
Appeal Decision

Site visit made on 7 December 2016

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 10 January 2017

Appeal Ref: APP/Z2260/W/16/3154862

7c Lysander Close, Pysons Road Industrial Estate, Broadstairs CT10 2YJ

- 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 Edward Greenhalgh against the decision of Thanet District Council.
 - The application Ref F/TH/15/1179, dated 12 November 2015, was refused by notice dated 18 April 2016.
 - The development proposed is the change of use from offices to a performing arts studio with ancillary café and hairdressers.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. In the interests of clarity the description of the application is based on that used in the Council's decision notice.

Main Issue

3. The main issue is whether the building should be retained for employment (B1 and B8) uses.

Reasons

4. The proposal is to use a large industrial building, currently lying vacant, as a performing arts studio with ancillary café and hairdressers. The building forms one of a linked pair within a fenced compound at the end of Lysander Close within the Pysons Road Industrial Estate at Broadstairs.
5. Stage Door Arts is a not for profit community arts organisation which offers classes in all the performing arts, currently using rented spaces on an hourly basis. The organisation has sought a permanent base for a number of years in order to develop its activities and the appeal building would be ideal. A search has been undertaken across Thanet – the catchment area – but it is said that town centre sites are not suitable and no other building has been identified.
6. The proposal for the building would involve the creation of various rooms over two floors to provide dance studios, café, rehearsal rooms, photo studio, changing rooms, dance shop and other facilities. There would be at least seven members of staff and rooms would be available for hire by freelance instructors. A BTEC course may be offered and workshops in creative arts.

7. The vision for reuse of the building is certainly attractive; it would provide a busy and vibrant artistic, community and educational facility with significant social and economic benefits for the area. Numerous representations of support have been submitted.
8. However, the appeal building lies within the Pysons Road Industrial Estate, a large, well established area of employment land developed with a range of industrial and commercial premises. Within the estate Policy EC12 of the Thanet Local Plan 2006 applies, which seeks to retain the land for employment purposes within use classes B1 and B8, i.e. light industry and warehousing.
9. Government policy is to secure economic growth in order to create jobs and prosperity and, as part of this, local planning authorities are encouraged to plan proactively to meet the development needs of business. This should include the identification of strategic sites for local and inward investment, to meet anticipated needs and to support existing business sectors. In line with this approach, the Local Plan has assessed employment sites in Thanet and identified the most important, including this estate, for long term retention.
10. The emerging Local Plan maintains this overall policy but has introduced some flexibility to allow a wider range of employment uses on certain sites, such as leisure, tourism, town centre uses, car showrooms and creches. However, the Pysons Road Industrial Estate is not one where flexibility is proposed, indicating the importance still attached to the industrial/warehousing use of the site.
11. The great majority of premises on the estate are occupied and it appears in good heart with a significant amount of activity taking place on the date of the site visit. Although there are a number of vacant units within the estate, the local plan states that demand for business premises fluctuates with general economic conditions and they should not be lost to less beneficial uses due to a temporary slackness in demand. It is said that the building concerned has been vacant for at least seven years, but no marketing details have been supplied and there is no evidence that the building is no longer suitable for employment purposes. Indeed, the other building of the linked pair, of similar design and construction, is currently in active use. This is not therefore a site where there is no reasonable prospect of it being used for employment use.
12. The proposal would generate several jobs and provide a workplace for many freelance instructors, however its primary function would be as a community arts centre attracting numerous visitors when open. This type of use would be out of place on an active industrial estate, and the site itself lies well within the estate at the end of Lysander Close, one of the culs-de-sac off Patricia Way, the main estate access road.
13. There are a number of non-employment uses on the industrial estate, for example a small gym next to the appeal site, a retro-market, party venue, photography studio, trade and sales counters, nail salon and car wash. However, these are either small or ancillary uses, and may not necessarily have planning permission. Bumblebees play centre occupies an industrial building with frontage onto Pysons Road nearby, but this is not within the main industrial estate. None of these uses are therefore comparable to the appeal proposal. Other organisations and groups may operate from industrial estates elsewhere in Thanet, but I have no details of the circumstances in these cases.

14. The appellant has been looking for suitable premises for some time, but the detailed search criteria have not been made clear nor an assessment of alternative buildings which are available but have been discounted. As such it has not been possible for the Council to evaluate the claim that this is the only suitable building in Thanet.
15. It is appreciated that the proposal would bring significant community benefits, has much local support and would complement Thanet's emerging role as a centre for the arts. The building is a suitable size and benefits from a central location, adjacent car parking and nearby public transport. However, notwithstanding these benefits, the proposal would conflict with the overriding need to retain the building for employment (B1 and B8) uses in compliance with Policy EC12 of the Local Plan.
16. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR