



Appeal Decision

Site visit made on 20 February 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd April 2024

Appeal Ref: APP/G5750/W/23/3325932

302 Barking Road, Plaistow, Newham, London, E13 8HL

- 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 Mrs Hong Thi Nguyen against the decision of the Council of the London Borough of Newham.
 - The application Ref is 23/00073/FUL.
 - The development proposed is described as "Change of use from Launderette (generis Class E) to Nail Parlor (Sui Generis). The proposal does not include any internal or external development on the site. However, some internal renovations will be conducted which include repainting the walls and fitting the shop furniture".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.
3. From my site visit and based on the evidence before me, change of use from Launderette to Nail Parlour has already occurred and therefore the development is retrospective. I have considered the appeal on this basis.
4. It has been brought to my attention that the Council incorrectly referred to Policy S6 of the Newham Local Plan 2018 (NLP) in their reason for refusal and report. NLP Policy S4 (Canning Town and Custom House) is the relevant area-based policy and not Policy S6 (Urban Newham). The LPA has confirmed this in their Statement of Case and the appellant has had the opportunity to provide comments on Policy S4. I am therefore satisfied that no party has been prejudiced by this.

Main Issue

5. The main issue is the effect of the development on the vitality and viability of designated town or local centres.

Reasons

6. The appeal site comprises the ground floor of a three storey, mid terrace property. The ground floor is currently occupied by a Nail Parlour but was

previously in use as a Laundrette. The surrounding area is characterised by mixed-use development, primarily commercial ground floor uses, with residential uses on the upper floors. Although situated within a row of commercial properties is not located within a defined Town or Local Centre. The streets which lead off Barking Road are predominantly residential.

7. Policy INF5 of the NLP expects proposals to contribute to the re-definition and management of Newham's interrelated town centre hierarchy and network, securing accessible shopping, services, and employment in focused, successful centres across the Borough. The policy seeks to direct town centre uses to designated Town and Local Centres first.
8. Policy SP6 of the NLP states that Town and Local Centres should be vibrant, vital, and valued as components of local neighbourhoods. This includes through managing the centres as part of a clearly defined network and hierarchy (in line with Policy INF5), encouraging consolidation of commercial uses within their boundaries, and responding to the visions for individual centres as set out in Spatial Policies S1-6.
9. Policy S4 of the NLP is a strategic policy that identifies a spatial strategy for this part of the borough and identifies the town and local centres which should be reinforced, as well as other local shopping areas which should be protected.
10. Policy SP7 of the NLP designates Barking Road (A124) as a Key Movement Corridor and Linear Gateway and highlights the importance of consolidating ribbon developments of commercial uses into defined Local and Town Centres and Local Shopping Parades, in line with Policies INF5, INF8 and SP4.
11. Whilst I recognise that the appeal relates to an existing commercial premises, in that the appeal site was formerly a laundrette before, the new use is nevertheless development which requires planning permission. As such, regard must be had to the NLP policies, which as outlined above seek to consolidate town centres uses into town or local centres, and local shopping parades as designated the NLP. The appeal site is located outside of these locations and is therefore not a suitable location for the change of use.
12. Although the appellant states that the change of use will not cause harm to the vitality of the local centre LC11, which is within 400 metres of the appeal site, I have not been presented with any substantive evidence. Accordingly, it has not been demonstrated that the change of use would not undermine the objectives of Policies SP6 and SP7 of the NLP which seek to maintain a robust retail core.
13. My attention has been drawn an appeal decision¹ concerning the change of use of a retail shop to a nail parlour. This decision pre-dates the changes to the Town and Country Planning (Use Classes) Order 1987 (as amended), which created a new Use Class E, and covers a range of commercial uses. Whilst this appeal found that a nail parlour is a comparable use to a retail use, it relates to a site within a designated centre. It is not therefore directly comparable to the appeal proposal.
14. A further appeal decision² concerning the change of use from a retail use to a mixed use found that on the balance of probabilities a nail parlour would be a Class E use. However, this decision also relates to a site within a identified

¹ Appeal Ref: APP/E5900/W/19/3234593

² Appeal Ref: APP/V5570/C/21/3277829

retail area and in this particular case, there is no dispute between the parties as to whether or not a nail parlour constitutes a town centre use, but rather whether or not it is within a suitable location. It is not therefore directly comparable to the appeal scheme.

15. I have had regard to the economic benefits of the proposal, including job creation arising from the change of use. However, whilst I have attributed these benefits moderate weight, they do not overcome the conflict with the NLP with regards to the locational strategy for commercial uses.
16. Consequently, I conclude that the change of use would undermine the vitality and viability of the designated town or local centres. Therefore, the proposal is contrary to Policies SD6, SD7 and SD8 of the London Plan 2021; and Policies S1, S4, SP6, SP7 and INF5 which seek, amongst other things, to consolidate commercial uses within town and local centres.

Other Matters

17. Fairbairn Hall, which is a short distance from the appeal site, has its principal frontage onto Barking Road and is designated as a Grade II Listed Building. The significance of the building lies in its architectural interest as a late 19th century three-storey building, constructed in a neo-Tudor style. It was originally built as Mansfield House University Settlement. As the change of use involves no physical alterations to the appeal building, the significance and setting of this Grade II listed building would not be affected.

Conclusion

18. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

K Lancaster

INSPECTOR