

Store decision offers guide to developers

A PLANNING appeal decision concerning a proposed food store development in Warminster, Wiltshire, would seem to re-affirm the commitment of the Department of Environment to separate planning and commercial matters when considering development applications.

In the early 1980s, there was considerable pressure for new forms of retail development to be allowed including superstores, retail warehouse parks and regional shopping centres.

The Department of the Environment was criticised for not providing clear policy guidance and there was much uncertainty among developers and local planning authorities as to how far the planning system should go in controlling development.

In December 1984, an important appeal decision was stated. This concerned a situation at Whitstable, Kent, where two separate superstore proposals were considered at the same public inquiry. It was common ground at the inquiry that there was only scope for one store to be built, but disagreement over the relative merits. The Secretary of State's decision was to allow both

appeals, on the basis that market forces would decide.

In the subsequent year, policy guidance was issued which made it clear that the planning system should not attempt to inhibit completion between retailers or methods of retailing or to preserve existing commercial interests. Since then, conditions have changed.

Roger Hephner, a planning partner of Grimley J R Eve, said: "There has been speculation that, although the 1985 advice continues to be current (having been re-affirmed in 1988), the Government may now be less inclined to allow market forces to be so influential. The Warminster decision would seem to clearly indicate that these doubts are unfounded.

"The inspector acknowledged that planning permission had recently been granted for the development of a large foodstore on another site within the town, and that it was generally held that there was only room for one store to operate.

"He was quite clear, however, that 'any decision on the proposal... should relate to planning and land use, and not commercial, considerations'".



OPPIDAN Estates and Chartwell Land have signed a reciprocal deal covering a portfolio with a value of £37.5m, including the Owen Owen store (above) in Uxbridge, Middlesex. It allows rationalisation of a number of adjoining holdings.