



Appeal Decision

Site visit made on 22 January 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2024

Appeal Ref: APP/H5960/W/23/3328893

Community Centre, 51 Oldridge Road, Wandsworth, London SW12 8PP

- 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 Rod Turner against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2023/0019, dated 3 January 2023, was refused by notice dated 6 March 2023.
 - The development proposed is partial demolition of existing building and erection of three-storey building with six flats and ancillary private amenity spaces, cycle parking and refuse storage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's decision refers to the Wandsworth Publication Version of the Local Plan (2022). The Wandsworth Local Plan 2023 – 2038 (the Local Plan) was adopted in July 2023. The Council's officer report referred to the Local Plan as emerging at the time. The adopted version is not materially different in so far as it is relevant to the main issue. The Council referred to the adopted Local Plan in its appeal statement, which the appellant has seen. I have based my decision on the adopted Local Plan.

Main Issue

3. The main issue is whether it has been adequately demonstrated that there is no demand for the industrial premise.

Reasons

4. The appeal site comprises a two-storey building located within a mainly residential area. Despite the description of development in the banner heading above which is taken from the application form, the community centre use of the building ceased prior to 2008 and since October 2008 it has been used as a storage space. In November 2022, a Certificate of Lawful Use¹ was issued by the Council which confirms the lawful use as 'business storage unit (Class B8)'.
5. Policy LP34 of the Local Plan is concerned with managing land for industry and distribution. There is no dispute between the main parties that Policy LP34 would support residential development on the site subject to appropriate

¹ Reference 2022/3725

marketing taking place for a period of at least 18 months in accordance with Part D.2 of the policy.

6. The application was not supported by any marketing information. Following the Council's decision on the proposal, a marketing exercise was initiated. A marketing report² covering the period 15 April 2023 to 31 August 2023 was submitted as part of the appeal documentation. This was updated during the course of the appeal to January 2024³ (the January 2024 update).
7. The marketing report states that several enquiries were received, but no offers or requests for viewings have been received from warehouse/B8 occupiers and the property has not generated any significant interest. The physical characteristics of the building and its location are identified as limitations. This includes ceiling heights, internal configuration, access arrangements, and the characteristics of Oldridge Road in the vicinity, which I observed during my site visit. The marketing report concludes that the next 6-12 months of marketing are unlikely to generate any suitable interest in the property, despite the rent being discounted from that of other comparable warehouse accommodation. The January 2024 update identifies that enquiries were received from alternative use occupiers but not for a warehouse/B8 use.
8. I acknowledge that the physical characteristics of the building and its location are unlikely to change over the next few months. Nevertheless, given the relatively short period of time that the building has been marketed, it is not possible to know if the lack of offers accurately reflects a true lack of demand. The marketing has not taken place for a sufficient length of time.
9. While the appellant considers that only re-use of the building for its lawful B8 use needs to be the subject of the marketing, this is not what Policy LP34 states. The policy clearly states that development will be supported where there is no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of the policy. The reasoned justification is not policy. Consequently, in my judgement, based on the policy requirements, the marketing exercise need not be restricted just to the lawful use.
10. The site is located within a predominantly residential area and close to a primary school, where I acknowledge that certain industrial uses would be incompatible. However, other light industrial uses which may be carried out in a residential area without detriment to its amenity may not be inappropriate. Based on the extent of the marketing exercise carried out to date, it is not possible for me to conclude that the proximity of the primary school and residential uses would deter potential occupiers for such light industrial or research and development uses.
11. The appellant has drawn attention to an appeal decision⁴ for a proposal to demolish a community facility and replace it with two dwellings. In that case, a shorter marketing period was accepted by the Inspector, having regard to site-specific issues, which they did acknowledge would be very difficult if not impossible to satisfactorily address, together with additional informal marketing that took place for a period of around 19 months. This was in addition to the formal marketing exercise undertaken over approximately 15 months. The

² Prepared by Grant Mills Wood, 31 August 2023

³ Appendix A of appellant's statement, 16 January 2024

⁴ Reference APP/H5960/W/18/3209666

different types of marketing were therefore undertaken over an extended time period, and significantly longer than is the case here. Furthermore, that proposal was determined under a different development plan.

12. Accordingly, while the building that is the subject of the current appeal before me may have some site-specific characteristics that would potentially affect its attractiveness to certain users, the example given by the appellant is not directly comparable. In any event, I have determined the proposed development on its own planning merits.
13. Having regard to the above considerations, in the absence of a full and proper marketing exercise, I cannot be satisfied that there is no reasonable prospect of the building being used for industrial and related purposes. I therefore conclude that it has not been adequately demonstrated that there is no demand for the industrial premise. Consequently, the proposal conflicts with the requirements of Policy LP34 of the Local Plan.

Other Matters

14. The proposal would contribute six dwellings to the supply of housing on an existing site in a location within a reasonable walking distance of a range of services and facilities. In this regard, it would accord with objectives of the December 2023 National Planning Policy Framework, including significantly boosting the supply of homes and the recognition given to the contribution of small sites in meeting housing requirements. This weighs positively in favour of the proposal.
15. The appellant contends that the proposal would have an appropriate design and provide a suitable housing mix; would not have a negative impact on the living conditions of nearby residents; would provide appropriate internal and external space for future occupiers; and would meet the Council's requirements for waste and bicycle storage. While this may be the case, a lack of harm is effectively neutral in the planning balance.
16. None of the other matters raised outweigh the harm I have found, including the identified conflict with development plan policy.
17. The Council's list of suggested conditions in the event of the appeal being allowed includes one requiring a bat roost assessment to be submitted for approval. It is important that the presence of protected species and the extent that they may be affected by a proposed development is established before planning permission is granted. There is no evidence before me on this matter, hence I do not consider that the condition option would have been acceptable. Nevertheless, as I intend to dismiss the appeal based on my conclusion on the main issue, I have not pursued this matter further.

Conclusion

18. The development would conflict with the development plan taken as a whole, and there are no material considerations that would indicate a decision other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

F Wilkinson

INSPECTOR