



Scattered Business Sites

This note supports the implementation of Policy DM5 of the Delivery and Site Allocations Plan (Adopted July 2013)

Updated in September 2019 to reflect the fact that the Wycombe District Local Plan was adopted in August 2019.

1. Introduction and Policy Context

- 1.1 This Guidance Note provides additional advice on marketing for applicants seeking to address the requirements of Adopted Policy DM5: Scattered Business Sites of the Delivery and Site Allocations Plan, July 2013.
- 1.2 The term 'site' has been used regardless of whether there is a building on the site or not.
- 1.3 This guidance note is not a statutory document and does not form part of the Development Plan for Wycombe District.
- 1.4 The DSA contains a Policy (DM5) on small unallocated employment sites, known as Scattered Business Sites. The wording to this policy is set out below:

POLICY DM5: SCATTERED BUSINESS SITES

1. Planning permission will be granted on scattered business sites where the proposed development:

- a) Falls within the B1, B2, and B8 use classes of the use classes order, or,
- b) is for uses that deliver economic development such as employment generating sui generis uses, community facilities or main town centre uses (as defined by National Policy), and,
- c) Where the site is not within an existing centre, but the use is a main town centre use, the requirements of the tests set out in National Policy have been met, and,
- d) would not be detrimental to and is compatible with surrounding land uses.

2. Planning permission will only be granted for residential uses if it has been clearly demonstrated that the re-use of the site for the uses specified in (a) and (b) above is no longer practicable.

3. In order to demonstrate that a site is no longer practicable for employment generating uses by reason of a lack of potential occupiers, the site must be marketed:

- a) for a sufficient period of time, and;
- b) at a reasonable price for exclusively employment generating uses (stripping out any residential hope value), and;
- c) unencumbered by any sales agreement which gives priority to prospective developers, or renders the site unavailable to other prospective purchasers in the market.

- 1.5 Policy DM5, and its supporting text, recognise the valuable role that these sites play in the employment land portfolio in the District. Scattered Business Sites provide small-scale local employment opportunities, suitable for start-up businesses. They make up a significant part of the employment land in the District.
- 1.6 Scattered Business Sites will normally be retained in employment use or be reused or redeveloped (under 1b of Policy DM5) for an alternative economic development use.
- 1.7 Policy DM5 sets out, under part 2 of the Policy, the circumstances under which applications for residential use on a Scattered Business Site will be considered. Applicants will need to:
 1. Demonstrate that the reuse of the site for employment uses or employment generating 'sui generis' uses, including community facilities or main town centre uses (as defined by national policy), have been adequately explored; and
 2. Submit a marketing report (see Marketing Period section below) with the planning application, demonstrating that no potential employment generating uses or alternative economic development generating uses are practicable on the site.
- 1.8 This Guidance Note assists prospective applicants by clarifying the Council's expectations – in terms of the length and form of any marketing campaign.

2. Marketing Requirements

- 2.1 Planning applications for residential uses on sites previously in a B Use Class use or other alternative economic use (or sui generis uses akin to employment) should be accompanied by a marketing report. Applicants will be required to provide robust evidence¹ that the site has been marketed for an appropriate period. In addition, they will be expected to demonstrate that the form of the marketing has been appropriate, and that, despite their best endeavours, no tenant (or purchaser) interested in using the site or floorspace for a B Use Class operation or alternative employment generating 'sui generis uses' could be found.
- 2.2 It is important to emphasise that, whilst any marketing campaign undertaken in accordance with this Guidance Note will assist in demonstrating that there is no reasonable prospect of a site being used for its permitted purpose, the Council will need to take into account all relevant material considerations in determining individual planning applications.
- 2.3 The Council will consider factors such as the current market conditions at the time the application is made, as well as the overall attractiveness and ability of the premises to meet modern business needs, when coming to a view on whether demand for a particular site is likely to revive in the future. Each case will be assessed on its individual merits.
- 2.4 Having demonstrated that there is no reasonable prospect of a site being used for its permitted purpose, the Council will need to assess the suitability of the proposed alternative use being proposed by the applicant, in the light of the Development Plan and other relevant material considerations.

¹ Please note: a simple statement to accompany a planning application such as "*We have not received any substantial interest in the site over the last 12 months*" is insufficient and does not demonstrate to the Council that a thorough and comprehensive period of marketing has been undertaken.

The Marketing Campaign

- 2.5 The Council will require applicants considering re-using or redeveloping an employment site (in the B Use Class) or other employment generating 'sui generis' uses, to contact the Council at the earliest opportunity and, where necessary, make use of the Council's Planning Advice Service. This will enable both the Council and the applicant to establish the expectations of any marketing exercise from the outset and ensure that such marketing is undertaken to the satisfaction of the Council's officers and thereby streamline the process for all.
- 2.6 A good marketing campaign will target potential occupiers through a range of different means. The marketing exercise needs to be proportional to the size and characteristics of the site.
- 2.7 The Council will require site details to be made available and actively provided to a wide range of potential clients through a recognised firm of commercial property consultants, with a track record of letting/ selling similar commercial property within the District.
- 2.8 The applicant should demonstrate that active steps have been taken to consider a refurbishment, if this is likely to improve the prospects of a sale or letting for the current use.
- 2.9 Where the site is available on a leasehold basis, the applicant should offer terms that are consistent with the prevailing market conditions.

