



Appeal Decision

Site visit made on 4 August 2020

by S A Schinaia MSc EngD FGS

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/L2630/W/20/3251402

The Foxes, Tuttles Lane East, Wymondham NR18 0EW

- 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 J Fox against the decision of South Norfolk District Council.
 - The application Ref 2020/0194, dated 31 January 2020, was refused by notice dated 19 March 2020.
 - The development proposed is described as 'Proposed change of use from Studio to Single Storey Dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is whether the loss of employment use of the site would be justified.

Reasons

3. The appeal site, known as The Foxes, is a large plot of land with a one-storey dance studio and a large two-storey detached dwelling to its west. The two buildings are adjacent to and facing Tuttles Lane East with separate accesses. The back of the property is characterised by a large garden with mature landscaping. A caravan site is located to the rear of the property. To the east of the property there is a large dwelling and to the west a garden centre. The wider context, especially to the north and north-east of Tuttles Lane East, is agricultural land and countryside. Tuttles Lane East separates the sparse dwellings to the north side from the more densely residential areas of Wymondham to the south. To the other side of the highway is the northern boundary of the settlement envelope of the town.
4. The proposed development is to subdivide the plot and to convert and extend the studio to provide a two-bedroom dwelling with a garage. The proposed extensions include the garage and entrance hall and additional living space to the front and the rear of the property, respectively. Outline planning permission¹ for the existing buildings was granted in 1985 for a replacement dwelling and a dance studio that has been operating since the 1980s. An extension² to the studio was approved in 2010 and never implemented.

¹ Ref. 1985/1029

² Ref. 2009/1905

5. The site is outside of the development boundary for Wymondham and, therefore, DM 1.3 of the South Norfolk Local Plan (2015) (SNLP) applies, which permits development outside of development boundaries where, according to criterion (c) specific development management policies allow, or where (d) there are overriding benefits in terms of the economic, social and environmental dimensions of sustainable development.
6. Following from the planning history of the appeal site, the dance studio has been granted planning permission as an employment site and as such the proposal would be considered under criterion c) of the policy DM 2.2 of the SNLP. Policy DM 2.2 of the SNLP seeks to safeguard employment uses and permits changes of use where either (2,a) the possibility of re-using or redeveloping the premises for a range of alternative business purposes has been fully explored and it can be demonstrated that the premises are no longer economically viable or practical to retain for an employment use, or (2,b) there would be an overriding economic, environmental or community benefit from redevelopment or change to another use which outweighs the benefit of the current lawful use continuing. Since the planning permission granted in 1985 does not have a condition to keep the appeal building as an ancillary to the main property and considering the continued employment use since then, it is appropriate to assess the proposal according to Policy DM 2.2 (2,a).
7. The studio has been used for dance classes for several years. It is understood that over the years the owner of the studio has reduced her commitments to the business and now she would like to retire and downsize to the proposed converted dwelling.
8. With regards to the employment use, the appellant has pointed out that she has run the ballet school on her own since its original introduction as a business³ and that there would be no employment loss because she is the only employee and is retiring.
9. The appellant contends that alternative employment uses would be based on both the size and configuration of the existing building and the consideration of alternative planning permissions being required for any change of use. The appellant also contends that due to the bespoke configuration of the host dwelling with the studio, the commercial use of the studio was only made viable by the direct business operations run by the appellant and that alternative commercial uses would have greater environmental impacts on the appellant herself. The appellant also contends that the high demand in dance classes that had triggered the expansion of the business and justified the 2010 planning application for an extension for the continued employment use is related to a business situation of 10 years ago.
10. It is accepted that since planning permission was granted in 2010, the dance school may not be fully subscribed as it was at the time. Yet, no evidence has been submitted regarding the past and current situation of the business to inform on whether the premises are no longer economically viable or practical to retain for an employment use. Furthermore, the use of the studio as a dance school may still be viable and no other uses have been considered that may be compatible with an adjoining residential use.

³ under Planning Permission Ref 1985/1029

11. Therefore, the proposal has not demonstrated that the site could not continue to be used for the same employment use, ie a dance studio, or that the possibility of re-using or redeveloping the premises for a range of alternative business purposes has been fully explored and it can be demonstrated that the premises are no longer economically viable or practical to retain for an employment use, as required by Policy DM 2.2 (2,a). With regards with Policy 2.2 (2,b), that seeks schemes which present overriding benefits in terms of economic, environmental and social dimensions, I accept that there are elements of common ground, such as the accessibility of the site and a very limited contribution to the supply of housing, but these are not overriding benefits required by Policy DM 2.2 (2,b).
12. For the above reasons, I conclude that it has not been demonstrated that the loss of employment use of the appeal site would be justified to allow planning permission outside the development boundary. Furthermore, the proposed development would not present overriding benefits in terms of social, economic and environmental dimensions that would outweigh the harm caused by the loss of employment use. Therefore, the proposed scheme would be contrary to Policies DM 1.3 and DM 2.2 of the SNLP.

Conclusion

13. For the reasons set out above, I conclude that the appeal should be dismissed.

S A Schinaia

INSPECTOR