



Appeal Decision

Site visit made on 1 August 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 4 August 2017

Appeal Ref: APP/Q3305/W/17/3172995

Land at 32 Orchard Road, Street BA16 0BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Trebble against the decision of Mendip District Council.
 - The application Ref 2016/1953/OTS, dated 10 June 2016, was refused by notice dated 4 October 2016.
 - The development proposed is residential development with up to 2 single storey dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Trebble against Mendip District Council. This application is the subject of a separate Decision.

Procedural matter

3. The application is in outline with all matters reserved for future consideration except for the means of access. A drawing showing an indicative site layout was submitted which I have had regard to in determining this appeal.

Main Issues

4. The main issues are the effect the development would have on the Council's employment strategy and whether there is a reasonable prospect of the site being used for employment purposes.

Reasons

5. The appeal site is located off Orchard Road in an area that is mainly residential in character although it is close to the Village centre, it backs onto a public carpark and is close to Clarks Village. Access is shared with a dwelling, No.32. There is a single storey industrial building set a little behind the side wall of the house and covering much of the site. It is apparent that the building has been altered and extended in various phases.
6. The development proposed is for the erection of up to 2 single storey houses on the site. The indicative information shows that the existing building would be removed with one house set a little behind the side of number 32 and a second dwelling set behind the first.

Policy and background

7. Policy DP20 of the Mendip District Local Plan Part 1: Strategy and Policies 2006-2029 (the LP) supports proposals for the development of land and

buildings previously or currently used for activities falling within the B use classes. This support is given where the reuse for non-B class uses or for mixed-use schemes would deliver comparable employment generation or wider economic benefits and the development would not prejudice the Council's wider employment strategy in Core Policy 3. The application of this policy is also to be balanced against the need to secure wider regeneration objectives and the need to overcome any local environmental impacts of employment uses.

8. Core Policy 3 of the LP identifies a need for 9.9ha of employment land in Street over the plan period and the supporting text indicates that, at a 2011 base date, there was a deficit of a little under 5ha of employment land in the village. Neither party has provided an update for this figure.
9. The provision, and protection, of employment land is part of the Council's strategy for delivering development and this goes hand in hand with the need to provide housing. The Council's minimum housing requirement has been disaggregated between the various settlements, with Street expected to accommodate at least 1,300 houses between 2006 and 2029.
10. The Council's evidence shows that, as of October 2016, 840 homes had either been constructed or granted planning permission. The evidence provided by the appellant is a little older but paints a broadly similar picture. There is also a site allocated for 400 houses in the village and I have no evidence to suggest this will not be delivered. Taking this allocation together with the completions and commitments, the deficit from the housing requirement is small. At only approximately half way through the plan period it appears the Council is on course to meet the housing requirement in Street. The evidence also shows that the Council can currently demonstrate more than a five-year supply of deliverable housing sites across the district.
11. The Council's Supplementary Planning Document: Marketing and business evidence to support planning applications (the SPD) provides expectations and guidance for marketing information that should accompany applications which involve the loss of premises or land currently, or last, used for employment purposes. This suggests a minimum period for marketing of 10-12 months and sets out minimum expectations for the marketing strategy such as the erection of a signboard, website entry appropriate to the use, and registration with a local property listings website. It also expects that a marketing report accompanies a planning application which summarises the marketing strategy and provides evidence of the actions that have been undertaken such as photos of any signboards, dated copies of adverts in publications, and updates to the marketing strategy/approach.
12. Consultation on the SPD commenced in November 2016 and it was adopted in March 2017. Both these dates are after the application was determined. I therefore do not criticise the appellant for submitting new evidence with the appeal and at the final comments stage. In the context this was a reasonable response to the evolving situation with the emerging guidance. Given its adopted status at the time of the determination of this appeal it is a material consideration I must take into account.

Employment strategy

13. The National Planning Policy Framework (the Framework) requires 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. This paragraph deals with allocating land for employment uses, rather than policies that protect existing employment land. Nevertheless I consider it still has relevance to this appeal. The Framework also states that Council's should normally grant planning permission for a change from commercial buildings in the B use classes to residential use where there is an identified need for housing, provided that there are not strong economic reasons why such development would be inappropriate.

14. Taking the Council's development strategy in the round, it complies with the aims of the Framework to meet housing, business, and other development needs. The LP has been relatively recently adopted and it will have been tested for its conformity with national policy through the examination process. The aims of Policy DP20 of the LP, to protect employment land, forms part of the Council strategy to meet all its development needs. This is in compliance with the overarching aims of the Framework.
15. The development strategy in the LP is to provide both jobs and housing. At a local level, the most recent evidence suggests that there remains a significant deficit of employment land. The supporting text in the LP also indicates that there are strong levels of small business creation in the district and therefore it is important that there is a stock of available middle and lower end market premises to enable these types of activity to emerge and grow. The scale of the site is such that it is likely to cater to this market. There is currently a good record for the provision and future supply of homes in the district and Street in particular. In this context I do not consider that the Council's policy to protect employment sites should be set aside lightly to make way for housing.
16. Beyond those associated with the construction and sale of the houses, the development would not deliver any employment generation nor would there be wider economic benefits of any significance. In a small, but material way, the loss of this site for employment purposes would prejudice the Council's employment land strategy. If this were repeated too often, with other smaller sites, the effect would be to significantly undermine it. There are therefore strong economic reasons why the site should retain an employment use.
17. The site is small and well contained. Although the buildings on site appear a little dilapidated, they are seen from a relatively small section of the road, and the carpark to the rear. The removal or redevelopment of the buildings would result in some modest and very local improvements. However the provision of up to two houses on the site would not secure wider regeneration objectives to any significant degree. Although the previous business operation has now ceased, I have no evidence that it resulted in harmful environmental impacts to local residents. I accept that some employment uses of the site could well introduce such impacts; however there is no substantive evidence to demonstrate that the site would only be attractive for those types of uses. Therefore neither regeneration objectives nor environmental impacts indicate that the balance should tip in favour of granting permission for the development.
18. I therefore conclude that the development would have a harmful effect on the Council's employment strategy. It would be contrary to the aims of Core Policy 3 and Policy DP20 of the LP. It would also conflict with the aims of the

Framework to ensure local plans meet housing, business, and other development needs.

Prospect of the site being used for employment purposes

19. Notwithstanding the aims of Policy DP20, whether a site has a reasonable prospect of being used or redeveloped for an employment generating use is a material consideration. The Council's approach to this is set out in its SPD. Even though the document was emerging for much of the marketing period, it would not have much weight in its early stages, and it is clear there has been a number of iterations to it. Given this, and the recent adoption of this document, it would be understandable if recent and ongoing marketing campaigns for a site did not conform to all aspects of the SPD.
20. The SPD seeks a marketing campaign of at least 10-12 months. Marketing commenced for the site at some point in November 2016 and the most recent update is dated 24 July 2017. This means the site has been marketed for between 8-9 months. Even if there were no SPD in place, I would have significant concerns that this was not sufficient time to robustly demonstrate that there was no reasonable prospect of an alternative employment use being secured. I am prepared to give the appellant some leeway in terms of strict accordance with the SPD; however some basic information such as whether there was a sales board is not present. I observed that a sales board was attached to the building, advertising the property as being available for let only. I have no evidence as to whether this has been on site for the whole period and it does not reflect the updated marketing strategy to also offer the site for sale. This undermines my confidence in the robustness of the marketing campaign.
21. Initially the property was only offered on a leasehold basis, with a freehold option only added from April. This does show the appellant sought to review the strategy, but it means that for about half the period the site was only offered on a very limited basis. Inevitably this would reduce its market. Taking these factors together, I am not convinced that the marketing has demonstrated that there is no realistic prospect that the site can be reused for employment purposes.
22. The building is in a state of some disrepair. A reuse of the site would require either significant refurbishment of the building or, more likely, the provision of new buildings. In itself this does not diminish the policy aims, as they relate to land as well as buildings. The state of repair of the building would need to be fairly reflected in any sale price or terms of the lease. I therefore give this factor limited weight.
23. Evidence has been provided to show a number of alternative sites where employment land and buildings are available. Many of these are located outside of Street. I accept that the area of search for a business may well extend beyond a single settlement. However the LP sets clear local targets for the provision of employment land in each settlement. Some of the sites are also retail uses, these are not irrelevant as they would provide employment, but they are not directly comparable to the appeal site which has been marketed as being ideally suited to B1 or B8 uses. I therefore give limited weight to the sites located outside of Street and the retail units. I am not convinced that there is an overabundance of employment sites available such that the use of the appeal site for employment purposes is unrealistic.

24. I conclude on this issue that it has not been demonstrated that there is no reasonable prospect of the site being used for employment purposes.

Other matters

25. Economic and social benefits would arise from the provision of housing, through the construction of the homes, the future residents' economic activities, and in the bolstering of the housing supply. Although this is an outline application, it seems likely that the size of the houses would be commensurate with that identified as being most in need. The single storey nature of the dwellings, and the location of the site close to the village centre, may well appeal to persons with limited mobility and meet a need for this type of accommodation. These benefits would be modest given the small scale of the development and, in view of the current local circumstances for the delivery of housing, I consider that they do not outweigh the benefits that would arise if the site were to be used as employment land.
26. The LP identifies that Street is a net importer of employees and it aims to improve self-containment. This has informed the overall strategy in the LP. Given the evidence shows that the delivery of the housing in Street appears currently to be on target, I give this factor very limited weight. When considered either alone or in combination with the other benefits of the scheme it does not indicate that permission should be granted for housing on this site.
27. The site is close to services, facilities, and employment opportunities which would mean that future occupiers would have access to these without the need to use private vehicles. This sustainable location in transport terms indicates a lack of harm, but any such benefit would be similarly applicable to employment uses where workers would be close to homes, services, and facilities. The removal of the buildings and the provision of energy efficient houses on previously developed land would have benefits, but similar aims could be met through the redevelopment of the site for employment purposes. These factors therefore do little to weigh in favour of the development.
28. I note that the appellant does not wish to take on the task of redeveloping the site for employment purposes. However, I can give this factor little weight in the consideration of this appeal which I must determine on its substantive planning merits. In any event, the redevelopment of the site need not be carried out by the current land owner.

Conclusion

29. Even when considered together the benefits would not outweigh the adverse effects of the development. These would be sufficient to mean that it would conflict with the development plan when taken as a whole. For the reasons given above I conclude that the appeal should be dismissed.

K Taylor

INSPECTOR