
Appeal Decision

Site visit made on 21 March 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/M5450/W/21/3278759

Northwood Paper Sales Ltd, 4 Warner House, Harrovia Business Village, Bessborough Road, HARROW, HA1 3EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr K Vekaria - NORTHWOOD PAPER SALES LIMITED PENSION SCHEME against the decision of London Borough of Harrow.
 - The application Ref P/4684/20, dated 23 December 2020, was refused by notice dated 2 March 2021.
 - The application sought planning permission for 2/3 storey development to provide 65,400 sq.ft business class premises with parking and access without complying with a condition attached to planning permission LBH/36216 dated 06.05.1988.
 - The condition in dispute is No 17 which states that:
The premises shall be used only for the purposes specified in the application (within Class B1) and shall not be used for any other Use Class specified in the Schedule to the Town & Country Planning (Use Classes) Order 1987 nor for any other purpose without the prior permission of the local planning authority.
 - The reason given for the condition is:
To safeguard the amenities of the locality.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site has the address of No 4 Warner House, within the Harrovia Business Village. No 4 Warner House is just one of many units within the Business Village. The proposal is to remove condition No 17 of the original planning permission of 1988 (ref: LBH/36216) for the Business Village, which restricted its use to B1. With the update of the Use Class Order, Class B1 (business use, such as offices) would be equivalent to an E class use.

Main Issue

3. The main issues would be the effect of the development on the loss of business/office space within the area.

Reasons

4. The unit at No 4 is a 2/3 storey office unit and part of the larger Business Village. It is understood that it has been vacant for more than 12 months. The Harrovia Business Village is towards the centre of Harrow, though there is a mix of residential and commercial/business uses in the area of the site.

5. The original condition No 17 had the reason given that it was necessary to safeguard the amenities of the locality. This differs from the Council reason for refusal to remove this condition, which relates more to the impact from the loss of business/office space. However, the planning permission for the Harrovia Business Village is from 1988 and the situation has evolved since then. The condition, in effect, also safeguards against the change of use of any part of the Harrovia Business Centre and the potential impacts that might have, which is wider than just the protection of local amenities.
6. With regards to the current need to safeguard business/office uses, policy DM31 of the Development Management Policies (2013) (DMP) allows for the loss of industrial and business land and floorspace to non-employment uses, but subject to a criteria that requires a period of marketing activity of the site, amongst other things. Policy DM32 (Office Development) does allow for the change of use from offices to other uses in certain circumstances, such as when they have been vacant for more than 12 months. However, the proposal is not for the change of use of the offices, but rather the removal of a condition restricting the use to B1 only. Planning permission could still be required for a change of use, where adopted policies like DM31 and DM32 would be particularly relevant.
7. Without condition 17 in place, under the permitted development rights as set out in the General Permitted Development Order (GPDO), there could be a change of use of the unit at No 4 Warner House to alternative uses (subject to the criteria and conditions of the GPDO). This would result in the loss of this office space. However, paragraph 7.8 of the DMP stated that in 2009 an assessment found that there was a "high surplus of redundant stock" for the office sector. This was the case 13 years ago and might have changed. Indeed, I acknowledge the effect that permitted development conversions from offices to other uses may have on the office sector, but there are no substantive details from the Council as to whether there is a surplus or deficit of office floorspace currently. Indeed, the appellant has provided evidence of office space available in 2021 in the Harrow area which appears extensive and indicates a possible surplus.
8. Number 4, Warner House is a single office building and if the removal of the condition No 17 from the original permission resulted in a future change of use through permitted development rights, then the evidence before me does not suggest this would be harmful to the local economy as a result of the loss of its office space.
9. With regards neighbour impact, if there was a conversion of No 4 then there is no detailed evidence before me of how that might affect living conditions. I note that this is an area with many residential properties for example.
10. However, whilst the site area of the appeal is based around No 4 only, the condition No 17 relates to the whole Harrovia Business Village. If this condition were to be removed, then this could result in a wider loss of office space than just for No 4. Effectively, removal of condition No 17 would affect the whole of the business centre, beyond the appeal site. This would have potentially much more significant ramifications with the loss of office/business floorspace than just if it related to the unit at No 4, as the Harrovia Business Centre is a large complex providing employment and economic benefits to the area.

11. This is not a matter that has been addressed sufficiently in the submitted evidence. For example, the evidence from the appellant in support of the appeal stated that the unit at No 4 Warner House has been vacant for over 12 months, but there is no substantive evidence provided as to the situation with the other units within this business complex. As such, I have not the evidence before me that such significant potential loss of office/business floorspace would not be harmful to the local economy. It is likely that the potential impacts of removing the condition would be much greater than if the condition only related to No 4 Warner House.
12. On this basis, although the evidence suggests that the condition in dispute is not necessary to restrict the use of No 4 Warner House alone, this condition relates to the whole of the Harrovian Business Village. As such, the evidence is not sufficient to persuade me that the condition in dispute is not necessary to sustain the economic benefits of the whole business centre which remains in office use, even if this would result in a potential boost to housing numbers for example.
13. As such, removing the condition has potential effects beyond the site area and to the whole Harrovian Business Village and could result in loss of substantial office/business floorspace which would be contrary to policy DM31 of the DMP. This policy requires that development has regard to the loss of industrial and business land and also when this should be permitted, amongst other things.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR