



Appeal Decision

Site visit made on 3 January 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2023

Appeal Ref: APP/D0840/W/22/3301853

Southgate Technology Park, Pennygillam Way, Pennygillam Industrial Estate, Launceston, Cornwall PL15 7ED

- 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 J Thomson, Firebrand Brewing Ltd against the decision of Cornwall Council.
 - The application Ref PA22/01069, dated 31 January 2022, was refused by notice dated 13 April 2022.
 - The development proposed is external seating for use in association with the brewery.
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Decision

1. The appeal is allowed and planning permission is granted for external seating for use in association with the brewery at Southgate Technology Park, Pennygillam Way, Pennygillam Industrial Estate, Launceston, Cornwall PL15 7ED in accordance with the terms of the application, Ref PA22/01069, dated 31 January 2022, subject to the following conditions:
 - 1) The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: TQRQM22026100404983.
 - 3) Customers may only be present on the premises in relation to the approved drinking establishment use hereby permitted during the following hours:

Thursday - Saturday 16:00pm - 21:00pm

Main Issue

2. The main issue is whether the site is a suitable location for the proposed development having regard to surrounding uses and the objectives of the local development plan.

Reasons

3. The appeal site is to the front of an existing industrial unit that is primarily utilised as a brewery and is located at the end of a cul-de-sac of other industrial units within the Pennygillam Industrial Estate. The Estate is identified as a strategically important employment site within the adopted Cornwall Site Allocations Document (CSAD). CSAD Policy LAU-E4 seeks to

ensure any new development within the Industrial Estate would be within the former B1¹, and B2 and B8 use classes .

4. I observed at my site visit that there are a number of differing uses within the wider Industrial Estate, including community uses such as a sports ground, places of worship and day nurseries, as well as cafés and some elements of retail in the form of trade and public counters.
5. Policy 5 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (LP) seeks to safeguard strategically important employment sites and to ensure a continued supply of appropriate business space, while LP Policy 4 seeks to support the vitality and viability of town centres, with proposals for retail and other main town centre uses outside of defined town centres, such as the appeal site, needing to demonstrate the application of a sequential approach to site selection.
6. I have been made aware that planning permission² (the existing permission) has previously been granted for the use of a mezzanine area within the industrial unit as a bar area for alcohol on and off sales, subject to conditions which include limiting times when customers may be present in order to ensure that the primary use of the unit is retained as that of a brewery.
7. The proposed development would utilise an area of forecourt for external seating. The area illustrated on the proposed plan is modest and whilst it is stated that the external seating area is proposed for use during warmer parts of the year rather than to increase capacity, the proposed development could add potential for additional capacity to the previously approved indoor area for alcohol sales. However, in combination the total area to be utilised for this use would still be modest when compared to the unit as a whole.
8. The application clearly states the proposed external seating area is for use in association with the brewery use and given the intrinsic relationship with the brewery, cannot be located elsewhere such as within a town centre. Furthermore, given both the size of the proposal, and that the existing bar use is restricted in times of use, I find that the proposed development would be subservient to the commercial brewery use of the unit. The proposal would not result in a drinking establishment being the predominant use of the site, as is a concern of the Council, and therefore would not result in loss of, or compromise of, a strategically important employment site.
9. The existing permission already allows the sale of alcohol at the site, and I have not been made aware of any concerns relating to conflict with neighbouring uses from this established use. Although the proposed development increases potential capacity, and introduces the use externally, given the location of the proposal at the end of a cul-de-sac, I see no reason why any additional conflict would arise, or why patrons associated with the outside area would be at additional risk from neighbouring uses.
10. The Council have cited conflict with LP Policy 12 in their reason for refusal. This Policy seeks to achieve high quality safe, sustainable and inclusive design in all developments. Given the nature of the proposal relating to a use, no operational development is proposed. Notwithstanding, the character of the surrounding area is that typical of an industrial estate featuring areas of car

¹ Replaced within 'Class E' of the Town & Country Planning (Use Classes)(Amendment)(England)Regulations 2020

² PA20/05337

parking and outdoor storage. The use of this area, at the end of a no through road cul-de-sac will not result in any harmful visual impact to the area, and no evidence has been put before me to indicate that the proposal will result in any safety issues.

11. Consequently, I conclude for the above reasons that the proposed development is in a suitable location having regard to surrounding uses and development plan policy objectives. As such, it would accord with LP Policies 4, 5, 12 and 16, and CSAD Policy LAU-E4 which, amongst other things, seek to support the vitality and viability of town centres, ensure a continued supply of appropriate business space and protect and alleviate risk to people from unsafe environments.

Conditions

12. Conditions have been suggested by the Council in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance (PPG).
13. As well as the statutory time limit condition, a plans condition would be required to provide certainty.
14. The Council has suggested conditions in relation to restricting times of use and permitting the proposed development for a limited period. As the proposed development is intrinsically associated with the existing internal bar use, a condition restricting hours of operation in line with the existing permission is reasonable.
15. The PPG states that circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. However, I have found above that the proposal accords with the development plan and I have no evidence before me to indicate that such a condition would be reasonable.
16. During the application process I am aware that the Police Designing Out Crime Officer commented on the potential to impose a planning condition seeking to remove seating when not in use. Given I have no evidence before me that the retention of seating outside operating hours would result in public safety issues, such a condition is not reasonable or necessary.

Conclusion

17. For the reasons given above, I find that the proposal is in accordance with the development plan, considered as a whole. Therefore, I conclude that the appeal should be allowed.

S Harrington

INSPECTOR