



Appeal Decision

Site visit made on 26 March 2025

by **C Skelly BA (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7th May 2025

Appeal Ref: APP/T5150/W/24/3353930

58 Gladstone Park Gardens, Brent, London NW2 6JX

- 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 Louise Garramone against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/1576.
 - The development is change of use from C4 HMO to C1 short term let (retrospective)
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Reference to “retrospective” in the description is not a form of development. The application form confirms that the change of use has been completed. I observed during my site visit that the loft floor of the property has been subdivided to create two letting rooms with their own ensuites, whereas the submitted plans show that this floor would have one bedroom with bathroom. However, I have determined the appeal on the basis of the submitted plans.

Main Issues

3. The main issues are:
 - the effect of the scheme on housing supply in the Borough; and
 - whether the site is a suitable location having regard to the development strategy for the area in relation to tourist accommodation.

Reasons

Housing Supply

4. The appeal site is a semi-detached property, with dormer roof extension and small enclosed front garden. Gates to the side of the property provide access to a further garden and an outbuilding.
5. The appellant contends that the host property was previously used as a House of Multiple Occupation (HMO) (Class C4), however, the Council have no planning history relating to this. I note that when a certificate of lawfulness (LPA Ref. 14/2771) was issued in 2014 its use was a dwelling (Class C3). In the absence of any substantive evidence to the contrary I am satisfied that the property remains a dwelling under Class C3.

6. Policy H9 of the London Plan (2021) (LNDP) states that Boroughs should take account of the impact on housing stock and local housing need when considering applications for a change of use from housing to short stay holiday rental accommodation to be used for more than 90 days a year. The supporting text goes on to explain that the use of short-term holiday rentals reduces the supply of homes available for people to live in.
7. Policy BH10 of the Brent Local Plan 2019-2041 (2022) (LP) states that development resulting in the net loss of residential dwellings will be supported only in exceptional circumstances. The scheme results in the loss of a family sized dwelling and the scheme does not compromise any of the exceptional circumstances set out in Policy BH10. Family sized homes of three bedrooms or more are in high demand in the Borough and therefore the scheme would compromise the Council's ability to meet its housing targets.
8. The scheme would result in the loss of a family dwelling which would harm the supply of housing in the Borough. It therefore conflicts with Policy BH10 of the LP and H9 of the LNDP, which amongst other things seeks to ensure that the supply of homes is not reduced.

Appropriate location

9. Tourism development is defined in the glossary of the National Planning Policy Framework (2024) (the Framework) as a main town centre use. Paragraph 91 of the Framework states that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. Policy BE9 of the LP specifies that future hotel provision will be encouraged in the two major town centres of Wembley and Kilburn. Other visitor accommodation will be appropriate in town centres in accordance with the sequential approach.
10. The appeal site is located in a residential area. It is not situated in either Wembley or Kilburn, nor is it located within a town centre. Whilst the scheme makes use of an existing building and would not require any external alterations, no justification has been put forward for the use of the appeal property for tourism development, given it's out of town centre location. The scheme therefore fails the sequential approach for main town centre uses and would undermine the spatial strategy approach, albeit on a limited scale.
11. The appellant contends that given the nature and size of the property it is not considered to be visitor accommodation. However, the 'Premises Management Plan' refers to Use Class C1 short-term letting for up to a maximum of 90 days, which means that it would only be available for people visiting for short periods of time. Furthermore, the rooms within the property are advertised on the tourism website, Booking.com as Gladstone Lodge Guest House. Class C1 is different to its use as that of a dwelling house which case law¹ has established is its ability to afford those who use it the facilities required for day-to-day private domestic existence.
12. The appeal site is not in a suitable location having regard to the development strategy for the area in relation to tourist accommodation. It therefore conflicts with

¹ *Gravesham Borough Council v The Secretary of State for the Environment* (1982).

Policy BE9 of the LP which amongst other things seeks to focus the provision of tourism accommodation in the major town centres.

Conclusion

13. The material considerations do not indicate that a decision should be made other than in accordance with the development plan.
14. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR