The Planning Inspectorate

# Appeal Decision

Site Visit made on 16 June 2021

**by H Miles BA(hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7th July 2021**

**Appeal Ref: APP/L5810/W/21/3268313**
**4 Latimer Road, Teddington TW11 8QA**

- 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 J Kelly of Wicklow Homes Ltd against the decision of Richmond Upon Thames London Borough Council.
- The application Ref 20/2321/FUL, dated 14 August 2020, was refused by notice dated 18 January 2021.
- The development proposed is change of use from office to residential.

## Decision

1. This appeal is dismissed.

## Preliminary Matters

2. During the course of this appeal a Unilateral Undertaking (UU), which includes an Affordable Housing Contribution, has been submitted. I will return to this matter later in this decision.

## Main Issues

3. The main issues are whether the proposed development would support a strong local economy with particular regard to the loss of B1 floorspace, and whether the proposed development would make adequate provision for affordable housing.

## Reasons

*Local Economy*

4. In order to support a strong local economy, Policy LP41 of the Local Plan sets a presumption against the loss of offices with particular criteria that must be satisfied in order for such a change of use to be acceptable. One of these is a marketing exercise to demonstrate there is no demand for the premises. The Local Plan includes detail as to what should be included within the marketing, including that the premises should be marketed for a minimum of 2 years. If there is no longer a demand for office space Policy LP41 requires that such development should follow a sequential approach, seeking alternative employment, social or community uses followed by mixed use before considering a change of use to residential. It also recognises the need to provide for small business, start ups and the voluntary sector.

5. The marketing evidence in this case covers a period from September 2019. This falls short of the 2 years marketing evidence required and therefore the proposed development is contrary to the development plan.

6. Between September 2019 and August 2020 no leasing proposals were received. The property is within a quarter of a mile of the town centre and its shops and services including Teddington Railway Station and public transport links. Therefore, although the property does not have a high street location, it is nevertheless well located in terms of amenities and sustainable transport modes.

7. There is office space on the market in the surrounding area, in Richmond Upon Thames and in Teddington. However, the evidence submitted does not satisfy me that there is an excess supply of offices similar in size, location or cost to the appeal site. I am not presented with specific localised evidence that Brexit and the pandemic have affected the demand for office space in this area. Consequently, in the absence of marketing evidence which satisfies the development plan requirement, I am not persuaded that there is no demand for this B1 floorspace.

8. A previous application at this property for a change to D1 use, which the description of development in the planning officers report specifies as medical use, was refused. Nevertheless, I have no detailed evidence that alternative employment, other D1 uses or mixed uses have been considered. As such, even if there were no longer a demand for office space, the sequential test set out in Policy LP41 has not been satisfied.

9. The proposed development would make effective use of urban land in a sustainable location, albeit, as set out above, that is the case with the current use.

10. Therefore, the proposed development would not support a strong local economy with particular regard to the loss of B1 floorspace. Consequently, it would be contrary to Policy LP41 of the Local Plan, the aims of which are set out above.

*Affordable Housing*

11. Policy LP36 of the Local Plan requires that for a housing development proposing 1 unit, where any units replace employment floorspace, a financial contribution to the Affordable Housing Fund that represents 10% affordable housing is required.

12. A UU has been submitted which sets out a payment of £17,800, which I understand represents 4% affordable housing. Albeit the Council has raised concerns as to the benchmark rent per week and open market value used, which would appear to reduce the percentage contribution that this sum represents.

13. Nevertheless, I am not presented with any substantive evidence as to why a contribution lower than that set out in the development plan would be acceptable on this site. Consequently, the proposed development is contrary to development plan policy.

14. Therefore, the proposed development would not make adequate provision for affordable housing and would be contrary to Policy LP36 of the Local Plan, the aims of which are set out above.

**Other Matters**

15. There is a financial cost to the landlord of maintaining an empty property. However, the removal of this cost is mainly a private benefit. As such this would not outweigh the public harm to the local economy and to affordable housing provision contrary to the development plan. Consequently, the appeal scheme is not sustainable development.

**Conclusion**

16. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

*H Miles*

INSPECTOR