



Appeal Decision

Site visit made on 22 October 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th October 2025

Appeal Ref: APP/L3815/W/25/3367153

Unit 4A Premier Business Park, Birdham Road, Appledram, Chichester, West Sussex PO20 7BU

- 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 11-55 Ltd against the decision of Chichester District Council.
 - The application Ref is BI/24/01422/FUL.
 - The development proposed is change of use of existing business premises from Use Class E(a) to Use Class E(d) where there is a restrictive condition on an historic change of use permission.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs is the subject of a separate decision.

Preliminary Matters

3. Since the decision, the Chichester Local Plan 2021-2039 (the Local Plan) has been adopted. The pertinent policies were emerging at the time of the decision, and both main parties addressed them in detail within their submissions. Given this, I have not found it necessary to seek further comments.

Background and Main Issues

4. The appeal site includes a commercial unit in the countryside, outside of any settlement boundary. A previous planning permission¹ allowed the use of the appeal site and a neighbouring unit for, partly, the sale and display of water related leisure products and, partly, as workshops for the servicing, fitting out and storage of marine related products.
5. Condition 2 of the permission restricts the current appeal site to use as a showroom for the display and sale of water related leisure products with ancillary offices and store. It is proposed to change the use of this unit.
6. The reason for refusal cites insufficient evidence that the existing employment site has been sufficiently marketed, is no longer required, and is unlikely to be re-used or redeveloped for marine employment uses. This is a reference to the requirements of Local Plan Policy E2. The appellant has not supplied evidence of marketing, contending that the requirement is not applicable in this instance.

¹ Application Ref BI/07/03950/COU.

7. Given the above, the main issues in this appeal are:

- whether the proposed development complies with Policy E2 of the Local Plan; and
- whether the appeal site would be a suitable location for the proposed development, having regard to local and national policy.

Reasons

Policy E2

8. In respect of existing employment sites, Policy E2 supports proposals for development within the E(g), B2, and B8 use classes, subject to a list of considerations. Proposals for employment uses outside of use classes E(g), B2 or B8 are also supported, provided they are of a similar character in terms of providing jobs, the skills they require and their contribution to long-term economic growth.
9. Where alternative non-employment uses are proposed in place of employment generating uses, evidence must be supplied that the site is no longer required and is unlikely to be re-used or redeveloped for employment uses. This would generally include evidence of marketing.
10. Employment uses are not defined. However, it is clear that they may include those outside of use classes E(g), B2 or B8. Indeed, the Council describes the appeal site as being both within Use Class E(a) and as an existing employment site.
11. The requirement for marketing evidence arises only if an employment use is to be replaced with a non-employment one, and not when one form of employment is replaced with another. I have been provided with very little as to why the Council might view the existing use, within class E(a), as an employment use, but view the proposed use, within class E(d), as a non-employment use. To my mind, in general terms a gym is no less likely to provide employment than a unit selling and displaying water related leisure products. I see no reason why evidence of marketing should have been provided, and do not consider the absence of such evidence to result in the appeal scheme conflicting with Policy E2.
12. That said, I have also been provided with little to show me that the appeal scheme would be of a similar character to the existing use in terms of providing jobs, the skills they require, and its contribution to long-term economic growth. Whilst I recognise that a gym may provide employment, I have little to show me that the appeal scheme would create as many jobs as the existing use might, that they would be similar in terms of salary and opportunities for career progression, or that they would demand the same or similar skills.
13. Furthermore, I am mindful that Policies 23 and PP02 of, respectively, the Birdham Parish Neighbourhood Plan and the Chichester Harbour Management Plan, both support marine-related businesses. This indicates a recognised role for such activities in the local economy. In that context, it has not been sufficiently demonstrated that the appeal scheme would make the same contribution to long-term economic growth as the existing use. In these respects, the appeal scheme does not meet the requirements of Local Plan Policy E2.

