



Appeal Decision

Site visit made on 11 June 2025

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

an Inspector appointed by the Secretary of State

Decision date: 16th July 2025

Appeal Ref: APP/T5150/W/25/3362405

98 Sudbury Avenue, Brent, Wembley HA0 3BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr C Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2015.
 - The development proposed is for change of use of launderette to a self-contained flat (Use Class C3) with associated alteration to shopfront.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Class M of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the change of use of a building from a laundrette to a use falling within Class C3 (dwellinghouse) subject to limitations set out in Paragraph M.1 and the conditions at Paragraph M.2.
3. Where an application is made for a determination as to whether prior approval is required for development, Paragraph W provides that the local planning authority may refuse the application where it considers that the proposed development does not comply – or that the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with the conditions, limitations or restrictions that are applicable to such permitted development.
4. Before prior approval under Class M can be evaluated, it is necessary to determine whether or not the proposal falls to be considered as permitted development. The Council accept that the building qualifies as permitted development under this class, and I find nothing that contradicts this conclusion.
5. Of relevance to this appeal, prior approval will be required where, as set out in Paragraph M.2 (1) (b) there are contamination risks in relation to the building; and in Paragraph M.2 (1) (d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use, (i) on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (laundrette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services.

Main Issues

6. The Council has objected to prior approval being granted on account of contamination risk to the building and adequate provision of laundrette services and therefore the proposal does not meet the conditions set out at Paragraphs M.2 (1) (b) and (d) (i).
7. Accordingly, the main issues are whether prior approval should be granted:
 - with regard to contamination risk; and
 - whether or not it would be undesirable for the building to change to a dwellinghouse, having regard to the provision of laundrette services and whether there is a reasonable prospect of the building being used to provide that service.

Reasons

8. The appeal site is a laundrette located at the end of a short terrace of commercial units which turns the corner with East Lane. There are a range of commercial units along East Lane and the North Wembley underground station is a short distance away.

Contamination

9. The Council have identified that the site has potential contaminative historic uses under the Environmental Protection Act 1990 (EPA Act). Part 2A of the EPA Act defines “contaminated land” as any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that (a) significant harm is being caused or there is a significant possibility of such harm being caused.
10. To support the planning application a GeoSmart Phase 1 (May 2024) assessment was submitted, which was based on documentary sources of information only. The assessment noted that given the site’s current use there is potential for localised contamination relating to the storage of fuels and/or miscellaneous chemicals and asbestos containing materials. The assessment concluded that it was possible that contamination is present within the sub-surface, but assessed the risks posed to human health as likely to be low/moderate because no breaking of the ground would occur as part of the change of use. As a result, it found that a watching brief of all proposed redevelopment activities and associated ground works was likely to be sufficient. However, this approach would fail to demonstrate that the site is ‘not contaminated land’. This is because, for example, depending on the type of contamination that could be present, the potential exists for the release of vapours within the building. In the absence of intrusive testing, it cannot therefore be demonstrated that the site is not contaminated.
11. Therefore, based on the submitted evidence, I am not satisfied that the appellant has provided sufficient information to enable the decision maker to fully understand the contamination risks in relation to the building. As the contamination risks in relation to the building are a condition for prior approval this is not a matter that should be dealt with by way of a condition. The proposal therefore fails to meet the condition set out at paragraph M.2 (1) (b) of the GPDO with regards to contamination and prior approval should not be granted.

Laundrette services

12. There is no requirement by virtue of the GPDO to have regard to the development plan, nevertheless Policy BE6 of the Brent Local Plan 2019-2041 (2022) is a material consideration but only insofar as it relates to the matters at issue, and only as evidence to support the planning judgement to be made. In neighbourhood parades such as the appeal site, Policy BE6 states that the loss of laundrettes will not be permitted where there is no alternative provision within 400m.
13. The appellant is the freeholder of the building and the laundrette has been operated by the leaseholder. The appellant has submitted evidence that the commercial lease for the building expired in 2015, and an eviction notice was issued against the leaseholder in 2022. According to the submitted evidence there have been ongoing disputes between the freeholder and leaseholder relating to rent payments and the condition of the site. I also note that enforcement action¹ was taken by the Council when the leaseholder expanded the business to include a nursery/garden centre. For these reasons the appellant contends that the late payment of rent and attempts at diversification indicate that the laundrette business is no longer economically viable. However, no specific information has been submitted in relation to the viability of the laundrette operation.
14. Although figures have been provided on how the current rent for the building compares with existing units in the local area, no substantive evidence such as a marketing exercise has been submitted to demonstrate that a tenant could not be secured to operate the laundrette. Therefore, I cannot be certain that the laundrette is no longer a viable business.
15. As part of the appeal, additional information has been submitted which confirms that there are four laundrettes in the area, however these are all over 0.7 miles or 15 minutes walking distance away, which in my view exceeds reasonable walking distance to alternative provision. Although alternative laundrettes may have longer opening hours and offer a greater range of services such as online provision, the evidence that has been submitted is insufficient to demonstrate that the use of the appeal property as a laundrette is unviable. Whilst there have been no objections to the loss of the laundrette, the absence of objection does not in itself render the proposal acceptable.
16. Consequently, I conclude that insufficient evidence has been provided to demonstrate that it would not be undesirable for the building to change to a dwellinghouse, having regard to the provision of laundrette services. For the same reason, it has not been demonstrated that there is not a reasonable prospect of the building being used to provide a laundrette service. Therefore, the proposal would not comply with the condition set out at Paragraph M.2 (1) (d) (i) of the GPDO and prior approval should not be granted.

Conclusion

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

C Skelly

INSPECTOR

¹ LPA Ref. E/20/0385