it where further benefits could be derived to existing businesses that do not currently gain due to its location away from the centre. I conclude that the proposal undermines the principle of locating retail uses within existing centres and would be harmful to the vitality and viability of the district centre at Gorseinon.
11. The business also utilises a unit within an established commercial area where policy EC3 of the UDP seeks to resist non-business uses (defined as retail, leisure and residential) as these areas are a valuable asset within the Council's employment land supply.
12. The appeal proposal evidently makes a contribution to employment by employing six members of staff and will have some associated benefits to suppliers and other local businesses. I have no reason to believe that they would not be equally delivered from within the centre. I acknowledge the appellant's view that there is an abundance of commercial space in the area and that the nature of the business is more akin to a service retail use and complementary to others in the vicinity. I also note that the site could revert back to an A1 use should the extant permission to a car showroom be implemented. However, I do not find these matters to outweigh the harm that would arise from allowing this particular proposal and which would result in the loss of a site that would be better retained for uses that are suited to a more peripheral location due to their inherent nature or requirements. I conclude that the proposal would undermine the Council's economic strategy and the objectives of national planning policy advice to locate economic development in the most appropriate and sustainable locations.

13. Policies EC6 and EC9 of the UDP exceptionally allow for out of centre retail developments where there is an acknowledged deficiency and in order to meet local needs. The Council confirmed at the hearing that there is no recognised deficiency for retail development in the Gorseinon/Gowerton area and that the district centre and existing retail outlets can adequately provide for local needs. I have no reason to disagree with this view. The appellant contends that there is a need for the business as demonstrated by its success, but this could similarly be met in an available unit within the centre.
14. I conclude that there is no justification for allowing a retail use in this location where it would have a harmful effect on the vitality and viability of the district centre at Gorseinon. It would reduce industrial and commercial site availability for other economic activities and would not be in accord with the relevant UDP policies EC3, EC4, EC6 and EC9 or with the objectives of national planning policy advice.
15. I have taken into account all other matters raised, including the offer of a condition to restrict the use to a hairdressers and beauty salon only, and the substantial support for the proposal but none outweigh the harm that I have identified. I conclude that Appeal A should fail on ground (a) that the deemed application should be refused and that Appeal B should be dismissed.

Appeal A – ground(g)

16. The ground of appeal is that the three months given to comply with the requirements of the notice is too short. I consider it important that a reasonable period should be allowed in order for the appellant to find alternative premises and to fit them out. However the unauthorised use should not be allowed to continue for longer than is necessary given its impacts on the centre and the availability of commercial units in the area. I find the appellant's suggestion of twelve months to be excessive given the availability of units that have been identified. I consider that a period of six months would strike the appropriate balance between these conflicting interests and to this limited extent the appeal on ground (g) succeeds.

Formal Decision

17. I direct that the enforcement notice be corrected as follows:

- i. the deletion of "of" in paragraph 3,
- ii. the insertion of "and beauty" after "hairdressing" in paragraph 3,
- iii. the insertion of "and beauty" after "hairdressing" in paragraph 5.

I also direct that the enforcement notice be varied in paragraph 6 as follows:

- i. delete "3 months" from paragraph 6 and replace with "6 months".

Subject to the above corrections and variation I dismiss Appeal A, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177 (5) of the 1990 Act as amended.

18. I dismiss Appeal B.

Vicki Hirst

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr R Banks	JCR Planning
Miss E Roberts	Proprietor of Hair Kandi
Mrs N Troake	Employee at Hair Kandi

FOR THE LOCAL PLANNING AUTHORITY:

Miss R Devereux	Planning Officer
Mrs L Tucker	Senior Planning Officer
Mr R Latham	Enforcement Officer
Mrs Z Richards	Planning Technician

DOCUMENTS SUBMITTED AT THE HEARING:

1. Council's Notification Letters of appeal arrangements, 15 September 2014, 6 October 2014, 20 October 2014 and 16 December 2014.
2. Copy of supporting text to UDP policy EC9