



Appeal Decision

Site visit made on 11 September 2025

by **B Pattison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th October 2025

Appeal Ref: APP/P3610/W/25/3367061

405 Kingston Road, Ewell, Surrey KT19 0BT

- 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 Ramin Ramazani against the decision of Epsom and Ewell Borough Council.
 - The application Ref is 25/00077/FUL.
 - The development is described Change of Use from existing rear offices (Use Class E) to a residential dwelling (Use Class C3) (retrospective).
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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 and the appeal form, as opposed to the application form, as it more accurately describes the development for which permission is sought.

Main Issues

3. The main issues are:
 - whether the proposal provides a satisfactory standard of accommodation for residential occupiers, with particular regard to its internal space; and
 - whether the loss of the employment use has been adequately justified, having regard to local and national planning policy.

Reasons

Living conditions for future occupiers

4. The appeal site is located to the rear of 405 Kingston Road. No. 405 forms part of a parade of shops and businesses to the side of an access road from Kingston Road, a busy dual carriageway.
5. Policy DM12 of the Development Management Policies Document (2015) (DMPD) requires that all new homes, including conversions, meet the minimum internal floorspace standards set out in the Nationally Described Space Standards (NDSS) (2015).
6. The NDSS specifies that the minimum internal floorspace for a one-bedroom dwelling arranged over two storeys is 58 square metres. The appellant indicates

that the dwelling provides approximately 50 square metres of living accommodation, which represents a significant shortfall against the NDSS requirement.

7. Whilst the appellant suggests that the flat is for single occupancy the submitted drawings detail a double bed and the room itself is sufficient size for double occupancy. There are difficulties with controlling occupancy to meet the NDSS requirements because, regardless of the intended target market for future occupiers of the development, the bedroom size could encourage more than one person to live at the property.
8. Reference has been made to the dwelling at 407 Kingston Road which was approved by the Council (Council Ref: 17/01888/FUL). The submitted evidence indicates that in that case, the shortfall against the NDSS was only 1 square metre, which is proportionately less than the current proposal's shortfall. Therefore, the circumstances are materially different. Notwithstanding this, each application must be assessed on its own merits, and my conclusion is based on the specific details of the appeal proposal.
9. For the above reasons, I conclude that the proposal would not provide satisfactory living conditions for its future occupiers, with particular regard to internal space. This would be contrary to policies DM10 and DM12 of the DMPD insofar as they relate to the internal space standards and require development proposals to be of a high standard of design and layout.

Loss of employment use

10. Policy DM24 of the DMPD allows loss of employment floorspace in this location only where the existing use has a significant adverse effect on residential amenity and the site is no longer suitable. This should be demonstrated through marketing evidence undertaken for a minimum period of 18 months at an appropriate rate for its location and condition.
11. The appellant indicates that the building has not been used as a commercial office since March 2013, and that they have been paying Council tax. However, no evidence has been submitted to indicate that any previous commercial use had a significant adverse effect on residential amenity, and the appellant does not appear to rely on this. Neither has any evidence of marketing of the property as a commercial premises been provided.
12. It has been put to me that the Council's emerging Local Plan identifies options to address housing shortfall, one of which includes encouraging the conversion of office space to flats. However, I have not been directed to a specific policy related to this issue. Regardless, the submitted evidence indicates that the emerging Local Plan is at Regulation 19 stage. Accordingly, I can only give such policies very limited weight in the decision-making process.
13. The loss of employment use has therefore not been adequately justified. The proposal would conflict with Policy DM24 of the DMPD which seeks to protect against the loss of employment uses.

Other Matters

14. Residential development in this location is in close proximity to shops, services and public transport, and the proposal may be compliant with various provisions of

the development plan. The proposal uses the existing access arrangements and does not result in an increase in traffic movements associated with the change of use and there would not be any adverse material impacts in relation to the operation of the public highway. However, these are neutral factors that neither weigh for or against the development.

15. The appellant indicates that the proposal also includes the provision of an EV charging facility to accommodate future changes in car ownership, seeking to reduce emissions.

Planning Balance and Conclusion

16. The Council cannot demonstrate a five-year housing land supply of deliverable housing sites. The five-year housing land supply position is between 2.1 – 2.18 years supply as set out in the Council's 2023/2024 Annual Monitoring Report. The Council has achieved under 75% in the Housing Delivery Test, which is described by the National Planning Policy Framework (2024) (Framework) at footnote 8 as substantially below the housing requirement. As such, the provisions of paragraph 11(d)(ii) of the Framework are engaged.
17. The proposal would contribute towards the smaller housing stock within the Borough and would support the Government's objective of significantly boosting the supply of homes. However, the social, environmental, and economic benefits associated with a single dwelling would be small and the benefits that would be accrued from the construction process would be temporary and limited. In contrast, I have found that the appeal proposal would result in an unacceptably poor living environment which would significantly harm the occupants' living conditions, as well as resulting in the loss of employment floorspace. Accordingly, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
18. The development plan policies that I have found the appeal proposal conflicts with relate to delivering homes of a high quality and ensuring sufficient living conditions for occupiers. Although they are deemed to be out of date in relation to the approach set out in Framework paragraph 11d, this does not mean that they carry no weight, and the amount of weight to be given to development plan policies is a matter of planning judgement for the decision maker. In this instance, I am satisfied that the policies are broadly consistent with the Framework, and I attach significant weight to the conflict I have identified with them. Although the shortfall in housing land supply also attracts significant weight, and the proposal would provide some benefits, including additional accommodation, neither of these matters outweigh the harm I have identified. Accordingly, material considerations do not indicate that the appeal proposal should be determined other than in accordance with the development plan.
19. The proposal would not accord with the development plan as a whole and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR