
Appeal Decision

Site visit made on 15 November 2016

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

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

Decision date: 05 April 2017

Appeal Ref: APP/P1615/W/16/3157549

The Barn, Mile End Road, Mile End, Coleford, Gloucestershire GL16 7QD

- 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 Innovation Spaces Ltd against the decision of Forest of Dean District Council.
 - The application Ref P0338/16/COU, dated 8 March 2016, was refused by notice dated 22 June 2016.
 - The development proposed is described as "Retrospective change of use to include A1, B1 and D2 uses".
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Decision

1. The appeal is allowed and planning permission is granted for change of use to Leisure/gym, offices, physiotherapy treatment rooms, shop/retail for sports clothing; beauty salon, hair salon, tanning studio and photography editing studio in accordance with the terms of the application, Ref P0338/16/COU, dated 8 March 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: a01 issued March 08 2016; a02 issued April 28 2016; a03 issued April 28 2016; a04 issued March 08 2016; a05 issued April 28 2016.
 - 2) The premises shall be used as leisure/gym, offices, physiotherapy treatment rooms, shop for the sale of sports clothing; beauty salon, hair salon, tanning studio and photography editing studio only, strictly in accordance with the floor areas, layout and uses specified on the approved proposed ground floor and first floor plans. Notwithstanding any reference to Use Classes shown on the approved plans, the shop for the sale of sports clothing, beauty salon, hair salon, tanning studio and photography editing studio shall be used for no other purpose (including any other purpose specified in any relevant Classes of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
 - 3) Within three months of the date of this permission details of the works to mark out the car parking bays, to provide two parking spaces each of a minimum size of 3.6m x 4.8 m for disabled users and to provide secure bicycle storage shall be submitted in writing to the Council. These details shall follow the principles shown on drawing a05 issued on 28 April 2016. The works shall be carried out within three months of the date of any approval granted by the Council and in accordance with the details
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thereby approved. The areas for vehicle parking and bicycle storage shall be maintained for these purposes thereafter.

Preliminary Matters

2. The description of development on the application form indicates that the application is retrospective. It is also stated that the development is not completed. The proposal drawings showing the ground and first floor layouts and uses were amended prior to the Council's determination of the application. Floorspace figures on the application form do not accord with the determined plans. For the avoidance of doubt, my decision is based on the proposal drawings with an issue date of April 28 2016 which show the proposed ground floor (drawing a02) and proposed first floor (drawing a03) including their specific intended uses, the majority of which are already in place with the exception of the proposed tanning studio.
3. Whilst there is reference in the evidence to a café within the building, this is not shown on the proposed plans and I consider this use does not form part of the proposal.
4. The description of development set out in the banner heading above is taken from the original application form and is also the description given on the Council's decision notice. However, this description is incorrect and does not accurately reflect the uses shown on the determined plans and which are referred to in the reasoning set out below. I have therefore amended the description of development in my formal decision to refer to the uses for which permission is being sought as shown on the determined plans. I have omitted reference to use classes as these are not shown correctly on the plans in relation to each use.

Main Issue

5. This is whether the proposed uses would be in an appropriate location having regard to national and local policies which seek to protect the vitality and viability of town centres and to secure sustainable development.

Reasons

6. The proposed changes of use relate to a building located between the edge of Coleford and Mile End. The existing use of the building is as a gym and offices. The site lies within an area of open countryside, which is designated as a locally valued landscape. Adjacent to the appeal site is a golf driving range, whilst on the opposite side of Mile End Road is the Forest Hill Golf Club. There are defined settlement boundaries for Coleford and for the arc of smaller settlements which surround it to the north and east, including Mile End. The site is stated to be some 50 metres from the nearest settlement boundary, 100 metres from the nearest dwelling to the south west and 900 metres from Coleford town centre.
7. In 1997 permission was given to convert and extend a barn for use as a children's soft play centre. In 2011 permission was granted to use the building for a mix of D2 (assembly and leisure) and offices (B1). The Council's evidence indicates the 692 m² of floorspace is divided between 265 m² of D2 use and 427 m² of B1 office use.

8. Permission is now sought for a revised mix of uses some of which would be provided within an additional 108 m² of floor space already created at first floor level. The uses for which permission is sought, as shown on the plans determined by the Council are on the ground floor a gym, gym office and reception, changing rooms and toilets. Also on the ground floor rooms are variously specified for physiotherapy or alternatively office use; physiotherapy; offices; beauty salon; hair salon; and the retailing of sports clothing. Toilet and kitchen facilities together with circulation space make up the balance of the overall ground floor space. The first floor plans show a tanning studio, offices and a photographic editing studio.
9. The Forest of Dean Core Strategy (CS) was adopted in February 2012. Policy CSP4 states that new development must contribute to reinforcing the existing settlement pattern in a manner which emphasise the importance of the towns. Most changes are expected to take place within settlement boundaries and new development concentrated at towns. Policy CSP7 states that economic development will be promoted throughout the district in accordance with the spatial strategy and its allocations. The location of new development must be justifiable in terms of the settlement hierarchy and policy CSP4. Policy CSP14 is specific to Coleford and provides for new housing and employment generation and support for the continued redevelopment of the town centre including further retailing.
10. The National Planning Policy Framework (Framework) supports a prosperous rural economy and indicates that plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas. The Framework also states that in drawing up plans local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.
11. The Council has allowed D2 and B1 uses in the existing building. There is no apparent relationship between these two uses, other than any arising from common ownership or management arrangements. The Council indicated in correspondence to the appellant at the time the current proposal was refused that the hairdressing, tanning, beauty and photography uses were not considered to be related to the existing uses and so were unacceptable. However the retail use and physiotherapy/sports injury clinic were likely to be more favourably received, subject to full details of items to be sold being submitted with any revised application, and being then controlled by conditions regarding the sale of goods.
12. The appellant points to there being no development plan policy with which the proposal conflicts. However, whilst I am not directed to any CS policy focused upon development in the countryside, it is clear that Policy CSP4 directs development to towns and that support for economic development in CSP7 is dependent upon compliance with the CS spatial policy and site allocations.
13. The Council's Site Allocations development plan document has yet to be adopted and therefore its policies carry only limited weight. In any event, the appeal site is not the subject of a site allocation but as it is an existing building in leisure and office use and outside any settlement boundary, a site allocation is unlikely. I am directed to two emerging policies. AP1 confirms that the primary consideration in assessing planning applications will be whether or not the development proposed is sustainable with the overall aim of improving the

- economic, social and environmental conditions of the area. AP64 relates to the locally valued landscape which comprises the open setting of Coleford.
14. The appellant's evidence sets out the reasons behind the specific uses for which permission is now sought. It is pointed out that gyms and health clubs often provide other services as part of their offer to customers, including hair and beauty treatments, a tanning studio and sales of sports clothing. This allows complementary businesses to generate trade for one another.
 15. No survey or statistical information is provided with regard to how many customers combine trips to the gym with use of the hairdresser, beauty salon or sports clothing shop. The beauty salon business is said to have been set up in 2011 in conjunction with the gym and is based mainly on business from the gym. The hair salon stays open on some evenings for gym customers and offers a 'drop in' or no appointment service. The proposed tanning salon would offer 10 minute sessions and therefore could be combined with a gym visit. It is suggested that such a business would not be started unless associated with a gym.
 16. The photo editing studio is shown on the submissions as a *sui generis* activity. However, the evidence indicates that much of the photography work is off-site or assignment based such that the editing work is akin to office work and therefore may fall within the B1 use already permitted.
 17. I acknowledge the Council's concerns that retail and service uses should normally be directed to the town centre. However, the Council has already granted permissions for leisure and office uses at the site. The modest scale of each of the proposed additional uses suggest they are unlikely to have any significant adverse effect upon the vitality of the town centre or upon the viability of the hairdressing or beauty salons which currently operate elsewhere in Coleford. I note that no objections have been received from other business operators. I am satisfied that appropriate conditions could restrict the location, floor area and specified proposed uses to prevent change from or expansion of these uses unless permitted by the Council.
 18. Taking into account the permissions granted by the Council I find there would be no harm arising from the proposals which would result in conflict with the purposes of policies CSP4 and CSP7. I find no conflict with Policy CSP14. Given the existing permitted uses and the ability to control the scale and nature of the additional uses for which permission is sought, I am satisfied there would be no significant adverse impact on the town centre. There would be economic benefits from the continuing employment provided, albeit the estimated numbers do not show any overall change from the existing position, and other benefits arising from the wider offer of services in the area.
 19. Although the Council's decision cites conflict with CS policy CSP1, this relates to the design and construction of development and appears to lack direct relevance to the proposal.
 20. Whilst the site offers parking close to the building, there are residential properties within easy walking distance of the site and the evidence shows the site to be on a main road along which there is a bus route. Overall, I find there would be no substantive conflict with the objectives of securing sustainable development.

21. The proposal was refused on the basis that the site lies within an area designated as a locally valued landscape. Emerging Policy AP64 of the draft Allocations Plan seeks to protect this area from development that would detract from the open setting of Coleford. No alterations to the external appearance of the existing building are proposed. A block plan identifies the capacity of the car parking area and shows that parking bays would be defined by wooden stakes and that the existing loose gravel surface would remain. The existing car parking is extensive although spaces are not marked out. Given the modest scale of the proposals and minimal changes in terms of external works, I find that they would not result in any significant harm to the character or appearance of the area and so would not have an adverse effect on the locally valued landscape.

Conclusion and Conditions

22. The Council suggested a number of conditions in the event of the appeal being allowed. As some of the identified new uses are already taking place, a commencement condition is not appropriate. The Council suggested a condition requiring the permitted uses and layout strictly adhere to the proposed plans. I consider this would not be sufficient to control further changes of use. In order to secure the necessary control and avoid harm to the town centre, permitted development rights in respect of changes of use should be removed in respect of the additional uses sought as part of the proposal.
23. Two of the Council's suggested conditions refer to works to be undertaken before the development is brought into use. As most of the proposed uses are already in operation, it is necessary to relate time scales to the date of my decision. Details of the wooden stakes to mark out the parking bays and measures to provide secure bicycle storage are not provided. Given the need to control the appearance of the site, these are matters the Council should control. I have therefore modified the wording of the Council's conditions, incorporating the requirement for two parking spaces for disabled users to dimensions set out in the County Council's Manual for Gloucestershire Streets.
24. For the reasons stated above and having taken all matters raised into account, I conclude the appeal should be allowed subject to appropriate conditions.

J E Tempest

INSPECTOR