



Appeal Decision

Site visit made on 25 February 2022

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 8th March 2022

Appeal Ref: APP/L5240/W/21/3277381

208A Bensham Lane, Thornton Heath CR7 7EP

- 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 Ms A Harriet against the decision of the Council of the London Borough of Croydon
 - The application Ref: 21/01593/FUL dated 25 March 2021, was refused by notice dated 26 May 2021.
 - The development proposed is use as an office.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An additional plan was submitted at the appeal stage to show internal provision for bins (within a cupboard space) and a bike stand for 2 bikes. As this plan relates to the internal layout only of the offices and has been submitted in order to address one of the reasons for refusal (reason for refusal 3), I shall consider this additional plan as part of the appeal. I do not consider that any party would be prejudiced by me doing so.
3. Under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the Use Classes have been amended and an office use now falls under Class E (g). This is as referenced on the Council's decision notice.
4. In November 2021, the Appellant and the Council were provided with an opportunity to comment on the relevance of the revised National Planning Policy Framework (Framework) published in July 2021 to the case. No further representations were received. All references to the Framework are to the 2021 version.

Main Issues

5. The main issues in this appeal are:
 - a) The effect of the proposed use on the viability and vitality of the Borough's established town, district and local centres;
 - b) Whether the proposal would make satisfactory provision for access for all users, cycle and refuse storage.

Reasons

Issue a) Viability and Vitality of Centres

6. The appeal premises is an irregular shaped single storey building attached to the end of a terrace of residential properties on the east side of Bensham Lane, within a predominantly residential area. It opens direct onto the street and appears to have no external space.
7. The current authorised use of the premises is not clear albeit the application forms indicate that the proposed office use would replace residential use. Whilst I appreciate that the floor area is small in scale, Policy DM8 of the Croydon Local Plan is clear that office uses proposed outside of a town, district or local centre should follow a sequential test to demonstrate that the proposed uses cannot be accommodated, on sites or in units that are both suitable and available, within a town centre or edge of centre location or existing vacant units in any location. Where this can be proven, such proposals will be acceptable in principle, provided the site is accessible and well connected to the town centre. The policy applies to all office proposals; there is not a threshold set in terms of floorspace.
8. Without such an analysis I cannot be satisfied that the office use could not be accommodated in a location to which such uses are directed. With no evidence before me, I cannot therefore be satisfied that the proposed use of this building would not have a harmful impact on the viability and vitality of the Borough's established town, district and local centres. This would be contrary to Policy E1 of the London Plan 2021 and Policies SP3.8, SP3.9 and DM8 of the Croydon Local Plan 2018, all of which amongst other things, seek to direct commercial uses to and protect town, district and local centres.

Issue b) Satisfactory office space

9. There is no external space associated with this unit, but I am satisfied from the plan submitted at the appeal stage, that both refuse and cycles could be stored within the unit. Whilst this would not be ideal, given that this is a conversion of existing space and the required provision would be possible, it would in my view be acceptable. The Council has questioned whether these provisions could be satisfactorily addressed by condition, but I see no reason why this would not be possible. There would be no conflict with Policy T5 of the London Plan and Policies DM30 and SP8.7 of the Croydon Local Plan 2018 in this regard. The Council has also referred to Policy SI 8 of the London Plan entitled *Waste capacity and net waste self-sufficiency* but this policy does not appear directly relevant.
10. The building, as existing, has a stepped entrance. Were no other matters of concern and planning permission were to be granted, I consider that the provision of an improved access arrangement could be addressed by condition to satisfy the requirements of Policy D5 of the London Plan 2021 and Policy SP4.2 of the Croydon Local Plan 2018 in this regard.
11. However, my findings under this issue do not outweigh the conclusions I have reached under my first issue.

Conclusion

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L J Evans

INSPECTOR