

**Land at 62 Downhouse Road,
Horndean, Waterlooville,
Hampshire, PO8 0TY**

PLANNING APPEAL by Mr P Cook,

**Against the Decision of East Hampshire District Council to
Grant Outline Planning Permission for Redevelopment
Comprising Four Detached Dwellings, following
the Demolition of an Existing Bungalow and
Domestic and Commercial Storage Buildings**

STATEMENT OF CASE

Prepared for Mr P Cook

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1.0 INTRODUCTION AND TERMS OF REFERENCE

- 1.1 This Statement of Case supports a planning appeal by Mr Paul Cook against the decision of East Hampshire District Council to refuse outline planning permission for redevelopment comprising four detached dwellings, following demolition of an existing bungalow and domestic and commercial storage and other buildings on land at 62 Downhouse Road, Horndean, Waterlooville, Hampshire, PO8 0TY. **Appendix 1** of this Statement contains a plan showing the appeal site outlined in red. Detailed consent is sought at the outline stage for the means of access to the site, as existing; and for the layout and scale of the four dwellings proposed. All other matters relating to the application proposal are reserved for later consideration.
- 1.2 My client's appeal is to proceed by way of a Hearing, before an Inspector appointed by the Secretary of State. I shall appear as my client's planning witness at the Hearing, together with my client and with Mr Stuart Mitchell MRICS, MCI Arb, Director of Messrs Holloway Iliffe & Mitchell, Chartered Surveyors, Commercial and Industrial Property Consultants. Mr Mitchell has been involved with the appeal application since before its submission and his Statement of Case sets out commercial and viability evidence in support of my client's proposals, together with information concerning the site's marketing to date. As such, Mr Mitchell's Statement of Case addresses the District Council's first reason for refusing the appeal application.
- 1.3 The appeal application is predicated on the fact that my client has a real and pressing need to relocate and expand his existing business from the appeal site to larger, more suitable and better located premises. This process will secure the removal of the site's existing commercial uses that are not best suited to their current location; and the appeal proposal will enable this process to be economically and financially viable. My client has already secured an option to occupy premises at Unit 9 on the Westfields Industrial Estate, on Portsmouth Road in Horndean but will be unable to take up this option if the appeal proposal does not proceed.
- 1.4 Mr Cook has prepared a Statement of Case for the appeal, giving evidence as to why gaining permission for the appeal proposal is so important for his business. This is an important material consideration to which the Inspector will accord due weight, particularly given my opinion that the appeal application is supported by local plan policy (in particular by Policy IB4 of the East Hampshire District Local Plan, Second Review); will deliver significant visual and environmental improvements to the site and its surroundings; and will improve the amenities of nearby existing dwellings.

- 1.5 I am very familiar with the appeal site, having visited it on several occasions. I prepared and submitted the appeal application to East Hampshire District Council on behalf of my client. I conducted discussions and negotiations with the application's Case Officer, and others, including Officers in the District Council's Planning Policy Department and Members of Horndean Parish Council's Planning Committee.
- 1.6 From the background documentation submitted with my client's appeal, the Inspector will note that I prepared a detailed Planning, Design and Access Statement to accompany the appeal application. This Statement set out the case for granting the appeal application in detail, with reference to national and local planning policy and other material considerations. Furthermore, the Inspector will note that I supplemented the arguments set out in the application's Planning, Design and Access Statement with other detailed written submissions (via email and letter) made during the course of the appeal application's determination.
- 1.7 I do not intend to repeat the various detailed submissions made at the application stage, as they all form part of my client's appeal and will be familiar to the Inspector. Instead, my Statement of Case will primarily address submissions set out in the Case Officer's Delegated Report into the appeal application; and the five reasons for its refusal, as set out in the Decision Notice dated 18 September 2009. These documents are in effect a rebuttal of the submissions I made in favour of the appeal proposal at the application stage, such that this Statement of Case will rebut the case that the District Council has made against the appeal proposal to date.
- 1.8 I hope my Statement of Case will assist the Inspector's deliberations; and will be pleased to answer any questions and/or to clarify any matters at the appeal Hearing.

