



Appeal Decision

Site visit made on 28 September 2020

by E Brownless BA (Hons) Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 21st October 2020

Appeal Ref: APP/V0510/W/20/3254125

Land at 34 Tunbridge Lane, Bottisham CB25 9DU

- 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 Mr Geoffrey Wooster against the decision of East Cambridgeshire District Council.
 - The application Ref: 19/01577/OUT, dated 22 October 2019, was refused by notice dated 15 January 2020.
 - The development proposed is described as 'outline application for the erection of up to 2no. dwellings together with associated infrastructure and landscaping with all matters reserved'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved for future determination. A plan has been provided showing the proposed siting of the dwellings. I am advised that this is indicative only, and I have considered the appeal on this basis.

Main Issue

3. The effect of the proposal on the provision of employment land.

Reasons

4. The appeal site is an enclosed parcel of land that is mainly contained by residential development. It is located within the development envelope for Bottisham. It occupies a central position in the village with good access to services and facilities.
5. The appeal site formed part of a wider site which has mainly been developed with some 24 dwellings as part of a hybrid planning permission¹ (the Original Permission). As part of the Original Permission, outline consent was granted for Use Classes B1 and D1 within the appeal site.
6. Policy EMP1 of the East Cambridgeshire Local Plan (2015)(LP) seeks to retain land or premises that are currently or were last used for employment purposes, including Use Classes B1, B2 and B8. The appeal site is not presently in employment use. Satellite imagery and photographic evidence appear to show the appeal site as an area of incidental landscaping or unkempt over a number of years. Even so, an absence of built form does not preclude it from being land

¹ 14/01239/FUM

that was previously in employment use in instances where it has been ancillary to an employment purpose within the wider site.

7. It is the appellant's case that the wider site was not solely in use for employment purposes prior to the Original Permission. I have had regard to the planning history, however, on the basis of the limited evidence before me, I am unable to resolve whether the wider site was in a variety of uses with several occupiers. To my mind, for the purposes of LP Policy EMP1, it is appropriate to consider the appeal site as being last used for employment purposes. This position is not altered by the expiration of the outline consent nor the temporary use of the appeal site in association with the construction of the dwellings.
8. As an exception to LP Policy EMP1, loss of employment land may be justified where it can be demonstrated that it is no longer viable to continue use of the site for 100% employment purposes, taking into account the site's characteristics, quality of the buildings and existing or potential market demand. Applications for re-development that propose the loss of all employment uses need to be accompanied by clear viability or other evidence as to why it is not possible to deliver employment as part of the scheme.
9. The Local Market Appraisal (June 2020)(the Appraisal) contains an analysis of local demand and supply of B1, B2, B8 and D1 premises together with available alternatives within the locality. It goes some way towards providing support for the existing and potential market demand for the site. However, it is based upon general assumptions regarding local market trends and the anticipated preferences of future occupiers rather than any site-specific evidence. Similarly, references to the likely high cost of building commercial space and anticipated low rental income is generalised. There is no detailed analysis of the build costs and therefore no accurate consideration of the appeal site's viability can be demonstrated. To my mind, the proposal fails to satisfy the obligation to provide clear and robust evidence as is the policy requirement.
10. It is common ground that the appeal site has not been marketed for employment use since the Original Permission was granted. Albeit no applications for employment development were brought forward whilst the wider site was previously allocated for employment use within the Cambridge Local Plan (2000), some time has now elapsed. There is little substantive evidence before me to demonstrate that the market has been reasonably tested in this regard. The loss of employment land needs to be adequately justified in order to support the change of use. Sufficient evidence to support the loss of employment land at this location has not been submitted as part of this appeal.
11. My attention has been drawn to the Covid-19 pandemic and the trend towards home working. Whilst this may deepen the decline for office space within the locality, the Appraisal suggests that some occupiers are likely to reduce the overall size of office space they occupy. The appeal site could meet the desire for smaller space. Moreover, prior to the Covid-19 pandemic, locations within village locations were deemed attractive given lower rents and less congestion when travelling to and from work. Evidence within the Appraisal indicates that a number of transactions for similar sized units within 5 miles of the appeal site were completed within relatively short time of first being marketed.

12. I accept that the appeal site has some limitations, such as an inability to provide a courtyard style layout. This may dissuade some occupiers, but it is not evidence that all future occupiers would be put off. Simply because there is a surplus elsewhere within the locality does not justify the loss of this site.
13. Overall, on the basis of the evidence before me, the proposal does not provide clear and robust justification for the loss of employment land. A detrimental loss of employment land would be contrary to LP Policy EMP1, the requirements of which are set out above.

Other Matters

14. The proposal would contribute two additional dwellings towards the supply of housing. The proposed dwellings would be located within a reasonably accessible location close to local services and facilities with public transport links. Future occupants would be likely to utilise local services and facilities and would therefore contribute to the vitality and vibrancy of Bottisham. These matters weigh in favour of the proposal. However, the benefits would be modest given the small scale of the proposed development. Expenditure generated during construction would be temporary. Overall, the harm that would be caused by the detrimental loss of employment land would clearly outweigh the benefits of the proposal.
15. No adverse harm has been cited with regards to design, trees, biodiversity, living conditions or highway safety. However, the absence of harm is a neutral matter weighing neither for nor against the proposal.

Conclusion

16. For the reasons given above and having had regard to all matters raised, the appeal is dismissed.

E Brownless

INSPECTOR