The Planning Inspectorate

Appeal Decision

Site visit made on 12 September 2017

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 5th October 2017

Appeal Ref: APP/K5600/W/17/3176850
Flat 7, Carriage Lodge, 12 Earl's Court Road, London, W8 6HB

- 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 Michael Zolotas against the decision of Royal Borough of Kensington and Chelsea.
- The application Ref PP/17/01030, dated 5 February 2017, was refused by notice dated18 April 2017.
- The development proposed is change of use from residential to sui generis for short term let.

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of the development from the Appeal Form, as this is more precise than the description given in the original application form.

Main Issue

3. The main issue is the effect of the proposed development upon the supply of housing.

Reasons

4. The London Plan (2015) recognises the pressing need for more homes in London and to help boost significantly the supply of housing. Policy 3.3 sets out the average annual minimum supply and Policy 3.14 seeks to resist the loss of housing, including to short-term provision. Paragraph 3.81 of the supporting text notes that short-term lets can result in a serious loss of housing.

5. Policy CH1, CH2 and CH3 of the of the Royal Borough of Kensington and Chelsea Consolidated Local Plan (2015) relate to the delivery of housing, diversity and mix as well as the protection of residential uses. Policy CF9 seeks to resist the provision of holiday lets and other temporary sleeping accommodation where it would involve the loss of permanent residential accommodation.

6. The appeal property comprises of a 1-bedroom flat located on the second floor of Carriage Lodge, a 2-storey purpose built block of flats. The proposal seeks

to change the use of the existing dwelling in order to allow the premises to become a short term let.

7. The justification for the proposal relates to the occupants personal circumstances and a desire to let the property on a short term basis to allow for family to reside within the flat when they are back in the UK. It is also argued that, were the appeal to fail, the apartment would be vacant for the majority of the year and the ability to let the property on a short term basis, would aid the appellants finances.

8. There is a clear conflict between the proposals and the above mentioned policy framework. In light of the housing need and pressures, as clearly articulated within the plan, the creation of a single additional short-term let would cause harm to the delivery of housing within the Borough.

9. While I note that the property could be left vacant and that Policy 3.14 of the London Plan does seek to reduce the number of vacant dwellings, in light of the location of the property I consider it unlikely that such a situation would, in reality, occur. I am also mindful that the short term letting provisions in the Deregulation Act 2015 would allow for short term lets for up to 90 days in a calendar year. In my view, this could allow flexibility fitting to the appellant's circumstances, without undermining the overall housing supply.

10. Allowing the change of use on such a basis would also set a precedent for similar proposals in the area. While each application and appeal must be determined on its own merits, I can fully appreciate that the approval of this proposal would make it difficult to resist further applications for similar developments and that their cumulative effect would exacerbate the harm I have identified to housing supply. This would apply if consent was granted on an indefinite or temporary basis.

11. Moreover, such personal such circumstances would not outweigh the harm I have identified and the conflict with development plan policy and it is a well-founded principle that the planning system does not exist to protect private financial interests.

12. The appellant also contends that consideration of renting the apartment out for medium term periods has been given, but that there is no market for such leases. However, no evidence has been presented to support such a claim.

13. Overall the proposals would not accord with Policies CF9, CH1, CH2 and CH3 of the Consolidated Local Plan, as well as Policy 3.3 and 3.14 of the London Plan. In conclusion, the loss of a single planning unit for a short term let would have an adverse effect on the supply of housing within the Borough.

Conclusion

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

C Searson

INSPECTOR