



Appeal Decision

Site visit made on 5 April 2023

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 MAY 2023

Appeal Ref: APP/P5870/W/22/3308515

24A Stonecot Hill, Sutton SM3 9HE

- 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 Martin Drinkwater, Drinkwater Estates Limited against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2022/00894, dated 10 May 2022, was refused by notice dated 25 August 2022.
 - The development proposed is first floor conversion of existing offices to single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development upon the supply of office accommodation; and whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to the provision of external amenity space, and the provision of refuse/recycling storage facilities.

Reasons

Supply of office accommodation

3. The appeal site is located within Stonehill Local Centre; and comprises a two-storey terraced property located within a parade. The parade includes retail and other commercial uses.
4. The appeal proposal would result in the loss of existing office space at the first-floor level. Policy E1 of the London Plan 2021 (LP) applies to the area and (among other things) seeks to retain existing viable office floorspace. Under this policy, the change of use of surplus office space to other uses including housing is supported, subject to certain provisions. The supporting text to Policy E1 sets out a definition of 'surplus office space', which includes sites and/or premises where there is no reasonable prospect of these being used for business purposes. In this regard, the supporting text sets out that evidence is required to demonstrate that existing office space is surplus to requirements; and details the nature of the evidence required, including evidence of vacancy and marketing for at least 12 months. Furthermore, Policy 16 of the London Borough of Sutton Local Plan 2018 (SLP) has similar aims and requires similar evidence to be provided.

5. In the absence of any evidence to demonstrate that the existing office space is surplus to requirements, the proposed development would fail to comply with the provisions of Policy E1 of the LP and Policy 16 of the SLP. Consequently, the objectives of the LP and SLP to ensure London's competitiveness; and to ensure the provision of sufficient office space to support economic growth could be undermined by the proposed development.
6. I therefore conclude that the proposed development would result in the unacceptable loss of office accommodation. It conflicts with Policies GG5 and E1 of the LP; and Policies 16 and 17 of the SLP. Taken together, these policies seek (among other things) to conserve and enhance London's global competitiveness and ensure that economic success is shared among all Londoners; to ensure sufficient office space to support growth; and to resist the inappropriate loss of office space. It would also conflict with the National Planning Policy Framework which seeks to ensure the effective use of land for homes and other uses; and places significant weight on the need to support economic growth.
7. Policy 18 of the SLP is also referenced in the Council's reasons for refusal. This policy seeks to resist conversions and changes of use within shopping frontages and local centres which result in residential ground floor uses. The proposal would not result in this outcome, and therefore I do not consider that Policy 18 is directly relevant to the proposal.

Living Conditions

8. The proposed development comprises self-contained accommodation and offers no provision for any external amenity space, as is required by Policy D6 of the LP and Policy 9 of the SLP. The proposal does not detail any provision for refuse and/or recycling facilities. The submitted plans do not demonstrate direct access to the rear of the shopping parade, where I saw refuse bins stored at the rear of various premises. Consequently, future occupiers are likely to be required to travel from the door at the front of the shopping parade to access refuse/recycling facilities, and this would not be a convenient arrangement.
9. I therefore conclude that the proposed development would not provide acceptable living conditions for future occupiers, with particular regard to the provision of external amenity space, and the provision of refuse/recycling storage facilities. The proposal would conflict with Policy D6 of the LP and Policy 9 of the SLP. Taken together these policies seek to ensure that housing development is of a high-quality design and meets relevant standards.

Other Matters

10. The appellant suggests that the proposal would be acceptable under part 3 of the GDPO¹, whereby a change of use is permitted under Class MA from Class E (commercial, business and service use) to class C3 (dwellinghouses). The appellant contends that such an application would be readily approved and would not require evidence to demonstrate surplus office space; and the provision of bin/bike stores. However, such permitted development rights are not unfettered, and are subject to a prior approval process. In this regard, the

¹ The Town and Country Planning (General Permitted Development Order) (England) 2015, as amended.

appellant's contention does not represent a strong fallback position, and as such I afford it little weight.

11. My attention is drawn to matters pertaining to the handling of the planning application. However, such matters do not affect my findings on the main issues and/or the planning merits of the scheme.

Conclusion

12. For the reasons given, I conclude that the development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR