



Appeal Decision

Site visit made on 7 May 2024

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2024

Appeal Ref: APP/B3030/W/23/3333978

**Bilthorpe Business Park, Eakring Road, Bilthorpe, Nottinghamshire
NG22 8ST**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by The Impact Branch Limited against the decision of Newark & Sherwood District Council.
 - The application Ref is 22/00424/OUTM.
 - The development proposed is creation of flexible commercial/industrial units (Use Class E(g)(iii), B2, B8) and provision of allotments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved except for access. I have determined the appeal on this basis.
3. For the sake of clarity and brevity, I have taken the description of development from the Council's decision notice and appellant's appeal form.
4. A Plan Review of the Newark and Sherwood Local Development Framework Development Plan Document was submitted for examination in January 2024. It has not undergone any hearings and the Plan Review has not been formally adopted. The Council have stated that there are unresolved objections to the proposed revisions to emerging Policy DM8. On this basis, and with reference to paragraph 48 of the National Planning Policy Framework (the Framework), I attach minimal weight to emerging Policy DM8 in the Plan Review.

Main Issue

5. The main issue is whether the proposed development is suitably located.

Reasons

6. The appeal site sits within a countryside location outside any defined settlements and from what I saw at my site visit, the site is a mix of greenfield and previously developed land. There is existing commercial development adjacent to the site (known as Bilthorpe Business Park) however, given its location and the wider setting, the site is within a rural location.
7. Policy DM8 of the Newark and Sherwood Local Development Framework Development Plan Document (DPD) relates to development in the open countryside. In this Policy, with reference to employment uses, it states that small scale employment development will only be supported where it can

- demonstrate the need for a particular rural location and a contribution to providing or sustaining rural employment to meet local needs.
8. The DPD does not provide a definition for “small scale employment development”. The appeal site is some 11.8 hectares (ha) in area, and whilst I note that around 2.08 ha of the site is covered by an extant permission¹ the size of the site is large. There are illustrative plans showing proposed units however, as the application is in outline with scale and layout to be reserved for future consideration, there is the potential, particularly given the size of the site that a large scale development could come forward. On this basis, the proposal would not fall within the definition of small scale employment development.
 9. The appellant explains that there is demand for the proposal providing a list of potential occupiers for the site including a letter² from one potential occupier. Whilst it has been described that interested local businesses have ‘agreed terms’ on specific plots to be sold and that some are preparing reserved matter planning applications, there is limited evidence before me, such as specific documents or contracts, detailing these agreed terms or reserved matter applications. As such I am unconvinced that it has been adequately demonstrated that potential occupiers are committed to occupying the site should permission be allowed.
 10. An Industrial Market Appraisal letter³ describes how availability for industrial and warehouse space has reached critically low levels and that the proposal would meet a demand in the area. The Council argue that there is no demonstratable need for this proposal in this location. There is minimal statistical data, analysis or evidence, like would be expected in documents such as an employment land review, submitted with this appeal that demonstrates that there is a need in this location for a development of the proposed scale.
 11. Policy DM8 of the DPD also states that proposals for the proportionate expansion of existing businesses will be supported where they can demonstrate an ongoing contribution to local employment. The appellant argues that the proposal would relate to the expansion of existing businesses both within Bilsthorpe Business Park and elsewhere within the Newark and Sherwood District. However, as detailed above, whilst a list of potential occupiers has been provided, there is minimal evidence confirming their commitment to the site and also little information on these businesses’ locations and specific expansion requirements. There is also a lack of evidence before me in relation to local employment requirements and how the proposed development would secure ongoing contributions towards local employment.
 12. Insufficient evidence has been submitted which demonstrates a need in this location for the proposal as well as demonstrating an ongoing contribution to local employment which meets a local need. The proposal fails to accord with Policy DM8 of the DPD.
 13. The proposal therefore is not suitably located. The proposal would not be in accordance with Policies DM5 and DM8 of the DPD, Spatial Policy 3 and Core Policy 9 of the Review of the Newark and Sherwood Local Development

¹ LPA reference: 02/01392/OUTM

² Appendix 2 of the appellants statement of case

³ Appendix 3 of the appellants statement of case

Framework Core Strategy and Allocations 2019 and the Framework which seeks development in the open countryside to be strictly controlled and sustainable.

14. My attention has been drawn to the proposed changes to the emerging Policy DM8 in the Plan Review. As detailed above, limited weight is attributed to this Policy. Nevertheless, there is a lack of compelling evidence before me that demonstrates a need for a larger scale employment development, such as that proposed, and that demonstrates that a location on existing employment allocations or on employment within urban boundaries or village envelopes is not more appropriate. The proposal would not accord with the emerging Policy DM8 of the Plan Review of the DPD.
15. The proposal, given its nature, would have economic benefits including retention and creation of jobs. A Unilateral Undertaking (UU) has also been submitted which details obligations towards habitat creation and enhancement works, and bus stop contributions. Due to the scale of the development, I would attribute modest weight to these benefits. These benefits, however, would not outweigh the substantial harm that would be caused by locating the proposal in an unsuitable location and the effects this would have on other employment opportunities in the area.

Other Matters

16. I have had regard to the appellants statement of case including matters relating to Council committee procedures and the handling of the application process. These matters however do not alter my findings on the planning matters detailed above.

Conclusion

17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
18. For the reasons given above, I conclude that the appeal should be dismissed.

Chris Baxter

INSPECTOR