

---

## Appeal Decision

Site visit made on 26 July 2016

**by Jameson Bridgwater PGDipTP MRTPI**

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

**Decision date: 22 August 2016**

---

**Appeal Ref: APP/R3325/W/16/3143397**

**5 Artillery Road, Brympton, Yeovil BA22 8RP**

- 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 Wholesale Garden Furniture LTD against the decision of South Somerset District Council.
  - The application Ref 15/04531/COU, dated 25 September 2015, was refused by notice dated 23 December 2015.
  - The development proposed is described as 'change of use to A1 retail warehouse with ancillary B8 storage'.
- 

### Decision

1. The appeal is dismissed.

### Procedural matters

2. At the time of my site visit the property was open to the public and in use for the display and sale of furniture.

### Main issue

3. The main issue in the appeal is first, whether the sequential test which has been applied is adequate, and secondly, the effect of the proposal on the vitality and viability of the town centre.

### Reasons

4. The appeal site is an industrial building located on the Lufton Trading Estate on Southern side of Artillery Road. Lufton Trading Estate is located some distance to the west of Yeovil town centre on the fringe of the conurbation. The building has an approximate floor area of 1100 sqm with dedicated car parking and loading areas and a secure compound.
  5. Policy EP11 of the South Somerset Local Plan (2006 - 2028) seeks amongst other things to ensure that town centre uses are directed to town centre, edge of centre or locations close to the town centre, but, is restrictive of such proposals outside the preferred locations. Amongst other matters, it requires that a sequential test should be applied to out-of-centre proposals. The purpose of the test is to protect the vitality and viability of the centres. This is consistent with paragraphs 24 and 27 of the National Planning Policy Framework (the Framework), that states Local Planning Authorities should apply a sequential test to planning applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. It further
-

states that applicants and councils should demonstrate flexibility on issues such as format and scale; and that where an application fails to satisfy the sequential test or is likely to have significant adverse impact it should be refused.

6. It is clear based on the evidence before me that the appellant's business model is different from traditional mainstream furniture retailing where customers browse, select and order their purchase in a showroom which is subsequently despatched from an off-site warehouse or direct from the manufacturer. In the appellant's business model customers select the furniture direct from the showroom and the actual item or items that they have selected are then despatched from the site, usually using their delivery vehicle. Consequently, based on my observations and the evidence before me the retail and warehouse elements of the business are co-dependant and therefore not readily separated as the stock is sold directly from the showroom. I therefore accept that there will be a constant turnover of stock and this would be likely to lead to a requirement of premises with dedicated delivery and loading facilities.
7. Notwithstanding this, the two sequential tests submitted in support of the appellant's proposal do not provide an adequate level of detail and analysis based on their search of properties marketed (over 30 sites) and available within a 3 mile search radius of Yeovil town centre. Specifically, the sequential tests do not address all of the sites identified by the Council during the application process, in particular, the vacant units in Glovers Walk. As such, these identified sites have not been adequately tested on the basis that they could potentially be amalgamated and provide the appellant's required retail floor space, dedicated delivery and loading facilities. As such the effect of the proposal on the vitality and viability of the town centre cannot be determined.
8. Consequently, based on the appellant's submitted sequential tests it cannot be demonstrated that there are no sequentially preferable sites available within the town centre, edge of centre or locations close to the town centre that would protect the vitality and viability of the town centre. Therefore the proposal would conflict with Policy EP11 of the South Somerset Local Plan (2006 - 2028). Moreover, the appellant's suggested conditions in the absence of an adequate sequential test would not mitigate the potential adverse effects of the development on the vitality and viability of the town centre.

#### *Other considerations*

9. Both parties in support of their statements have referred to previous appeal and planning decisions (builder merchants, indoor children's play, gyms etc.). However, I have limited information about their histories, but inevitably their contexts would differ to that of the scheme before me. I have therefore considered the appeal before me on its individual merits against the criteria of the Development Plan and the Framework and any other material considerations.

#### **Conclusion**

10. For the above reasons and having regard to all other matters I conclude that the appeal should be dismissed.

*Jameson Bridgwater*  
INSPECTOR