2.0 THE MATTERS RELEVANT TO THE APPEAL'S DETERMINATION

2.1 I consider that the following matters are relevant to the appeal's determination:

- My client's real and pressing need to expand and relocate his business to larger, more suitable and better located premises; and the key part that the appeal proposal will play in making this process financially viable;
- That the appeal application did not draw objections from amongst others, Horndean Parish Council, the Highways Authority or from the District Council's Principal Landscape Officer;
- That the appeal proposal represents an opportunity to secure the redevelopment of a 'brownfield' site in outmoded commercial uses for housing, supported by PPS7 and local plan Policy IB4; and backed up by the results of the site's marketing to date;
- That the housing proposed on the appeal site will lie in a sustainable position adjacent to Clanfield's Settlement Policy Boundary in this location and relative to adjacent dwellings and nearby services and facilities in Clanfield itself; and
- That my client is willing to make financial contributions towards the provision, improvement and maintenance of public open space; integrated transport measures; and environmental improvements, as evidenced by a draft Unilateral Undertaking that forms part of the appeal. This will be signed not less than 10 working days prior to the date of the Hearing into the appeal proposal.

2.2 The matters above are discussed in more detail in the following paragraphs of this Statement of Case, with reference where necessary to the Case Officer's Delegated Report into the appeal application and the five reasons for its refusal.

3.0 COMMERCIAL AND VIABILITY CONSIDERATIONS

- 3.1 As set out above, the appeal proposal is predicated on the fact that my client has a real and pressing need to relocate and expand his existing business from the appeal site to larger, more suitable and better located premises. Whilst the appeal site has all the necessary consents in place to facilitate its existing commercial use, the site suffers from such constraints that my client's business has outgrown what it can offer. Moreover, these constraints significantly diminish the site's attractiveness to other commercial occupiers, either as a rental or freehold opportunity.
- 3.2 The access to the site is narrow and cannot be used by large commercial vehicles. Furthermore, Downhouse Road is narrow, better suited to light traffic such as cars. Potential commercial occupiers would regard these factors as a deterrent for loading and deliveries; and for staff and customer activities throughout the day.
- 3.3 The Inspector will note that my client's Statement of Case describes in detail the limitations imposed by the site's access on his commercial activities. Whilst my client endeavours to be a 'good neighbour' to adjacent residential properties, another user might not be as considerate: there would be every likelihood of commercial traffic associated with another user having a negative impact on the amenities of neighbouring residential properties on Downhouse Road.
- 3.4 The appeal site is developed with a range of mismatched and dilapidated buildings. None are ideally suited for their current commercial use – indeed, the vast majority were never designed for any form of commercial/industrial use. Certainly, none of the existing buildings meet the requirements of modern commercial occupiers. Mr Mitchell's Statement of Case describes the commercial and operational constraints to which the site is subject in more detail.
- 3.5 Accordingly, the appeal site is neither suitable, practical nor attractive in its existing state to either my client or to any other modern commercial occupier. The evidence for this is in my view compelling. Furthermore, my client has received very clear advice that it would simply not be viable to redevelop the appeal site for its existing commercial use – the cost of this exercise (assuming that planning permission would be forthcoming) would outstrip the value generated, not forgetting that a redevelopment of the site would still suffer from the constraints imposed by its access and location remote from established commercial/industrial areas.

- 3.6 It is very expensive to relocate and expand a business, such that it is not an option (particularly given current economic circumstances) for my client to vacate the appeal site and move his business to other premises. Sufficient value will have to be derived from the appeal site to enable this process to be economically and financially viable.
- 3.7 The site's value is as a 'brownfield' site which can accommodate other uses through redevelopment, notably, residential uses. I will demonstrate in later paragraphs of this Statement of Case that planning policy supports such a proposal: a proposal that would generate sufficient value to facilitate the expansion of my client's business and its relocation to premises which have already been secured nearby in Horndean. The alternative would be the continued stifling of an otherwise successful business, on a site that is constrained and unsuitable for any commercial occupier.
- 3.8 In my view, all the above are significant material considerations, which were explored in detail at the application stage; and which are addressed in more detail within my client's Statement of Case and that prepared by Mr Mitchell.

4.0 KEY CONSULTATION RESPONSES CONCERNING THE APPEAL PROPOSAL

A Arboricultural, Environmental Health and Highway Officers' Consultation Responses

- 4.1 The Inspector will note from the Case Officer's Delegated Report that the District Council's Arboricultural Officer did not object to the appeal application. Subject to recommending the imposition of appropriate planning conditions, neither did the District Council's Environmental Health Officer. The same applied to the Highway's Officer's consultation response – a planning condition was recommended, dealing with car parking standards for residential development.

