



Appeal Decision

Site visit made on 22 June 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 August 2023

Appeal Ref: APP/M5450/W/23/3315556

Devonshire House, 582 Honeypot Lane, Stanmore HA7 1JS

- 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 Devonshire Business Centres (UK) Ltd against the decision of London Borough of Harrow.
- The application Ref P/2793/21, dated 6 July 2021, was refused by notice dated 1 August 2022.
- The development proposed is the construction of a new three storey office building (Class E) with associated parking and landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Class E of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO) relating to commercial, business and service uses has superseded the former Class B1 business use of the UCO. Offices which formerly fell within Class B1(a) now lie within Class E(g), and so the development plan references to the former use class are to be understood on this basis.
3. A revised application for the site was refused in February 2023 (P/4172/22), for a very similar office development but with an additional upper floor link bridge to the existing building. The refusal reason was given on the same basis as that for the current appeal.

Main Issue

4. The main issue is whether the proposed development would be in an acceptable location, with specific regard to being within a Strategic Industrial Location (SIL).

Reasons

5. Devonshire House comprises an office building and car parking between Honeypot Lane and Garland Road. The appeal site would encompass part of this car park, forming a physically separate office building.
6. The London Plan (2021) Policy E1 identifies that, amongst other things, increases in the current stock of offices should be supported in specified geographical locations. The appeal site does not lie within any of these locations. E1(E) does also support the retention of existing viable office floorspace in other locations, and its redevelopment, renewal, and re-provision. However, as the existing building would remain as office floorspace alongside

the new office, and its car park is not itself office floorspace, this support does not directly apply.

7. Policy CS8(E) of the Harrow Core Strategy (CS) (2012) identifies the SIL of the Honeypot Lane Industrial Business Park within which the site lies, stating that it will be retained for appropriate B1, B2 and B8 uses. SILs are designated by Policy E5 of the London Plan. E5(C) states that development proposals should be supported where the proposed use falls within the industrial-type activities set out in the London Plan Policy E4(A). Offices are not listed within E4A.
8. The appellant suggests that office development within the SIL is not precluded by Policy CS8(E) through its use of the term 'appropriate' when referring to B1 uses, and with reference to Paragraph 11.7 of its justification text. This states that interventions will be sought which increase the attractiveness of the SIL for appropriate industrial and business uses, particularly for small and medium sized enterprises. However, offices are not specifically referenced within this.
9. While the Policy CS8 justification text does also cite the redevelopment of the former Stanmore Place government offices for residential and incubator premises as an example of development which has provided some modest employment renewal, I do not have any details of any material considerations or wider justification taken into account for that scheme. I therefore do not find this determinative to the matter of principle for the proposal before me. Similarly, while the London Plan Policy E5(B)(2)-(3) supports London Boroughs to explore opportunities to intensify and make more efficient use of land in SILs, this is only in reference to its Policy E7. This specifically identifies that the intensification process should only be considered through a plan-led or co-ordinated master planning process, and not through ad hoc planning applications.
10. I thus do not find that any nuance of Policy C8(E) supports new office floorspace, when read alongside the preclusion for offices in the policies referenced above, and in the National Planning Policy Framework ('the Framework') (2021) with relation to offices being a main town centre use.
11. Policy E4 of the London Plan also requires account to be taken of strategic and local employment land reviews and industrial land audits, in order to provide and maintain a sufficient supply of land and premises to meet current and future demands for industrial and related functions. The Council has referenced relevant reviews and audits, and summarises that Harrow has historically lost proportionally the most industrial land from the lowest base across West London. This position has not been refuted by the appellant. This provides support for the importance of the retention of the site for industrial activities.
12. Sequential testing is required, and the evidence includes an updated Sequential Assessment dated October 2022 ('the Test'). As the Test primarily addresses the revised link bridge office scheme, I have only considered its content which does not relate to a combined floorspace with Devonshire House.
13. The Test assessed sites which are within a 10% size range of the link bridge scheme, in order to allow for flexibility. However, the appeal proposal before me has a slightly smaller floorspace. As such, I find that site 100 (Monument House) has been unduly discounted as being too small, and have no certainty that there are no other slightly smaller sites which should have been considered. Furthermore, only sites within the London Borough of Harrow have

been identified, but Edgware Town Centre spans across the Borough boundary. The Council also identifies that recently permitted new offices have not been considered.

14. The appellant suggests that the Test has discounted some sites because it would not be financially or operationally efficient to manage or service 2 properties in separate locations. An inability to achieve this is not backed by any further specific information, especially considering that the company already has multiple existing sites. On the evidence before me, I therefore do not find this a suitable determinant for discounting of sites.
15. Overall, the sequential test evidence has therefore not demonstrated that there are a lack of sequentially preferable and available alternative sites which could accommodate the proposed development.
16. In conclusion, the proposed development would not be in an acceptable location, with specific regard to being within a SIL. It would therefore conflict with Policies E1, E4 and E5 of the London Plan, and Policy CS8 of the Harrow Core Strategy. It would also conflict with the Framework. I give this significant weight.

Other Matters

17. That the site is in private ownership and may not be available for alternative industrial development, is not a matter which would outweigh the underlying development plan designation which runs with the land. Furthermore, although the proposal is for existing car park land and so would not result in the loss of existing industrial or logistics floorspace, no detailed evidence has been submitted to demonstrate that any of the development plan supported uses in the SIL would not be appropriate or achievable. As such I only give limited weight to the assertion that its location next to an occupied office building means the site is neither practical, suitable, or viable for such uses.

Conclusion

18. The proposal conflicts with the development plan as a whole. With no other material considerations outweighing this conflict, for the reasons given above I conclude that the appeal is dismissed.

L Hughes

INSPECTOR