



Appeal Decision

Site visit made on 17 January 2023

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2023

Appeal Ref: APP/N3020/W/22/3307756

Allsop Industrial Estate, Private Road No 2, Colwick NG4 2JR

- 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 and Mrs Allsop against the decision of Gedling Borough Council.
 - The application Ref 2021/0537, dated 29 April 2021, was refused by notice dated 28 March 2022.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would provide a suitable location for housing, with specific regard to the supply of employment land within the Borough; and
 - Whether, if there were harm with regard to employment land, that harm is outweighed by other material considerations.

Reasons

Supply of employment land

3. The appeal site lies in the corner of a larger industrial estate which is designated within the local plan as protected for employment use. Policy LPD44 of the Gedling Borough Council Local Planning Document Part 2 Local Plan, 2018 (LP), promotes development of allocated employment sites for employment use, or development of facilities and services which support the function of the employment site, and do not conflict with the main purpose of the site, as referenced in supporting paragraphs 12.2.3 and 12.2.4 of LPD44.
4. The proposal is for a residential dwelling and is therefore not for employment use under any of the Use Classes identified in the policy. Furthermore, the erection of a dwelling, albeit for the directors of the employment site and their family, is not similar to the type of development or facilities and services listed. It has not been demonstrated that the proposal is an ancillary facility, nor an employment use. As such, the proposal would not be compatible with the main purpose of the employment site and would therefore not meet Part a) of LPD44.

5. Part b) of Policy LPD44 seeks to resist redevelopment of employment sites for non-employment uses unless it is demonstrated that there is no demand for the employment use, and it is not viable for re-occupation. At the time of my visit the site contained mounds of soil and rubble, the remains of a building and other waste material. However, there is no substantive evidence before me that it is beyond restoration and re-occupation as employment land. The appeal has not been supported by the required evidence of marketing or a viability assessment to support redevelopment, as required in the supporting text within Policy LPD44.
6. The site sits immediately adjacent to an active employment use, which itself is not much further from the nearby residential properties than the appeal site. As such the use of the site for employment purposes would not have a significantly greater impact on the living conditions of neighbouring properties. The access is clearly suitable for both the adjacent use and the proposed dwelling. Moreover, there is also no compelling evidence that an employment use would be unable to maintain an 8m buffer to the river. As such there is no clear evidence that the land is not viable for employment use. The proposal, while not significant in scale by itself, would lead to a loss of employment land.
7. The proposal would not provide a suitable location for housing, with regard to the supply of employment land within the Borough. Therefore, it would be contrary to Policy LPD44 of the LP which seeks to protect employment sites, ensure that they remain available for employment use and seeks to resist the redevelopment of employment sites.

Other material considerations

8. There is an existing four-bed flat within the employment site established through a Lawful Development Certificate (Council reference 2019/0231). The existing flat is surrounded by employment uses some of which appeared to be actively in use.
9. The appeal scheme is a stand-alone dwelling, set within its own curtilage and on the edge of the employment site. The two dwellings are not comparable, there is a significant difference between the existing flat and the replacement dwelling in terms of scale and site area. The appeal site, including the garden area, is substantially larger than the existing flat. This would result in the loss of more employment land on a quantitative analysis, albeit only a small percentage of the employment site as a whole.
10. The argument that the existing flat is more valuable than the appeal site as employment land, in qualitative terms, has not been supported by any substantive evidence. Notwithstanding the appellant's current business choices, the appeal site is a potential developable plot of land for employment use.
11. There is no detailed evidence before me that, without the release of the existing flat to employment use, the business would not continue to operate. As such, even if there was an appropriate mechanism to secure the revocation of the Certificate of Lawfulness on the existing flat, I am only able to give this matter limited weight in my decision.
12. There is also no clear evidence before me, such as a Certificate of Lawfulness, to show that the previously approved scheme for two managers bungalows was

lawfully commenced. As such, I cannot be certain that the bungalows represent a genuine fallback. Therefore, it attracts only limited weight.

13. The fallback of the appellant continuing to use the existing flat within the site is very much a reasonable prospect. However, the existing flat would be less harmful than the appeal scheme. Albeit the new dwelling would enable the directors to continue to live on site and, amongst other matters, manage the site outside of normal hours and provide security. It has not been demonstrated that there is an essential need for someone to live on site, nor that the existing flat, or other measures, are not capable of providing this function.
14. The new dwelling would also provide greater levels of natural light and outlook for the occupants, a garden, and improve the living conditions of the family, including the children. However, I have no evidence that the existing flat provides unacceptable living conditions. The new dwelling would be more energy efficient than the existing flat, though given the scale of the scheme, the benefit would be small.
15. There are no issues between the main parties relating to the scale and design of the dwelling and therefore its impact on the character and appearance of the area. Furthermore, the proposal would not adversely affect the living conditions of neighbouring properties; is acceptable on highway grounds and the reduction in hard surfacing to provide the domestic garden would also provide benefits for flood risk and biodiversity. Nonetheless, these matters are neutral and do not weigh in favour of the proposal.
16. The scheme would also fulfil the appellants ambition of designing and building their own home. Though there is no mechanism within the appeal submission to secure the scheme as a self-build dwelling and as such I am only able to give this matter a limited amount of weight.
17. I also recognise that the application did not attract any objections to the proposal and the Council officer initially recommended approval. On the other hand, the evidence before me shows a clear justification for the final decision following the internal review of the proposal.
18. For the reasons given, I have found that the proposal is not a suitable location for housing, with regard to the loss of employment land. I therefore give this harm substantial weight. That harm, and the conflict with Policy LPD44 of the LP, is not outweighed by the other considerations.

Conclusion

19. For the reasons given above I have found that the proposal would be contrary to the development plan, as a whole, and the Framework. There are no other material considerations that would indicate that the proposal should be determined other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

K Townend

INSPECTOR