



Appeal Decision

Site visit made on 12 October 2020

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12 October 2020.

Appeal Ref: APP/M5450/W/20/3249877

2 Buckingham Parade, The Broadway, Stanmore HA7 4EB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class J.2 (1) (d) (ii) of the Town and Country Planning (General Permitted Development) Order (England) 2015.
 - The appeal is made by Mr Shamir Sidhu against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/4231/19/PRIOR, dated 2 October 2019, was refused by notice dated 27 November 2019.
 - The development proposed is described as change of use of charity shop (class A1) to yoga studio and community hub (class D2) (prior approval of noise impact of the development, impacts of the hours of the opening of the development, of transport and highways impacts of the development and the desirability of the change of use).
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Decision

1. The appeal is allowed and prior approval is granted for change of use of charity shop (class A1) to yoga studio and community hub (class D2) at 2 Buckingham Parade, The Broadway, Stanmore HA7 4EB, in accordance with the terms of the application, Ref P/4231/19/PRIOR, dated 2 October 2019 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 plans: Site Location Plan; Block Plan; 1041-ASHS-00-010; 1041-ASHS-00-100.

Procedural Matters

2. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, amending the Town and Country Planning (Use Classes) Order 1987 came into force on 1 September 2020. Paragraph 4 of the Regulations provides that: "*If prior to the commencement of the material period, a relevant planning application was submitted, or was deemed to be submitted, to the local planning authority which referred to uses or use classes which applied in relation to England and were specified in the Schedule to the Use Classes Order on 31st August 2020, that application must be determined by reference to those uses or use classes.*"
3. I have therefore determined this appeal accordingly.

Main Issue

4. The main issue is the effect of the proposals on the secondary shopping frontage.

Reasons

5. The appeal site falls within Buckingham Parade, a purpose-built post war development within Stanmore town centre with various retail uses on the ground floor and what appear to be office uses above. The appeal site falls within a designated secondary shopping frontage within a 'District Centre'.
6. Policy DM37 (Secondary and Designated Shopping Frontages) of the Harrow Council Development Management Policies Local Plan (2013) at Section A(b) seeks to resist non-retail development on the ground floor of protected secondary retail areas to no more than 50%.
7. In light of recent permissions, the appeal proposals would further increase the number of units in non-retail use along the parade and the amount of shop frontage above 50%.
8. However, in light of the changes to the Use Classes Order, the proposed uses at the appeal site would now both fall into Class E (Commercial Business and Service), which covers uses that would have originally fallen separately into Classes A1 and D. The changes have been in force since 1 September 2020 and are capable of being a material consideration.
9. To that end, whilst I acknowledge that the appeal proposals are not aligned to policy DM37, I must give substantial weight to the existence of Class E and find that it overrides the breach of policy DM37.

Conclusions

10. For the above reason, I allow the appeal, subject to a condition referencing the approved plans, for the purposes of certainty.

Sian Griffiths

INSPECTOR