



Appeal Decision

Site visit made on 3 October 2017

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23rd October 2017

Appeal Ref: APP/J2373/W/17/3178117

Unit 1, 71 Moor Park Avenue, Blackpool, FY2 0LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr William Margerison against the decision of Blackpool Borough Council.
 - The application Ref 16/0253, dated 3 May 2016, was refused by notice dated 20 December 2016.
 - The development proposed is a change of use of part warehouse from Class B2 to Class A1.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There is some dispute between the parties regarding the precise nature of the use. However, the application form clearly states that the change of use applied for is Class A1 Retail. I have therefore determined the appeal on this basis.
3. The planning application form states that the change of use applies to 387.7 square metres of the unit, which is 1,203 square metres in total. However, at the application stage a revised plan was submitted that showed the retail area as being 679.7 square metres in size. On my site visit, the latter plan appeared to better reflect the existing configuration. However, the appellant is clear that they have applied for 387.7 square metres of retail only. I have therefore determined the appeal based on this quantum of floorspace.

Main Issues

4. The main issues are, firstly, the effect of the development on the local supply of employment land and, secondly, whether there is a sequentially preferable site on which the retail proposal could be accommodated, bearing in mind the need to demonstrate flexibility.

Reasons

Employment land

5. The appeal site is located within the Moor Park/Bristol Avenue Industrial Estate, which extends to 17.6 hectares in total. This area is designated as an industrial/business estate under saved Policy DE1 of the Blackpool Local Plan

2001-2016 (2006). This policy states that "*development of retail or other non-class B uses will not be permitted*". Furthermore, Policy CS3 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (2016) states that existing industrial/business land will be safeguarded for employment use.

6. The proposed retail use would clearly fall outside of the range of the uses permitted by policies DE1 and CS3. Whilst there is a subtle change in terminology between these two policies, neither encourages retail development (a 'main town centre use') in designated industrial/business estates. The Moor Park/Bristol Avenue Industrial Estate was assessed in the Blackpool Employment Land Study 2013, which found that it "*has a continuing important role serving the north of the town*"¹. At the time of my site visit, the estate also appeared to be reasonably well occupied. There is no detailed evidence before me regarding a lack of demand for policy compliant uses on the site. Moreover, I note that the Council has an identified shortfall of employment land in the district and is working with its neighbours to remedy this situation through new allocations in an adjoining Borough. This clearly indicates a tight supply of employment land in Blackpool.
7. The appellant has drawn my attention to 2 recent approvals by the Council in the vicinity of the appeal site. These were for an ice rink on a vacant industrial site (ref 12/0485) and a children's play centre in the unit next to the appeal site (ref 15/0104). The full details of those cases are not before me. However, both approvals were granted as exceptions to Policy DE1, based on the material considerations in those cases. This does not mean that this policy has ceased to apply. Moreover, neither of those developments was for a retail use, and in the case of the ice rink there were clear benefits associated with a leisure development of that size. Full details of the NS&I site approval are also not before me, although it appears that that development was for a mixed residential and employment scheme, which is not the case here. Accordingly, I have determined the appeal on its own merits.
8. For the above reasons, I conclude that the development results in a harmful reduction in the supply of employment land, contrary to Policy DE1 of the Blackpool Local Plan 2001-2016 (2006), and Policy CS3 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (2016). These policies seek to ensure, amongst other things that the defined industrial/business estates are reserved for employment uses.

Sequential Test

9. The development constitutes a 'main town centre use' in what is an 'out of centre' location. In this regard, both Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy (2016), and the National Planning Policy Framework ('the Framework'), require that the development pass the sequential test. This requires that main town centre uses be located firstly in town centres, then in edge of centre locations, and only if suitable sites are not available should out of centre sites be considered.
10. The appellant states that they have not been able to identify any property that would meet the identified 800 square metre requirement. However, little evidence has been submitted to corroborate this assertion. In particular, no assessment of any currently available sites in sequentially preferable locations

¹ Appendix B – Page 24

has been provided. The appellant states that the nature of the operation, which includes trade sales, retail sales, and storage/repair, does not lend itself to a town centre location. However, there is no evidence before me that edge of centre sites have been considered or explored, which would be preferable in sequential terms. Accordingly, there is insufficient evidence before me that a robust sequential test assessment has been undertaken. In this regard, I note that the Planning Practice Guidance (PPG) states that "*failure to undertake a sequential assessment could in itself constitute a reason for refusing permission*"².

11. For the above reasons, I conclude that it has not been demonstrated that the development would pass the sequential test. It is therefore contrary to Policy CS4 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 (2016). This policy states that out of centre locations will only be considered where there are no more centrally located/sequentially preferable sites available. It would also be at odds with the Framework which requires that retail proposals in out of centre locations pass the sequential test.

Other Matters

12. The appellant has asked that I consider granting a temporary permission to assist in developing the business, should I be minded to dismiss the appeal. In this regard, the PPG³ states that a temporary permission may be appropriate where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. However, neither of these circumstances applies in this case, nor has it been demonstrated that a temporary use is necessary to encourage the re-use of an empty property. Accordingly, I do not consider that granting a temporary permission would be appropriate in this case.
13. The appellant states that the premises could be occupied by a more intrusive use that could have a detrimental effect on the adjoining play barn. However, that scenario is speculative, and in any case the operators of the play barn have chosen to locate within an established industrial/business estate.
14. The appellant refers to permitted rights that would have applied were the building in a B1 use. However, that is not the case here. Moreover, that permitted right only applies to up to 150 square metres of floorspace, which is significantly less than the current appeal proposal. I therefore attach no weight to this consideration.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR

² Paragraph: 010 Reference ID: 2b-010-20140306

³ Paragraph: 014 Reference ID: 21a-014-20140306