Appeal Decision

Site visit made on 7 January 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 February 2021.

Appeal Ref: APP/G2245/W/20/3251471
The Coach House, Gills Farm, Gills Road, South Darenth DA4 9LE

- 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 Hawkspare Ltd against the decision of Sevenoaks District Council.
- The application Ref 19/03143/FUL, dated 8 November 2019, was refused by notice dated 13 January 2020.
- The development is for the conversion of an existing Coach House (B8 storage use) to create 2 no. residential units with the creation of amenity space and parking to serve the proposal in addition to serving the existing 3 residential units

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the supply of employment sites.

Reasons

3. The appeal site relates to a building within a rural complex comprising various uses, including agricultural and commercial operations and residential units. The wider landscape is predominantly agricultural land with sporadic residential properties.

4. The Council argues that the proposal would result in the loss of a viable employment site, with two policies included in the reason for refusal. Policy SP8 of the Local Development Framework Core Strategy February 2011 (CS) states that sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period, which I am told runs to 2026. Policy EMP5 of the Allocations and Development Management Plan Development Plan Document February 2015 (DPD) seeks to control the loss of non-allocated lawful business premises to other uses. It states that such changes of use are only to be supported where it has been demonstrated, through a marketing exercise, that there is no reasonable prospect of their continued use for business in the longer term.

5. I consider that these policies are broadly in accordance with the National Planning Policy Framework (the Framework) as far as they meet its core principles; particularly that planning should be seeking to support economic growth and productivity and enable a prosperous rural economy.

6. The appellant states that it has been difficult to rent one of the units, however no further evidence in this respect is before me. I am also aware of the need to balance employment and residential needs in the District and that there is the potential for the premises to be used for Class B8 storage use. I note that there are residential units on the opposite side of the courtyard; the appellant argues that the continued use of the site for business purposes would be harmful to the living conditions of the occupiers of these properties, although I have not been made aware that any complaints have been made in this regard.

7. To my mind the appeal building as it currently stands should be regarded as business premises, and therefore would be subject to the provisions of Policy EMP5. Such provisions do not concern the prospects for an individual business, instead it is the potential of the site to contribute to the rural economy that is the focus of the policy. The appellant acknowledges the normal need to market existing units, that in general it is desirable to protect rural employment sites, and that there will be a loss of employment generating floorspace (albeit limited), in conflict with development plan policies. In this regard there is no marketing evidence before me to prove that the units could not continue to provide suitable premises for business purposes, contrary to EMP5.

8. I recognise that, amongst other things, the building is of permanent and substantial construction and is capable of conversion without major or complete reconstruction, appropriate amenity space and landscaping would be provided, the proposal will not introduce any additional built form on the site. However, these matters are neutral in my determination of this appeal and do not outweigh the harm I have identified above. The appellant states that the building could be demolished and replaced with dwellings under permitted development rights; still I have not been provided with further information in this respect and therefore attribute this fallback position limited weight.

9. I therefore conclude that the proposal would result in the loss of an employment site. It has not been demonstrated that the site could not continue to contribute to the rural economy and that there is not an ongoing employment need for the premises. The scheme would therefore conflict with Policies SP8 of the CS and EMP5 of the DPD, which seek to secure the sustainable development of the District's economy.

Planning balance

10. The proposal would deliver a net gain of 2 dwellings. Having regard to the objective of boosting the supply of homes set out in the Framework, this would be an significant benefit of the scheme. Furthermore, the Council accepts that it cannot currently demonstrate a five year supply of housing sites. As this is not an instance where policies of the Framework that protect areas or assets of particular importance provide any reasons for refusing the proposal, the approach to decision making set out in paragraph 11(d)(ii) is applicable.

11. Whilst the housing gain favours the scheme, the lack of evidence to demonstrate that the site could not contribute to the rural economy, and that there is not an employment need for the building, would be a substantial conflict with the Framework. In my view allowing the proposal without any compelling reasons for setting aside employment directives would risk undermining the robustness of both local and national policies. Consequently, there would be an adverse impact that would significantly and demonstrably outweigh the benefits. Paragraph 11(d)(ii) does not therefore weigh in favour of the appeal.

Conclusion

12. The proposal is unacceptable and I conclude that the appeal should be dismissed.

C Hall

INSPECTOR