



Appeal Decision

Site visit made on 27 May 2025

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/V1505/W/25/3360641

Unit 2 Heron Trading Estate, Bruce Grove, Wickford, Essex SS11 8BP

- 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 Elizabeth Dejoordt of Interbellum against the decision of Basildon Council.
 - The application Ref is 24/00519/FULL.
 - The development proposed is the change of use from a gymnasium (Class E) to a Tattoo Studio (Sue Generis).
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from a gymnasium (Class E) to a Tattoo Studio (Sue Generis) at Unit 2 Heron Trading Estate, Bruce Grove, Wickford, Essex SS11 8BP in accordance with the terms of the application, Ref 24/00519/FULL, subject to the following condition: -
 - a) The development hereby approved shall be retained in accordance with the approved drawings: UNIT 2/24/04 Block Plan Unit 2, Project 1 page 2/6 (by Magicplan), Project 1 page 3/6 (by Magicplan), Project 1 page 4/6 (by Magicplan), Project 1 page 5/6 (by Magicplan), Project 1 page 6/6 (by Magicplan).

Preliminary Matters

2. At my visit I saw that the premises were operating as a tattoo studio.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issue

4. The main issue raised by this appeal is the effect of the proposed development on the loss of B Class employment space within an allocated employment area.

Reasons

5. The appeal site falls within a designated existing employment area within the Basildon District Local Plan September 2007. Policy BAS E7 of the Local Plan states that the development of land or buildings, allocated or in use for business, general industry, and storage or distribution purposes (Use Classes B1-B8) for a use falling within any other use class, with the exception of retail (Use Class A) may be permitted provided certain criteria is met.

6. The Council contends that a tattoo studio is akin to a retail type operation that would usually be found within shopping areas. Such a use does not align with the focus of Policy BAS E7 that prioritises B Class uses within this area. Further to this, the appellant questions whether or not the tattoo studio use should be classed as an E Class use rather than a Sui Generis use.
7. The planning history of the site indicates that planning permission was granted for the change of use of industrial unit (Class B2 use) to a dance studio (Class D2) on 2 March 2006. Photographs provided by the appellant show this use to have been implemented. At some point the use has changed to a gymnasium. The planning history in January 2023 describes a proposal for a retrospective change of use from Class E (previously gymnastics club) to Class F1 (Public Worship or religious institution), although this proposal was refused. Nonetheless, this indicates the premises to have been a gymnasium, an E Class use.
8. The Council in accepting the description of the proposed development pertaining to the refused planning application, now the subject of this appeal, has accepted the previous use of the premises to having been a gymnasium, an E Class use. Whilst the unit would fall within allocated employment site, the established use of the premises has taken it beyond B Class use. I consider this to be a significant consideration in this case.
9. The Council's Economic Development Team has been consulted as part of the planning application process. The Officer delegated report indicates that the economic advisers did not object to the change of use as it is considered the proposal would not have an adverse impact on employment space, noting the unit has been vacant. Furthermore, the Team considers the tattoo studio would create employment opportunities. On the evidence available to me I have no substantive reason to come to a different view to that of the Council's Economic Development Team and consider the proposal would bring about an economic benefit. I acknowledge that appropriate marketing of the premises has not taken place. However, the new use would not lead to a significant net loss of employment, which is one of the criteria of Policy BAS E7.
10. For these reasons set out above, I conclude that the proposed development would not result in harmful loss of employment floor space and specifically employment for B Class employment uses as the unit has not been within a B Class employment use. Given my above findings the proposed development would not conflict with Policy BAS E7 as there would not be a significant net loss of employment floor space. Furthermore, the proposal would comply with the objectives of the paragraph 8a of the Framework that seeks to build a strong, responsive and competitive economy.

Other Matter

11. The development impacts less than 25 square meters of on-site habitat and, as such, would be development that would fall below the threshold for Biodiversity Net Gain.
12. Surveys and assessments commissioned by the Council indicate that existing employment sites should be protected for B Class employment use. However, those reports are of some age. This reduces the weight that should be given to their findings and the weight attributed to them.

Conditions

13. I have considered the planning condition put forward by the Council in light of paragraph 56 of the Framework and the Planning Practice Guidance. As the development has already taken place there is no need to impose the standard time limit for implementation condition. However, in the interests of certainty it is appropriate that there is a condition requiring the development be retained in accordance with the approved plans.

Conclusion

14. For the reasons set out above, and subject to the condition listed, this appeal should be allowed.

Nicola Davies

INSPECTOR