



Appeal Decision

Site visit made on 9 April 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/C1625/W/23/3328542

Site of Former Reliance Works, Downton Road, Bridgend, Stonehouse, Gloucestershire GL10 2AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr David Kelsey against the decision of Stroud District Council.
 - The application Ref is S.23/0293/PIP.
 - The development proposed is an application for permission in principle for the construction of 1-8 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages. The first stage (permission in principle) establishes whether a site is suitable in principle. The second stage (technical details consent) is when detailed proposals are assessed. This appeal relates to the first stage.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly.
4. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.
5. While the Council's first refusal reason refers to Policy HM1 of the Stonehouse Neighbourhood Development Plan 2016-2031 (NDP), the officer's report indicates that Policy 'H1-Local Housing Needs' is the relevant policy.

Main Issue

6. There is no dispute between the main parties that the appeal site is capable of accommodating between 1 and 8 dwellings. The Council consider that while the maximum density would not reflect that of the surrounding area, it may be achievable. The main issue is therefore whether the principle of the proposed residential development is acceptable in terms of its location and land use, with

regard to the effect of the development on the supply of employment land and premises to meet current and future demand.

Reasons

7. The appeal site, which is currently vacant, lies on the edge of the Upper Mills Industrial Estate, which is designated as a key employment site (Ref EK29) under Policy EI1 of the Stroud District Local Plan, adopted November 2015 (SDLP). Policy EI1 seeks to protect existing employment sites and sets out that the key employment sites will be retained for B Class Uses and that the redevelopment for alternative uses or changes of use from employment use will not be permitted. The supporting text to Policy EI1 highlights the importance of the provision of an adequate supply of land to meet development needs to create the right conditions for economic prosperity.
8. The appeal proposal is for up to 8 dwellings and is therefore not an employment use. Consequently, it would conflict with Policy EI1 of the SDLP, and this is not contested by the appellant.
9. The site benefits from an extant planning permission for development comprising 8 units of supported living accommodation (Use Class C2) including communal facilities¹ granted in September 2022, which the appeal submissions indicate has not yet been implemented. The Council at the time of the determination of the application acknowledged that the site had been vacant for some time and that, despite marketing of the site, efforts to find an alternative traditional employment use had been unsuccessful. Furthermore, the appeal submissions indicate that the development would meet a specific identified need for supported living accommodation within the area and would provide employment opportunities for between 20-25 members of staff.
10. There is a clear policy presumption that the land is retained to meet future demand for employment sites and is protected for its intended use. The relatively recent marketing of the site in connection with the earlier planning application, suggested a lack of interest in the land from prospective purchasers for such uses. This position is unlikely to have changed significantly in the intervening period. Nonetheless, while the unsuccessful marketing of the site may suggest a lack of demand for the employment land at a specific point in time, it has not been demonstrated that there would not be any longer-term demand for employment use of the site in the future.
11. Whilst on the edge, the site sits immediately adjacent to the wider Upper Mills Industrial Estate, which contains a range of active employment uses. The officer's report refers to site-specific constraints as to why an alternative employment use was not forthcoming at the time of the determination of the earlier planning application. These include construction costs, and the financial implications of bringing this site forward. However, there is no substantive evidence as to why an employment use of the site could not continue, or that the current absence of a building on the site would impede its future use for employment purposes. Moreover, there is no compelling evidence that the current condition of the site means it is no longer fit for purpose as employment land, or that the extant planning permission would discourage future buyers who may wish to pursue an alternative employment use of the site.

