



Appeal Decision

Site visit made on 3 September 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th September 2019

Appeal Ref: APP/T5150/W/19/3231781
22A Kenmere Gardens, Wembley HA0 1TE

- 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 Ryan against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/0961, dated 13 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is described as 'change of use from C3 to C1'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development shown on the Council's decision notice and the appellant's appeal form is different to the description of development shown on the planning application form. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the description shown on the planning application form in the banner heading.
3. The appellant's appeal statement comments that the proposal is to provide short-term lets within Use Class C1 and I have therefore determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the supply of housing in the Borough.

Reasons

5. The London Plan (2016) recognises the pressing need for more homes in London and to help boost significantly the supply of housing. Policy 3.14 states that the loss of housing should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace. Paragraph 3.81 of the supporting text notes that short-term lettings can result in a serious loss of housing and should be resisted.
6. The appeal property comprises a 2-bedroom first floor flat within Use Class C3. The proposal would result in the loss of housing and it would not replace the housing with at least equivalent floorspace. The appeal scheme therefore would

not meet the circumstances in Policy 3.14 of the London Plan to justify the loss of housing.

7. In addition to the circumstances identified in London Plan Policy 3.14, Policy DMP16 of the Brent Development Management Policies 2016 ('DMP') sets out criteria where the net loss of residential units will be supported. The supporting text in paragraph 10.21 states that the Council seeks to supplement London Plan Policy 3.14 by providing greater clarity on locally specific circumstances it is likely to consider housing loss appropriate.
8. In respect of the circumstances set out in Policy DMP16, the appellant's statement centres on criterion (c) that the proposed development would provide social or physical infrastructure to meet an identified need. The evidence from the appellant is anecdotal in respect of his experience of the local market. I acknowledge that the appeal site is close to the Alperton masterplan and I observed that construction works were being undertaken in the area. Whilst the provision of short-term lets would contribute to the mix of accommodation in the area, which could potentially be appealing for construction workers, there is no substantive evidence before me to show an identified need for short-term lets that would outweigh the harm caused by the loss of housing.
9. In respect of criterion (a) of Policy DMP16, the main parties agree that the floor area of the existing dwelling is below current space standards. However, the appeal scheme would not bring the unit in line with current space standards and it therefore fails to meet the circumstances in criterion (a). The existing dwelling has all the facilities required for day to day living and the shortfall below current space standards would not justify the loss of housing. The appellant states that criterion (b) and (d) are not applicable to the appeal scheme and I agree.
10. As such, I find that the proposal would not meet the circumstances set out in Policy DMP16 to justify the loss of housing. The proposed development would therefore conflict with the above mentioned policy framework. In light of the housing need and pressures, as shown within the London Plan and the DMP, the creation of a single additional short-term let would cause harm to the supply of housing within the Borough.
11. In having regard to other material considerations, I acknowledge that the short-term letting provisions in the Deregulation Act 2015 would allow for short terms lets for up to 90 days in a calendar year. The proposed change of use, however, would result in the permanent loss of a Class C3 dwelling, which would cause harm to the supply of housing in the Borough.
12. Furthermore, whilst Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) permits the change of use from Class C3 (dwellinghouse) to Class C4 (houses in multiple occupation) without the need for planning permission, this is not relevant because the appeal scheme is for a different proposed use. No fallback position exists in this case because there are no permitted development rights that permit the change of use from a Class C3 dwelling to a Class C1 use.
13. I therefore conclude that the proposed development would be harmful to the supply of housing in the Borough. The proposal would therefore fail to comply with Policy 3.14 of the London Plan (2016) and Policy DMP16 of the Brent

Development Management Policies 2016, which seek to resist the loss of housing. The proposed development is also contrary to Policy DMP6 of the Brent Development Management Policies 2016, which, amongst other things, states that visitor accommodation should not compromise the Council's ability to meet its housing targets.

Conclusion

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

C Osgathorp

INSPECTOR