The Planning Inspectorate

Appeal Decision

Site visit made on 7 August 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 29th August 2017

Appeal Ref: APP/R5510/W/17/3174730
114 Harmondsworth Road, West Drayton UB7 9JW

- 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 M Chaudhry of Harvard Educational and Welfare Association LTD against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 52467/APP/2016/3892, dated 20 October 2016, was refused by notice dated 9 February 2017.
- The development proposed is a change of use from D1 (doctor's surgery) to D1 (non-residential education and training centre) and ancillary B1 (video production). Solar panels to side roof slope.

Decision

1. The appeal is allowed and planning permission is granted for a change of use from D1 (doctor's surgery) to D1 (non-residential education and training centre) and ancillary B1 (video production) and solar panels to side roof slope at 114 Harmondsworth Road, West Drayton UB7 9JW in accordance with the terms of the application, Ref 52467/APP/2016/3892, dated 20 October 2016, subject to the following conditions:

    1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 16/114/HRWD/101 Rev B, 16/114/HRWD/102 and 4304/10.

    2) The use hereby permitted shall only take place between the following hours:
    0830 – 1830 Mondays - Saturdays.

    3) The cycle stands as indicated on drawing no. 16/114/HRWD/101 Rev B shall be installed within three months from the date of this decision and shall be retained as such thereafter.

Procedural Matters

2. At the time of my site visit the development as proposed had already commenced. Retrospective as referred to in the application form and decision notice does not constitute an act of development. I have dealt with the appeal on the basis that planning permission is being sought for a change of use from D1 (doctor's surgery) to D1 (non-residential education and training centre) and ancillary B1 (video production) and solar panels to side roof slope, which is reflected in my description of the development.

Main Issue

3. The main issue is the effect of the development on the provision of healthcare facilities in the area.

Reasons

4. Policy CI1 of the London Borough of Hillingdon Local Plan: Part 1 – Strategic Policies (the LP) 2012 states that the Council will resist the loss of community facilities, and where the loss of these facilities is justified it will seek to ensure that resulting development compensates these uses to ensure no net loss. This is supported by Policy R11 of the London Borough of Hillingdon Local Plan: Part 2 - Saved UDP Policies (the LP2) 2012 which sets out three tests that are to be applied when assessing a proposal involving the loss of buildings used or whose last authorised use was for health services. These are whether there is a reasonable possibility that refusal of permission for an alternative use would lead to the retention and continued use of the existing facility; adequate accessible alternative provision is available to meet the foreseeable needs of the existing and potential users of the facility to be displaced; and, the proposed alternative use accords with the other policies of this plan and contributes to its objectives. Furthermore, Policies 3.16 and 3.17 of the London Plan 2016 also seek to prevent the loss of social infrastructure.

5. The appeal property has not been used as a doctor's surgery for many years. Planning permission was granted in 2012[1] for the conversion of the property to a dwelling. At the time, the Council accepted that the building had been vacant since 2010. In support of that application, the Primary Care Trust confirmed that the property was no longer required for health care purposes. On this basis, the Council accepted that the approved scheme complied with Policy R11 of the London Borough of Hillingdon Unitary Development Plan (UDP) 2007 (now referred to as the LP2).

6. I note that the previous planning permission is now time expired. Nevertheless, I find no reason why the current proposal should be considered any different in respect of Policy R11. The Council contends that a marketing exercise has not been undertaken. However, there is no requirement within Policies CI1 or R11 for such an exercise to be undertaken. There is no evidence that the application for the previous scheme included a marketing exercise, which the Council found to be acceptable. Given the length of time the property has now been vacant, I do not consider that there is a reasonable possibility that were I to dismiss the appeal it would lead to the retention and continued use of the existing property as a doctor's use.

7. I have not been presented with any evidence that indicates there is a lack of doctor's surgeries within the locality or that there is a demand for any other healthcare facilities that could be accommodated in the appeal property. As there is no evidence before me of any identified need for a doctor's surgery in the locality I do not consider it necessary for the appellant to compensate for the loss of the existing use. I also note that there is no evidence before me that the Primary Care Trust's position has changed since the previous planning permission. As it has been vacant for some time, it is likely that local residents that were previously served by the surgery have long since found alternative provision. Therefore, in the absence of any evidence to the contrary, I am

[1] LPA Ref 17583/APP/2012/114

satisfied that there is likely to be adequate accessible alternative provision available to meet the needs of previous and potential users of the facility.

8. I also acknowledge that the proposal includes an element of educational and training facilities. Therefore, there would be some community facility retained, albeit only minor in nature.

9. I find therefore that the proposal would not lead to any significant harm to the provision of healthcare facilities in the area. As such, I find no conflict with Policy CI1 of the LP, Policy R11 of the LP2 or Policies 3.16 and 3.17 of the London Plan.

Other Matters

10. I note the concerns raised regarding parking. In response to this the appellant has agreed to the imposition of a condition restricting opening hours. I am satisfied that such a condition would ensure that the proposal would not create any significant increase in parking demand than the existing lawful use.

Conditions

11. In the event that I allow the appeal, the Council has been given the opportunity to suggest conditions to be imposed. No such conditions have been presented to me. Given that the proposed use is already operating, the standard time limit for commencement condition is not necessary. For the avoidance of doubt it is appropriate that there is a condition requiring that the development is carried out in accordance with the approved plans. In the interests of highway safety and residential amenity, conditions are necessary restricting the opening hours and ensuring the installation of the cycle store.

Conclusion

12. For the reasons given above, having regard to all matters raised, the appeal is allowed.

Alexander Walker

INSPECTOR