



Appeal Decision

Site visit made on 22 August 2025

by **N Unwin BSc (hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 October 2025

Appeal Ref: APP/U5360/W/25/3365702

Arch 405 Mentmore Terrace, London E8 3PH

- 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 Hot Pod Yoga against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2023/0771.
 - The development proposed is described as: Change of use from Use Class B2 (General Industrial) to Use Class E (Commercial, Business and Service) including use for indoor fitness (Use Class E (d)).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Based on my site visit, the development appears to have been commenced. Nonetheless, I have determined the appeal based on the plans and documents submitted with the appeal.

Main Issue

3. The main issue is the effect of the appeal development on the supply of B2 industrial floorspace within the Mare Street Priority Office Area and Railway Arches.

Reasons

4. The appeal site is located within a row of railway arches along Mentmore Terrace which primarily comprise commercial uses. The Hackney Local Plan 2033 (2020) (Local Plan) identifies the appeal site as being within the Mare Street Priority Office Area (POA). The lawful use of the appeal site is class B2 of The Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO).
5. Policy LP27 of the Local Plan states that new development within designated POAs will be permitted where it is employment-led and where B1 use class is the primary use. Policy LP30 of the Local Plan specifically relates to the railway arches and says that proposals for the use of railway arches for B1c, B2, B8, and other similar industrial *sui generis* uses will be permitted. It goes on to say that proposals involving the loss of industrial floorspace will only be permitted where it can be demonstrated through robust marketing evidence that there is no demand for industrial use, amongst other things.

6. Since the adoption of the Local Plan the UCO has been amended to remove class B1 (in England) and include a new commercial use (class E) which allows greater flexibility to move between a wider range of commercial uses within that class without the need for planning permission. Nevertheless, Policy LP30 of the Local Plan is specific in identifying a subclass of B1 (B1c) that related to industrial processes which is now class E(g)(iii), rather than encouraging wider B1 uses such as offices. It is therefore clear that Policy LP30 of the Local Plan is supportive of industrial uses within the railway arches and not the wider uses within class E. As such, the changes to the UCO do not undermine the existing policy.
7. The appellant contends that prior to their occupation of the appeal site, it was vacant for a number of years and that there is other vacant industrial floor space within the immediate area, some of which has been vacant for some time. Be that as it may, there is little evidence before me demonstrating those other units have been robustly marketed for reasonable periods at reasonable prices.
8. I sympathise with the appellant's position that the nature of a retrospective application makes the marketing of the existing unit for industrial uses more difficult. However, this is the risk of carrying out development prior to the grant of planning permission and does not justify departure from Policy LP30 of the Local Plan which requires robust marketing evidence to demonstrate there is no demand for industrial use. It would not be impossible or disingenuous to market the site for uses falling within class B2, despite it being currently used for unauthorised indoor fitness purposes. Moreover, it has not been shown there is no reasonable prospect of the site being used for industrial purposes, and such uses would not be inconsistent with the character of the area.
9. The appellant makes reference to the Project 1000 initiative involving the upgrading of the railway arches. They go on to say that the proposed use is compatible and complementary to the neighbouring uses and will not compromise the on-going operations of other business in the area. Nonetheless, this does not justify the loss of industrial floorspace and conflict with Policy LP30 of the Local Plan in particular.
10. As such, the appeal development would result in the loss of industrial floorspace within the Mare Street POA and Railway Arches. the proposal would conflict with the relevant provisions of Policies E2 and E4 of the London Plan – The Spatial Strategy for Greater London (2021) and Policies LP27, LP28, and LP30 of the Hackney Local Plan 2033 (2020). When read together these policies seek to ensure a sufficient supply of land for industrial and related functions, and specifically that within the Railway Arches.

Other Matters

11. The appellant raises planning approval references 2021/0385 & 2021/2346, in addition to other mixed uses within the railway arches such as restaurants, café's, retail, and gyms that would fall within class E. I am not aware of the full circumstances of these and therefore cannot be sure the considerations were the same as the appeal before me. Further, these do not justify the above identified loss of industrial floorspace in the context of the Local Plan.
12. Whilst the proposal represents an extension of the neighbouring unit and the National Planning Policy Framework supports healthy lifestyles, these factors do not outweigh the harm caused by the loss of industrial floor space.

13. The appellant contends that they have occupied and utilised the premises since 2019 with no concerns or issues raised and that no objections were received from any internal or external consultees in relation to the original application. Nonetheless, this does not justify the above identified loss of industrial floorspace.

Conclusion

14. For the reasons given above, the development fails to accord with the development plan as a whole and there are no other considerations which indicate planning permission should be granted. The appeal should be dismissed.

N Unwin

INSPECTOR