B Principal Landscape Officer's Consultation Response

- 4.2 Furthermore, the District Council's Principal Landscape Officer did not object to the appeal application, commenting that the appeal site is visually well contained by mature boundary vegetation and existing dwellings on Downhouse Road. The lack of a landscape objection to the appeal proposal in my mind rather conflicts with references to the proposal's alleged harm to the Horndean/Catherington/Clanfield Local Gap in the District Council's second reason for refusal. Local Gaps are a landscape designation, made in order to protect undeveloped land between settlements - if the District Council's Principal Landscape Officer had been in any way concerned with the appeal proposal's effect on the Local Gap, an objection would have been raised on grounds of landscape impact and visual coalescence.
- 4.3 Rather, I would submit that the District Council's Principal Landscape Officer did not raise objections because the appeal proposes the removal of the disparate collection of unsightly and unattractive commercial buildings on the appeal site; and their replacement with a far more attractive and appropriate scheme of development, with a more open and 'green' layout. I would reject the District Council's allegations of harm to the Local Gap in light of the comments made by its own Principal Landscape Officer; and in light of the comment and analysis set out in the Planning, Design and Access Statement that I prepared to accompany the appeal application

C Horndean Parish Council's Consultation Response

- 4.4 The Inspector will also note from the Case Officer's Delegated Report that Horndean Parish Council did not raise an objection to the appeal proposal. My client and I made a short presentation of the appeal proposal to the Parish Council's Planning Committee meeting on 23 July 2009; and were on hand to deal with any queries raised by Committee Members. The Committee was unequivocal in its support for the proposal, citing its visual, amenity and other benefits.
- 4.5 Parish Councillors were also sympathetic to my client's need to relocate and expand his business; and the key role that the appeal site's proposed redevelopment would have in this process. Whilst some Parish Councillors raised the matter of the site's access, they accepted the fact that the Highways Officer had not raised an objection to the site's proposed redevelopment.
- 4.6 The lack of an objection to the appeal proposal from Horndean Parish Council is in my view a significant material consideration in favour of allowing my client's appeal. Parish Councillors clearly expressed their appreciation of the appeal application's merits at their meeting on 23 July 2009, with full regard to local circumstances and my client's circumstances; and with a full appreciation of the appeal site's existing character and appearance, the existence of the Local Gap and relevant local plan policies, in particular local plan Policy IB4. It is regrettable that the appeal application's Case Officer did not share the same appreciation.

D Planning Policy Officers' Consultation Response

- 4.7 Planning Policy Officers at the District Council were somewhat more equivocal in their assessment of the appeal proposal than might otherwise be assumed from the reasons for its refusal. Planning Policy Officers acknowledged that whilst the appeal site lay within the countryside, it lay adjacent to Clanfield's Settlement Policy Boundary in this location; and that whilst the appeal site lay within a Local Gap, it was already developed with existing commercial buildings and a residential dwelling. These comments are somewhat at odds with the application's Case Officer's comments that the appeal site lies in an unsustainable countryside location; and that the site's redevelopment would harm the Local Gap.

4.8 Planning Policy Officers correctly identified that local plan Policy IB4 was of particular relevance to the appeal application, confirming that that it would *allow* (my emphasis) the appeal site's redevelopment if its present use was found to harm the character or amenity of the nearby area *or* (again, my emphasis) the site was found to have restricted potential due to a variety of factors. Planning Policy Officers did not reject the evidence that had been submitted concerning the effect of the appeal site's existing use on its surroundings and the site's lack of attractiveness to modern commercial occupiers. Instead, they suggested that a marketing exercise was required in the case of the latter; and that "*careful consideration*" should be given as to whether the requirements of local plan Policy IB4 had already been sufficiently adhered to in this respect. They also suggested that there was some uncertainty surrounding the relocation of my client's business to new premises, although I and others had explained why this relocation could not be effected before planning permission had been granted for the appeal site's redevelopment.

4.9 In my view, the comments of Planning Policy Officers stopped short of an objection. Instead, they took the form of observations, albeit clearly made in the context that Policy IB4 would *allow* (my emphasis) the appeal site's redevelopment if its existing use was found to harm the character or amenity of the nearby area *or* (again, my emphasis) the site was found to have restricted potential due to a variety of factors.

