

Appeal Decision

Site visit made on 21 August 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 27th August 2024

Appeal Ref: APP/L5240/W/24/3336956

19 Howden Road, South Norwood, Croydon, London SE25 4AS

- 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 Anthony Hawken against the decision of the Council of the London Borough of Croydon.
 - The application Ref is 23/01291/FUL.
 - The development proposed is the change of use from residential dwelling (Class C3) to a short term holiday let (Class C1).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note interested parties have indicated that the property is already in use as a holiday let. Also, the planning application was submitted in March 2023 and the appellant indicated that works would be completed by March 2023. However, the appellant indicated on the application form that the change of use had not started. As the proposal does not include external works, I was not able to confirm during my site visit whether the change of use has occurred. Therefore, I will refer to the proposal as the proposed development throughout my decision, even though it may have already occurred.
3. In July 2024 the Government published a consultation on "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" and "National Planning Policy Framework: draft text for consultation". Also, a Written Ministerial Statement entitled "Building the homes we need" was published on the same date. The main parties were given the opportunity to comment on these publications and I have considered the comments raised.
4. The description of the development on the application form, included wording which does not relate to acts of development. As such, I have replicated the description of development from the Decision Notice in the banner above.

Main Issues

5. The main issues are (i) whether the appeal site is a suitable location for the proposal having regard to local and national policies on the location of tourism development and (ii) the effect of the proposal on the supply of family housing.

Reasons

Location

6. Policy E10 of The London Plan, The Spatial Development Strategy for Greater London, March 2021 (LP), indicates that in outer London serviced accommodation should be promoted in town centres and within Opportunity Areas in accordance with the sequential test set out in LP Policy SD7.
7. LP Policy SD7 indicates when considering proposals for main town centre uses, boroughs should apply the sequential test requiring them to be in town centres, and if no suitable sites are available, consideration should be given to sites on the edge-of-centres.
8. Policy DM8 of Croydon Local Plan 2018 (CLP) indicates that the Council will ensure proposals for main town centre uses are in accordance with Table 5.11 and 5.12. Table 5.11 advises that, for tourism development in out of centre locations, a sequential test must demonstrate that there are no suitable locations within, or on the edge of a centre, and that there are no suitable vacant units in any location. Table 5.12 indicates for commercial uses, other than retail and offices, an out-of-centre location is more than 300m from the boundary of the centre. The explanatory text advises that the policy applies to all uses equating to the National Planning Policy Framework's (the Framework) definition of main town centre uses.
9. The Framework's definition of main town centre uses includes tourism development. Whilst the definition does not specify holiday lets, the list within the definition is not exhaustive. Moreover, the list includes hotels which are within the same use class as holiday lets. I therefore conclude that a holiday let is a main town centre use.
10. In accordance with Table 5.12 of the CLP, as the appeal property is over 300m from the boundary of South Norwood district centre, it is in an out-of-centre location. It is also not within an Opportunity Area. The appellant has not provided a sequential test to demonstrate there are no suitable locations within or on the edge of South Norwood, or that there are no suitable vacant units within the wider area. In the absence of further evidence, I cannot conclude that there is not a more suitable site for the proposed use.
11. Overall, I conclude that the appeal site is not a suitable location for the proposal having regard to local and national policies on the location of tourism development. The proposal would be contrary to LP Policies E10 and SD7, and CLP Policy DM8 for the reasons given above. It would also be contrary to CLP Policy SP3 which states that the Council will promote visitor accommodation in centres.

Supply of family housing

12. Croydon's Strategic Housing Market Assessment¹ (SHMA) indicates that the demand for 3-bedroom market dwellings, and larger family housing in general, is increasing in the area. CLP Policy DM1 was partially informed by this analysis. It indicates that the Council will permit the redevelopment of residential units where it does not result in the net loss of 3-bedroom houses, as originally built, or the loss of dwellings smaller than 130m².
13. I acknowledge that the dwelling has been extended from 3-bedrooms to a 5-bedroom dwelling and is larger than 130m². Nonetheless, CLP Policy DM1 seeks to restrict the net loss of 3-bedroom dwellings, as originally built. As such, regardless of the current size of the dwelling, the proposal would be contrary to CLP Policy DM1 as it was originally a 3-bedroom dwelling.
14. I note that the appellant has concerns with finding suitable tenants and has had problems in the past with tenants' sub-letting rooms, partly due to the size of the dwelling. I also acknowledge their concern that in its current use the dwelling may be converted into an unauthorised house in multiple occupation. However, there is legislation in place which would restrict the legal conversion of the dwelling and an unauthorised conversion could be enforced upon.
15. Planning permission would run with the land and would not be personal to the appellant. Therefore, the proposal would lead to the permanent loss of a family-sized dwelling. Moreover, granting permission to provide flexibility whilst the appellant sought to sell the property is a material consideration but would not outweigh the harm caused by the loss of a family-sized dwelling.
16. Overall, I conclude that the proposal would have a harmful effect on the supply of family housing and would be contrary to CLP Policy DM1, for the reasons given above. It would also be contrary to CLP Policy SP2, which indicates that to provide a choice of housing, the Council will not permit developments which would result in a net loss of homes, amongst other matters.

Conclusion

17. The proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR

¹ Strategic Housing Market Assessment, London Borough of Croydon, Final Report, June 2015, GL Hearn