Location

14. Local Plan Policies S1 and S2 direct most employment development to larger settlements, restricting development outside settlements to that which requires a countryside location, or meets an essential local rural need, or supports rural diversification in accordance with Policy NE10, a policy addressing development in the countryside.
15. Policy NE10 supports development where, along with other things, the sustainability of the site is enhanced by improving or creating opportunities to access the site by walking, cycling and public transport. It also states that applications for retail development in the countryside will be considered where it has been demonstrated that the appropriate sequential and/or impact assessments have been undertaken.
16. It is not apparent that the appeal scheme would improve or create opportunities for walking, cycling, or using public transport. Roads approaching the site are largely unlit, have no dedicated cycle lanes, and have only intermittent pavements. Given this I do not accept that the proposed use, simply by virtue of it being related to physical exercise, would result in its clientele walking or cycling to the site; Certainly, I have been provided with little evidence that such an approach could be ensured. It does not, therefore, evidently meet the requirements of Policy NE10 and, as a result, conflicts with strategic policies S1 and S2.
17. The support that Policy E2 provides for employment uses other than those in classes E(g), B2, and B8 is, in cases where the proposed new use is a main town centre use, predicated on a sequential test. Similarly, Policy E5 requires that proposals for main town centre uses outside the city and local centres be subject to the sequential test, save for where they comply with the strategic allocations policies, or Policy E7. As above, the appeal scheme conflicts with strategic policies S1 and S2. Policy E7 supports commercial or leisure development that would contribute to the vitality and viability of local centres. The appeal site is not in a local centre. Overall, support from these policies is dependent upon a sequential test.
18. The appellant contends that a sequential test is not required given the existing lawful uses at Premier Business Park. That, however, does not provide an exception to the requirement for a sequential test in Policies E2 and E5.
19. The National Planning Policy Framework (the Framework) states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Even then, preference should be given to accessible sites which are well connected to the town centre.
20. The evidence includes reference to the appellant considering, but being unsuccessful in securing, three other commercial units. I have very little to show me where these units were, why they were not secured, or that other sites in, near, or better connected to town centres are not available for a class E(d) use. It is not evident that an approach comparable to a sequential test, as envisaged in the Framework, has been undertaken.

21. The appeal site is described as vacant since 2016. I am aware of suggestions, not disproved by my visit, that the site may in fact be in some form of use. Even so, I see no reason to doubt that the lawful use of the site has not been carried out for many years. Bringing a long-time vacant unit back into use may comprise a notable scheme benefit.
22. That said, and notwithstanding that I have found no requirement for evidence of marketing insofar as Policy E2 is concerned, I have been provided with little reason to find that the site is likely to remain vacant if not for the appeal scheme. In the absence of sufficient evidence on this point, I attribute minimal weight to the appeal site being vacant.
23. I recognise local support for the appeal scheme, including observations that an absence of comparable facilities on the wider peninsula compels residents to travel to Chichester to use a gym. I do not doubt that residents would benefit from the appeal scheme. However, as set out above, I have been provided with little reason to conclude that existing local settlements do not offer suitable sites for a gym, or that the appeal scheme is the only way in which one may be provided.
24. Whilst the existing, approved uses at and around the appeal site are material in my determination, they do little to outweigh the conflict with policy described above. That is principally because the pertinent policies already contain a specific approach to sites with existing employment uses, requiring evidence that employment of a comparable character will ensue, and that a sequential test has been undertaken. I see no reason to circumvent these requirements.
25. The appellant contends that the appeal scheme is no less policy compliant than the lawful uses at and around the appeal site which the Council have approved. I have been provided with very little, however, to show me that the previous permissions were granted under directly comparable policies to that which exist at present. Even if they were, it is not clear to me that the previous permissions did not result from more compelling supporting evidence that employment of a similar character would be provided, or that a sequential approach had been undertaken.
26. Taking all of the above into account, I find that the appeal site is not a suitable location for the proposed development, having regard to local and national policy. It conflicts in that respect with Local Plan Policies S1, S2, E2, E5, E7, and NE10.

Other Matters

27. The evidence includes discussion as to whether it is appropriate to describe the existing use as being for marine employment. It has not been necessary for me to consider that point in any detail as it has no bearing on my findings.

Conclusion

28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed.

A Knight

INSPECTOR