



Appeal Decision

Site visit made on 16 August 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2023

Appeal Ref: APP/R5510/W/22/3313644

1 Chancerygate Business Centre, Stonefield Way, Ruislip HA4 0JA

- 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 Sina Ghami of Evolve Gym Ltd against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 66683/APP/2022/1338, dated 29 April 2022, was refused by notice dated 13 October 2022.
- The development proposed is a change of use from industrial/storage (Use Class B2/B8) to a gymnasium (Use Class E(d)).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given in the planning application is an extensive statement of the history of uses at the site. I have therefore used the description given in the appeal form which is the same as that on the Council's decision notice since this adequately and concisely describes the proposal.

Main Issue

3. The main issue is the effect of the proposed development on industrial and warehousing floorspace capacity in a Strategic Industrial Location.

Reasons

4. The Council's industrial land and premises strategy is set out in Policies E4 and E5 of The London Plan 2021 (The London Plan), and Policy DME 1 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies (January 2020) (the Local Plan). Together these policies seek to promote business by maintaining a sufficient supply of land and premises to meet current and future demands for industrial and related functions.
5. Strategic Industrial Locations (SILs), such as that within which the appeal site is located, are described in the London Plan as the capital's main reservoir for industrial, logistics and related uses and it gives them '*...strategic protection because they are critical to the effective functioning of London's economy.*'
6. In accordance with the requirements of Policy E5 of the London Plan, Policy DME 1 of the Local Plan provides a local policy developed to define the boundaries of SILs and protect and intensify their function. Policy DME 1 also establishes those circumstances where the use of land or premises in a SIL may change from the various industrial and related functions described in the development plan. In summary, the circumstances where alternative uses

could be supported require some demonstration that there is no realistic prospect of industrial and related functions being developed on the site, sites have been vacant and consistently marketed for two years, and there would be no other conflict with the development plan.

7. Although the main parties make no reference to other conflict with the development plan, the proposal would result in the loss of a significant amount of space from a use which, notwithstanding the last use of the first floor being an office, is described as industrial/ storage (B2/B8 uses).
8. There is evidence of marketing, and an opinion from a commercial agent suggests little demand for offices of the size available at the appeal site. The availability of other premises nearby is a relevant consideration to which I attribute moderate weight. However, the information available to me does not confirm the period over which marketing has been carried out and it does not clearly specify that the site would be available for B2 and B8 uses. In terms of the policy approach, the evidence does not adequately demonstrate that there is no realistic prospect of industrial, logistics and related uses taking place on the appeal site. In these respects, the proposal fails to accord with the requirements in the development plan and would compromise the Council's industrial land and premises strategy.
9. The proposal would allow the expansion of the gym that has operated in the adjoining unit since 2017. The scheme would use vacant space that it is argued is unlikely to otherwise be put to economic use in the near future because of the nature of the commercial property market. The proposal would provide economic benefits in respect of additional jobs, and it would support the health and well-being of gym members. These benefits would accord with the social and economic objectives of the National Planning Policy Framework and its requirement of promoting healthy and safe communities and building a strong, competitive economy. These are matters to which I attribute significant weight. However, the failure to demonstrate that adequate steps have been taken to market the space for the required period and in an effective way for appropriate industrial, logistics and related uses in accordance with the development plan is not outweighed by these benefits.
10. For these reasons, the proposed development would harmfully diminish industrial and warehousing floorspace capacity in a Strategic Industrial Location. Accordingly, the proposal would conflict with Policies E4 and E5 of The London Plan and Policy DME 1 of the Local Plan which collectively, in summary, seek to maintain a sufficient supply of land and premises to meet current and future demands for industrial and related functions.

Other Matters

11. Notwithstanding concerns about highway safety expressed by a neighbouring business, this matter, along with the provision of parking, the effects of noise from the proposal and the effects of the proposal on nearby residents are not matters in dispute between the main parties and are neutral in my consideration of the proposal. No harm to the appearance of the building or to the street scene would arise, but this does not weigh in favour of the proposal.

Conclusion

12. For the reasons given above, there are no material considerations of such weight that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David English

INSPECTOR