
Appeal Decision

Site visit made on 16 June 2021

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 01 July 2021.

Appeal Ref: APP/L5240/W/20/3251282

1A St Dunstan's Road, South Norwood, London SE25 6EU

- 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 PA of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr William Lawrence against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/04187/GPDO, dated 4 September 2019, was refused by notice dated 30 October 2019.
 - The development proposed is: "Change of use from light industry (Use Class B1c) to 4 x dwellinghouses (Use Class C3)".
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) (England) Order 2015, for change of use from light industry (Use Class B1c) to four dwelling houses (Use Class C3), at 1A St Dunstan's Road, South Norwood, London SE25 6EU, in accordance with the terms of the application Ref 19/04187/GPDO, dated 4 September 2019, and the plans submitted with it.

Application for costs

2. An application for costs has been made by the appellant against the Council. That application is the subject of a separate Decision.

Preliminary matters

3. Class PA of the Order provides that development involving a change of use from light industry to residential is permitted development, subject to various restrictions and limitations as set out in section PA.1, and also subject to the conditions set out in section PA.2.
4. In the present case, the application was accompanied by a sworn affidavit regarding the former light industrial use of the appeal premises, and the dates between which that use was carried out. In the light of this evidence, there is no dispute between the appellant and the Council that the appeal building, and the land within its curtilage, meet the requirements of subsection PA.1(b). Nor is there any disagreement with regard to any of the other restrictions set out in section PA.1. I have no reason to differ on any of these matters.

5. The appellant has entered into a legal undertaking with regard to car parking. In the light of this obligation, the Council takes no issue over Condition PA.2(1)(b)(i), relating to transport and highway impacts. Nor does the Council object with regard to any of the other conditions set out in section PA.2, except for Condition PA.2(1)(b)(iv).
6. In the Council's refusal reason, reference is made amongst other matters, to Policy 4.4 of the London Plan 2016. Subsequently, that plan has been superseded by the London Plan 2021. An opportunity has been given for both parties to comment on the relevance of the new plan, and I have taken account of the response received.

Main issue

7. Condition PA.2(1)(b)(iv) provides that, where the authority considers that the building is within an area that is important for providing industrial services, or storage or distribution services or a mix of those services, prior approval may be required as to: *'whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services'*.
8. Consequently, the main issue in the present appeal is whether the proposed change of use would adversely affect the sustainability of the industrial, storage or distribution services provided in the area.

Reasons for decision

9. The appeal site lies on the edge of South Norwood town centre. I saw on my visit that the area has a broad mixture of land uses. St Dunstan's Road is a short residential cul-de-sac. Apart from the appeal site itself, the street comprises mainly small terraced houses, with some new flats and a meeting hall. At its south-eastern end is the High Street, where there are continuous retail frontages on both sides, with a mix of residential and commercial uses above. Suffolk Road, a small back-street leading off St Dunstan's Road, is mainly residential, but with one medium-sized industrial unit, some small offices and a church. At its further end, this leads into South Norwood Hill, which has a mixture of retail, commercial, leisure and community uses. Oliver Grove, which runs behind St Dunstan's Road, a short distance to the southwest, is mainly residential, with some office, community and educational uses.
10. In total therefore, apart from the appeal site itself, the only premises in the vicinity apparently capable of providing industrial, storage or distribution services is the single unit in Suffolk Road. That unit already has residential neighbours directly opposite within Suffolk Road, and along both sides of the access route via St Dunstan's Road. Indeed, despite the mixture of other uses, residential is the predominant existing land use throughout the relevant area. In this context it seems to me that the addition of four new residential units at the appeal site, as now proposed, would not be likely to materially affect the sustainability of any services provided at the Suffolk Road unit, or anywhere else in the local area.
11. I appreciate that the loss of the appeal building itself, and its yard, would reduce the stock of premises in the area with capacity to provide industrial or storage services. But clearly, any change of use proposed under Class PA will

always have that effect. Under Condition PA.2(1)(b)(iv), it seems to me that the test that must be addressed is whether the presence of the proposed new residential use would inhibit, or otherwise adversely affect, the continued operation of other existing industrial or storage and distribution services nearby. In this case, for the reasons already explained, the proposed use would not be likely to have such an effect.

12. I note the Council's submissions with regard to Policy SP3.2 of the Croydon Local Plan (the CLP), adopted in February 2018, which seeks generally to protect and retain all existing industrial and warehousing sites, except where a lack of demand is demonstrated and other policy requirements are met. But, as is made clear in Planning Practice Guidance (the PPG)¹, the only matters that can be considered in deciding whether to grant prior approval are those specified in the Order. In this case, Policy SP3.2 does not assist in the assessment that is required, as to the effects on the sustainability of the area's industrial, storage and distribution services, and therefore the policy is not relevant. Accordingly it is not necessary to consider whether any marketing has been undertaken, or whether a demand exists for the premises in their existing use.
13. No other matters are advanced on behalf of the Council. No conditions have been proposed. I am satisfied that none are needed.

Conclusion

14. For the reasons set out above, I conclude that the proposed change of use of the appeal building to four residential units would have no material effect on the sustainability of the provision of any industrial, storage or distribution services in the area. The appeal is therefore allowed.

JS Felgate

INSPECTOR

¹ PPG Paragraph 026 Reference ID: 13-026-20140306