



Appeal Decision

Site visit made on 10 March 2025

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/Q4245/W/24/3356110

Unit 1 and Unit 2, Westpoint Enterprise Park, Clarence Avenue, Trafford Park, Trafford M17 1QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Michail Motanov [10 X Training Ltd] against the decision of Trafford Metropolitan Borough Council.
 - The application Ref is 112711/COU/24.
 - The development proposed is described as the 'change of use of industrial/ warehouse building (units 1 & 2) to form gymnasium and gymnastics units, area of new mezzanine floor, together with alternate paint colour to external cladding & associated minor external alterations.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In December 2024, the Government published a revised National Planning Policy Framework (the Framework). Although some paragraph numbers have changed, the revisions do not relate to anything that is fundamental to the main issues in this appeal. Consequently, the main parties would not be prejudiced by reference to the revised Framework.

Main Issues

3. The main issues in relation to this appeal are the effect of the proposed development on i) employment land supply and ii) the vitality and viability of town centres.

Reasons

Loss of Employment Land

4. The appeal site comprises 2 industrial units contained within one large warehouse building with an associated service yard. It is located within the Trafford Park Core Industrial Area (TPCIA) which the Trafford Core Strategy (TCS) designates for employment use. The TCS explains that the TPCIA will be a key location for industry and business activity within the Manchester City Region Inner Area and will be the principal location for employment development in the Borough.
5. Policies JP-Strat1 and JP-P2 of the Places for Everyone Joint Development Plan Document (PfE) 2024, together seek to protect employment areas that are important to maintaining a strong and diverse supply of sites and premises, as well as identifying and seeking to protect its function as one of Europe's largest industrial estates.

6. These policies are broadly consistent with paragraph 85 of the Framework which says that decisions should help create the conditions in which businesses can invest, expand, and adapt, and that significant weight should be placed on the need to support economic growth, including local business needs. It is also noted that paragraph 87 also requires that planning policies and decisions should recognise and address the specific locational requirements of different sectors.
7. Whilst the proposed gym and gymnastics centre would generate employment, Policy W1 of the TCS specifically defines employment uses as B1 business/office, B2 general industrial and B8 storage or distribution. It does not therefore include the proposed leisure uses that would fall under Class E(d) of the Town and Country Planning (Use Classes) Order 1987 (as amended).
8. Section 12 of Policy W1 requires applications for non-employment uses within the TPCIA to demonstrate compliance with 5 criteria. These include that there is no need for the site to be retained for employment purposes and it is therefore, redundant; there is a clear need for the proposed land use(s) in this locality; there are no suitable alternative sites, within the locality, to meet the identified need for the proposed development; the proposed redevelopment would not compromise the primary function of the locality or the operations of neighbouring users; and the proposed redevelopment is in accordance with other policies in the Development Plan for Trafford.

Redundancy of Existing Use

9. It is understood that the appeal site was marketed from February 2023 with listing on 7 commercial property websites. The only offer said to have been made on the premises was that by the appellant in September 2023. The Council considers that the premises has been advertised for the period specified in its validation checklist. I acknowledge that this is not adopted policy but nonetheless it gives a helpful steer as to the actions considered necessary for an appropriate marketing exercise to have occurred.
10. In this case, it appears that there was no marketing board outside the units until September 2023 and it is not clear to what extent, if any, this may have affected interest. Likewise, it is not clear why the appeal site was not suitable for listing with MIDAS, the inward property investment promotion agency for Greater Manchester. Furthermore, there is no further evidence as to why the units may no longer be suitable for employment operations. It is not clear that an appropriate marketing exercise in accordance with the validation checklist has been carried out.
11. I am informed that following the refusal of this proposal, the Council granted an application for alterations to the existing units for an alternative end user, which it suggests demonstrates that the employment use is not redundant¹. This is not disputed by the appellant. My observations of extensive building works contrary to those shown on the plans before me being carried out at the time of my visit, appear to corroborate the Council's position. For these reasons, I cannot be certain that the employment use of the building is redundant.

¹ Planning application reference 114310/FUL/24 as cited at paragraph 5.27 of the Council's statement of case.

Clear Need in the Locality

12. The appellant references a survey by British Gymnastics and Better Social Capital that identified 0.5 million children are on waiting lists for gymnastics clubs. It is not specified but this appears to be a nationwide figure. I have no reason to doubt this, but it is not specific to the Trafford area. Whilst the appellant is said to have identified demand for gymnastics facilities due to the growing waiting lists and lack of provision for children in the area, no evidence has been supplied to corroborate this. Neither has any information been presented to indicate what existing provision there is, if any, for gymnastics locally. It is therefore unclear what the specific demand or need for a gymnastics facility is *in this locality* [my emphasis].
13. Similarly, the appellant suggests that the area is underserved in terms of health club facilities. However, there are already a number of existing gyms within 3km of the appeal site². The Council advises that there are 2 gyms within Urmston, as well as 2 additional leisure centres, that have not been accounted for in the appellant's evidence. In the absence of any supporting information to demonstrate that there is a pent-up demand for further gym provision, again it has not been demonstrated that there is a need for this particular use in this locality.
14. Although the appellant suggests that their company wishes to offer a unique synergy by providing both a gym and gymnastics facility together in the same building, it is not clear what benefits this would have. There may be operational benefits to the appellant from having their business under one roof. However, it is not clear to what extent parents dropping their children off for a gymnastics lesson would then be inclined to visit the gym while they wait, nor whether members of the gymnastics club would also attend the gym. Nevertheless, the proposals are presented together and I must consider them as such.
15. Whilst there are unlikely to be particular physical constraints for the proposed gym, I understand that a gymnastics facility will have very specific height and space requirements dictated by the associated activities. This has resulted in a large number of alternative premises being discounted for insufficient head height, floor area or a combination of the two. As the Council has not provided any contrary evidence, I am satisfied that there are no suitable alternatives for the proposed gymnastics venue. However, that does not override the requirement to demonstrate a need for the proposed land use in this locality.

Compatibility with Primary Function/Neighbouring Operations

16. The proposed plans indicate that the existing service yard to the north-west of the units, would provide car and cycle parking, as well as bin storage. The Highway Authority has accepted a shortfall of 48 car parking spaces on the basis that any overspill car parking would occur within the industrial estate and would not impact on the adopted highway of Ashburton Road West³. Be that as it may, Policy W1.12 of the TCS requires proposals for non-employment uses to demonstrate that they would not affect the primary function of the locality or the operations of neighbouring uses.
17. The access to the proposed car parking area is shared with the adjacent industrial unit from which loading bays are also accessed. It seems to me that the gym and

² As shown on the map contained at page 17 of the appellant's sequential test document.

³ Consultation response of the Highway Authority dated 9 July 2024.

gymnastics centre would have a high turnover of comings and goings particularly by car. Indeed, the appellant's evidence indicates there would be 700 visits to the site daily⁴. Such activity is likely to be significantly greater than movements to and from other nearby business premises where workers would typically arrive and leave at limited times throughout the day and deliveries would be less numerous. It is therefore unclear as to what extent this level of activity, coupled with the shortfall in spaces may affect the operations of the adjacent user(s). As there is no physical separation with the service area to the adjacent industrial unit, nuisance car parking may interfere with and comprise HGV movements to the loading bays. I am not satisfied that the proposed use would not compromise neighbouring operations.

Conclusion – Loss of Employment Land

18. Drawing all of the above together, it has not been robustly demonstrated that the employment use is redundant or that there is a definitive need for the proposed uses in this specific locality. I acknowledge that there is support for new development that will help to tackle health inequality in Policy JP-P6 of PfE⁵. However, it is clear that development should maximise its positive contribution to health and wellbeing whilst avoiding any potential negative impacts of new development. That would not be the case here. The proposal would therefore result in the unjustified loss of employment land contrary to Policy W1.12 of the TCS and Policies JP-Strat1 and JP-P2 of the PfE as set out above. It would also conflict with the relevant policies of the Framework which state that significant weight should be placed on the need to support economic growth.

Town Centre Use

19. Policy W2.12 of the TCS presumes against the development of retail, leisure and other town centre-type uses outside of defined centres, except where it can be demonstrated that they satisfy the tests outlined in current Government guidance.
20. Paragraph 91 of the Framework advises that a sequential test should be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date development plan. The provision of a gym and gymnastics centre would constitute main town centre uses. The sequential test seeks to focus such uses in town centres first, then edge of centre locations and, only if suitable sites are not available, should out of centre sites be considered.
21. The appellant's sequential test has considered a number of other sites but these have been discounted as they were unsuitable for operational reasons. However, paragraph 94 of the Framework also advises that local planning authorities (or myself as the decision maker in respect of the appeal) should require an impact assessment if the development is over 2,500m². The planning application form indicates that the proposal would exceed this threshold.
22. The assessment should include a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre

⁴ As set out within section 4 of the appellant's additional information by Eden Planning and Development Ltd dated 18 June 2024.

⁵ As suggested by the appellant within their statement of case.

and the wider retail catchment. The appellant briefly refers to there being no comparable facilities within or proposed to be in existing centres and concludes that there will be no adverse impact on the success of existing designated centres⁶.

23. However, no assessment has been provided to demonstrate how existing town centres are performing or what impact the proposal would exert on their vitality and viability. I have discussed above how a number of existing gym facilities are located within 3km of the appeal site including some which are located in town or edge of centre locations.
24. Furthermore, the proposal is said to include a range of amenities and services including but not limited to, a physiotherapy room, a barbershop, sunbed and cafe⁷. Whilst such uses could be ancillary to the proposal, they are not identified on the submitted plans so I am unable to determine their cumulative proportion of the overall use, including whether they could reasonably be considered as ancillary to the main uses.
25. Due to the lack of relevant information provided, I cannot be satisfied that the proposal would not unduly harm the vitality and viability of existing town centres. The proposal would fail to comply with Policy W2.12 of the TCS and paragraph 94 of the Framework, as set out above.

Other Matters

26. The proposal would provide educational opportunities and promoting healthy lifestyles particularly those of children from participation in sport. The facilities would be inclusive and foster community outreach programs amongst other things. Over 50 jobs would be created, as well as economic benefits arising from the employment of contractors during refurbishment. The re-use of the building would bring about environmental improvements for example through the use of high-performance insulation and high-efficiency heating and cooling systems⁸. These are all positive benefits.
27. However, as discussed above it has not been demonstrated that there is a particular community need for gymnastics provision within this specific locality. Neither is it clear how the club would operate including the number of weekly classes or access to competitions, or how many individuals would be catered for by the venue. Whilst the appellant suggests that it is an objective of the PfE to make Manchester a place where all children are given the best start in life and where people live healthy lives, this does not override the specific planning policies that seek to protect employment land and town centres as referenced above. In the absence of specific details about the operations gymnastics club, this diminishes the weight that can be attracted as a benefit.
28. The building is currently being renovated seemingly for an alternative use which would not compromise the provision of employment land and could result in similar environmental benefits being achieved. Whilst any job creation is likely to be worthwhile, I have no information regarding the likely employment generation arising from the use of the building for its intended or alternative employment generating uses such that I could make a comparison. Even if the previous use

⁶ As explained within section 2 of the Eden Planning and Development document dated 18 June 2024.

⁷ As set out at section 4 of the Eden Planning and Development document dated 18 June 2024.

⁸ With reference to the appellant's 'exceptional circumstances' document.

comprised a semi-automated production line that limited employment opportunities it does not follow that every other compatible employment generating use would have a reduced need for a human workforce⁹. For these reasons, I can attach no more than modest weight to the cumulative benefits.

29. It is not clear how the proposal would raise property values or stimulate local spending given its location within an industrial estate. Nor is it clear how it would become a landmark given its appearance would remain largely that of an industrial building, even if renovated. This does not affect my findings.

Planning Balance and Conclusion

30. The loss of the appeal site for employment purposes would be permanent, preventing new employment uses from occupying it for the lifetime of the development. Likewise, it has not been evidenced that the proposal would not harm the vitality and viability of town centres or neighbouring employment operations. The proposal conflicts with Policies W1.12 and W2.12 of the TCS and JP-Strat1 and JP-P2 of the PfE that protect employment uses to ensure land and buildings are available to support economic development. This amounts to conflict with the development plan as a whole. There is also conflict with the Framework's economic objective of sustainable development that seeks to ensure sufficient land is available in the right places for economic development.
31. Factors that weigh in favour of the proposal include the benefits to healthier lifestyles and job and community creation. Even taking all of these benefits together collectively, they attract no more than modest weight. It is therefore clear that the benefits of the proposal would be insufficient to outweigh the harm identified and the conflict with the development plan.
32. For the reasons given, the appeal is dismissed.

M Clowes

INSPECTOR

⁹ As suggested within the appellant's statement of case.