

Appeal Decision

Site visit made on 4 October 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 27 October 2016

Appeal Ref: APP/H4505/W/16/3154794

Unit 2 Kings Park, Fifth Avenue, Team Valley Trading Estate, Gateshead NE11 0AF

- 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 Stuart Freeman against the decision of Gateshead Council.
 - The application Ref DC/16/00006/COU, dated 5 January 2016, was refused by notice dated 31 March 2016.
 - The development proposed is change of use of land and buildings from B1 / B2 / B8 use to indoor children's play centre, clip n' climb and trampoline park (Class D2) with associated car parks and external alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has conceded in its statement of case that the appellant has now demonstrated to its satisfaction that there are no suitable alternative sites that could accommodate the development requirements of the appellant in sequentially preferable locations to the appeal site.
3. Consequently the Council is no longer pursuing Refusal Reason No 2 and this is not therefore an issue in this appeal.

Main Issue

4. The main issue is whether the premises should be retained in their present B1 / B2 / B8 use.

Reasons

5. The Council's strategy in respect of employment land is set out in the Core Strategy and Urban Core Plan for Gateshead and Newcastle 2015 (CSUCP) and Saved Policy JE1 of the Gateshead Unitary Development Plan 2010 (UDP).
 6. Policies CS1 and CS5 of the CSUCP respectively seek to support economic development in key employment areas such as the Team Valley ensuring that a range of high quality attractive locations are available. It cites the objective of clustering similar types of economic activity together, with the Team Valley being identified as a focal point for advanced manufacturing and engineering.
 7. Saved Policy JE1 of the UDP seeks to resist the change of use of land within Primary Employment Areas such as the Team Valley to, amongst other things,
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leisure use. This policy is consistent with the recommendation in the Gateshead Employment Land Review Update and Office Capacity Study 2012 which refers to the importance of protecting and enhancing the existing Primary Employment Area which will provide future redevelopment opportunities for B1, B2 and B8 uses.

8. As a relatively large unit, the appeal site therefore has the potential to make an important contribution to this economic development strategy. Notwithstanding this, the National Planning Policy Framework (the Framework) states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.
9. The key question is therefore whether it can be concluded that there is no reasonable prospect of the appeal site being used for business, industrial or storage and distribution purposes.
10. The appellant has provided supporting statements from the property company, UK Land Estates and marketing agents, Naylor's. The statements make a number of points about the site. It is confirmed that the site has been marketed for approximately 18 months, albeit that for some of this time it was on an 'under offer' basis. During this time there appears to have been little interest from potential clients, with the unusual layout of the site comprising large office content and separate workshop / warehouse areas cited as off putting factors.
11. Splitting the site into separate self-contained units in order to improve marketability has been considered by the agents. However this has been discounted on the basis of the significant capital expenditure required and the compromised space which would result.
12. Within the development plan policies cited in the Council's decision and within the Framework there is no requirement for consideration to be given to subdividing or reformatting vacant accommodation in order to make it more attractive to the market. Accordingly I concur with the appellant that it would be unreasonable to insist on this course of action.
13. However, whilst the design of the premises would appear to be unusual which is not making it easy to attract interest, I do not consider that a compelling case has been made that there is no reasonable prospect of the site being re-used for purposes within its present employment use class, this being the relevant test as specified in the Framework. My view is compounded by the relatively short period of time over which the site has been marketed. Furthermore whilst this may not be a preferred location for many types of employer, there has at least been interest shown in the site from other businesses albeit that so far this has come to nothing.
14. Whilst the site would represent a relatively small proportion of the total amount of vacant floorspace within this industrial estate, from the information provided it is one of the relatively few sites within the estate offering 30,000 sq ft or more of floorspace. The loss of the site would therefore have a marked impact on the availability and choice of larger scale premises for sector specific employment in the locality.

15. I acknowledge that the proposal would create jobs which would result in some social and economic benefits to the local area. In addition it would increase the choice of leisure facilities in the Borough. I also concur with the appellant that there has been no evidence provided that the proposed leisure use would result in conflicts with existing industrial users and make the area generally less appealing to businesses. However these factors do not outweigh my concerns regarding the loss of premises when I cannot discount that there remains a reasonable prospect of the site being re-used within its present employment related use class.
16. The appellant has drawn my attention to similar leisure uses that have been permitted by the Council in the locality. I have been given very limited information about these cases and the circumstances that led to planning permission being granted. These cases do not, however, justify the harm I have identified in regard to the current proposal which I have assessed on its own merits.
17. I conclude that a compelling case has not been made to justify the change of use of the premises from its present B1 / B2 / B8 use. For the above reasons the proposal would conflict with Policies CS1, CS5 of the CSUCP, JE1 of the UDP and the Framework which seek to support economic development as set out above.

Conclusion

18. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Roy Merrett

INSPECTOR