



Appeal Decision

Site visit made on 22 October 2025

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2025

Appeal Ref: APP/V5570/W/25/3370430

Commercial Unit, 45 Essex Road, London N1 2SF

- 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 Anthony Solomou (Dawnelia Properties) against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2025/1337/FUL.
 - The development proposed is the change of use from bar (sui generis) to commercial use (Use Class E).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Anthony Solomou against the Council of the London Borough of Islington. That is the subject of a separate decision.

Main Issues

3. The main issues is whether the loss of the bar is justified, with particular regard to the effect on the Angel Town Centre.

Reasons

4. The appeal property comprises the ground floor of a premises, called 'Barrio' which is situated on Essex Road. The site is located a short distance from the vibrant area around Islington Green. Located within the Angel and Upper Street spatial strategy area, and within Angel town centre, the site is in an area also designated as a Cultural Quarter. Whilst located outside of the defined Central Activities Zone (CAZ), the immediate vicinity of the appeal site contained numerous restaurants, drinking establishments, shops, services, and residential homes.
5. The premises were last in use as a bar and the proposal seeks permission to operate within Use Class E of the Use Classes Order 1987 (as amended) (the UCO). There is limited evidence regarding the events, facilities or services that were available or undertaken at the premises. However, the appellant suggests that the venue operated similarly to other 'Barrio' bars, and the website link provided shows those venues provide food and drink and on occasions masterclasses, live music, DJ's, dancing lessons and venue hire.
6. Policy R1 criterion O) of the Islington Local Plan Strategic and Development Management Policies document, September 2023 (the SDMP) seeks to resist the

loss of pubs for the contribution they make to the culture, character of the area and the night time economy. In addition, the justification to Policy R1 advises there is no set list of cultural uses, and it also lists pubs as typical cultural attractions. Policy SP4 of the SDMP specifically seeks to protect cultural uses within Angel Town Centre. Notwithstanding the above, the appellant's main justification for the loss of the bar is that it does not constitute a pub or valued cultural venue. However, the definition of cultural uses within the SDMP is not to my mind a closed list, the word 'includes' within paragraph 4.145 of the SDMP suggest that there is also an element of planning judgement to be made on these matters.

7. The UCO makes reference to 'public house, wine bar and drinking establishment,' however I am unaware of any legal definition of a public house or distinction between these. My attention has been drawn to an appeal decision¹ in Islington whereby the Inspector noted different traits between a drinking establishment and a pub. However, this was partly derived from the Council's description of a public house contained within the glossary of the development plan in force at the time. That document was superseded by the SDMP, and the same definition of public house has not been put before me in this appeal, nor does the Council make a distinction between pub and bar. Therefore, whilst I have noted the contents of this appeal decision, overall the evidence indicates a material change in circumstances which limits its weight.
8. The Oxford English Dictionary describes a public house as 'a building whose principal business is the sale of alcoholic drinks to be consumed on the premises.' This definition does not refer to ancillary accommodation, basement, draft beers, garden, history or architecture. At the time of my site visit, the premises were vacant but were being advertised 'To Let' as a fully fitted bar premises (with late night licence). This reflects my observations of the internal space, which contained a long counter bar area behind which alcohol would have been served. As a consequence, this relatively informal space where people could meet and be served alcohol would be consistent with the definition of pub and capable of being considered under the terms referred to in SDMP Policy R1 criterion O), which seeks to resist their loss.
9. The appellant contends whether premises can be considered as a cultural use within the terms of SDMP Policies SP4 and R10 and its value can be gauged by whether there are objections to the planning application, whether the building is of aesthetic, historical or architectural distinction, whether it is unique, significant and whether it serves any cultural events. It is clear that there was no commentary from local residents or visitors to resist the proposal. However, in such locations it would be possible to draw in patrons from a wide ranging area who may not be aware of the application.
10. A satisfactory justification for the loss of such a venue has to be broader than whether the unit is of aesthetic, historical or architectural distinction. Although the venue is not particularly large, not purpose built and it has been put to me that its offering is not unique, there is little evidence to substantiate this in relation to other such uses in the area. The Council has also advised that the premises have operated as a bar or restaurant since the 1990s and form part of a recognised cluster of night-time economy uses. I observed this arrangement and that it was not readily repeated outside of the CAZ and along Essex Road. Even if this is not

¹ Appeal Ref: APP/V5570/W/22/3307718

exactly the case, it would be expected that an area in the location of Angel Town Centre would offer an expansive range of similar types and sizes of venues. To my mind this also offers distinct social and economic benefits through the contribution the cluster makes together towards the night time economy.

11. I also have no evidence that the businesses who have operated since the 1990s were not viable. The length of time the premises have been operating a typical evening use suggests the location is good or valuable for both visitors and local residents. Whilst individually the loss of an individual unit may not have a significant effect, given the designation of the Cultural Quarter, the unjustified loss of such a premises, if often repeated, would undermine the Council's strategy in relation to the offering available for residents and visitors and the night time economy.
12. I am satisfied that given the above circumstances, the proposal is a cultural use which is referred to within SDMP Policy SP4 and R10. I agree with the Council that it would be valued, notwithstanding this the wording of SDMP Policy R10 does not require the pub or cultural uses to demonstrate it is valued, and there is no definition of this term, within the SDMP or the Framework.
13. Policy R10 C) of the SDMP clarifies the information which is required to address the loss of cultural facilities and demonstrate the above. This includes the standard practice of marketing the premises for two years, to demonstrate that there is no reasonable prospect of the unit being used for continued cultural use or other suitable cultural uses. In my view, value can also be measured by whether the proposal has a reasonable prospect of continuing in such a use. However, the proposal is not supported by detailed marketing evidence to help demonstrate that there is no demand. The presence of a 'To Let' board, does not provide satisfactory evidence of an active marketing campaign, which would fulfil the requirements of Policy R10.
14. I therefore conclude, in the absence of suitable evidence, that the loss of the bar has not been justified and would therefore be harmful to the Angel Town Centre. The proposal would conflict with SDMP Policies SP4, R1, R10 and The London Plan, 2021, Policy HC5. Together, these seek, amongst other things, to support London's culture and the night time economy through protecting and resisting the unjustified loss of cultural uses, particularly where they are located within Cultural Quarters.

Other Matters

15. It is contended that the unit would accommodate a dental surgery. Whilst this would undoubtedly provide some alternative benefit to the local community, I cannot be certain that this would proceed and I cannot attribute any weight to this. Another business falling within Use Class E of the UCO may also provide benefits, which could also be supported by local and national policies. However, this cannot be quantified as the end user is unknown.
16. Interested parties have raised concerns regarding the effect of night time uses upon their living conditions. There is an indication that complaints have been received in terms of disturbance from the premises. I do not have any information before me about the nature of the complaints or disturbance or indeed when these events took place or their duration.

17. Balanced against the above is the harm arising from conflict with the Council's policies and the harm to the Angel Town Centre, from the loss of this specific element, which the Council has identified is important. As such the evidence regarding the benefits does not persuade me that this outweighs the conflict with the development plan and potential harm to the Angel Town Centre.

Conclusion

18. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

K Williams

INSPECTOR