

SAFEGUARDING LOCAL COMMERCIAL SERVICES AND COMMUNITY FACILITIES

- 6.227 Policy HC-D19 seeks to safeguard both local commercial services including shops, cafés and public houses and community facilities in terms of their role in providing services and facilities for communities and visitors and in providing local employment.
- 6.228 In a dispersed rural area, such as Exmoor, the availability of community services and facilities are important socially and economically whilst helping to reduce the need to travel longer distances (see also policy AC-S1 Sustainable Transport). Therefore services should be safeguarded over the longer term.
- 6.229 Policy HC-D19 sets out criteria and a test of viability to enable the National Park Authority to assess a number of factors when determining a proposal for a change of use which may result in the loss of a service or facility. The policy also contains criteria against which proposals for change of use for specific uses within use classes will be considered. Any proposals for the change of use of local commercial services and community facilities should provide evidence to demonstrate there is no longer a need for a specific service or facility in the longer term, a suitable replacement service or facility is provided, or there is an existing similar facility accessible to the local community. Where a replacement service or facility is to be provided, a planning obligation will be used to ensure that the replacement facility is secured at an appropriate time in relation to changing the use of the existing facility. The representative views of the community will be taken into account in determining any proposals for the change of use of a community service or facility. Uses which are deemed to benefit the community will be considered favourably including other community uses, local affordable housing, or employment use.
- 6.230 In relation to clause 1d) of policy HC-D19 local commercial services, such as shops, pubs, cafés, (A class uses) or petrol stations (sui generis), will be required to demonstrate that all appropriate measures, including the opportunity for community not-for-profit schemes, have been taken to improve viability of the service before a change of use is proposed. In some cases the community may wish to consider taking over the business to be run as a community led-enterprise such as the Wootton Courtenay Villagers' Stores. Such initiatives and alternative approaches can enable a facility to remain open. Diversification of local commercial services may be considered to support the viability of businesses. Where the diversified use is incidental to the main use of the business and is of a nature and scale that compliments the current use, the National Park Authority is likely to be supportive of proposals. For example, some shops have diversified from solely retail to also provide refreshment facilities or pubs have provided space for a small convenience store. Conditions may be attached to any granting of planning permission to ensure that the diversified use remains ancillary to the main business (policy HC-S6 supports shared services and flexible arrangements to enable the diversification of services).
- 6.231 The viability tests set out below will be used to assess whether a commercial service can be made viable, and will require evidence of realistic marketing at a reasonable price. To provide impartial evidence regarding viability and marketing of the property an independent valuation is likely to be required by the District Valuation Office to inform the decision-making process.

- 6.232 Where it can be demonstrated that a local commercial service (A use class) is no longer viable and the case for a change of use is accepted on grounds of viability and in accordance with HC-D19, particularly for shops (A1 use), the preferred approach is that they remain in an alternative 'A' class use or otherwise a change of use to:
- a) D1 or D2 uses will be favourably considered - if this is not possible then;
 - b) other compatible employment uses (B1a - offices) may be permitted; or
 - c) where it can be demonstrated that A, D1, D2 or B1a uses or another community use are not possible, a change of use to residential dwellings to meet local needs in accordance with policies HC-D1 Conversions to Dwellings in Settlements and HC-D7 Conversions in the Open Countryside may be permitted.
- 6.233 In order to ensure that the above priorities are achieved, where only a part of a building is occupied by a commercial service and it is accepted by the National Park Authority as being unviable, a change of use to residential, as an extension of the existing dwelling will only be allowed if it can be clearly demonstrated that it is not possible for the commercial part of the building to operate independently of the main house; for example where the only means of access to the house is through the part of the building occupied by the commercial service.
- 6.234 Applicants considering the change of use of a site or building from a local commercial service under policy HC-D19 are encouraged to contact the National Park Authority at an early stage to discuss any proposals. The proposal will need to demonstrate that all possible options to improve the viability and sustainability of the service/business have been explored and that the marketing of the land or buildings has resulted in no reasonable offers of purchase before considering applying for change of use.
- 6.235 The National Park Authority will assess any proposals using the viability tests set out in the checklist below which are informed by the Campaign for Real Ale (CAMRA) Public House Viability Test³⁴⁰ and may be used to assess whether or not a commercial community service or facility can be made viable under policy HC-D19:
- a) Business viability: include evidence of how the business is managed, whether the service has been run successfully in the past, and whether there have been any attempts to improve viability including by diversifying the business. Are there other circumstances affecting viability such as business rates/taxes/rents, and have reasonable attempts to obtain funding or grants been made?
 - b) Location: whether it lies within a named settlement or in the open countryside.
 - c) Trade Potential: what is the catchment area, community use and impact of tourism?
 - d) Accessibility: the availability and frequency of public or community transport services in the area, and whether there is access to appropriate car parking nearby.
 - e) Competition: whether there are any other facilities offering a similar range of goods within a convenient distance, and the potential to cater for different groups.

³⁴⁰ CAMRA (2014) Public House Viability Test – Version 3 (31/3/14) [Online]
<http://www.camra.org.uk/documents/10180/20788/PublicHouseViabilityTest-2014-03-31.pdf/fd7f1665-f279-45bf-b89a-6eb3c235b7d1>

- f) Flexibility: has the flexible/multiple use and scope of the site for extensions or extending service provision been investigated (including unused rooms/outbuildings or adjoining land), and is the building well maintained? Is there scope for multiple use to combine its function to other community service uses?
- g) The Sale: has the service/facility been marketed/investigated in terms of its potential for other uses permitted by the GPDO³⁴¹ and cannot be made viable? Is there evidence of realistic marketing of the service/facility at a competitive price for a period of 12 consecutive months that reflects recent trading? A longer marketing period may be required if the market is stagnant. This period may have the added benefit of allowing communities time to develop community led proposals and will also be relevant if the property has been registered as an asset of community value with North Devon or West Somerset district councils.

6.236 In relation to Clause g) above the marketing steps and evidence that the National Park Authority would require include the following:

- a) The applicant/owner has advertised the premises on site and in local newspapers, estate/property agents (including with specialist trade agents) and, where appropriate, the District Council's sites and premises register and otherwise as requested by the National Park Authority.
- b) If the applicant/owner is considered to be a willing seller and has failed to provide a willing buyer/occupier in the first three months of marketing they have re-advertised the premises in the aforementioned publications at three month intervals thereafter.
- c) The applicant/owner has provided advertisement details, including sales particulars with a guide price to reflect the realistic market value of the site/building(s).
- d) Written evidence of all enquiries received and the reasons why potential buyers/occupiers found the site/buildings unsuitable.

³⁴¹ HM Government (2015) Town and Country Planning (General Permitted Development) (England) Order 2015. *The Stationery Office, London.*

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- 1. Proposals to change the use of a local commercial service or non-commercial community facility will not be permitted unless it can be clearly demonstrated that:**
 - a) there is no longer a need for the specific service or facility by the community, including over the longer term; and**
 - b) a need for other permitted uses or other services and facilities has been explored and is not required; or**
 - c) a replacement service or facility accessible to the local community of at least equivalent standard is provided; or**
 - d) in the case of local commercial services, they cannot be continued and made viable over the longer term.**
- 2. In the case of publicly funded/non-commercial services, including schools and libraries, tests 1 a), b) or c) will apply. Where the tests for a change of use set out in clauses 1 a), b) or c) are met, favourable consideration will be given to changes of use which benefit the community and the local economy consistent with policies in this Plan.**
- 3. In respect of 1 c), planning conditions or obligations will be used to ensure that the replacement provision is secured at an appropriate time in relation to the redevelopment of the site/building.**
- 4. In Local Service Centres changes of use from an existing local commercial service in the A use class to another commercial service in the A use class will be permitted providing they will have an acceptable impact on neighbouring uses.**
- 5. In respect of 1 d) proposals for the change of use of local commercial services and facilities (other than proposals relating to clause 4), will need to provide detailed evidence to demonstrate that:**
 - a) all available opportunities of grant funding and financial support to help retain the service or facility on the premises have been fully explored;**
 - b) diversification is not suitable or viable;**
 - c) opportunities for community/voluntary not-for-profit service provision have been investigated; and**
 - d) realistic marketing of the site or premises at a reasonable value for the current permitted use class for a minimum period of 12 consecutive months has occurred.**
- 6. Where the case for a change of use is accepted:**
 - a) favourable consideration will be given to 'A' 'D1' or 'D2' uses before**
 - b) other compatible employment uses (B1a) may be considered, or otherwise**
 - c) it can be demonstrated that the change of use to A, D1, D2 or B1a uses or another community use are not possible, a change of use to housing in accordance with policies HC-D1 or HC-D7 may be permitted.**