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## Appeal Decision

Site visit made on 22 October 2025

**by K Lancaster BA (hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 10<sup>th</sup> November 2025**

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**Appeal Ref: APP/X5990/W/25/3370564**

**Ground Floor Garage, 43A Hay's Mews, Mayfair, London W1J 5QA**

- 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 46 Berkeley Square Limited against the decision of City of Westminster Council.
  - The application Ref is 25/02532/FULL.
  - The development proposed is the change of use of part ground floor from Class C3 (ancillary garage) to sui generis (ancillary refuse/recycling store for members club) use and associated external works (retrospective).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Based on the evidence before me and at my site visit, the development has commenced and is now substantially complete. I have therefore considered the appeal on this basis.

### Main Issue

3. The main issue is the effect of the development on the supply of residential floorspace

### Reasons

4. The appeal site comprises a three-storey, mid-terrace mews property, located on the western side of Hay's Mews. The appeal relates to the ground floor garage within the building and approval is being sought retrospectively for the change of use of this part of the building from a residential use to provide a refuse and recycling store for Annabel's Members Club.
5. Policy 8 of the City of Westminster City Plan 2019-2040 adopted April 2021 (the City Plan) states that all existing residential units, uses, floorspace and land will be protected, except where: (i) the reconfiguration or redevelopment of supported or affordable housing would better meet need; or (ii) non-family sized housing is being reconfigured to create family sized housing.
6. The appellant has drawn my attention to Policy MRU2.3 of the Mayfair Neighbourhood Plan 2018-2038 adopted December 2019 (the MNP) which seeks to resist the loss of residential units. It is not disputed that the development has not led to a loss of a residential unit. Therefore, I accept that there would be no conflict

with this policy in this regard. However, it has led to a reduction in residential floorspace, which is contrary to the aims of Policy 8 of the City Plan.

7. Section 38(5) of the Planning and Compulsory Purchase Act 2004 (the Act) states that if to any extent a policy in a development plan conflicts with another policy within it the conflict must be resolved in favour of the policy which is contained in the last document to become part of that development plan. It is evident that Policy MRU2.3 of the MNP seeks to protect the loss of units, whereas Policy 8 of the City Plan seeks to protect existing residential floorspace.
8. Consequently, having regard to the act, determination should be in favour of the City Plan because it was the last document to become part of the development plan. Therefore, even if the loss of the garage would not cause harm to the living conditions of the occupiers of the existing residential property, this does not outweigh the conflict which I have identified in respect of the need to protect existing residential floorspace.
9. The benefits which have been advanced in support of the proposal, include the contribution of the development to supporting the growth and expansion of appropriate uses in the Central Activities Zone (CAZ). It is further stated that the development makes an efficient use of land and removes a parking space, which is supported by the City Plan and the London Plan 2021. My attention has also been drawn to the support for commercial growth in Mayfair set out in the MNP.
10. However, as the appeal site would be used solely for recycling and waste storage purposes, there is no substantive evidence to demonstrate that this would support the growth or expansion of the existing business within Mayfair or the CAZ. For these reasons and based on the nature of the development and its limited scale, I attribute these benefits only limited weight.
11. Balanced against these limited benefits is the significant harm I have identified in relation to the conflict with Policy 8 of the City Plan and the reduction in residential floorspace. Consequently, the limited benefits of the development do not outweigh this harm.
12. For these reasons, I find that the development would result in the loss of residential floorspace. As such, it would fail to comply with Policy 8 of the City Plan, which seeks, amongst other things, to protect existing residential floorspace.

### **Other Matters**

13. The appeal site is located in the Mayfair Conservation Area (MCA). I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
14. The significance of the MCA is derived from its formal townscape pattern of streets and squares lined by largely substantial buildings of varied age and architecture. The significance of the appeal site is derived from being an example of former stable or coach house accommodation to the main houses on Hill Street and Charles Street but now used for residential purposes.
15. As the development relates to the change of use of part of an existing property, with very limited external works, I therefore find that the development preserves the character and appearance of the MCA.

## **Conclusion**

16. For the above reasons, the development does not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

*K Lancaster*

INSPECTOR