The Planning Inspectorate

Appeal Decision

Site visit made on 16 January 2017

by Jameson Bridgwater PGDipTP MRTPI

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

Decision date: 23 February 2017

Appeal Ref: APP/J1725/W/16/3157022
The Slaughterhouse, Royal Clarence Marina, Weevil Lane, Gosport, Hampshire

- 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 Olivia Forsyth (Berkeley Homes (Southern) Ltd) against the decision of Gosport Borough Council.
- The application Ref 15/00153/FULL, dated 18 June 2015, was refused by notice dated 30 June 2016.
- The development proposed is described as 'change of use of the slaughterhouse from classes A3/A4 (restaurants + cafes/drinking establishments) to classes A3/D1 (restaurants + cafes/non-residential institutions)'.

Decision

1. The appeal is allowed and planning permission is granted for change of use of the Slaughterhouse to Class A3 (Restaurant/Café) and Class D1 (including Church and Meeting Spaces) at the Slaughterhouse, Royal Clarence Marina, Weevil Lane, Gosport, Hampshire in accordance with the terms of the application, Ref 15/00153/FULL, dated 18 June 2015, subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: C690/SL/WINDOWS/01 A, 31090 03 C and location plan.

Procedural matters

2. The appellant has described the development as 'change of use of the slaughterhouse from classes A3/A4 (restaurants + cafes/drinking establishments) to classes A3/D1 (restaurants + cafes/non-residential institutions)'. The Council's description more accurately describes the proposal as 'Change of Use of the Slaughterhouse to Class A3 (Restaurant/Café) and Class D1 (including Church and Meeting Spaces) (Conservation Area) (as amended by information received 23.06.15 and 12.04.16)', however I have deleted the references to the Conservation Area and the dates of amendments as they are superfluous. I have determined the appeal upon this basis.

Main issue

3. The main issue in the appeal is whether the appeal property has been marketed in accordance with the policies of the development plan.

Reasons

4. The appeal property is a two-storey building, with two main elements. The slaughterhouse itself is 12 bays long and has a slate hipped roof and the offal house, at the northern end of the building, is lower and slightly narrower. The entire building, however, is known as the slaughterhouse, and was vacant at the time of my site visit. The building is Grade II listed due to its connection with the history of the site as Royal Clarence Victualling Yard, it dates from approximately 1854 and is finished in red brick with a slate hipped roof and ridge vent. The building is located on the waterfront at Royal Clarence Yard. The wider Royal Clarence Yard area was designated a Conservation Area in 1990 and is characterised by the restored former naval buildings.

Marketing

5. Policy LP31 of the Gosport Borough Local Plan 2011-2029 seeks to ensure amongst other things that existing important ground floor frontages on the Royal Clarence Yard Waterfront be protected for commercial purposes and leisure uses should be retained unless sufficient evidence is provided of how the property has been marketed for sale and/or let which demonstrates that a commercial use cannot be secured at this site. The policy sets out that normally it is considered that properties should be marketed for a period of at least six months. However it is acknowledged that in some cases it may be more appropriate to consider a longer marketing period particularly where a commercial frontage forms part of a larger development site that has yet to be completed. The policy does not specify the precise nature of the marketing required only that there should be reasonable attempts to let/sell the property; there is no requirement for a viability test to be applied. Finally, the explanatory text of the policy sets out preferred alternative uses would include community uses if a commercial use is not feasible.

6. It is common ground that the slaughterhouse is a long term vacant building and that extant planning permission is in place for a café/restaurant or a cinema, both commercial/leisure based uses consistent with the policy requirements for Royal Clarence Yard Waterfront. Furthermore, the Council's statement and officer's report are clear that the site has been marketed since 2004. Notwithstanding this, the Council and local interested persons are critical of the methods and standards of marketing carried out by the appellant. In particular they argue that the site has been marketed as part of the Royal Clarence Marina development as a whole and that the marketing profile of the property was overly focused on a restaurant leisure use rather than the wider commercial uses encouraged by Policy LP31.

7. Based on the evidence before me the slaughterhouse has been the subject of reasonable marketing since 2004 initially as part of the advertising for the wider Royal Clarence Marina or, latterly, as an individual unit since October 2015. The appellant's marketing reports are clear that whilst the slaughterhouse was primarily marketed within its approved use classes, there was also interest in other commercial uses that would have required a change of use application. Furthermore, based on the evidence before me it is clear that these types of enquiries were encouraged to ensure that all commercial options were explored. The reports confirm that none of this interest progressed to an offer.

8. Whilst I accept the objectives of the Council to promote the waterfront for commercial and leisure activities; based on the information provided, there is no substantive evidence before me to suggest that there has been a genuine market interest in the slaughterhouse for such uses. In reaching this conclusion I have taken into account the extant planning permission for the building and the evidence of the cumulative marketing over a 12 year period. Furthermore, whilst the Council have advanced that the building could be brought into use in a commercial/leisure use with the support of third party grant funding; there is no significant evidence before me that demonstrates that such funding would be available and that there would be a commercial/leisure end user for the slaughterhouse. Notwithstanding the concerns of the Council, the introduction of a community use at the waterfront would be likely to increase footfall and therefore has the potential to support existing leisure and commercial uses in the locality contributing to the important economic role of prime locations.

9. Consequently, I consider that the marketing carried out has been reasonable and commensurate with the size and type of property, and demonstrates that at the time of the appeal there was no realistic commercial/leisure end user for the slaughterhouse. Furthermore the proposed use of the site for a community use is wholly consistent with Policy LP31 in the circumstances where a commercial use is not feasible. Having come to the conclusions above, it follows that the proposal would not conflict with Policy LP31 of the Gosport Borough Local Plan 2011-2029.

Other considerations

10. The appellant in support of their statement has referred to other developments in the area. However, I have limited information about their histories, but inevitably their contexts would differ to that of the scheme before me. I have therefore considered the appeal before me on its individual merits against the criteria of the Development Plan and the Framework and any other material considerations.

11. With regard to the effect of the proposal upon the Grade II listed building and the Royal Clarence Yard Conservation Area, it is common ground between the parties that the uses proposed are compatible with the Grade II listed status of the building. The parties further agree that subject to applying for listed building consent, it is likely to be possible to achieve an internal layout that respects the listing of the building. Consequently, based on the evidence before me I conclude that the proposal would not result in harm to the significance of the Grade II listed building and would preserve the character and appearance of the Royal Clarence Yard Conservation Area in accordance with policies LP11 and LP12 of the Gosport Borough Local Plan 2011-2029.

Conditions and conclusion

12. In addition to the standard implementation condition, it is necessary for the avoidance of doubt, to define the plans with which the scheme should accord.

13. For the above reasons, and having carefully considered all other matters raised. I conclude that the appeal should be allowed.

Jameson Bridgwater
INSPECTOR