



Appeal Decision

Site Visit made on 8 March 2021

by Mr Andrew Smith BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2021

Appeal Ref: APP/W0530/W/20/3264115

White Horse, London Road, Pampisford, Cambridge CB22 3EF

- 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 Philip Boswell Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref 20/03854/FUL, dated 24 August 2020, was refused by notice dated 11 November 2020.
 - The development proposed is change of use of one office to bedsit flat.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the site address as set out on the appeal form, as opposed to as stated upon either the application form or the Council's Decision Notice. This is not least because the appeal site is accessed via London Road. Furthermore, the appellant has provided assurances that this version of the address is representative of the property's postal address.

Main Issues

3. The main issues are:
 - Whether or not the proposed loss of employment floorspace has been satisfactorily justified; and
 - The effect upon the living conditions and safety of future residential occupiers, having particular regard to the intended external amenity space and cycle and waste storage arrangements.

Reasons

Loss of employment floorspace

4. Planning permission¹ was granted in January 2014 to change the use of the former White Horse Public House to offices at ground floor whilst retaining a residential flat above. The part of the ground floor offices that is the subject of this appeal is not currently used for such purposes. It is my understanding that its active use ceased on 31 July 2020 and that, since then, the floorspace in question has lain vacant.
5. As set out under Policy E/14 of the South Cambridgeshire Local Plan (September 2018) (the Local Plan), the conversion, change of use or

¹ S/2537/13/FL

redevelopment of existing employment sites to non-employment uses within or on the edge of development frameworks will be resisted unless one of a list of criteria is met. One such criterion is where it is demonstrated that the site in question is inappropriate for any employment use to continue having regard to market demand. As set out in the policy's text, supporting documentary evidence needs to accompany submissions and evidence is required that the property has been adequately marketed on reasonable terms for not less than twelve months.

6. From the evidence before me, the appeal site has not been actively marketed for employment use. Furthermore, no substantive supporting documentary evidence has been provided in the interests of clearly demonstrating that there is no market demand for the vacant employment floor space under consideration. Whilst brief reference has been made to the consultation of local letting agents and to their advice being that there would be little prospect of securing a tenant, this has not been corroborated via, for example, a copy of any such advice in writing.
7. The floorspace under consideration in this appeal is not currently occupied and makes up only a part of a building that also contains an active employment use to be retained. In this sense, not all employment uses across the wider site would be lost. Nonetheless, it remains the case that no clear or substantive supporting evidence has been submitted to justify the loss of the relatively recently vacated employment floor space in question.
8. The continuing Covid 19 pandemic has, in broad terms, led to significantly increased levels of homeworking and to an associated drop in demand for commercial office space. Nevertheless, it remains unclear what the lasting repercussions shall be once the pandemic has passed. Indeed, the current movement restrictions that are in place are temporary and, to my mind, cannot be relied upon to demonstrate no market demand beyond the short-term future.
9. In terms of marketing, I accept that it would be disproportionate, particularly in these uncertain times, to insist that the property be robustly marketed over a full twelve-month period as advocated by Policy E/14. Indeed, merely a single small unit of vacant floorspace is under consideration here. Nevertheless, to my knowledge, no active marketing of any duration has been carried out. Such an approach has not been adequately justified. I again refer to the non-substantive nature of the supporting evidence submitted in a market demand context (as discussed above).
10. As set out under Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), development consisting of a change of use from offices to (a) dwellinghouse(s) does not require planning permission subject to various provisions and conditions being satisfied. One such provision relates to the building being used for office purposes on 29 May 2013, which is not met in this case. Notwithstanding the general flexibility afforded by the GPDO, no comparable fallback position is presented by Class O. The GPDO's provisions are thus of limited relevance to the outcome of this appeal.
11. Policy E/14 also offers the opportunity for the change of use of an existing employment site to be justified where the overall benefit to the community outweighs any adverse effects in an employment sense. The proposal would

deliver an additional unit of residential accommodation and the National Planning Policy Framework (February 2019) (the Framework) reaffirms the Government's objectives of significantly boosting the supply of homes.

12. Even so, the Council has asserted that it can currently demonstrate a five-year supply of deliverable housing. Whilst reference has been made by the appellant to the supply figure being based on the wider Greater Cambridge area, the Council's assertion has not been demonstrated to be incorrect. It is also the case that the latest Housing Delivery Test results (published 19 January 2021) indicate that the recent level of housing delivery in the District has met the corresponding number of homes required. Thus, the community benefit of delivering a single additional housing unit, even though located within a defined development framework, attracts limited weight.
13. The scheme would also create local employment during the conversion phase and provide support to the local economy and local community facilities once occupied. However, such benefits would be limited given the scale of development under consideration. When noting the constrained planting opportunities that would apply, any environmental/appearance benefits brought about by the introduction of new landscaping also attracts limited weight.
14. The scheme's community benefits, when considered cumulatively, would be modest and would not outweigh the proposal's adverse effects upon employment opportunities and the range of available employment premises. This is in the context of the Framework setting out that significant weight should be placed on the need to support economic growth and productivity.
15. I note here that Policy S/11 indicates that the conversion or redevelopment of a non-residential building for residential purposes can be supported (within development frameworks) where it would not result in a loss of local employment. Whilst the site is currently vacant, the proposed change of use would result in the loss of local employment floorspace and associated employment opportunities. Indeed, the policy's aspirations in a local employment sense are best interpreted and understood when read alongside the detailed provisions of Policy E/14 which relate specifically to proposals that would result in a loss of employment land.
16. Whilst I have no reason to doubt that a good supply and range of existing employment sites exist in strategic District-wide terms, the proposed loss of employment floorspace has not been satisfactorily justified and harm would be caused accordingly. The proposal conflicts with Policies S/11 and E/14 of the Local Plan in so far as these policies state that the change of use of existing employment sites to non-employment uses within development frameworks will be resisted unless specified criteria is met.

Living conditions and safety of future residential occupiers

17. The appeal site incorporates a sizeable external area that would, for the most part, serve to provide off-street parking and associated manoeuvring opportunities. However, I do not accept that the proposed layout would not enable any future occupier of the newly proposed flat to have access to outdoor amenity space. I see no clear reason why a meaningfully sized private area, commensurate in extent to the accommodation it would serve, could not be created to the site's eastern side (for example) whilst not compromising the

intended parking arrangements. Indeed, the submitted site plan indicates a slight relocation of the eastern boundary fence (when compared to its observed position upon inspection) and full details of intended boundary treatments could suitably be secured via condition in the event the appeal be successful.

18. It is the case that indicative waste storage arrangements are already depicted upon the proposed site plan. The site is clearly capable of accommodating ample waste and cycle storage facilities. The full details of which could suitably be secured via planning condition in the event the appeal be successful, which provides adequate assurances that such facilities would be of secure design and privately positioned.
19. For the above reasons the proposal would have an acceptable effect upon the living conditions and safety of future residential occupiers, having particular regard to the intended external amenity space and cycle and waste storage arrangements. No harm would thus be caused in this context. The proposal accords with Policy HQ/1 of the Local Plan, the Framework and the District Design Guide Supplementary Planning Document (March 2010) in so far as these policies and guidance require that development proposals must provide safe, secure, convenient and accessible provision for cycle parking and storage, facilities for waste management, recycling and collection in a manner that is appropriately integrated within the overall development, and that every home should have the benefit of some private or communal outside amenity space.

Planning Balance

20. The scheme's benefits, as set out in my reasoning above and which include the delivery of an additional housing unit, would not outweigh the harm and associated policy conflicts that I have identified. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise.

Conclusion

21. Whilst I have found that the proposal would not cause harm to the living conditions and safety of future residential occupiers, I have identified that harm would be caused through the intended loss of employment floorspace. That harm is the overriding consideration in this case. For the reasons given above, the appeal is dismissed.

Andrew Smith

INSPECTOR