



Appeal Decision

Site visit made on 2 July 2024

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2024

Appeal Ref: APP/G5180/W/24/3340384

15 Worlds End Lane, Bromley, Orpington BR6 6AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Charlotte Meade against the decision of the Council of the London Borough of Bromley.
 - The application Ref is DC/23/02173/FULL1.
 - The development proposed is the demolition of existing buildings and structures; residential redevelopment comprising the erection of 9 no. 3 bedroom houses with associated parking, refuse storage and new landscaping.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the provision of non-designated employment land in the borough.

Reasons

3. The appeal site is located to the south of the properties on Worlds End Lane, to the east of the petrol filling station on the High Street, and to the west of the terraced houses on Kingsley Road. There are several buildings of varying sizes and condition strewn across the site. These include a few haphazardly built small outbuildings, a line of garages, two larger warehouse buildings and a vacant two-storey house. The site is accessed via a narrow road off the High Street which abuts the adjacent petrol station. There is also a pedestrian lane linking the northern part of the site with Worlds End Lane.
4. The proposal would result in the loss of a non-designated employment site. Policy 83 of the Bromley Local Plan (2019) (BLP) seeks to ensure that proposals for the change of use of non-designated sites accommodating Class B uses to a non-employment generating use will only be considered where there is a demonstrated lack of demand for the existing permitted uses. It states that all opportunities for reuse or redevelopment for employment generating uses must have been fully explored as well as whether the site is capable of accommodating a mixed-use scheme. Policy 7 of the London Plan is broadly consistent with the aims of Policy 83 of the BLP.
5. The appellant states that there is minimal existing use at the site and no demand for continued commercial use. Whilst the letters from tenants demonstrate there is indeed limited ongoing commercial activity at the site, the

reasons put forward for this are quite specific and personal. These include early retirement following a personal loss and low business profitability following the Covid-19 pandemic. These accounts do not serve the view that there is no general demand for commercial use of the site.

6. The Marketing Statement (MS) produced by Cockburn Estate and Lettings Agents Ltd states that the site has been marketed for rental/commercial lease from 22 August 2022. Whilst the marketing time period is adequate, I have not been provided with the appraisal report that was carried out to determine the value of the property. I have also not been provided with the marketing brochure that was circulated to interested parties. It is therefore difficult to accurately assess whether the site was appropriately valued and in line with similar commercial premises in the area. I cannot ascertain that the entirety of the site and buildings were marketed for rent as well as redevelopment.
7. The MS states that the asking price was reduced by 11% after two months of marketing. I note that no further reductions in price were made, and no details have been put forward regarding attempts to make the lease terms and conditions more attractive to potential businesses. Whilst the site was advertised on well-known property websites, I am not aware that the appellant attempted to engage with other estate agents to refresh the marketing process.
8. The letting advertisement as publicised on Rightmove does not appear to show any photos of the two largest existing brick-built warehouses within the appeal site. These are undoubtedly the buildings with the most potential for employment use. It is unclear whether this is because these buildings were still occupied and actively used by the tenants during the marketing period. In any case, I am not satisfied that all the buildings were available for lease or that the full potential of the site was marketed.
9. Furthermore, the appellant and the MS state that there was limited interest in the site and that viewers highlighted the proximity of residential dwellings, poor access, lack of street frontage and the need for investment by any incoming tenant. These factors can certainly deter a number of light-industrial uses or businesses needing footfall and customer parking. However, it cannot be assumed this is the case for small-scale employment uses that do not need a street frontage, customer parking or that do not emit noise and odours that may adversely affect the living conditions of neighbouring occupiers.
10. The appellant also states that a mixed-use development was explored but discounted due to site challenges relating to limited access, the awkward shape of the site, and the closely adjoining neighbours. However, limited information with regards to whether the site is capable of accommodating a mixed-use scheme has been provided. Whilst I acknowledge producing an alternative mixed-use scheme involves additional costs, it is a policy requirement. Without further evidence a mixed-use scheme was adequately explored, such as through the submission of layout and elevations plans, I cannot be satisfied this requirement has been met.
11. Given this, the proposed development would have an adverse effect on the provision of non-designated employment land in the borough. It would therefore conflict with Policy 83 of the BLP which seeks to retain non-designated sites accommodating Class B uses as described above.

12. The proposal also conflicts with paragraph 85 of the National Planning Policy Framework (2023) (the 'Framework') insofar as it seeks to ensure planning decisions help create the conditions in which businesses can invest, expand and adapt in order to build a strong and competitive economy.

Planning Balance

13. The proposal is not in accordance with the aforementioned policy of the BLP, with the associated conflict reflecting harm to the provision of non-designated employment land in the borough. Because of the effect the proposal would have on the provision of employment land in the surrounding area, I have judged the magnitude of this harm as significant.
14. The Council concedes that there is currently a very significant level of undersupply of housing in the borough. Paragraph 11(d) of the Framework explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. The proposal would make a positive contribution to housing supply with associated social and economic benefits during the period of construction and once the dwellings are occupied. It is also a brownfield site in a sustainable location close to amenities and services. Furthermore, the proposed scheme, including the landscaping and biodiversity improvements, would improve the appearance and ecology of the site. However, the scale of development proposed means the contribution of nine additional dwellings to meeting housing need in the borough of Bromley through a more efficient use of land in an urban area and the associated benefits would be modest.
16. The development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise. In the particular circumstances of this case, I have concluded that the adverse effect on the supply of non-designated employment land conflicts with policies of the Framework. The adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Other Matters

17. An absence of harm relating to the site layout, design, transport and trees, and the fact that aspects of the scheme relating to protected species, landscaping, drainage and contamination can be controlled by condition are neutral factors and do not weigh in favour of the appeal.
18. I have had regard to the discussions regarding the site access off the High Street and other transport issues concerning parking and turning space. However, as the appeal is being dismissed, there is no need to further consider this aspect of the proposal.

Conclusion

19. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

20. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR