

Appeal by Charterhouse Property Group Ltd - Homebase, Elizabeth Way, Saffron Walden, CB10 2BL

APP/C1570/W/ /19/3241526

Comments of Alison Hutchinson re: Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

1. In his Evidence in Chief Jonathan Best referred to the introduction of Class E in the Amended Use Classes Order that will come into force on 1 September 2020 and considered that it would weaken Policy E2 of the Local Plan. I do not agree with his opinion for the following reasons.
2. The new Class E - Commercial, Business and Service and combines current retail uses in A1 and A2 together with the former B1 class as well as other categories into the one Class. It therefore combines some of the largest employment uses within the country and the district within one use class and allows changes between those commercial and business uses without the need for planning permission. B1 uses, which are deemed to be acceptable within residential areas now form part of Class E. The rest of the B Class remains separate and relates only to B2 and B8.
3. Local Plan Policy E2 relates to Safeguarding Employment Use and does not seek to limit it to any specific Use Class. The whole tenor of the policy and the supporting text is aimed at ensuring that there is sufficient land for employment purposes and to allow a framework against which to assess whether residential development should be permitted on those sites.
4. Whilst the appellants seek to tie Policy E2 to the former Structure Plan policies (which incidentally were superseded in 2008), I consider Policy E2 allows greater flexibility by referring only to employment uses. Therefore I disagree with the appellants that the changes to the use classes order may be regarded as diluting the weight to be given to that policy and think that the opposite is applicable. Class E now combines a large number of uses which are, in the main, employment uses (including offices, industry etc (old B1), retail, medical services) which represent some of the most important employment generators in both the country and within Uttlesford District. In my view Policy E2 as the main Employment policy within the Local Plan will relate to Class E uses.
5. If, as the appellants claim, Policy E2 now only covers B2 and B8 because B1 uses can no longer be regarded as employment uses, it would result in any office, industrial process, professional services not being allowed on any employment site within the district. I consider that this is contrary to the intentions of the Use Classes Order and to the National Planning Policy Framework which seeks flexibility and recognises the changes that have and are taking place within the commercial, business and service sectors. There is no equivalent policy in the Local Plan which would relate to Class E uses such as now defined other than the town centre policy (RS2 – Town and Local Centres). It is clear however, that the new use class is one which is able to be carried out in a residential area and is not restricted to town centres etc. It is not therefore tied to any specific location. If Policy E2 is not able to deal with Class E then I would consider that a large proportion of the sites in Saffron Walden cannot be considered to be employment and it is difficult to understand where they would then fall if the appellants' argument is followed.
6. I consider that the second section of Policy E2 becomes more applicable to a wider number of uses and can be regarded as applying to the Class E as well as to B2 and B8 uses.

7. Importantly, changes are clearly allowed between uses within Class E but there is no ability to change those uses to residential. As a consequence, whilst retail and offices and industry can switch between each other, Class E still ensures that changes to residential institutions (C2) are excluded.

Alison Hutchinson
On behalf of Uttlesford District Council

29 July 2020