



Appeal Decision

Site visit made on 15 September 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal Ref: APP/G5180/W/20/3255197

67A Cambridge Road, Penge, London SE20 7XJ

- 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 Terry Sheldrake against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/03609/FULL1, dated 7 August 2019, was refused by notice dated 15 November 2019.
 - The development proposed is the demolition of an existing building on site and the erection of 3 no. new 3 bedroom houses.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on employment opportunities in the area with particular regard to non-designated employment land.

Reasons

3. The appeal site and its buildings are currently used as a vehicle repair workshop and a body repair and spray workshop with ancillary offices and stores. Both parties state it falls within Class B2 use, which is General Industrial. Policy 83 of the Bromley Local Plan 2019 (BLP) states that proposals for the change of use of non-designated sites accommodating Class B uses to a non-employment generating use will be considered based on the criteria listed within the policy.
4. The criteria referred to above include a) whether there is a demonstrated lack of demand for the existing permitted uses, including evidence of recent, active marketing of the site for reuse or redevelopment undertaken prior to the submission of the application over a minimum period of six months; and b) whether all opportunities for reuse or redevelopment for employment generating uses have been fully explored, both in terms of existing and any alternative uses and layouts, including small/more flexible business units.
5. My site visit was carried out mid-morning on a weekday, during which I was able to see the comings and goings associated with the operation of the existing vehicle and body repair workshop. These observations support the claims that there is an existing business and employment on the appeal site.

6. The proposal would result in the loss of the existing employment use. Based on the information before me, there is no evidence of recent or active marketing of the site for reuse or redevelopment undertaken prior to the submission of the application over a minimum period of six months. Neither is there any evidence before me of attempts to explore all opportunities for reuse or redevelopment for employment generating uses. The proposal is therefore inconsistent with Policy 83 in this regard.
7. The appellant states that it is impossible to undertake any meaningful marketing exercise during the economic disruption caused by the coronavirus crisis in 2020. However, the application was submitted to the Council in August 2019, prior to the above events and without the information required in the criteria of Policy 83. Whilst I acknowledge the current economic uncertainties, there is no detailed evidence before me as to how this has affected the appellant's ability to market the appeal site, or how it has affected its current or future viability to operate as an employment use.
8. Consequently, the proposal would result in the loss of non-designated employment land that would be harmful to employment opportunities in the area. It would not accord with Policy 83 of the Bromley Local Plan 2019 and Policies 4.1 and 4.4 of the London Plan 2016 (LP). These policies, among other things, collectively seek to support the diversity of London's economy, ensure a sufficient stock of land and premises to meet the future needs of industry, provide improvements to non-designated employment sites, and ensure that they are redeveloped for employment generating uses.

Other Matters

9. The Council officer's report refers to a recent appeal decision from June 2019, whereby the Inspector concluded that the Council could not demonstrate that they have a 5 year supply of deliverable housing sites, and the development plan policies for the supply of housing are considered as being out of date. The appellant states, therefore, that the provisions set out in paragraph 11(d) of the Framework are therefore engaged.
10. However, neither party has provided detailed evidence in relation to current housing need or supply to support their case, and so I do not have sufficient evidence to conclude on the issue.
11. I have found that the proposal would cause harm in terms of loss of a small employment site. The suite of policies most relevant to the appeal are Policy 83 of the BLP and Policies 4.1 and 4.4 of the LP. I also note that the Council officer's report refers to Policy 1 'Housing Supply' of the BLP, and that in the absence of a 5 year supply it is considered to be out of date in this respect.
12. Nevertheless, Policy 83 of the BLP and Policies 4.1 and 4.4 of the LP are consistent with paragraph 80 of the Framework which states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
13. Consequently, whilst some reduction in the weight of conflict with housing supply policy is necessary, I consider that taken together the suite of policies most important to this appeal are not out of date. Furthermore, I consider that

the proposal conflicts with the development plan as a whole. This conflict carries significant weight against the appeal.

14. I acknowledge the need for new homes, and that the development would make a small contribution to housing. However, 3 dwellings in the context of the overall requirement for the area would be relatively inconsequential. The appellant also states that the proposal would constitute redevelopment of a brownfield site, and that it would have environmental benefits by enhancing the living conditions of nearby occupiers and would be more in keeping with the character of the area than the existing use and buildings. However, these benefits would be limited in scale and to the immediate vicinity of the site and are therefore given limited weight.
15. I have taken into account that the appellant and the Council consider the density, design and appearance to be appropriate in the context of the area. I also acknowledge that each dwelling would have a private garden space, that the proposal would not cause overlooking or harm outlook of neighbouring occupiers, and that the Council have no concerns with regards to highways or parking. However, these matters are considered to be neutral.
16. Therefore, even if I were to conclude that there is a shortfall in the 5 year housing land supply, and that paragraph 11(d) of the Framework is engaged, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework as a whole.
17. Taking the above into account and given the minor scale of development, the benefits identified would not outweigh the significant harm identified or overcome the statutory presumption in favour of the development plan.

Conclusions

18. For the foregoing reasons the appeal should be dismissed.

R Cooper

INSPECTOR