



Guidelines for assessing the adequacy of marketing undertaken by applicants for a Change of Use

In order to show that there is no demand for existing commercial premises and sites, applicants should be asked to show that they have actively marketed the premises or site in question with no success.

In assessing whether the marketing undertaken is adequate, the following factors will be taken into account:

1. How has the property or site been marketed? What actions have been taken to disseminate the information on it?

Minimal action required:

- Contact information should be posted on the property/site in the form of an advertising board, in a prominent place where it is clearly visible from the street
- The property/site should be registered with at least one property agent who normally deals in commercial property (a Commercial Property Agent rather than Residential Estate Agent).
- Property details (particulars) should be produced outlining type of property/site, address, size, location, description, services, planning/current use, terms, leasehold rent or freehold sale price, viewing arrangements. These details should be available to enquirers on request and be submitted as supporting information with planning applications.
- In the case of office and industrial premises/sites, the property should have been listed in the Bristol & South Gloucestershire register of available premises/land and the details should have been sent to the Bristol City Council Business Support Team. *From the 29 November 2006 all available office and industrial premises/sites should appear on the West of England On-line Property Database, see www.investwest.org.*
- Planning applications should be submitted with a summary of marketing responses to include:

Number/type of enquiries received
Number of viewings
Number, type/proposed uses and value of offers
Reasons for refusal of an offer

- Has the property/site been marketed for alternative employment use/redevelopment, in terms of use and size of units? eg B2 and B8 use properties should be marketed as also being available for B1 use taking into account permitted changes. Permitted changes are B2 to B1 or B8 (B8 limited to 235sq m), B8 to B1 (where no more than 235sq m).

A feasibility study and financial appraisal is needed to demonstrate that redevelopment of the premises/site for employment use is not viable.

2. What price has it been offered at?

These should be commensurate with the current market price for similar commercial premises/sites, bearing in mind the following:

- The type of premises in question (B1, B2, B8, etc)
- The standard of accommodation (age, state of repair, facilities on offer, etc)
- The location

3. How long has it been marketed for?

- This should reflect the type of premises, their state and location. Normally, a six to twelve month marketing period would be expected, depending on perceived demand and market conditions.

Please note that in the amended Local Plan, employment premises no longer suited for their existing use should be considered first and foremost for redevelopment for other employment uses. Policy 30 of the Joint Replacement Structure Plan, 2002 is also considered. Inspector’s comments in Bristol area related planning appeals have been clear about the usefulness of marketing exercises to identify a sites/property’s commercial viability:

Planning Appeals – Inspector’s comments on marketing

‘Unfortunately, a clear picture of the demand for employment floorspace on this site has not been demonstrated by the marketing undertaken after the chocolate factory closed as the exercise was limited in duration (about 4 months) and the information arising from it lacks depth and detail. In particular, there is little about the market value of the property, the expectations of the site owners or the pro-active measures undertaken to interest potential purchasers. Consequently, it is not possible to establish if the apparent lack of interest for employment re-use or re-development was simply a reflection of an unrealistic asking price and/or a lack of flexibility in considering offers. There is no obligation to include an available site on the Council’s Property Register and the Council’s recent document, “Marketing Guidelines for Applicants” seeking a change of use can only be advisory in nature. Nonetheless, the omission and the fact that this guidance has not been followed, to any significant extent, in this case reinforces the conclusion that it has not been demonstrated to my satisfaction that there is no reasonable or realistic current demand for employment floorspace on this site. (see Appeal Decision: Elizabeth Shaw

Chocolate Factory, Greenbank Road, Easton, Bristol, Ref: APP/Z0116/A/06/2031992/NWF).

‘The Secretary of State agrees with the Inspector that there is a realistic prospect that the site could accommodate units for which there appears to be a demand, and the proposal would therefore conflict with paragraph 42 (a) of PPG3.....The Secretary of State agrees with the Inspector that the marketing of the appeal site was limited and did not have sufficient breath to take account of the location and profile of the site, contrary to the requirements of Local Plan Policy EC4. The Secretary of State agrees with the Inspector that the appellant has failed to demonstrate that the site is not valuable in relation to, or capable of accommodating employment uses.’ (see Secretary of State’s letter of 13 December and Appeal Decision: Former Parnalls Works, Filwood Road, Fishponds, Bristol, Ref: APP/Z0116/A/06/2017304).

‘Although such an exercise is not specifically required by development plan policies when seeking to justify proposals involving loss of employment floorspace, I consider that detailed marketing data would have been helpful in this case and I conclude that there is insufficient evidence to demonstrate that the site is no longer viable for employment use.’ (see Appeal Decision: Western Side, St Francis Road, Bedminster, Bristol, Ref: APP/Z0116/A/06/2 008802/NWF).

‘It is usual, in my experience, to see evidence of an active marketing campaign from estate agents detailing exactly how, where and when the property was advertised, the number of sales particulars sent out, details of any inquiries made, and so on. I would also expect to see professional assessments of the market value of the property, for there is nothing to enable me to judge whether the asking price of £250,000 is realistic – indeed, I have no way of knowing whether the lack of interest is simply because the asking price is significantly above the market value. Finally, to ensure that current market conditions are tested, it is normal for marketing to be conducted over the period immediately prior to the submission of a planning application’ (see Appeal Decision: Lynwood House, Lynwood Road, Ashton, Bristol, Ref: APP/Z0116/A05/1193307).

‘I note that no marketing exercise has been carried out to support the appellant’s assertion that the premises would be unlikely to appeal to a very wide market’ (see Appeal Decision: 245-247 Charlton Road, Kingswood, Bristol, Ref: APP/Z0116/A/03/1127324).

Revised July 2007