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## Appeal Decision

Site visit made on 18 April 2023

**by M Cryan BA(Hons) DipTP MSc MRTPI**

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

**Decision date: 7 July 2023**

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**Appeal Ref: APP/Z5060/W/22/3310913**

**86 Longbridge Road, Barking IG11 8SF**

- 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 Jahur Akanjee against the decision of the Council of the London Borough of Barking & Dagenham.
  - The application Ref 22/00444/FULL, dated 15 March 2022, was refused by notice dated 13 May 2022.
  - The development proposed is a change of use from Class F1 Place of Worship to Class E Retail at the front part of the ground floor.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed change of use on the provision of community floorspace.

### Reasons

3. The appeal site comprises a two-storey mid-19<sup>th</sup> Century building on the street frontage, with a more modern single-storey extension at the rear. Most of the ground floor is occupied by the Akanjee Foundation Islamic Centre as a mosque, a place of worship within Use Class F1 (a corner shop occupies the small unit known as No 86C, although this was not open at the time of my site visit and it is not clear if it is currently trading); the upper floor is in residential use. The proposed development is the change of use of part of the space at the front of the building to Class E retail use.
4. The proposal would result in the loss of around 29.5m<sup>2</sup> of community floorspace. The appellant's evidence indicates that use of the mosque has declined in recent years and that the conversion of the street-facing part of the premises to a shop (which it is suggested would be for the sale of clothes) would provide financial support for the operation of the centre.
5. The appellant's statement suggests that use of the centre has fallen by around 50%, although no timescales or detailed figures have been provided to illustrate this, and no more substantive evidence has been submitted which shows that the floorspace is not suitable (or has been marketed for) alternative community uses. I acknowledge that the amount of floorspace lost would not, in itself, be large. However, and notwithstanding the appellant's comments

about attendance trends at the mosque, I saw that at the time of my site visit a large marquee had been erected in the centre's rear yard. I was not able to enter the marquee, and it may or may not be significant that my visit took place during the month of Ramadan when there may have been more visitors to the mosque than normal. However, the provision of this additional space suggested to me that the floorspace which the appellant wishes to convert to retail use is not in fact entirely surplus to requirements as community space.

6. In the light of all the evidence before me, including my observations during my site visit, I am not satisfied that exceptional circumstances justifying the loss of community floorspace have been demonstrated. The proposed change of use would therefore conflict with Policy CC2 of the 2010 Barking and Dagenham Core Strategy, Policy BTC15 of the 2011 Barking Town Centre Action Plan, and with Policy S1 of the London Plan 2021. Together, and among other things, these policies seek to provide and protect social infrastructure, and to prevent the loss of community facilities other than in exceptional circumstances.
7. I also find conflict with emerging Policies SP4 and DMS1 of the December 2021 Draft Barking and Dagenham Local Plan<sup>1</sup>. These policies also seek to support and protect the provision of community facilities, and to resist the loss of such facilities except where there is documentary evidence demonstrating that there is no longer a need or demand for the facility, although I note that that plan has not yet been adopted.

### **Other Matters**

8. The appeal site is on the southern side of Longbridge Road within Barking Town Centre. It is close to a variety of other shops and services, and indeed is a location where the principle of introducing additional retail premises is accepted. Nevertheless this does not remove the protection which the development plan seeks to give to community facilities, and so it is not a factor which in itself carries significant weight for the appeal scheme.
9. I note comments from Council officers expressing concern about the suitability and capability of the proposed retail unit to function independently, not least because it would not appear to contain WC or other facilities for staff. In view of my conclusion on the main issue I have not sought further information on this matter, as it could not change my overall decision.

### **Conclusion**

10. The proposed development would result in the loss of community floorspace without adequate justification, and so would conflict with the development plan taken as a whole. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan.
11. For the reasons given above, the appeal is therefore dismissed.

*M Cryan*

Inspector

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<sup>1</sup> The decision notice gave the date of the Draft Barking and Dagenham Local Plan as December 2022, but it is apparent from the other submitted evidence that this was simply a typographical error and it should have been December 2021; I have therefore used the correct date here.