



Appeal Decision

Site visit made on 4 June 2019

by T A Wheeler BSc (Hons) T&RP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2019

Appeal Ref: APP/L5420/W/19/3225441

15 Imperial Way, Croydon CR0 4RR

- 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 Mrs Mitchell Nnadi on behalf of Christ Embassy against the decision of the Council of the London Borough of Croydon.
 - The application Ref 18/01089/FUL, dated 2 March 2018, was refused by notice dated 1 November 2018.
 - The development proposed is: change of use of the building from a printing company to a church.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of building from a printing company to a church at 15 Imperial Way, Croydon, CR0 4RR, in accordance with the terms of the application, Ref 18/01089/FUL dated 2 March 2018, and the plans submitted with it, subject to the following condition:

1) The development hereby permitted shall be carried out in accordance with the following approved drawings: 1:1250 Scale Location Plan; 1:500 Scale Block Plan ref TQRQM18119153911013 dated 29.04.2018, 1:200 Scale Elevation Plans dated 05.09.2018, 1:250 Scale Floor Plans dated 14.05.2018.

Main Issue

2. This is whether the proposal results in the loss of employment generating land, contrary to the development plan, and if so whether there are other material considerations which outweigh any conflict.

Reasons

3. The use of the building as a church falls within Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). There is no dispute that the use commenced around April 2010 and has been underway for over 9 years, before which the premises were used by a printing company (Class B1). The Council does not assert that there has been any problem with the operation of the church over that period and the objection relates solely to the location of the appeal site within a Tier 1 Employment Area under Policy SP3 of the Croydon Local Plan and a Strategic Employment Area under Policy 2.17 and 4.4 of the London Plan. These policies are consistent with the Framework.
4. In addition to the Class D1 use, there is some employment activity associated with the church. A total of 6 fulltime and 3 part time staff are employed at the site. I visited the premises early in the morning with few staff present however I observed a number of offices with desks and computers, and have no reason

to question that there is employment activity within the building. The appellant does not go as far as to suggest that the church constitutes a B1 use, or even a mixed D1/B1 use, but maintains that it does not prejudice the implementation of the Council's employment policies due to the range of activities undertaken within the building.

5. The property could be capable of accommodating a greater density of employment. Using the Homes and Community Agency Density Guide, up to 14 full time equivalents could be active within the net floorspace of 670m². The Council therefore asserts that the loss of the building to community use would have a significant impact on the area. However, on my site visit I observed that there is a wide range of uses in the area, including a hotel, car hire centre, warehousing and scrap yards, car showrooms and auto trade uses. There is no certainty that, were the church to vacate the building, it would not be occupied by another use with similar employment levels to the current use.
6. The first consideration with any planning application must be the development plan. There can be no doubt that there is conflict with the development plan policies which seek to protect Tier 1 employment areas from other uses. However, it is also necessary to consider whether there are other material considerations which outweigh this conflict.
7. The use of the building for the wider activities of the church and the employment that creates, and the length of time which the use has been ongoing are material considerations. The 9 years of use are not yet sufficient to provide lawfulness, and the length which an unauthorised use has been underway may not be of significance when weighed against development plan policy. However, in this case the prolonged period the church has been present is such that it will have become a recognised feature, operating without causing problems such as shortage of parking, and should be regarded a part of the social infrastructure of the area.
8. The Framework is clear that planning decisions should help to provide cultural services which help to meet community needs¹. Given the length of time the church use has been ongoing, this is an important material consideration which weighs in favour of the proposal. Allowing the use to continue should not undermine the Council's efforts to achieve the objectives of the development plan to protect employment land where new uses are proposed in conflict with policy.
9. In the interests of providing certainty, I attach a condition specifying the plans to which the permission relates.

Conclusion

10. I conclude that the proposal conflicts with Policy SP3 of the Croydon Local Plan and Policies 2.17 and 4.4 of the London Plan, however for the reasons given other material considerations outweigh this conflict.
11. The appeal is therefore allowed.

Tim Wheeler

INSPECTOR

¹ National Planning Policy Framework February 2019, paragraph 92