¹ LPA Ref. S.22/0037/FUL

12. Despite its position on the outskirts of the industrial estate and close to residential properties, there is nothing before me to suggest that the location of the site would give rise to any specific constraints that would make it impractical or undesirable for employment use. While previous permissions for employment uses on the site may have been subject to conditions in respect of noise and odours, there is nothing before me to suggest that the site is not suitable for employment use, or that such uses would have a significant detrimental effect on the living conditions of occupiers of neighbouring residential properties.
13. Moreover, even if the modest size of the site in relation to the industrial estate means that an alternative non employment use would not have a material impact on the overall viability or functionality of the wider employment site, this would not justify the loss of the land for employment use. In light of the above considerations, there is nothing before me to demonstrate that the retention of the employment use of the site is not viable or that it could not continue to contribute to employment land provision in the area.
14. Consequently, the proposal, by virtue of its location and land use, would give rise to the loss of the employment use of the land, which would have a detrimental effect on the overall supply of employment land and premises to meet current and future demand. In that regard it would fail to accord with Policy EI1 of the SDLP and Policy CP1 of the SDLP which sets out the presumption in favour of sustainable development, that accords with the policies in the SDLP. It would also conflict with Policy EM1 of the NDP which supports proposals for employment use on employment sites where they meet specific criteria, the aim of which is to ensure sufficient land (and premises) of the right type is available in the right places and the right time to support growth.
15. To ensure a locally appropriate supply of dwelling types and sizes Policy H1 of the NDP supports development proposals which demonstrate (across tenures) how they meet the local needs, demand, and demographic profile of the area. Given that such details are not known at this stage, the Council's submissions do not demonstrate as to how conflict with Policy H1 would arise.

Other Matters

16. The proposal would offer benefits in terms of the provision of additional housing within the settlement development limits of Stonehouse, where new residential development would accord with the Council's development strategy, irrespective of the Council being able to demonstrate a 5 year supply of housing land. In that regard, it would reflect the aims of the Framework which seek to boost housing supply, including on small sites, which it is recognised can make an important contribution to meeting the housing requirement of an area, as well as the use of brownfield land within settlements, which is to be given substantial weight. Nevertheless, given the small scale of the scheme, even if a maximum of 8 units were delivered, the benefit in terms of housing supply would be modest and I therefore attribute this limited weight.
17. I note that the level of housing land supply in the district has fallen in recent years and that the progression of the local plan review has been subject to a delay. However, there is no substantive evidence before me to demonstrate that the Council's housing supply targets will not be met in the future.

18. The appellant contends that the extant permission represents a fallback position for development that would take place if the appeal scheme were dismissed, which would give rise to the loss of the employment land. However, the extant planning permission, for an alternative C2 use of the site is fundamentally different when compared to the appeal proposal for C3 dwellinghouses. Moreover, it was deemed to be an appropriate form of development on the site, which is protected for employment use, as it would provide both job opportunities and meet a need for a specific type of accommodation. The fallback scheme is therefore not directly comparable to the appeal proposal and as such the weight to be attributed to it to justify the appeal is therefore limited.
19. The site is located within the core catchment zones of the Severn Estuary SAC/SPA and the Cotswolds Beechwoods SAC (SACs). Article 5B(1) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended), provides that permission in principle must not be granted for development which is habitats development. Habitats development is defined as development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site; and for which the competent authority has not given consent, permission, or other authorisation in accordance with Regulation 63 of The Conservation of Habitats and Species Regulations 2017.
20. Notwithstanding the lack of certainty regarding the amount of development, as the appeal is dismissed it is not necessary in this instance to undertake an appropriate assessment to establish whether the development would constitute habitats development. Considering my decision on the appeal overall, there would be no pathways to significant adverse effects on the SACs arising from my decision.
21. The former mill building, known as 'main building at Upper Mills', a Grade II listed building, lies close to the site. I am required to have special regard to the desirability of preserving the setting of the listed building. The significance of the former mill building is informed by its historic industrial function and architectural detailing. The listed building is experienced within the setting of the commercial buildings on the industrial estate and nearby residential development. With respect to the scale and nature of the proposed development and to its position relative to it, I am satisfied that the setting and significance of the listed building would not be adversely affected.

Conclusion

22. While the proposed development would be on brownfield land within the built-up area and would contribute positively towards the supply of housing in the district, it would result in the loss of land specifically designated for employment purposes. Accordingly, it would conflict with the development plan as a whole, and material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

E Worley

INSPECTOR