



Appeal Decision

Site visit made on 5 January 2023

by S Crossen BA (Hons) PgCert PgDip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2023

Appeal Ref: APP/J0405/W/22/3305478

**Aylesbury Business Centre, Matrix House Unit 10, Chamberlain Road,
Aylesbury, Buckinghamshire HP19 8DY**

- 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 Z Allama against the decision of Buckinghamshire Council.
 - The application Ref 22/01384/APP, dated 13 April 2022, was refused by notice dated 20 July 2022.
 - The development proposed is change of use from a commercial E (c) office use to a religious community use Class F1 (f) and amendments to front elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the provision of buildings for employment use in the area, having regard to economic growth and productivity.

Reasons

3. The appeal relates to a two-storey former office building located within an established employment area which is in the Gatehouse Industrial Area allocated under policy E1 of the Vale of Aylesbury Local Plan (VALP) 2013-2033¹. This policy protects key employment sites by setting a criterion which proposal must accord with. Proposals for uses within use class E (commercial, business and service), B2 (general industrial) or B8 (storage and distribution) are supported. Other uses are supported if it is proven that the use gives on-site support or provides similar economic enhancement to the above listed appropriate uses. Other uses that do not provide direct, on-going local employment opportunities are not supported.
4. The proposal is for the building to be used as a religious community use under Class F1 (f) so is not a use identified as being permitted by policy E1 without justification.
5. The proposed community use is not economic development unlike industrial uses, or some office uses which create employment opportunities as part of their function and rely on trade links. Economic development as outlined in policy E1, can have unacceptable impacts if built in the wrong location which is why key employment areas are safeguarded in the VALP. Although it is the intention of the appellant that this community use would create employment

¹Vale of Aylesbury Local Plan 2013-2033, Adopted September 2021

opportunities (as detailed in both their statement and employment analysis), planning permission is not required for a change of who occupies a site. Because the proposed use is not economic development, any employment opportunities would be limited to supporting the community use and not necessarily required. The proposed use would not then provide similar economic enhancement as those uses under use class E, B1 or B8, and would not provide direct, on-going local employment opportunities.

6. The design and access statement details several vacant office buildings in the area, and that some have been vacant for over 2 years. Most of the examples are not in the immediate area and many are much smaller units so not comparable to the appeal site.
7. An additional list is provided of 5 vacant sites in Chamberlain Road Industrial Estate. One site is the appeal property which is confirmed to have been marketed for 6 months prior to purchase. The other sites are stated as being vacant since between 2019 and 2022. Policy E1 safeguards key employment areas in the interests of economic growth, the VALP is a long-term plan providing future economic growth up to 2033 which was adopted in September 2021 and the evidence and justification for the need to safeguard key employment sites was recently tested.
8. The information provided on vacant units does not outweigh the harm resulting from the loss of this key employment site. A lack of suitable sites for economic development would likely harm projected future economic growth and productivity in the area, contrary to the Framework. I therefore conclude that the proposal would result in a loss of key employment provision in the area to the detriment of economic growth and productivity. The proposal would be contrary to policy E1 of the VALP which amongst other things seeks to protect key employment sites and contrary to paragraph 81 of the National Planning Policy Framework.

Other Matters

9. The benefits of the scheme for creating local employment opportunities in carrying out the conversion works, improving the appearance of the building, the benefits to the local community for the provision of a social, recreational, or cultural facility, partial support from the Economic Development Team, the increased footfall and improved natural surveillance do not outweigh the significant harm identified above.
10. The appellant also argues that the proposal complies with paragraphs 20, 28, 123 of the Framework. Paragraphs 20 and 28 relate to plan making and paragraph 123 relates to land which is not allocated in a plan, as such none are directly relevant to this appeal.
11. Council planning decisions are referenced in the appeal statement. The circumstances in each proposal are different to this appeal. All but one predates the current development plan. The one post adoption of the plan relates to a change of use from employment to residential and was allocated in the plan for this use. In any event the fact that apparently similar development might have been granted permission would not be a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

12. For the reasons given above, the proposal would be contrary to the development plan as a whole. There are no material considerations, including the Framework, which indicate that I should take a decision otherwise than in accordance with the development plan in this case. Therefore, I conclude that the appeal should be dismissed.

S Crossen

INSPECTOR