



Appeal Decision

Site visit made on 15 January 2025

by N Bromley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 FEBRUARY 2025

Appeal Ref: APP/A5840/W/24/3344740

2 Barkham Terrace, Southwark, London SE1 7PS

- 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 Mr Andrew Boorman against the decision of the Council of the London Borough of Southwark.
 - The application Ref is 24/AP/0150.
 - The development proposed is Change of Use from C3 (residential) to SG sui generis to allow residential short term lets.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above I have used the description of development taken from the Council's decision notice, as opposed to the application form, as it more accurately and succinctly describes that for which permission is sought.
3. There is disagreement between the parties about the lawful use of the building. The relevant method of establishing such a position is through a Certificate of Lawful Existing Use under Section 191 of the Town and Country Planning Act 1990. On the evidence before me, no such certificate exists in this case, and I have made my determination on the basis of the planning application form which states that the existing use is C3.
4. The Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024 and updated on 7 February 2025. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issues

5. The main issues in this appeal are:
 - the effect of the proposed development on housing supply in the area; and
 - whether or not the proposed development would provide suitable visitor accommodation.

Reasons

Housing supply

6. The appeal site comprises a small, single storey nineteenth century building located on the corner of Barkham Terrace and Lambeth Road within a busy urban area.
7. Policy P3 of the Southwark Plan 2022 (the SP) seeks the protection of existing houses, and amongst other things states that the net loss of existing housing, including to short-stay accommodation, will not be permitted except where existing location and standard of accommodation is unsatisfactory and cannot be improved; or where the residential accommodation is on a site which is allocated in the development plan for an alternative use. The reason for Policy P3 refers to the protection of existing family housing stock from conversion into smaller homes. Nonetheless, the main thrust of Policy P3 is clear and seeks to protect housing overall.
8. At approximately 25 square metres, the floor area of the building is small. Indeed, the lounge area has a limited size, only large enough for a small dining table and an armchair or small sofa. However, the bedroom, kitchen and bathroom are an ample size and provide sufficient space for a single occupant, including storage opportunities. Furthermore, even though the building does not have access to private amenity space, this is not uncommon for small one-bedroom residential accommodation within an urban area. Also, there is public open space opposite the property, which could serve similar purposes.
9. Reference has been made to the building not complying with Policy P15 of the SP and the Nationally Described Space Standards (NDSS) or Part X of the Housing Act 1985 (the Housing Act) and the Good Homes Standard for homeless households living in temporary accommodation (Good Homes Standard).
10. Policy P15 of the SP relates to new build and conversions to residential development and refers to the NDSS. The NDSS is clear that the requirement of the standard relates to new dwellings and has no other statutory meaning or use. In addition, in the context of the appeal scheme, I also attach limited weight to the Housing Act and the Good Homes Standard, which is separate legislation and guidance.
11. Although the lounge of the appeal property is small, the overall level of accommodation within the building is satisfactory, considering the building is a period property and occupied as an existing dwelling. A small one bedroom dwelling also contributes to the mix of housing on offer within the area.
12. Clearly, the provision of additional floor space would improve the accommodation, and I am mindful that attempts to obtain planning permission for extensions have been unsuccessful. However, despite the property being a Grade II listed building and the appellant suggests that there is no viable route forward, the evidence indicates that these avenues have not been exhausted. Additionally, opportunities to reconfigure the internal layout are possible, which could overcome the disparity in the proportions of the rooms.
13. Consequently, while the proposed use of the building for short term lets would not result in the loss of a family home, it would result in the loss of a dwelling which would harm housing supply in the area and would be contrary to the Council's development plan strategy for housing.

14. My attention has been drawn to a number of previous appeal decisions (previous appeals)¹. It is suggested that the previous appeals restricted short term lets to 180 days in any year. However, a full copy of those previous appeals, or any other details and plans, have not been provided. As such, without substantiated evidence before me I have been unable to draw comparisons between those developments and the appeal proposal. Nonetheless, it is a well-established principle that all proposals shall be adjudged on the basis of their own merits. Accordingly, as I am required to do, I have determined the case before me on the site-specific circumstances and on its own merits.
15. The appellant suggests that they would be willing to accept a planning condition which restricts the use of the proposed short term lets to 180 days in any year with the property remaining a C3 residential dwelling for the remainder of the year. However, how the dual use would function for the appeal property is not clear. Therefore, I cannot be certain that a condition would comply with paragraph 57 of the Framework, which sets out that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
16. For the above reasons, and on the evidence before me, I conclude that the proposed development would be harmful to housing supply in the area. As such, the proposal conflicts with Policy P3 of the SP.

Visitor accommodation

17. Policy P41 of the SP requires a minimum of 10% of the total floorspace to be provided as ancillary facilities in hotel developments that incorporate a range of publicly accessible daytime uses and offer employment opportunities.
18. The property is located in the Central Activities Zone (the CAZ), close to a number of tourist attractions, in particular, the Imperial War Museum opposite.
19. While the proposal is not for a hotel, the proposed use of the building for short stay accommodation would not provide any floor space for ancillary facilities that incorporate a range of publicly accessible daytime uses and offer employment opportunities. As such, even though the proposal is located close to tourist attractions, it would not contribute to employment growth, employment opportunities for local people or the provision of additional community facilities.
20. For the reasons outlined, I conclude that the proposed development would not provide suitable visitor accommodation, and it would conflict with Policy P41 of the SP.

Other Matters

21. The appeal property is a Grade II listed building, located within the West Square Conservation Area (the CA). The building is also in close proximity to a number of other Grade II listed buildings, including Elizabeth Baxter Hostel (52 Lambeth Road), Lodge to the Imperial War Museum, The Imperial War Museum and 96-102 Lambeth Road. As such, I have duties under Section 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance

¹ References: APP/A5840/W/17/3179048 – Flat 3, 129 St Georges Road, SE1 6HY; APP/A5840/W/15/3003520 - 71 Park Street, SE1 9EA and APP/V5570/W/18/3205887

of the CA and special regard to the desirability of preserving the setting of the listed building.

22. Taking into account that the proposal does not seek any external alterations, and no concerns were raised by the Council regarding the effect of the proposal on the special interest of the Grade II listed building and other listed buildings, as well as the CA, having considered the presented evidence, there are no reasons for me to take a different approach. I am therefore satisfied that the appeal proposal would preserve the special interest of these heritage assets.
23. The proposed short term visitor accommodation would provide an alternative use for the building and result in some economic benefits to local services and amenities within the area, particularly because of its location in the CAZ. The site also has good transport links. Although no objections have been raised with regards to neighbouring living conditions, this is a requirement of planning policy. As a result, in the context of the existing use of the building as a dwelling, the benefits of one small visitor accommodation to the area would be modest. As such, the minor benefits would not outweigh the harm identified in the main issues.
24. I also acknowledge the appellants comments with regard to the Council's lack of feedback and active discussions during previous applications and following the submission of the current application. However, I confirm that I have considered the proposed development on its planning merits.

Conclusion

25. For the reasons given above, I have found that the proposed development would conflict with the development plan as a whole. I have found no other material circumstances that would outweigh that conflict. As such, the appeal should be dismissed.

N Bromley

INSPECTOR