Marketing information

2.10 The following details are required as a minimum in marketing a site²:

- a) Site plan demonstrating the full extent of the site;
- b) Site location map;
- c) A description of the site;
- d) Any existing parking arrangements/ availability;
- e) Good quality internal and external photographs;
- f) Detailed floor areas with plans available on request;
- g) The permitted use of the site – this should identify all options available to future site/property owners/leaseholders (including, where appropriate, change of use, potential for refurbishment, redevelopment, sub-division etc.). For sites that are vacant, applicants will need to look at the relevant policy in the Council's development plan in order to see what uses are likely to be permitted on the site;
- h) Any relevant restrictions, planning conditions or covenants; and
- i) Any terms and conditions associated with the sale (i.e. leasehold/freehold etc.) together with any changes to the terms during the marketing period.

Records

2.11 The appointed firm of commercial property consultants should keep accurate and verifiable records throughout the marketing period, including:

- a) A log of the proactive promotion of the site to those known to be looking for sites in the area for whom the site may be suitable.
- b) A log of all enquiries made, whether by phone, letter, email or in person. This must include the date and nature of the enquiry such as the type of business or individual enquiring; how the enquirer found out about the premises and

² The District Council should, where possible, approve the particulars being used to market a site through the Council's Planning Advice Service.

whether the enquiry resulted in a site visit; and the reasons for not pursuing the interest in the site.

Marketing

2.12 Marketing initiatives should be appropriate to the site, but as a minimum it is expected that the applicant will use the following:

- a) An on-site marketing board should be displayed throughout the period during which the site is being marketed³. Dated photographs of marketing boards should be included in the marketing report.
- b) Sites should be actively promoted to businesses that are known to be looking for a new site. In addition to promoting sites to potential clients, applicants should:
 - a. Contact both Buckinghamshire Business First and the Economic Development Team at Wycombe District Council in order to promote their sites;
 - b. Keep records of these approaches.
 - c. Web-based marketing through relevant search engines should also be undertaken. Dated evidence should be included in the marketing report.
Possible websites include:
 - EGi Property Link – www.estatesgazette.com/propertylink
 - Zoopla - www.zoopla.co.uk
 - Rightmove – www.rightmove.co.uk
 - d. Provide dated copies of any advertisements placed in target publications.

³ Unless it can be demonstrated (and explained in the marketing report) that this would have been detrimental to either the existing business occupier or to the marketing in general.

Marketing period

- 2.13 A vacant employment site will normally need to be marketed continuously for a **minimum 12 month period**⁴. Applicants and the Council will need to take into account the prevailing economic climate and size of the employment site, in determining whether a longer marketing period would be appropriate. This should be discussed with the Council at an early stage.
- 2.14 Whilst the Council will not normally accept marketing evidence obtained whilst a site is occupied, it may accept such evidence, where for example it can be clearly demonstrated (through the marketing report) that the site was being occupied at a substantial loss to avoid the payment of empty rates.
- 2.15 Any marketing campaign should have concluded no more than 6 months prior to the submission of an application for an alternative use.

Price

- 2.16 The Council will expect that the site should be marketed at a price and associated terms that are commensurate with current market values for similar 'commercial' sites. The price advertised should **not** take into account any potential the site may have for residential uses.
- 2.17 All information about price and terms should be provided in a format that enables easy comparison, using equivalent and comparable expressions of price per unit of floorspace. Where the price changed during the period of the marketing campaign, the reasons for this should be recorded and included in the marketing report.
- 2.18 Where a site has been on the market for some time and no offers have come forward, the vendor will need to demonstrate in the marketing report that the price had been kept under review and reduced where necessary.

⁴ Whilst any marketing undertaken whilst a property is occupied will not normally contribute towards meeting this requirement (see the exception set out at paragraph 2.14), it may in due course provide further evidence that there is 'no reasonable prospect' of a site being used for its permitted purpose

The Marketing Report

- 2.19 A comprehensive marketing report should be submitted with any planning application involving the re-use or redevelopment of a Scattered Business site. Failure to do so would make the application invalid.
- 2.20 The applicant will meet the reasonable costs of the Council in their verification of the report.
- 2.21 The report should be prepared by a commercial agent or suitably qualified Chartered Surveyor who is a member of the Royal Institute of Chartered Surveyors (RICS) and has experience of marketing similar sites within Wycombe District.⁵ A dated letter of instruction to the commercial agent should be included in the report.
- 2.22 The report should set out the details and results of the marketing campaign, addressing all of the matters set out in paragraphs 2.6 to 2.18 above.
- 2.23 Where the flow of enquiries has been limited or is decreasing, the marketing report should explain any measures taken to refresh the marketing campaign.
- 2.24 The marketing report should detail why, in the opinion of the commercial agent, the site has not been taken up for the use for which it was marketed.
- 2.25 The commercial agent or Chartered Surveyor will be required to make a statement of truth, as follows:

“I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.”

⁵ The Estate Agents Act 1979 regulates estate agency work. Its purpose is to make sure that estate agents act in the best interests of their clients, and that both buyers and sellers are treated honestly, fairly and promptly. Further information can be found at <http://www.nationaltradingstandards.uk/work-areas/estate-agency-team/>

- 2.26 In circumstances where proposals do not fully meet the requirements, as set out in this guidance note, it will be for applicants to demonstrate through their marketing report that their marketing / advertising campaign was sufficiently wide ranging; of adequate length; that the asking price and terms were realistic; and that specialists appropriate to the type of use were engaged.
- 2.27 It should be noted that this Guidance Note only applies to Policy DM5 of the DSA and not to other employment policies in the Development Plan such as HW2: Desborough Area of Change of the DSA and employment policies within the Wycombe District Local Plan (adopted August 2019).. These policies do not refer to the use of marketing but if an applicant wished to support an application, the information should be in the form described in this Guidance Note. However, the marketing campaign followed will not be a key determinant in making a decision.