
Appeal Decision

Site visit made on 16 February 2021

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2021

Appeal Ref: APP/R3515/W/20/3252567

Unit 12, Boss Hall Business Park, Ipswich IP1 5BN

- 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 Re-form Sports Fitness Limited against the decision of Ipswich Borough Council.
 - The application Ref IP/19/00896/FUL, dated 30 September 2019, was refused by notice dated 16 December 2019.
 - The development proposed is change of use from B8 to D2.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from B8 to D2 at Unit 12, Boss Hall Business Park, Ipswich IP1 5BN in accordance with the terms of the application, Ref IP/19/00896/FUL, dated 30 September 2019, subject to the following conditions:
 - 1) The change of use to D2 shall apply to Unit 12 as indicated on the Site Plan received by the local planning authority on 30 October 2019.
 - 2) Within three months of the date of the decision, details of cycle and refuse/recycle bin storage shall be submitted for the approval in writing by the local planning authority. The approved works shall thereafter be provided and retained as approved.
 - 3) The premises shall be used as a fitness and personal training gym and for no other use within Class D2 of the Town and Country Planning (Uses Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
 - 4) On cessation of the hereby permitted D2 use, the lawful use shall return to being within Classes B1 (excluding offices), B2 and/or B8 of the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Preliminary Matter

2. Since the Council's refusal of permission, the Class B8 use (Cash and Carry) has ceased and the D2 health and fitness business use begun at Unit 12.

Main Issue

3. Whether the proposal would be appropriate in respect of employment provision and also its location.

Reasons

4. The appeal relates to an industrial unit within a block of nine, located within a larger employment estate within the urban area of Ipswich. The use conflicts with Policy DM25 of the Ipswich Core Strategy and Policies Development Plan Document of 2017 (DPD). This is because the Boss Hall Industrial Estate is zoned as an employment area in the DPD, where Policy DM25 seeks to safeguard its defined role by limiting uses to B1, B2 and B8. The policy allows small scale services specifically provided for the benefit of businesses/workers in the Employment Area, where compatible with surrounding uses and there is no reasonable prospect of a re-use for employment purposes over the plan period.
5. An unsuccessful twelve-month marketing period is normally required by the Council to demonstrate the latter. The appellant relies on nearby Unit 15 having been vacant for around twelve months, although it has subsequently been occupied by a B2 use. Although the gym is reasonably compatible with the surrounding uses, there would have been a good prospect of a policy compliant B1, B2 or B8 occupying these premises within this period.
6. The use also conflicts with DPD Policy DM22, as well as paragraphs 86 and 87 of the National Planning Policy Framework. This is in respect to the proposal failing to satisfy the sequential test necessary for leisure and recreation uses, requiring these to consider town centre locations, before those out of or to the edge of the centre. I have, however, had regard to the appellant's evidence over two town centre premises having proved unsuitable for various reasons, including viability, size and lack of car parking.
7. There would be moderate harm from the conflict with these development plan policies. However, the use continues to provide a small amount of employment and, whilst not specifically for the workers in this estate, provides these potential clients the benefits of an accessible health facility. This is also conveniently located to serve the substantial wider community nearby. As the use is located where it would be reasonably accessible to a large catchment population, by either public transport or non-motorised means, it generally meets the definition of sustainable development, whereby the overall benefits would outweigh the degree of harm arising from the policy conflict. On balance, I find the proposal to be appropriate in respect of providing for employment and its location.

Conclusion

8. In the interests of future employment, conditions are necessary limiting the use allowed and, on cessation, securing a future B1, B2 or B8 use. For certainty, a condition refers to the plan approved and, to ensure provision for these matters, another addresses provision of cycle and bin storage. Subject to these conditions, and having taken into account all further matters raised, I conclude that the appeal be allowed.

Jonathan Price

Inspector