
Appeal Decision

Site visit made on 24 June 2024

by James Blackwell LLB (Hons) PGDip, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 8th July 2024

Appeal Ref: APP/W3520/W/23/3328850

Denham Industrial Units, Shingle Hill, Denham, Suffolk IP21 5EU

- 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 Mr D Webb of Mixbrow Ltd Retirement Benefit Scheme against the decision of Mid Suffolk District Council.
 - The application Ref is DC/22/06322.
 - The development proposed is the erection of up to 12no. commercial units (Class E(g) and B2) following demolition of existing structures (access points to be considered, appearance, layout landscaping and scale reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since submission of the original appeal application, the extent of development sought has been reduced from 14 industrial units to 12. I have used the updated description of development, which I understand has been accepted by the appellant.
3. Since determination of the appeal application, the Babergh and Mid Suffolk Joint Local Plan – Part 1 (2023) has been adopted (JLP). I have therefore determined this appeal with regard to the JLP, noting that both parties have made representations on the relevant policies therein.
4. I have also determined this appeal with regard to the latest version of the National Planning Policy Framework, published in December 2023 (Framework). I am satisfied that the updates do not materially affect its content insofar as it is relevant to the main issues of this appeal.

Main Issues

5. The main issues are:
 - the effect of the development on the Hartismere Water Resources Zone, with regard to water capacity; and
 - whether the location of the development would be acceptable in principle, with regard to development plan policy.

Reasons

Hartismere Water Resources Zone

6. Following a Water Cycle Study, Essex and Suffolk Water have concluded that the supply headroom of water in the Hartismere Water Resources Zone (WRZ) has now been exhausted by new non-household demand. As part of this study, it has identified that additional supply capacity will not be available before 2032 at the earliest.
7. As a consequence of this, Policy SP05 of the JLP says that that any application for non-domestic proposals requiring heavy water usage across the two Districts will be required to demonstrate that sufficient water capacity is available through a Water Supply Management Statement, in liaison with the relevant water supply company. The policy goes on to say that any use of this nature in the Hartismere Water Resource Zone (Mid Suffolk District) will be prohibited until confirmation of sufficient water capacity by the relevant water supply company has been given.
8. Given that future businesses operating from the development are not yet known, it is possible that some of these could lead to heavy water usage. Notwithstanding this position, the appellant has not provided a Water Supply Management Statement as required by Policy SP05. Given I have no way of assessing whether there would be sufficient water capacity to accommodate the development, it would not be appropriate for this issue to be addressed through condition.
9. Without information to demonstrate otherwise, the development would therefore risk adverse harm to the Hartismere Water Resources Zone, and would conflict with Policy SP05 of the JLP in this regard.
10. Whilst I note a condition was used in respect of water neutrality in the Bunwell Street appeal decision¹, this condition appears to relate to the issue of nutrient neutrality, and not water capacity. In any event, the policy position is very different in this case, as Policy SP05, which applies to development in Mid Suffolk, is unequivocal in how the issue of water capacity must be addressed.

Location of Development

11. The appeal site comprises an existing commercial site, which accommodates a number of pre-existing commercial buildings. Whilst located in the countryside, the appeal site is therefore an existing, and not a new employment site. It also comprises previously developed land.
12. Policy SP03 of the JLP sets out the overarching development strategy for the plan area. Outside of settlements, as is the case here, it says development will be permitted Frawhere it is consistent with one of the listed policies in Table 5. This table includes Policy SP05, which relates to employment land.
13. As well as protecting designated strategic employment sites for growth, paragraph 1 of Policy SP05 says that *"other land used for employment purposes shall be protected for ongoing employment use"*. The supporting text to the policy is also clear in its support for the protection and enhancement of existing employment sites. Notably, paragraph 10.01 says *"it is important that the diversity of sites is maintained to accommodate the wide-ranging requirements of the employers and industries located in the Districts"*. Paragraph 10.03 says *"it is also important to continue to support the retention and improvement of the network of established sites of varying sizes located*

¹ APP/L2630/W/21/3289198

across the Districts". Paragraph 10.05 also says "it is important that the flexibility to enable economic investment is balanced with the need to safeguard and encourage investment and improvements to the existing network of employment sites, which have a central role in supporting economic activity across Babergh and Mid Suffolk". When read holistically, Policy SP05 is clear in its support for existing employment sites, and the need to improve them where opportunities arise.

14. Paragraphs 88 and 89 of the Framework are also explicit in their support for development of previously developed land. In particular, paragraph 88 says that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through the conversion of existing buildings. Paragraph 89 goes on to highlight that the use of previously developed land should be encouraged where suitable opportunities exist. This paragraph also recognises that sites to meet local business and community needs in rural areas may have to be found beyond existing settlements and in locations not well served by public transport.
15. The consultation response from the Council's Economic & Tourism team supports the development of additional commercial units within the appeal site, which it describes as "underutilised". The team highlights a strong demand for small units across the rural districts, and says the opportunities for growth of small businesses in rural locations are very limited. Notwithstanding that the intended occupiers of the business units are not currently known, these comments demonstrate that the development would make a valuable contribution to the available stock of small business units, for which there is established need and demand.
16. For these reasons, I am satisfied that the location of the development would be acceptable. It would reflect the objectives of Policies SP03 and SP05 of the JLP, which highlight the need to protect and enhance existing employment sites. The development would also be consistent with the provisions of the Framework, which provide clear support for development of previously developed land, even in rural locations.

Other Matters

17. Concerns have been raised that certain buildings within the appeal site may be non-designated heritage assets, due to their affiliation with the former RAF Horham Airfield. Whilst little information has been presented by either party on this point, given I am dismissing the appeal on other grounds, it is not necessary to consider the issue further.

Conclusion

18. For the reasons given, the development conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. The appeal should therefore be dismissed.

James Blackwell

INSPECTOR