
Appeal Decision

Site visit made on 21 February, 2017

by G. Rollings, BA(Hons) MA(UD) MRTPI

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

Decision date: 26th May, 2017

Appeal Ref: APP/T5720/W/16/3164326

Unit 4b, Abbey Industrial Estate, Willow Lane, Mitcham, CR4 4NA

- 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 Mr J Burroughs (Brunswick Cars) against the decision of the Council of the London Borough of Merton.
 - The application Ref: 16/P2490 dated 16 June, 2016 was refused by notice dated 15 September, 2016.
 - The development proposed is the change of use from B8 (warehouse storage) to a private car hire office and vehicle storage – Brunswick Cars (Sui Generis use).
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from B8 (warehouse storage) to a private car hire office and vehicle storage (Sui Generis use) at Unit 4b, Abbey Industrial Estate, Willow Lane, Mitcham, CR4 4NA in accordance with the terms of the application Ref: 16/P2490 dated 16 June, 2016 subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P 16649 OS; P 16649 R A.
 - 3) The vehicle parking area shown on the approved plans shall be provided before the commencement of the use hereby permitted and shall be retained for parking purposes for occupiers and users of the development and for no other purpose.

Main Issue

2. The main issue is the effect of the proposed development on the supply of industrial land within the area.

Reasons

3. The appeal site accommodates a building with a storage area at ground floor level and vacant mezzanine accommodation, adjoining an uncovered area of hardstanding that abuts the road frontage. It is within a larger industrial estate. The appeal proposal incorporates the retention of the site's current storage use, and the addition of an office on the mezzanine floor of the building.
 4. Council policies seek to protect industrial uses on designated land within the borough, with a general shortage of suitable industrial sites within the wider
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area. In particular, Policy CS 12 of the Council's *LDF Core Planning Strategy* (2011) (Core Strategy) and Policy DM E1 of the *Sites and Policies Plan and Policy Maps* (2014) (SPP) restrict proposals on employment sites to those belonging to a specified use class, which includes B8 storage and distribution uses. The proposed use would be sui generis, by virtue of its proposed private vehicle hire component. This would comprise an operations control base within the office on the mezzanine level of the building. The remainder of the site would be used for vehicle storage in connection with the private hire operation. As such, there are elements of B1 office and B8 storage uses within the proposal.

5. The Council's policies seek to protect industrial areas from incompatible uses and ensure a suitable future supply of land for industrial purposes. The proposed private hire use would clearly have a different operational pattern from a similar use within a populated area, which might operate with a shopfront and customer visits. The appeal proposal provides employment and storage functions responding to pre-determined and pre-booked demand and, as such, would not be visited by members of the public.
6. The relatively low-key nature of the proposed operation means that it would not be incompatible with the functioning of surrounding industrial uses, nor would it represent a shift from the current storage use. There would be no overall decrease in the site area used for storage, and its sui generis designation would prevent any future potential loss of industrial use capability.
7. I acknowledge the Council's concerns that surrounding uses may lead to future issues regarding the partial open-air nature of the vehicular storage area. However, the potential conflicts identified by the Council could apply to any goods stored on the site. Whilst vehicles may be more affected than other goods, I note the appellant's comments on the use of the site over the past few years, and do not consider that this issue provides sufficient reason to dismiss the appeal.
8. I therefore conclude that the proposed development would not have a harmful effect on the supply of industrial land within the area, and that it would not conflict with the aforementioned policies.

Conditions

9. The Council recommended conditions which I have considered in light of the tests set out in the PPG¹. All are necessary, reasonable and enforceable in the interests of securing an acceptable development. Condition 2 is necessary in the interests of proper planning and to ensure that the development is carried out as approved, and Condition 3 is required to ensure that the proposal does not have a harmful impact on highway safety.

Conclusion

10. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

G Rollings

INSPECTOR

¹ PPG section: "Use of Planning Conditions".