



Appeal Decision

Site visit made on 28 February 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 March 2024

Appeal Ref: APP/U5930/W/23/3330012

473A, High Road Leyton, London E10 5EL

- 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 Abdifateh Hersi Gutale, Viking Cars Hire Ltd against the decision of London Borough of Waltham Forest.
 - The application Ref 231040, dated 22 April 2023, was refused by notice dated 24 July 2023.
 - The development is described as Change from Travel Office to Mini Cab Office.
-

Decision

1. The appeal is allowed and planning permission is granted for Change from Travel Office to Mini Cab Office at 473A, High Road Leyton, London, E10 5EL in accordance with the terms of the application Ref 231040 dated 22 April 2023 and the plans submitted with it.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. The content of the Framework has not been materially altered in respect of the main issues which I have considered. Therefore, it has not been necessary to seek further views from the main parties in this instance.
3. Since the planning application was determined the Waltham Forest Local Plan: Part 1 (2024) (WLP1) has been adopted. This supersedes the Waltham Forest Local Plan- Development Management Policies (2013). Both main parties have had the opportunity to comment on this and I have considered the appeal on this basis.
4. I observed at my site visit that the minicab use is in operation on site in accordance with the plans before me, therefore I have considered the appeal on the basis that the development has already taken place.

Main Issue

5. The main issue is whether or not the change of use is acceptable having regard to relevant planning policies including in relation to the effect of the proposal on activity and interest within the street.

Reasons

6. The appeal property is a ground floor commercial unit located within a busy, urban High Road location. The area contains a mixture of commercial, retail

and entertainment uses at ground floor level, whilst many buildings contain residential properties on the upper floors.

7. The site is not within the boundary of the Leyton District Centre, and is outside any designated Neighbourhood Centre or Local Retail Parade. Policy 43 of the WLP1 states that in non-designated areas such as this the Council will support changes of use involving the loss of town centre uses, subject to four criteria. Of particular relevance to the proposal are (A) Local residents would still have access to local shops within a reasonable walking distance; (B) The replacement use would be beneficial to the local community and contribute to the Council's aspirations and priorities; (C) Along commercial frontages active uses that can operate with display windows and shop fronts and create activity and interest will be maintained.
8. Given its location on a busy High Road, with a wide range of retail uses, the proposal does not affect local residents' access to shops. It also seems to me that minicabs can provide a valuable service to the local community, particularly those who may have accessibility requirements.
9. The submitted evidence indicates that the appeal premises were formerly occupied as a travel agents, with the lower half of the shopfront glazing covered by opaque screening. The minicab unit has a similar glazed frontage with opaque glazing in the lower half, and clear glazing in the upper half enabling views into the unit, thereby adding some activity and interest to the street scene. Furthermore, the unit will be accessible for visiting members of the public. As a result, the proposal maintains a level of activity and visual interest onto the street.
10. As such, I conclude that the proposal does not have a harmful effect on activity and interest within the street. Consequently, the proposal complies with Policies 38 and 43 of the WLP1 which support changes of use involving the loss of town centre uses outside the designated centres of Walthamstow Town Centre, the District and Neighbourhood Centres, and designated Local Retail Parades.
11. The Council also alleges a conflict with Policy 41 of the WLP1 with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.

Conditions

12. The appeal development is allowed in accordance with the terms of the application and the drawings submitted with it. As the development has been completed no conditions need be applied to the permission stemming from my decision.
13. Bearing in mind the Planning Practice Guidance advice that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity, I have not been provided with sufficient evidence as to why it would be reasonable or necessary to restrict permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, I have not imposed the suggested condition to this effect.

Conclusion

14. For the above reasons, and having had regard to all other matters raised, I conclude that the development accords with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

INSPECTOR