
Appeal Decision

Site visit made on 9 October 2017

by Graham Wyatt BA (Hons) MRTPI

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

Decision date: 6th November 2017

Appeal Ref: APP/P0240/W/17/3179161

1 Fen End, Stotfold, Hitchin SG5 4BA

- 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 Ted Saunders against the decision of Central Bedfordshire Council.
 - The application Ref CB/16/04082/FULL, dated 2 September 2016, was refused by notice dated 6 January 2017.
 - The development proposed is the demolition of the existing industrial unit and construction of 10 no. 2 bed flats with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. There is a disagreement whether the Council can demonstrate a 5 year supply of deliverable housing sites. The appellant has provided a recent appeal decision¹ which concluded that, on the balance of probabilities, the Council cannot demonstrate a 5 year supply of deliverable housing sites. In the absence of any evidence to the contrary from the Council, I have considered this appeal on the basis that the Council cannot demonstrate a 5 year supply of deliverable housing sites.

Main Issue

3. The main issue is the effect of the development on the provision of employment land.

Reasons

4. The appeal site is an industrial unit that is situated within a small industrial estate accessed off Astwick Road. The unit is a single storey building that sits at the entrance of the estate. To the south of the site is a residential development at Saxon Avenue. The site lies on the edge of the village with open fields and countryside to the north of the estate.
5. Policy CS10 of the Central Bedfordshire Core Strategy and Development Management Policies 2009 (the Core Strategy) states that the, "Council will safeguard for future employment use the Key Employment Sites (KES) pending review by the Site Allocations DPD". Furthermore, the policy allows for mixed-use schemes to improve the balance of jobs and homes locally, where sites are

¹ APP/P0240/W/16/3166033 dated 21 August 2017

- in a sustainable location and are identified as 'not fit for purpose' in the Employment Land Review (ELR). Policy E1 of the Central Bedfordshire Site Allocations Development Plan Document 2011 (the DPD) states that the ELR indicates that the majority of sites in the Local Plan as KES remain 'fit for purpose' and identifies Fen End as a KES that will continue to be safeguarded.
6. Paragraph 22 of the National Planning Policy Framework 2012 (the Framework) tells us 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. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".
 7. I have carefully considered the appellant's argument that both policies are founded on out-of-date evidence and are not consistent with the Framework. I accept that both Policy CS10 of the Core Strategy and Policy E1 of the DPD predate the Framework. While the evidence base also predates the Framework, I have not been provided with any substantive evidence that it is therefore out-of-date. Moreover, while Policy E1 of the DPD is a more restrictive policy, I find that CS10 allows for alternative uses and redevelopment of employment sites where it has been demonstrated that they are no longer 'fit for purpose'. Moreover, Policy CS10 specifically allows for the redevelopment of employment sites that are sustainably located to help improve the balance of homes and jobs locally. Having reached the conclusions above I find Policy CS10 of the Core Strategy to be broadly consistent with the Framework (paragraph 215).
 8. The building has been vacant for a number of years and, following acts of vandalism, is in a poor state of repair. The appellant argues that marketing of the building has failed to generate any interest in either its purchase or as a let. The appellant cites several factors for the lack of interest; the poor state of the building, its location away from the main road network and that the site is the subject of a working hour's condition² which, to safeguard the amenities of adjoining residential occupiers, restricts the hours of use of the building during the week and at weekends. In some instances, this is corroborated by a list of responses³ and details why no progression was made following an initial enquiry.
 9. At the time of my visit other units on the estate appeared to be operating and are the subject of the same locational constraints away from the main road network as the appeal site. Although I have been provided with a summary of a viability assessment, and I note the Council's position regarding the state of the building, I have not been provided with any substantive evidence that the building or indeed the site could not be used for employment generating purposes.
 10. I do not consider the working hours' condition to be such an obstacle as it allows for a full day's work which could suit other businesses. Moreover, other buildings in employment use, such as Meadowcroft Foodservice at Units 7a

² Condition 5 of planning permission 02/00232/FULL

³ Kirkby and Diamond Summary of Market Interest - Appendix 9 to Appellant's Statement

and 7b behind the appeal site are also sited adjacent to residential properties, yet continue to operate.

11. The appellant also quotes the 2012 technical advice⁴ which states at paragraph 5.15 that the industrial units in Stotfold are small and well established but are of a poorer stock quality. However, the advice continues by stating that although the local roads are generally not suitable for large HGV vehicles, servicing within the estates is adequate for the employment activities and uses and that amenities are generally good. Consequently, I am not persuaded that this particular paragraph renders the site unsuitable for employment uses.
12. Therefore, I conclude that the proposed development would result in the loss of an allocated employment site which conflicts with Policy CS10 of the Core Strategy and Policy E1 of the DPD which seek, amongst other things, to safeguard KES for future employment use.

Other Matters

13. The appellant has referred to a recent appeal decision⁵ in which the Inspector allowed the loss of industrial/commercial land and its replacement with houses. I note that this appeal was decided in a different authority and therefore assessed against different policies than the appeal before me. Notwithstanding this, the Inspector found that, based upon the evidence submitted at the local inquiry, the Council had a surplus of industrial and storage/distribution floor space and the site was not suitable for B1 office use. I do not find this decision to be so similar to the appeal before me to represent an appropriate reason to find otherwise than in accordance with the development plan. In any case, I have considered the appeal on its own merits which is one of the fundamental principles that underpins the planning system.

The Planning Balance

14. The Council cannot demonstrate a 5 year housing land supply and as a result, paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date. Consequently, the approach set out at paragraph 14 of the Framework should be taken which tells us that for decision taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the Framework taken as a whole.
15. Paragraphs 7 and 8 of the Framework tell us that the three dimensions of sustainable development are economic, social and environmental which should not be considered in isolation. I recognise that the proposal would contribute to the overall provision of dwellings in the district. This would have a beneficial effect in terms of the social dimension of sustainability. I also note that the Council do not oppose the development in relation to its scale, appearance, layout and landscaping which would comply with the environmental dimension of sustainable development.
16. However, against this the loss of the employment site would fail to comply with the economic dimension of sustainable development which seeks to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support

⁴ The Employment and Economic Study Stage 1 Report (2012)

⁵ APP/R3650/W/15/3141255 dated 5 January 2017

growth and innovation. Therefore, having regard to paragraph 14 of the Framework, I find that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the development.

Conclusion

17. For the reasons given above, and having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR