DELEGATED DECISION REPORT

SMD/2020/0134 **Valid 10/03/2020**	**UNIT 16** **CHURNETSIDE BUSINESS PARK HARRISON WAY** **CHEDDLETON**	**LAWFUL CERTITICATE FOR PROPOSED USE FOR GIN DISTILLERY (WITH ANCILLARY OFFICE USE AND SAMPLING)** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES
Would the applicant's proposed use of the building result in a material change of use?

DESCRIPTION OF SITE
Unit 16 is the end unit in an adjoining row of four. Planning permission was granted to build these four units in 2016 (SMD/2016/00697). They are contemporary portal frame employment units built to replace a deteriorating shed on the employment site for 'mixed use' purposes (B1, B2 and B8).

The units are adjacent and to the north of the larger factory building occupied by Staffordshire Brewery Ltd who brew beer and distil Gin.

PROPOSAL
Staffordshire Brewery who occupy the adjacent factory building wish to rent and use the unit for the warehousing of product and supplies but also provide within that space a small bar area that will double as an office and be available to visitors and tour groups for 'gin schools' and 'tasting experiences'.

An exchange of emails and telephone discussion has sought to clarify some of the detail. This is not been easy because the applicant's plans and proposals are not fixed and he hopes for a certain degree of flexibility moving forward with the idea. In saying that it has been possible to establish the following:

- bar area would amount to about 5-10% of floor area
- visitors would be by invitation or prior arrangement i.e. not passing trade
- open to visitors only on Saturdays
- mainly limited to one tour or visitor group per Saturday

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
SMD/2016/00697 construction of 4 mixed use units (B1,B2 and B8). Approved.

OFFICER COMMENTS

The permitted lawful use of the building is that of a 'mixed use' (B1, B2 and B8) that could include industrial process, office or warehouse or a combination of either. That is essentially how the applicant wants to, or is already, using the unit. He uses the majority of the 165 sq. metres of floor space as storage space for bottles, cans and bagged malt. A corner of the unit is used informally for office administration. It's not a clear spec of the proposal, but discussion suggests that there might be the possibility of using a gin still in the unit and that would amount to 'industrial process' (B1).

A small corner of the space approximately 5-10% of the area would provide a bar and an area of seating for visitors. This area would double as the office for the business administration.

The 2016 permission does not explicitly permit the use of the unit as a bar or drinking establishment and a separate planning permission would be required if the applicant wanted to use the unit for a materially different purpose to the 'mixed use' for which it was permitted and built. That is not to say that every differing use or change between uses results in a material change and an act of development. The point at which a material change of use occurs is a matter of fact and degree with an inevitable degree of subjectivity involved in the decision making process.

The bar area would use a proportionately small area of the unit, that would primarily be used as a storage warehouse associated with the adjacent brewery. The use of the bar would be occasional only on Saturdays by groups or visitors attending a prearranged tour, event or visit to the brewery. It would not be open to or indeed easily accessed by passing customers and the use located and provided only in association with the existing and established business on site. Not conventionally therefore a 'drinking establishment' in its own right as a primary or competing part of a mixed use. On balance therefore, with consideration for the facts specific to this case, the applicant's proposal would not result in material change of use and would be lawful.

CONCLUSION / PLANNING BALANCE

The small bar and the occasional use of the unit by visitors to sample and taste produce, as described, would not result in a material change of use because it would be a very minor element against the primary use of the unit as a warehouse and office. There would be a functional and physical link to the brewery's use of the unit and the proposed bar would, by association, be ancillary to that primary use.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst
Recommendation Date: 04/08/2020

X 

Signed by: Jane Colley

On behalf of Staffordshire Moorlands District Council