



Appeal Decision

Site visit made on 25 November 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/U5360/W/19/3236466

Tower House, 7 Chapel Place, Hackney, London EC2A 3DQ

- 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 David Cole against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2019/0578, dated 14 February 2019, was refused by notice dated 1 May 2019.
 - The development proposed is a change of use from B1 (offices) to *sui generis*.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the supply of employment floorspace.

Reasons

3. The appeal property is a self-contained unit, with its own ground floor entrance and stairs leading to a larger first floor space which was last used as offices. The appellant wishes to secure permission for a change of use for the property from an office within Use Class B1(a) to a *sui generis* live/work use. This is so that he can live there himself while also using it as his office and for meeting his accountancy clients.
4. The property lies within the Shoreditch Priority Employment Area (PEA). Policy 17 of the 2010 Hackney Local Development Framework Core Strategy (LDFCS) and Policy DM17 of the 2015 Hackney Development Management Local Plan (DMLP) consider uses falling within Use Classes B1, B2 and B8 to be appropriate within PEAs. Dwellinghouses are considered acceptable as part of employment-led mixed-use developments where commercial use is the primary use, in that the majority of floorspace should be for employment use. However, because of the cumulative loss of employment land to residential uses that has occurred in recent years the provision of live/work units is no longer supported by the policies of the development plan.
5. The proposal would see the existing large first floor room divided into a workshop/office for the appellant and one or two assistants, with the majority of the floorspace given over to a bathroom, bedroom and large kitchen/dining/living room. The appellant indicates that the bathroom and kitchen/dining/

living room would be in commercial use during office hours. However, in my view this is a practical necessity which would arise from the size of the unit and its modified layout rather than an indication that the development would be employment-led in the sense required by LDfCS Policy 17 and DMLP Policy DM17. Based on the information before me, I consider that the proposal is not for a use supported by those policies.

6. DMLP Policy DM17 also requires that proposals to redevelop office floorspace within the Shoreditch PEA should result in an increase of office floorspace. In contrast, the appeal proposal would lead to a reduction in office floorspace because of the introduction of living accommodation into the unit. DMLP Policy DM14 requires proposals for a loss of employment space to be backed by robust evidence that there is no demand for the existing floorspace. Such a loss is only acceptable if the possibility of retaining, reusing or redeveloping it for similar or alternative smaller or more flexible units for employment generating use, or other alternative employment generating use has been fully explored.
7. The property has been vacant since March 2018, and the appellant suggests that he has tried unsuccessfully to let it to other businesses. However, no definitive evidence of marketing has been provided to substantiate this assertion. I am therefore unable to rule out the possibility that there is a realistic prospect of suitable employment uses being found for the unit.
8. Taking the above points together, I conclude that the proposal would result in the unacceptable loss of employment floorspace in the PEA. It would therefore conflict with LDfC Policies 16, 17 and 18, DMLP Policies DM14 and DM17, as well as Policies 4.1 and 4.2 of the London Plan, all of which seek to support a strong and vibrant economy and the creation of jobs by ensuring the adequate provision of employment floorspace. The policies also give particular protection to the retention of existing employment floorspace within the Shoreditch PEA.

Other matters

9. The appeal site lies within the South Shoreditch Conservation Area. I therefore have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The proposal would not result in any alterations to the external appearance of the building. I note also that the Council's Appeal Statement did not identify any harm to the Conservation Area arising from the development. In these circumstances I am satisfied that the development would preserve the appearance of the Conservation Area. However, the lack of harm in this regard is not a positive factor in the scheme's favour.
10. The appellant has indicated he has health problems and a related requirement for treatment which means that it is not always possible for him to commute to work. While I am sympathetic on this point, no further evidence has been offered to support it. It can therefore only carry limited weight in my assessment, as personal circumstances rarely outweigh planning concerns. I am also mindful that it is likely the proposed change of use would remain long after the current personal circumstances cease to be relevant.
11. The creation of a live/work unit would add to the housing supply in the borough, and I acknowledge that the accommodation would be adequate in terms of the living space it would provide. However, the contribution which a

single unit would make to meeting housing need would be minimal. I therefore consider that this factor carries very limited weight in my assessment of the proposal.

Conclusion

12. I therefore conclude that the proposed change of use would be contrary to the development plan, and there are no other considerations that outweigh this conflict. For this reason the appeal is dismissed.

M Cryan

Inspector