

Appeal Decision

Site visit made on 15 September 2016

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 05 October 2016

Appeal Ref: APP/R3515/W/16/3151940

Unit 16 - 17 Boss Hall Road, Ipswich, Suffolk IP1 5BN

- 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 Mrs Lauren Lockwood against the decision of Ipswich Borough Council.
 - The application Ref IP/16/00334/FUL, dated 23 March 2016, was refused by notice dated 31 May 2016.
 - The development proposed is change of use from B1/B8 (Light industrial/storage) to canine daycare centre (Sui Generis).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of proposed development in the Council's decision notice has been used in the banner heading above, more concisely to reflect what is proposed in the application form.

Main Issue

3. The main issue is whether the proposal would be acceptable in the Boss Hall Employment Area, having regard to national and local planning policy.

Reasons

4. The appeal site comprises two mid-terrace units on the Boss Hall Industrial Estate that are purpose built for employment use, located near the A12-A14. Together they have a floorspace of 500m² and an established use for storage and distribution purposes. The units are of modern steel portal frame construction, with roller shutter doors and vehicular areas to the front. Although I did not see inside the premises, it is undisputed that they are in a good state of repair and benefit from gas heating and florescent lighting.
 5. Surrounding uses in the estate are typically employment uses within Use Classes B1, B2 and B8. The estate is mostly occupied and I saw that many of the surrounding units were used for vehicle repairs or vehicle related uses.
 6. Paragraph 22 of the National Planning Policy Framework (Framework) states that long term protection of sites allocated for employment use should be avoided where there is no reasonable prospect of a site being used for that
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- purpose. Applications for other uses would then be treated on their merits, based on market signals and how they support sustainable local communities.
7. Policy DM25 of the Ipswich *Core Strategy and Policies Development Plan Document 2011 (CSP)* deals with the protection of employment land. Change of use to non-Class B1, B2 and B8 purposes will only be permitted where alternative uses are compatible with surrounding uses. In addition the alternative use should be an employment-generating use appropriate to the location with no reasonable prospect of locating elsewhere in the Borough, or ancillary to and supporting existing employment uses.
 8. In reviewing this policy, the Council has added further conditions to protect employment land, as part of the Proposed Submission Core Strategy and Policies DPD Review. The draft revised policy DM25 would also require a reasonable prospect of the site being re-used for employment purposes over the plan period, which is up to 2031. The draft plan has been examined but not yet reported upon so I give it limited weight in this appeal.
 9. The appeal premises have been vacant since June 2012 and it is accepted that they have been marketed since then for employment use with little interest. Given that the Council invited evidence of unsuccessful marketing for at least a year in order to show "that there is little prospect of these uses being viable at the premises up until 2031" it is surprising that it now objects to the proposal under the draft policy DM25. Given their condition it is possible that the premises might be let for employment use at some point in the next few years. However they have been vacant or underused for a considerable period and I regard this as a material consideration in favour of the proposal.
 10. It is proposed to change the use of the units to a day care centre for dogs. Unit 16 would become a play room for dogs with a main reception area to the front. Unit 17 would also be available as a play area, together with a smaller grooming room and a further reception area. Each unit would retain their toilet facilities and Unit 16 would include a kitchen and office facility.
 11. The proposal would not complement or be ancillary to surrounding uses. The large forecourt area in front of the terraced units is not individually demarcated and the appellant was requested to supply details of the proposed car parking arrangements. However the only evidence I have seen is the brochure that indicates "there are good levels of forecourt parking and loading facilities." I have concerns that the proposed use may not be compatible with car repairs in the adjacent units and other uses such as distribution and warehousing.
 12. The forecourt is deep and practically speaking, the area immediately in front of the doors of the appeal units could be used for customer parking. However there is insufficient information for me to be certain that a condition could ensure adequate manoeuvring space for customers and other users within the estate who may need the wider communal space from time to time. This adds to my concerns as to the compatibility of the proposed use.
 13. Initially there would be two employees and the use would be confined to a dog play area, but is planned to include a dog grooming salon after the first year of trading. It is suggested that at least 7 people could be employed in the first year of trading, but this level of employment is not supported by evidence that would clearly demonstrate this to be an employment generating business.

14. The appellant has searched for several months for premises she regards as ideally located to enable the business to incubate and grow. Whether there is a reasonable prospect of locating the proposed use outside employment areas is difficult to determine. I sympathise with the desire to occupy large premises that are well located to transport routes yet I am not persuaded on the limited information provided, that the needs of the business could not be met, at least initially, by other premises outside employment areas. Even so this factor is of limited weight in my view, given the unsuccessful marketing of the premises.
15. Taking all these matters into account I am not persuaded from what I have seen and read, that the proposed use would be compatible with the surrounding uses, in particular the prevailing vehicular movements and general activity associated with the adjacent motor repair and related uses. There is also insufficient detail provided to be confident that the use would generate employment in the terms suggested. In this respect, and whilst recognising that the premises have not been fully used for employment related purposes for a considerable period, the proposal clearly conflicts with CSP Policy DM25.

Conclusion

16. For the above reasons and having regard to all other matters raised the appeal is dismissed.

Grahame Kean

INSPECTOR