



Appeal Decision

Site visit made on 17 May 2022

by David Jones BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/P4605/W/22/3292474

21 Hospital Street, Aston, Birmingham B19 3PY

- 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 Mr Harry Collins (Optimhouse Ltd) against the decision of Birmingham City Council.
 - The application Ref 2021/05275/PA, dated 11 June 2021, was refused by notice dated 16 November 2021.
 - The development proposed is the temporary change of use from light industrial (Use Classes E/B2) to a place of worship (Use Class F.1) and associated external alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the development from the Council's decision notice and appellant's appeal form rather than the one used on the original application form, since it more accurately describes the development before me. It is however clear from the submitted elevational drawings and supporting information that no external alterations are proposed.
3. The Council's decision notice states that the proposed development would be contrary to Policies GA1.3, PG3, TP19 and TP21 of the Birmingham Development Plan (2017) (BDP) and Policy DM8 of the Development Management in Birmingham Development Plan Document (2021). In their statement of case however, the Council now confirm that the development would accord with PG3, TP21 and DM8 and therefore only seek to rely on Policies GA1.3 and TP19 of the BDP. I have dealt with the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposed development on the Core Employment Area (CEA).

Reasons

5. The appeal property is a single storey brick building located on the corner of Hospital Street and Henrietta Street within the Gun Quarter of the city centre. It is also situated within the CEA. The surrounding area is commercial and industrial in character with wholesale and retail clothes shops, gym and a petrol station located nearby. The proposed development would change the use of the property to a place of worship and community meeting place, whilst also including the retail sale of books and running of fitness classes.

6. The main concern raised by the Council is the principle of the proposed use, and the subsequent loss of employment land within the CEA. Policy TP19 of the BDP states that the purpose of the CEA is to retain employment uses and to be the focus of economic regeneration and additional development opportunities. The Policy defines employment use as: research and development; light industrial; general industrial; warehousing and distribution; and other appropriate uses such as waste management, builders' merchants and machine/tool hire centres. The appeal proposal would not fall within any of these categories.
7. Policy TP19 states that applications for uses outside of these categories will not be supported unless an exceptional justification exists. Paragraph 5.9 of the Loss of Industrial Land to Alternative Uses Supplementary Planning Document (SPD) details circumstances where exceptions may exist. The SPD recognises that there will be occasions where it can be demonstrated that there are good planning grounds to depart from the general presumption against the loss of industrial land. In such circumstances the proposal would need to demonstrate that alternative sites are not available which do not involve the loss of industrial land.
8. In support of the appeal scheme the appellant submitted a sequential assessment which considered three potential sites in detail. These consisted of the appeal site itself, and two other alternative premises both of which had previously been occupied by the appellant and would not involve the loss of industrial land. The assessment also stated that 'many properties' were visited over a period exceeding twelve months, but none were considered suitable. No details however of the location, type or size of these properties have been provided. Whilst I acknowledge that the appellant may not have been afforded the opportunity to provide such details during the planning application process, any such information could have subsequently been provided in support of the appeal.
9. Therefore, notwithstanding the response from the Council's Planning and Growth Strategy Team, I do not consider that the appraisal of two alternative sites sufficiently demonstrates that alternative sites are not available. Accordingly, I do not consider that it has been demonstrated that an exceptional justification is applicable in this case.
10. Policy GA1.3 of the BDP states that new development should support and strengthen the distinctive character of the Gun Quarter, and specifically maintain the areas important employment role and industrial activity. Policy GA1.3 also identifies that these are complemented by a mix of uses around the canal, however the appeal site is not located in the immediate vicinity of the canal.
11. As detailed above, the proposal would fail to maintain an employment or industrial use. Although a specific or minimum number of employees is not set out under Policy GA1.3, its aim to maintain the areas important employment role is clear, as evidenced by the type of commercial and industrial uses which characterise the Gun Quarter. Whilst it is acknowledged that the proposal would provide employment for one full time and two part time members of staff, I do not consider that this would maintain the areas important employment role. The proposed development would therefore fail to support or strengthen the character of the Gun Quarter.

12. I therefore conclude that the proposed development would conflict with Policies TP19 and GA1.3 of the BDP, the aims of which are set out above.

Conclusion

13. The proposal would conflict with the development plan, when taken as a whole, and there are no material considerations, including the approach of the Framework, which would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

David Jones

INSPECTOR