
Appeal Decision

Site visit made on 16 June 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2020

Appeal Ref: APP/A1015/W/20/3245745

Unit 18, Broombank Park, Chesterfield Trading Estate, Chesterfield S41 9RT

- 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 Ms Nikki Cooper (The Combat Academy (Chesterfield) Ltd) against the decision of Chesterfield Borough Council.
 - The application Ref CHE/19/00389/COU, dated 27 June 2019, was refused by notice dated 12 November 2019.
 - The development proposed is change of use from Warehousing (B8) to Assembly and Leisure (D2).
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Decision

1. The appeal is allowed and planning permission is granted for a period of 3 years only from the date of this decision for the change of use from Warehousing (B8) to Assembly and Leisure (D2) at Unit 18 Broombank Park, Chesterfield Trading Estate, Chesterfield S41 9RT in accordance with the terms of the application CHE/19/00389/COU dated 27 June 2019 subject to the following conditions:
 - 1) The use hereby permitted shall be for a limited period being the period of 3 years only from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no 6924-01 - Location Block Plan 28-06-19, Drawing no 6924-02 - Existing Plans and Elevations 28-06-19, Parking Plan 26-09-19.

Main Issue

2. The main issue is whether the location of the proposed development would be acceptable with regard to relevant employment land policies.

Reasons

3. The appeal property is a use class B8 industrial unit within a short block of similar units at Broombank Park. Broombank Park is part of Chesterfield Trading Estate located to the north of Chesterfield within which there is a wide variety of industrial units. The single storey unit is 113 sqm (1216 sq ft) and is accessed via a spinal road from Broombank Park which leads, via Broombank

Road out on to the A61. Car parking is to the front of the unit. There are also areas adjacent to the site that provide overspill parking.

4. Policy CS13 of the Chesterfield Local Plan: Core Strategy 2011–2031 (2013) (CS) sets out the economic strategy for the area. In general, the policy requires that development should deliver sustainable economic growth by supporting existing jobs and businesses and inward investment. In particular the policy states that other business and industrial uses not falling within the B1, B2, B8 Use Classes will be considered based on the locational criteria set out in Policy CS2 of the CS, including the sequential test, the suitability of the use for the location and the employment generation of the proposed use when compared to the existing. Further, non-employment uses will only be permitted provided the development would not lead to a qualitative or quantitative deficiency in the supply of available employment land and it would not inhibit existing industrial activity on adjacent sites.
5. The approach in Policy CS13 is generally consistent with the Framework which seeks to support a strong and competitive economy through planning policies and decisions that help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunity for development. Policies and decisions should recognise and address the specific locational requirements of different sectors.
6. The proposed use is recognised as a main town centre use and a sequential test was submitted with the application in accordance with Policy CS2 of the CS and the Framework. Based on the information before me, and taking into account the need for the business to be located in a building with a minimum ceiling height of 4 metres, I see no reason to disagree with the Council's conclusion that the submitted sequential test meets the relevant requirements.
7. The Council provide evidence that the overall majority of the enquiries for industrial units is for those units under 5000 sq ft. Further, their evidence confirms that approximately one third of enquiries are for units within the 1000- 2000 sq ft range. The Council conclude that units of the size of the appeal site are in high demand. Whilst the Council conclude that there is a sufficient quantity of industrial units, they consider that the loss of the appeal building would lead to a reduction in the range of available space and a type of unit that is in high demand.
8. I have been provided with some evidence that indicates that the building was marketed. The Council indicate that the rent proposed was higher than the normal market rent for the area. The appellant has not disputed this. Whilst indicating that older industrial units are not as desirable the appellant has provided limited evidence that there is a lack of demand for the employment use of the building. Based on the evidence before me I cannot conclude that there is a lack of demand for the building's employment use. Further, I agree with the Council that quality in the context of the appeal proposal is about maintaining a good range of premises of different sizes and locations and suitability to maximise the opportunities for a range of businesses.
9. Nevertheless, the overarching aim of Policy CS13 is to deliver economic growth supporting existing jobs and businesses, similarly the Framework requires that I attach significant weight to supporting economic growth. It is accepted that the appellant's business is unable to identify a sequentially preferable site and

therefore the relocation of the business to the appeal site would retain jobs in the Borough. These jobs would, according to the Council, likely generate greater employment than the B8 storage use. The Academy specialises in teaching Martial Arts, Personal Development and work around health, fitness and nutrition education. It would provide employment opportunities and potential for training and apprenticeships for young people. I find these matters attract significant weight.

10. In addition, the Council acknowledge that the development would allow an established business to continue operating and would support the businesses existing employment. It would also provide health and lifestyle opportunities close to places of employment. These matters would have social and economic benefits.
11. In terms of whether the proposed use would be compatible with the surrounding employment uses, there is no specific information before me to indicate that the proposed use would be unacceptable in this regard. No external alterations are proposed to the building.
12. I acknowledge the appeal decision at Storforth Lane Trading Estate, and I agree with my colleague that there is some synergy between the proposed use and the existing uses by providing social and economic benefits of health-related lifestyle opportunity close to places of employment. I am also mindful that my colleague acknowledged that the preferred approach to the location of such uses is in town centres and thereby not permanently occupying employment sites for which there may be a future demand. For this reason, only a temporary planning permission was supported.
13. I agree that the preferred approach in national and local policy would be to site the use within a town centre or edge of centre location, but the parties agree that currently no premises can be found. However, noting that the appellant has not demonstrated a lack of demand for the existing use of the building, the reference in the appeal evidence to a temporary consent, and following the approach taken at the appeal decision which has been drawn to my attention, the imposition of a temporary permission is proposed. This would allow the matter to be reviewed in light of market circumstances in three years' time.
14. The Planning Practice Guidance advises that conditions can be used to grant planning permission for a use for a temporary period where changes in the planning circumstances are expected. Having regard to this I note that the sequential assessment identifies that some town centre sites are undergoing refurbishment and are not immediately available.
15. Drawing these matters together, I accept that the appellant has not demonstrated a lack of demand for the B8 employment use of the site, however, the appellant has shown that there are no sequentially preferable sites for the development, the development would retain existing jobs with the potential to create additional jobs, provide training and apprenticeship opportunities and support an existing business. Overall, I conclude that the location of the proposed development would be acceptable with regard to relevant employment land policies and in particular accords with Policy CS13 of the CS which seeks to support existing jobs and businesses and the Framework in so far as it relates to the economy.

Conditions

16. The Council did not provide a list of conditions. Both parties have been provided with the opportunity to comment on the proposed conditions. For the reasons outlined above a condition is necessary to limit the duration of change of use to a temporary period of 3 years only from the date of this decision. I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.

Conclusion

17. For the reasons given above, I conclude that the appeal should be allowed on the basis of a 3-year temporary planning permission only.

Diane Cragg

INSPECTOR