
Appeal Decision

Site visit made on 4 April 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/Y1945/W/16/3161746

Land adjacent to 1 Cromer Road, Watford, Herts WD24 4DY

- 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 Watford Property Company against the decision of Watford Borough Council.
 - The application Ref 16/00560/FUL, dated 19 April 2016, was refused by notice dated 15 June 2016.
 - The development proposed is the change of use from disused garages to office.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the proposed office use would be acceptable in this location away from a town centre or established employment centre, having regard to local and national planning policy.

Reasons

3. The appeal site comprises two flat-roofed garages with a gated yard which is located at the western end of Cromer Road. The site lies in close proximity to shopping facilities and services in St Albans Road. Nevertheless, it is not within any town centre designation as detailed in the Watford District Local Plan (LP) 2000 or within any wider Town Centre designation as detailed in the Watford Local Plan Core Strategy 2006-31.
 4. Policy E2 of the LP advises that outside identified employment areas planning permission for employment use (especially primary office use) will only be granted where a) the site is already in employment use (subject to Policy E6); b) it is ancillary to, or provides additional accommodation for an existing business in the area; c) the location has good access and is close to passenger transport facilities; d) there is no significant detrimental effects on residential amenities; and e) in the case of a proposal for the expansion of existing employment generating facilities, it is in accordance with other policies of the Plan.
 5. The appeal development would have good accessibility to passenger modes of transport, including buses and trains, and there would be no harm to the living conditions of residents as a result of the proposal. Thus, the provisions c) and d) of LP policy E2 would be satisfied. As the site has no employment use on it,
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- provision e) of the policy is not relevant. However, there is a conflict with policy provision a) as the existing site is not currently in employment use. Furthermore there would be a conflict with policy provision b). In this regard, the Appellant's Leavesden Road address is currently being converted into residential use and so the appeal premises would not provide ancillary or additional accommodation to an existing business in the area. For all these reasons, the proposal conflicts with LP policy E2.
6. LP policy E3 states that the Council will encourage small businesses often located in primarily residential areas but this is no longer a 'saved policy' under the development plan and thus is not relevant.
 7. The National Planning Policy Framework (the Framework) states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing town centre. The Framework indicates that office uses are town centre uses and that the application of the sequential test requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
 8. The Framework indicates that the sequential approach should not be applied to applications for small scale rural offices or other small scale rural development. However, there are no other exceptions detailed to the sequential test which would exempt the current proposal. In the absence of a sequential test assessment, the Framework advises that the applications should be refused.
 9. The Appellant has identified a need to re-locate due to the conversion of the existing premises and would provide employment and services benefitting the local economy. The appeal site is well-located in relation to services, facilities and public transport. However, it has not been demonstrated that it would be the only possible location for the business. The garages would be refurbished with new openings but they are not in a poor state of disrepair despite their disuse. The site would be tidied with rubbish removed but there is no evidence to indicate that this would be dependent on a planning permission. Consequently, any improved appearance to the site would not be significant. Individually and cumulatively, all these considerations would therefore be of limited weight.
 10. In conclusion, the proposal would conflict with policy E2 of the LP by reason of its location away from existing employment sites and not providing ancillary or additional accommodation to an existing business. Furthermore there would be conflict with the Framework by reason of the absence of any sequential test assessment looking at more centrally located premises. There are no material considerations to indicate that the proposal should not be determined in accordance with the development plan and refused.
 11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR