



Appeal Decision

Site Visit made on 29 June 2021

by Rachel Hall BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2021

Appeal Ref: APP/Y0435/W/21/3270712

76 - 83 Shearmans, Fullers Slade, Milton Keynes MK11 2BQ

- 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 V. Pilla against the decision of Milton Keynes Council.
 - The application Ref 20/01508/OUT, dated 24 June 2020, was refused by notice dated 17 September 2020.
 - The development proposed is removal of workshop and construction of nine dwellings over the existing, retained retail premises.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the description of development in the heading above, which is taken from the application form, the proposal is more accurately described as "demolition of workshop and construction of nine dwellings over the existing, retained retail premises". I have determined the appeal on this basis, and consider no parties will have been prejudiced by my doing so.
3. Although the appellant refers to removal of the workshop being included in the description at the request of the Council, it forms part of the proposal before me and I have therefore determined it as such.
4. The application was submitted in outline with all matters reserved except access. The appeal is determined on that basis.

Main Issues

5. The main issues are whether or not:
 - demolition of the workshop has been justified;
 - the principle of demolition of the workshop is acceptable in this location; and
 - it has been demonstrated that the proposal would have an acceptable effect on highway safety.

Reasons

Whether or not demolition of the workshop has been justified

6. Policy ER2 of Plan:MK 2016-2031 (adopted March 2019) ('Local Plan') aims to protect existing employment premises and ensure provision of a sufficiently broad range of employment types and locations across the Borough. It is a matter of dispute whether the existing auto repair workshop (the 'workshop') amounts to an employment use or is akin to retail, and therefore whether Policy ER2 applies.
7. The lawful use of the workshop does not form part of the evidence before me. However the policy applies to any building used for 'employment purposes', which accorded its ordinary definition is generally understood to mean for work, especially when it is to earn money. This could reasonably include the workshop, which employs three people and contributes to a varied local jobs market. There is no indication in the policy wording or supporting text to suggest that it only applies to larger employment sites.
8. On this basis if I were to accept that Policy ER2 applies, it is clear that its requirements have not been fully addressed in this appeal. Although the appellant may not have been made aware of the Council's view on the relevance of this policy until determination of the planning application, no robust evidence has been subsequently provided at appeal to confirm that the site could not reasonably continue in its current use. Similarly, there is no evidence of the workshop having been marketed for its current use, for any period of time.
9. Further, the suggestion that the current occupants are, in any event, looking to relocate to bigger premises is not supported by robust evidence that those intentions are being actively pursued or that the current use is no longer viable. The proposal would thus be contrary to policy ER2, amounting to an unacceptable loss of employment premises, as demolition of the workshop has not been justified.

Whether or not the principle of demolition of the workshop is acceptable in this location

10. Whether the lawful use of the workshop is more akin to a retail use or employment, its demolition requires assessment against Policy 6 of the Stony Stratford Neighbourhood Plan (made June 2018) ('Neighbourhood Plan'). This seeks to retain a mix of retail uses at the Fullers Slade Local Centre, including a retail store and A2-A5 uses, and resists proposals that would erode the scale or mix of activities. The principle of demolishing the workshop would diminish the mix of acceptable uses on site, contrary to the stated policy aims.
11. Although the scheme would add residential use into the mix, this would be at the expense of one of the established uses ('car repairs') which the Neighbourhood Plan describes as important in serving the local community. On the evidence before me, I am not satisfied that provision of residential accommodation above the existing, retained units, together with an appropriate level of parking, necessarily requires demolition of the workshop. Departure from Policy 6 has not been justified on that basis.
12. Accordingly, I find that demolition of the workshop would not be acceptable in this location as it would unacceptably reduce the mix of uses that contribute to

its role as a local centre. Its loss would therefore be contrary to Policy 6 of the Neighbourhood Plan.

Whether or not it has been demonstrated that the proposal would have an acceptable effect on highway safety

13. The Proposal Plan (Ref 6517-07) shows the proposed access arrangements, including vehicular access to ten covered spaces in the same broad location as the existing access to the workshop. Dimensions of the access are altered from existing by provision of an extension to the pedestrian footpath and the location of four forecourt parking spaces to either side, although I note reference on the plan to "indicative ground floor layout" which suggests the intention for some details to be altered through reserved matters submissions.
14. Although access is not a reserved matter, certain aspects, such as internal pedestrian circulation routes, could reasonably be addressed via suitably worded conditions. Accordingly, as layout is a reserved matter, it is feasible that positioning of the proposed stair block adjacent to unit 76 could be adjusted to increase circulation space for pedestrians where it currently appears close to the edge of the pavement. Nevertheless, insufficient evidence has been provided (including provision of suitable sight lines and radii for vehicular access) to demonstrate that safe vehicular access can be achieved to the covered parking spaces without unacceptably harming other elements of the scheme (such as provision of sufficient parking spaces across the site).
15. I therefore find that it has not been robustly demonstrated that the proposal would have an acceptable effect on highway safety with respect to vehicular access to the covered parking spaces. Accordingly I find conflict with Policy CT2 of the Local Plan which seeks to ensure, amongst other matters, that proposals provide safe access arrangements that are suitable for, and compatible with, all potential users. Similarly, for the above reasons, the scheme is contrary to the National Planning Policy Framework which seeks to ensure that proposals provide safe and suitable access and, conversely, avoid unacceptable impacts on highway safety.

Other Matters

16. I note the principle of residential development on the appeal site was established in a previous appeal for a similar scheme¹. Although full details are not before me, I note that that decision was made prior to the adoption of the current Local Plan when different policies would have been in force. In addition, it proposed fourteen dwellings (five more than the current scheme) at a time when the Council was unable to demonstrate a five year housing land supply. Consequently greater weight to housing delivery, in favour of allowing the development, could reasonably have been applied.
17. Similarly, with reference to the Saxon Court development and other office to residential permissions referenced by the appellant, each scheme is to be considered in light of its particular circumstances, and on its own merits, including the scale of any housing delivery benefits, and the potential for centrally located development to encourage travel by non-car modes, for example.

¹ Appeal Ref APP/Y0435/W/16/3142792

18. I have also had regard to the appellant's comments regarding the Council's handling of the planning application and the financial and emotional effect of this on the appellant, although I note that no formal costs application has been submitted in respect of the former. Whilst I acknowledge the appellant's frustrations, this does not add weight to the scheme before me or alter my judgement on its planning merits.
19. The proposed delivery of nine additional dwellings would represent a public benefit, supported in principle by the development plan and National Planning Policy Framework. Nevertheless, in the particular circumstances of this case, this is not sufficient to outweigh the harm I have identified from demolition of the workshop, whether from loss of employment premises or harm to the local centre. Combined with the potential implications of the scheme on highway safety, in respect of which there is a lack of robust evidence before me, the proposal would be contrary to the development plan as a whole.

Conclusion

20. For the above reasons, having considered the development plan as a whole, the Framework and all other relevant material considerations, I conclude that the appeal should be dismissed.

Rachel Hall

INSPECTOR