4.10 Planning Policy Officers advised me of their comments in an email dated 10 August 2009. I responded by way of an email dated 18 August 2009, reminding Planning Policy Officers of the following:

- That the application's Marketing and Viability Assessment, prepared by Messrs Keats of Petersfield, demonstrated that the site was simply not attractive to modern commercial occupiers as existing; and was not a viable commercial prospect if redeveloped for its existing use. This, together with evidence that clearly pointed towards the site's existing adverse environmental amenity impact, led me to suggest that the site's application complied with not one but both of the mutually exclusive requirements of local plan Policy IB4.
- That whilst my client had already secured more suitable alternative premises at Unit 9 on the Westfields Industrial Estate in Horndean from which to operate his business, it would only be possible to finance the business's relocation through an increase in the appeal site's value following a grant of planning permission for its redevelopment as proposed. I likened this to a 'chicken and egg' situation.

4.11 I therefore asked Planning Policy Officers to consider revising their comments on the site's application. I also asked Messrs Keats of Petersfield whether the application's Marketing and Viability Assessment could be supplemented; and whether it would be worthwhile marketing the site to support the case for its redevelopment. The advice I received was quite clear – that whilst the application's Marketing and Viability Assessment could be supplemented, it would be a fruitless waste of time to market the site, for all the reasons that had been already explained in the application's Planning, Design and Access Statement and Marketing and Viability Assessment.

4.12 In the event, Messrs Keats of Petersfield prepared additional submissions, in the form of a letter dated 10 September 2009. I forwarded this letter to the appeal application's Case Officer under cover of an email dated 14 September 2009, asking for her comments and those of her Planning Policy colleagues. Regrettably, the comments of Planning Policy Officers were not sought concerning Messrs Keats' additional submissions, as the appeal application's Case Officer was not prepared to wait for the Officer concerned to return from leave. The appeal application instead proceeded to a delegated decision on 18 September 2009.

5.0 SUSTAINABILITY AND PLANNING POLICY CONSIDERATIONS

A Sustainability Considerations

- 5.1 The appeal site lies adjacent to Clanfield's Settlement Policy Boundary in this location, adjacent to existing residential properties and only 600m or so from the village centre. This benefits from a good range of local shops and other services and facilities, and has good bus services to Horndean and Petersfield, as all described in the appeal application's Planning, Design and Access Statement.
- 5.2 Given all the above, it would be unreasonable to suggest that the appeal site somehow lies in an unsustainable location for residential development. Quite the contrary – that the appeal site lies next to existing residential properties and adjacent to a Settlement Policy Boundary suggests to me that it does lie in a sustainable location. That the appeal site also comprises an already developed 'brownfield' site in such a location in my view heightens its sustainability credentials.
- 5.3 I would therefore suggest to the Inspector that the appeal site should be judged as lying in a sustainable position relative to adjacent residential properties, a Settlement Policy Boundary and a nearby village centre.

B Planning Policy Considerations

- 5.4 The appeal application's Planning, Design and Access Statement analyses the planning policy context for the appeal proposal in detail. Without wanting to repeat this analysis to the Inspector, it is usefully summarised in my email dated 21 July 2009 to the appeal application's Case Officer, as follows:
- Paragraph 1 of PPS7 sets out a number of 'Key Principles' which the PPS confirms should be applied in combination with its policy. These 'Key Principles' state at part (v) that "*Priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.*"

- In other words, PPS7 acknowledges (indeed, requires) that best use be made of suitable 'brownfield' sites. No distinction is drawn between 'brownfield' sites in urban and rural areas; and the fact that the advice is contained within national planning policy advice for rural areas, suggests that it is relevant to rural 'brownfield' sites. The appeal site is just one such example.
- PPS3 also embodies the policy requirement to make best use of previously developed land. Paragraph 36 of the PPS confirms that "...*The priority for development should be previously developed land, in particular vacant and derelict sites and buildings.*" Again, no distinction is made between previously developed land in urban and rural locations. Paragraphs 40 and 41 of PPS3 emphasise this policy objective, consistent, of course, with sustainability objectives. Redeveloping the appeal site will achieve both these objectives.
- Paragraph 44 of PPS3 encourages local planning authorities to consider a range of incentives or interventions to maximise the development of previously developed land for housing. It is clear from this advice that local planning authorities are encouraged to remove obstacles to the development of previously developed land for housing, including re-allocating land in employment uses. Again, no distinction is drawn between previously developed land in urban and rural situations, whether currently in use for employment purposes or not.
- Paragraph 69 of PPS3 requires local planning authorities to use land for housing effectively and efficiently. With regard to advice contained elsewhere in the PPS, this would include re-using 'brownfield' sites at the highest possible densities.
- At the local level, the appeal proposal falls to be determined with regard to local plan Policies H16 and IB4. Policy H16 allows the replacement of existing dwellings in the countryside, remembering that one of the four dwellings proposed by the appeal application will come about in this way. Policy IB4 permits the redevelopment of existing employment sites for unspecified other uses (residential is by no means precluded) and makes no distinction between employment sites that lie within, adjacent to or beyond Settlement Policy Boundaries. Indeed, Planning Policy Officers at the District Council have already confirmed that all other matters being equal, local plan Policy IB4 would allow for (that is, would support) the appeal site's redevelopment as proposed.

- 5.5 It is therefore true to say that the redevelopment of 'brownfield' sites for uses including housing, in urban and rural areas alike, receives strong policy support at all levels; and is an accepted (and acceptable) means of delivering new housing development. Indeed, Planning Policy Officers at the District Council have confirmed that local plan Policy IB4 would *allow* (my emphasis) the appeal site's redevelopment if its present use harms the character or amenity of the nearby area *or* (again, my emphasis) the site has restricted potential due to a variety of factors.
- 5.6 By definition, therefore, Policy IB4 applies to rural employment sites in East Hampshire District; and does not preclude their redevelopment for housing. In simple terms, therefore, and subject to it complying with the requirements of local plan Policy IB4, the appeal site's redevelopment as proposed is *permissible*.
- 5.7 Whilst I accept that demonstrating compliance with the second part of local plan Policy IB4 would appear to indicate a requirement to market the appeal site for its current use, the District Council have been supplied with clear and compelling evidence that such an exercise would be a fruitless waste of time. Nevertheless, Mr Mitchell's practice commenced marketing the site in November 2009. Mr Mitchell's Statement of Case sets out further information in this regard; and also contains an update on the outcome of the site's marketing to date. Mr Mitchell will provide the Inspector with a written update just before six weeks following the 'starting date' of my client's appeal; and a further verbal update at the appeal Hearing itself.
- 5.8 We anticipate that the results of the site's marketing will corroborate the evidence submitted by Messrs Keats of Petersfield as part of the appeal application. As such, we anticipate being able to demonstrate compliance with *at least* the second part of local plan Policy IB4, leaving aside that having the site redeveloped for housing as proposed would in my view secure significant visual, environmental and amenity benefits for the surrounding area. Given the lack of any other objections to the proposal, this will in my view establish a clear case for allowing the appeal.

6.0 OTHER MATTERS

A Precedents for Allowing the Appeal Proposal

- 6.1 There are countless examples of 'brownfield' sites being redeveloped for housing in rural areas. My email dated 21 July 2009 to the appeal application's Case Officer described one such proposal (application ref. K/44648/O, submitted on 13 December 2002) that I had dealt with and which was very similar to Mr Cook's. The proposal involved the redevelopment of a motorcycle repair/breaking/retail business in a countryside location on the edge of the village of Wootton Rivers, near Marlborough, in Wiltshire. Two detached houses were proposed on the site in place of the motorcycle business (which was accommodated in a range of old chicken sheds), in addition to the refurbishment of an existing bungalow on another part of the site. The application was predicated on the basis that the applicant needed to finance the expansion of his business and its relocation to more suitable premises which had been identified in the next village.
- 6.2 Kennett District Council (now Wiltshire Council) accepted the principle of redeveloping the site as a rural 'brownfield' site with housing; appreciated the proposal's visual and environmental benefits, as opposed to its existing employment use continuing; accepted (on the basis of a Marketing and Viability Assessment and without any marketing of the site) that the site's proposed redevelopment would not diminish the supply of suitable employment premises; and also accepted that the site's redevelopment with housing would finance the expansion of the applicant's business and its relocation to the more suitable premises which had been identified in the next village. Outline planning permission was granted on 6 February 2003.
- 6.3 The proposal described above illustrates that it is accepted practice to redevelop rural employment sites for housing – a practice which has long been supported by planning policy. Mr Cook's appeal should be determined in this context.

B A Unilateral Undertaking to Deal with the District Council's Third, Fourth and Fifth Reasons for Refusal

- 6.4 The third, fourth and fifth reasons for refusing the appeal application relate to financial contributions that would have been delivered through a S106 Agreement had the District Council granted outline planning permission. My client is prepared to make these financial contributions in the event of the appeal succeeding.

6.5 Accordingly, the Inspector will note that a draft Unilateral Undertaking accompanies my client's appeal. The Unilateral Undertaking will be signed and submitted to the Inspector not less than 10 working days prior to the date for the appeal Hearing and will come into effect if the appeal is allowed. As such, the District Council's third, fourth and fifth reasons for refusal would be satisfied.

7.0 SUMMARY AND CONCLUSIONS

7.1 In light of the foregoing, I would summarise and conclude as follows:

- The appeal site lies adjacent to Clanfield's Settlement Policy Boundary in this location, adjacent to existing residential properties and only 600m or so from the village centre. This suggests to me that the appeal site lies in a sustainable location. The fact that the site comprises 'brownfield' land in such a location in my view heightens its sustainability credentials.
- The appeal application is predicated on the fact that my client has a real and pressing need to expand his existing business and to relocate it from the appeal site to larger, more suitable and better located premises. It is very expensive to expand and relocate a business, such that it is not an option (particularly given current economic circumstances) for my client to vacate the appeal site and move his business to other premises. Sufficient value will be derived from the appeal proposal to enable this process to be economically and financially viable.
- My client has already secured an option to occupy premises at Unit 9 on the Westfields Industrial Estate, on Portsmouth Road in Horndean but will be unable to take up this option if the appeal proposal does not proceed.
- The appeal application did not draw objections from the District Council's Arboricultural Officer, Environmental Health Officer or Principal Landscape Officer; the Highways Authority; or from Horndean Parish Council. Indeed, the Parish Council supported the appeal proposal. The District Council's Planning Policy Officers confirmed that Local Plan Policy IB4 would *allow* (my emphasis) the appeal site's redevelopment if its existing use was found to harm the character or amenity of the nearby area *or* (again, my emphasis) the site was found to have restricted potential due to a variety of factors.
- Whilst the appeal site has all the necessary consents in place to facilitate its existing commercial use, the site suffers from such constraints that my client's business has outgrown what it can offer. Moreover, the site's constraints significantly diminish its attractiveness to other commercial occupiers, either as a rental or freehold opportunity.

- The access to the appeal site is narrow and cannot be used by large commercial vehicles. Downhouse Road is also narrow, better suited to light traffic than commercial vehicles. The appeal site is developed with a range of mismatched and dilapidated buildings. None are suitable for commercial use. Indeed, most were never designed for any form of commercial/industrial use. Certainly, none of the existing buildings meet the requirements of modern commercial occupiers. Accordingly, the appeal site is neither suitable, practical nor attractive in its existing state to either my client or to any other modern commercial occupier.
- My client has been advised that it would not be viable to redevelop the appeal site for its existing commercial use – the cost of this exercise (assuming that planning permission would be forthcoming) would outstrip the value generated, not forgetting that the site would still suffer from the constraints imposed by its access and location remote from established commercial/industrial areas.
- Planning policy supports the appeal application. In particular, local plan Policy H16 allows the replacement of existing dwellings in the countryside, remembering that one of the four dwellings proposed by the appeal application will come about in this way. Planning Policy Officers at the District Council have confirmed that local plan Policy IB4 would *allow* (my emphasis) the appeal site's redevelopment if its existing use was found to harm the character or amenity of the nearby area *or* (again, my emphasis) the site was found to have restricted potential due to a variety of factors.
- Evidence has been submitted to satisfy both requirements of local plan Policy IB4; and the site is now being marketed in order to corroborate the evidence that has been submitted in respect of the latter. Mr Mitchell reports further in his Statement of Case and will continue to do so throughout the course of the appeal and at the appeal Hearing itself.
- My client is willing to make financial contributions towards the provision, improvement and maintenance of public open space; integrated transport measures; and environmental improvements. A draft Unilateral Undertaking that forms part of the appeal will be signed not less than 10 working days prior to the date of the Hearing and will come into effect if the appeal is allowed. This will satisfy the District Council's third, fourth and fifth reasons for refusal.

7.2 The District Council has failed to demonstrate how the appeal proposal would conflict with the provisions of the Development Plan or harm any other interests of acknowledged importance. In the absence of sound and clear-cut reasons for refusal, the Inspector is respectfully requested to allow my client's appeal and to grant outline planning permission for the development proposed.

APPENDICES

APPENDIX 1



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