



Appeal Decision

Site visit made on 15 November 2022

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2022

Appeal Ref: APP/U3935/W/22/3300884

Unit 31 Blackworth Industrial Estate, Highworth, Swindon SN6 7NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Magnet Sales & Service Ltd against the decision of Swindon Borough Council.
 - The application Ref S/21/1598/JP, dated 29 September 2021, was approved on 10 December 2021 and planning permission was granted subject to conditions.
 - The development permitted is erection of side and rear extension to existing building.
 - The condition in dispute is No 5 which states that:
5. Prior to the development being brought into use, details for the provision, installation and future management and maintenance of at least two electric vehicle charging point[s] shall be submitted to the Local Planning Authority for its approval in writing. The development shall not be occupied until the approved details have been installed, made available for use and thereafter maintained in accordance with the approved scheme.
 - The reason given for the condition is:
5. To ensure that the opportunities for sustainable transport modes have been taken up in accordance with Policies TR1 and Tr2 of the Swindon Borough Local Plan 2026.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission S/21/1598/JP was granted on 10 December 2021 for the erection of a side and rear extension to a light industrial unit. Condition 5 requires at least 2 electric vehicle (EV) charging points to be provided before the development is brought into use.

Main Issue

3. The main issue is whether or not condition No 5 is necessary and reasonable, in the interests of sustainable travel.

Reasons

4. The appeal premises is located on the Blackworth Industrial State, close to the northern edge of Highworth. The approved extension would result in an expansion of the business and consequently four new jobs.
5. The National Planning Policy Framework (the Framework) promotes sustainable transport, including realising opportunities from changing transport technology and usage and avoiding and mitigating adverse effects of traffic and transport infrastructure. It expects policies for local parking standards to consider the need to ensure adequate provision of spaces for charging plug-in and other

ultra-low emission vehicles. Development should be designed to enable such charging in safe, accessible and convenient locations.

6. Policy TR1 of the Swindon Borough Local Plan 2026 (the Local Plan) encourages, amongst other things, minimising emissions by promoting more sustainable travel choices. Similarly, Policy TR2 states that new developments should be designed to encourage the use of sustainable transport alternatives. There is no specific mention of EV charging points, however, this technology is associated with less polluting vehicles and in my view would boost the growth of sustainable travel alternatives.
7. The approved development is an extension to an existing employment use. The terms of the above policies are not limited to new employment uses or buildings, therefore I consider they are relevant to the approved scheme.
8. The appeal site provides 10 parking spaces, located to the north of the unit, with 2 EV charging spaces indicated on the approved drawing (Ref Block Plan 1:500 A4 Rev A).
9. The Council's Parking Standards for New Development guidance (February 2021) requires a minimum of 2 EV spaces or 20%, whichever is the greater, for car parking associated with employment uses. Moreover, the Local Plan supports sustainable transport alternatives and although not specifically referred to in the policies, EV charging points would encourage electric vehicle use at the site. This is consistent with the Framework in relation to reducing emissions, improving air quality and public health, and mitigating and adapting to climate change. In this case, taking into account the parking provision, the provision of 2 EV charging spaces appears reasonable.
10. It is widely recognised that the Government has committed to phasing out petrol and diesel vehicles over the next decade. This would likely result in the growth of electric vehicles and the EV charging points would provide a necessary facility at the site to cater for the increase vehicle ownership.
11. Increased availability, and visibility, of EV charging points would be expected to increase consumer confidence and encourage greater use of EVs. In the absence of EV charging points, the development would fail to contribute to the sustainability aims of the Framework and the Local Plan. There would be costs associated with the provision of the charging points, but this would have been the case when they were first proposed as part of the approved scheme.
12. There are currently no employees that travel to the site by electric vehicle, while it is anticipated that more staff will be working from home in the future. These factors, in the appellant's view, render the EV charging points unnecessary. Nonetheless, the situation is likely to change in the future given the changes proposed by the Government, and the EV charging points would be available for those existing employees who may acquire an electric vehicle in the future. Moreover, they could also be used by visitors and new employees alike, as part of a range of travel options.
13. Although the appellant indicates that the consumer supply box is a considerable distance from the proposed EV charging points there are no details of this distance or any evidence that there would be current loss because of this. Besides, EV charging facilities are an established and growing

technology, and it is probable that any technical issues can be addressed at the construction stage.

14. There are existing staff employed at the premises that currently walk, cycle or commute to work by bus. This is commended. The provision of EV charging points at the site would further broaden the number of sustainable travel modes that could be used to access the site and encourage the use of electric vehicles.
15. Therefore, I find that condition No 5 is necessary and reasonable to make the development acceptable, with particular regard to sustainable transport. The appeal proposal, to remove the condition, would conflict with the development plan and the Framework and there are no material considerations that would outweigh that conflict.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

RE Jones

INSPECTOR