



Appeal Decision

Site visit made on 16 August 2019

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th September 2019

Appeal Ref: APP/M3835/W/19/3228821

Unit 1, 6 Woods Way, Goring-By-Sea, Worthing BN12 4QY

- 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 Alice Howland against the decision of Worthing Borough Council.
 - The application Ref AWDM/1830/18, dated 3 December 2018, was refused by notice dated 1 March 2019.
 - The development proposed is a change of use from business (Use Class B2) to a gymnastics club (Use Class D2).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of clarity and brevity, I have used the description of development from the Council's decision notice in the banner heading.

Main Issue

3. The main issue is the effect of the proposed development upon the availability of industrial and business premises, having regard to development plan policies for the protection of employment opportunities.

Reasons

4. The appeal site is a vacant industrial unit located within Goring Business Park on the northern side of Woods Way. Goring Business Park has a wide variety of industrial premises with buildings of differing age, size and condition present from the street. The unit forms part of a larger industrial building, which was formerly a single industrial unit, but is in the process of being refurbished and subdivided into three smaller units.
5. It is proposed to convert the existing industrial premises into a gymnastics club (Use Class D2). No external works are proposed to the building as part of the development. The proposed use would employ the full time equivalent of approximately 12 staff and offer a variety of gymnastics classes for adults and children, including those with specialist needs.
6. The evidence from the main parties suggests that the industrial unit has been vacant for approximately two years. It is understood, that the current owner acquired the property in mid-2018 and shortly afterwards began works to subdivide the building into three smaller industrial units.

7. The appellant states that her company have been searching for a permanent premises for the gymnastics club since 2013. They say that they have reviewed 24 alternative venues, but to-date they have been unable to find any suitable premises due to the club's specialist requirements. The requirements include a minimum floor to ceiling height of 5 metres, 5000 square feet of open space and adequate storage provision for equipment.
8. At the present time, the club hire local venues, such as school halls, to undertake their classes within the community. As a result, the club must limit the number of participants and have a waiting list of approximately 100 children. The appellant argues that this demonstrates that there is an unmet demand for the proposed use. This has not been contested by the Council, who state that there is an unmet demand for gymnastics clubs within the Borough.
9. Goring Business Park is allocated as a protected employment area in the adopted Worthing Core Strategy (2011) (the 'CS'). Policy 4 of the CS seeks to retain an adequate supply of employment space within the Borough and therefore protects existing employment generating sites and premises, whilst also encouraging the improvement and/or redevelopment of sites to meet the current and future requirements of the local economy. For the purposes of Policy 4, 'employment uses' are defined in the CS as B1, B2 and B8 uses.
10. When the CS was examined, the Council's evidence base demonstrated that there was a strong need for the retention of existing employment generating uses within Use Classes B1, B2 and B8. The relevant evidence base was updated in 2016 and demonstrated that a strong demand for industrial space remained and that there was a shortage of employment generating premises in the Borough. The appellant does not dispute the findings of the 2016 report which is a material planning consideration to weigh in the overall planning balance.
11. The industrial unit is currently being refurbished and once completed, it would provide industrial floorspace for which there is an established demand within the Borough, as demonstrated by the Council's 2016 report.
12. Whilst I note the appellant's contention that the proposed development would provide employment and meet the objectives of Policy 11 of the CS, which encourages recreational and community uses, the proposed D2 use would not provide the type of 'employment use' as required by Policy 4 of the CS. In addition to the above, no compelling evidence has been put forward by the appellant to suggest that the property could not be sold/let to an employment use falling within Use Classes B1, B2 and B8.
13. Consequently, I find that the proposal would result in the loss of existing industrial floorspace within a protected employment area in the context of Policy 4 of the CS which seeks to safeguard specific employment uses (as opposed to all potential employment sources) for which there is an identified need and shortage of premises within the Borough.
14. In conclusion, the proposed development would cause significant and demonstrable harm to the availability of industrial and business premises, which would conflict with Policy 4 of the CS which seeks to retain an adequate supply of employment space for specified employment uses within protected employment areas.

Other Matters

15. The proposal would provide a permanent premises for the gymnastics club, which would overcome a current issue of hired venues cancelling bookings. It would also allow the club to provide an additional facility for use by local schools. In addition, staff employed at the club, may spend money in the local area, which would benefit the local economy. Whilst these are positive matters, they are not of significant magnitude to outweigh my conclusion on the main issue.

Conclusion

16. The proposed development would provide premises suitable for the specialist requirements of a gymnastics facility, which would in turn generate employment, provide health benefits for users and contribute to meeting an unmet demand for such facilities within the Borough. However, these benefits would be significantly and demonstrably outweighed by the proposal's conflict with the Council's strategy to retain an adequate supply of employment space for specified employment uses within protected employment areas. Consequently, the proposal would not accord with the development plan taken as a whole and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Christopher Miell

Inspector