



Appeal Decision

Site visit made on 14 July 2023

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2023

Appeal Ref: APP/X5990/W/22/3311763

Third Floor, 1 York Street, London W1U 6PA

- 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 PRI Europe Limited against the decision of City of Westminster Council.
 - The application Ref 22/05405/FULL, dated 8 August 2022, was refused by notice dated 11 October 2022.
 - The development proposed is described as a change of use from Class C3 Use (residential) to Class E Use (offices).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the supply of housing in the Borough.

Reasons

3. Policy 8 of the Westminster City Plan 2019-2040 (April 2021) (the City Plan) seeks to protect all residential floorspace within Westminster, except in certain circumstances, none of the policy exceptions would apply in this case.
4. The proposed development would result in the loss of a residential unit and the City Plan at paragraph 8.8 explains that the high cost of land in Westminster and its limited availability mean all existing housing uses must be protected.
5. I acknowledge that the site is within a mixed area which comprises residential and commercial uses. The area is also designated as a Central Activities Zone and ordinarily office uses could be acceptable in such areas. The appellant also states they wish to expand their business, and this would deliver economic benefits including the potential for more jobs.
6. The National Planning Policy Framework at paragraphs 81 and 82 supports development proposals which create the conditions in which businesses can invest, expand and adapt while addressing barriers to investment. I therefore attach significant weight to the need to support economic growth and productivity.
7. The appellant also explains that the existing arrangement of one shared access is harmful to the security of the occupants of the existing offices, who occupy the other parts of the building. It also generates antisocial behaviour in the communal areas and creates an administrative burden on the appellant. The

appellant also states that the Grade II Listing of the building prevents changes to the layout to remedy these issues.

8. However, shared accesses and communal areas are not uncommon in mixed use buildings, including heritage buildings, and it has not been robustly shown that no other methods to secure the offices or communal areas exist. I therefore ascribe these arguments limited weight.
9. I also appreciate there is no lift access to the residential unit, no external amenity space or designated bin and cycle stores. While this is undesirable, there is no evidence before me to suggest the existing residential unit is unlawful.
10. Taking all these factors into account, the economic benefits and the existing constraints are noted. However, residential uses also contribute to the economy and residential floorspace of all sizes must be protected given the high cost of land and its limited availability as identified in the City Plan.
11. It is therefore sufficiently clear that the benefits of granting planning permission either alone or in combination have not been shown to outweigh the harm which would arise through the loss of residential floorspace.
12. Accordingly, the proposed development would unacceptably affect the supply of housing in the Borough. It would fail to comply with the aims of Policy 8(C) of the City Plan to ensure sufficient housing is provided.

Conclusion

13. As such, the proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR