



Appeal Decision

Site visit made on 17 January 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 February 2022

Appeal Ref: APP/A5270/W/21/3280196
27-29 South Road, Southall UB1 1SU

- 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 Mohammed Imam Hasan against the decision of the Council of the London Borough of Ealing.
 - The application Ref 213264FUL, dated 23 April 2021, was refused by notice dated 7 July 2021.
 - The development proposed was originally described as change of use of first floor level from offices (B1(a) Use Class) to educational and cultural centre (D1 Use Class).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I noted on my site visit that the change of use had already occurred, albeit the building work was not complete. For the avoidance of doubt, I have assessed the appeal proposal and based my decision on the plans before me.

Main Issue

3. The main issue is whether or not the proposed loss of employment space has been satisfactorily justified.

Reasons

4. The appeal site was previously occupied by a restaurant which did not benefit from planning permission. The amended Use Classes Order allows the change of use from an office to a restaurant without the requirement for planning permission (Class E). Nonetheless, the scheme before me seeks planning permission for a change of use from an office to an educational and cultural centre.
5. The proposed development would involve the loss of office space. Policy 4A of the Development Management Development Plan Document (2013) (DPD) sets out circumstances that a change of use from employment uses may be permitted.
6. The appellant states that despite extensive marketing, little interest has been shown and the site is not viable for an alternative employment use. Details of the marketing has not been provided with the appeal to determine whether the market rate is suitable for the type, use and for an appropriate time period. The Council has drawn my attention to a previous similar planning application,

at the appeal site, which indicates that the site was marketed for three months. Three months would not be an appropriate time period because it is an extremely short period to establish whether there is demand for the office space.

7. The appellant has not submitted information regarding the local assessments of demand and supply of office space or evidence of marketing or demonstrated that there is no reasonable prospect of the site being used for business purposes. Accordingly, the appellant has presented extremely limited information to demonstrate that there is an absence of demand for the premises. They have not substantiated that the site is not viable for re-occupation or that it is not viable for an alternative employment use, in line with Policy 4A of the DPD. Therefore, it is not possible to determine the proposal's effect on office space within the local area and whether there is adequate office space to support businesses.
8. For the reasons given above, the appellant has not satisfactorily justified the proposed loss of employment space. Consequently, the scheme would conflict with Policy 4A of the DPD as well as Policies E1 and E2 of The London Plan (2021). These policies seek, amongst other matters, to ensure that the change of use from employment uses is justified to maintain sufficient office space within the area.
9. The appellant argues that DPD Policy 4A is inconsistent with paragraph 82d) of the National Planning Policy Framework (the Framework) and thus that it is out-of-date. Nonetheless, I consider it to be broadly consistent with the Framework which supports a strong and competitive economy which takes into account local business needs. The policy does allow for flexibility, subject to sufficient evidence being provided. Accordingly, I find no significant conflict between Policy 4A and the Framework. In any event, given the conflict with Policies E1 and E2, the proposal would conflict with the development plan as a whole. Therefore, paragraph 11d) of the Framework is not engaged.

Other Matters

10. I have had regard to the other considerations highlighted by the appellant. These include that the amended Use Classes Order advocates greater flexibility between uses to help support high streets and town centres in a post COVID-19 economy. In addition, that the scheme is acceptable in other regards. I also acknowledge that the scheme would provide social, religious, recreational and educational activities for the local community and the appellant would accept any pre-commencement conditions. However, these considerations do not outweigh the conflict I have found.

Conclusion

11. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L M Wilson

INSPECTOR