
Appeal Decision

Site visit made on 1 May 2026

by **S Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 05 May 2026

Appeal Ref: APP/M5450/W/25/3376437

Edgware Police Station, Whitchurch Lane, Edgware, Harrow, HA8 6LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Milegate Limited against the decision of the London Borough of Harrow.
 - The application reference is P/0871/22.
 - The development proposed is the conversion of the police station (use class sui generis) to a hotel (use class C1) including the conversion of the loft area with the erection of 6 No. flat roof rear dormers, ancillary restaurant/breakfast room and minor external alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A draft National Planning Policy Framework 'Plan-making and national decision-making policies' was issued by the Government for consultation on 16 December 2025 (Consultation Draft Framework) and with a deadline for comments by 10 March 2026. No final decisions upon the consultation have yet been announced. Therefore, and for this reason, I afford the Consultation Draft Framework limited weight as a material planning consideration. In respect of the main issues, I have afforded full weight to the published National Planning Policy Framework 2024 (as amended) (the Framework) and the adopted development plan for the area. In this case, the Consultation Draft Framework does not alter or outweigh my conclusion below regarding the appeal.

History and Main Issue

3. The local planning authority (LPA) resolved to grant planning permission for the proposed development subject to the imposition of conditions and the completion of a planning obligation. I have no reason to doubt the conclusion of the LPA that the proposed development is acceptable when considered against the development plan and having regard to identified material planning considerations. Indeed, and as concluded by the LPA, I find that the proposal would bring this locally listed building within a town centre location back into use and with associated economic benefits, with no harm being caused to its architectural or historic significance, or with any other planning harm being caused.
4. However, the LPA refused planning permission as a planning obligation was not completed. The matter was referred back for consideration by its Planning Committee as its earlier resolution had not been fully met.

5. The LPA considers that the completion of a planning obligation is necessary to make the proposed development acceptable in planning terms.
6. Therefore, the main issue is whether the proposal includes a mechanism to provide all necessary infrastructure provision to make the development acceptable.

Reasons

7. While the appellant has included a draft planning obligation in appendix H to the statement of case, this has not been executed. Therefore, it has no effect from a decision-making point of view. The appellant states that delays in the preparation and completion of the planning obligation were initially due to 'internal' matters on the part of the Council. Moreover, the appellant notes that planning permission was refused when an extension of time had been agreed with the LPA.
8. While the appellant's concern is noted, it is necessary that I determine this appeal on the evidence before me. I also emphasise that the Planning Inspectorate's Procedural Guide: Planning Appeals – England (2026) states that *'If the appeal is following the written representations procedure (see 9) the appellant must ensure that we receive an executed and certified copy of the planning obligation at the time of making their appeal'*(paragraph 18.2.2.1).
9. The Committee minutes relating to the resolution to grant planning permission state that the following are required to be included within a completed planning obligation:-
 - *'A Travel Plan to be submitted to the Council prior to the first occupation of the building. A travel plan bond (to be agreed with the Council) will be required to secure the implementation of all measures specified in the revised Travel Plan. The developer to ensure the effective implementation, monitoring and management of the travel plan for the site. Appointment of Travel Plan Coordinator. Travel Plan monitoring fee of £5,000.*
 - *Upgrade of existing single yellow line waiting restriction to an 'at any time' restriction.*
 - *A contribution of £3,000 is required to undertake work to kerbside improvements to Whitchurch Lane upgrading the waiting restriction via a section 278 with the highway authority. This would include amendments to the relevant traffic management order, lining and signing.*
 - *A contribution secured for a CPZ review of the area (final figure/cost to be confirmed at s106 stage).*
 - *The development shall be secured as a C1 Use Class (Hotel) with on-site ancillary restaurant on site in perpetuity and for no other use whatsoever unless agreed in writing by the Local planning Authority secured by legal agreement.*
 - *Payment of section 106 monitoring fee upon completion of section 106 agreement and payment of all reasonable legal fees upon completion of section 106 agreement'.*
10. In the appeal submission, the appellant states that there is 'full agreement in principle with the obligations contained therein and is content for these to be secured, subject only to the Inspectorate confirming that they meet the tests of

reasonableness, necessity and proportionality, in accordance with Regulation 122 of the Community Infrastructure Regulations 2010' (my underlining).

11. I am satisfied that the infrastructure requirements, as outlined in the Planning Committee minutes, meet the tests for planning obligations as laid down in paragraph 58 of the Framework, namely a) that they would make the development acceptable in planning terms, b) that they would be directly related to the development and c) that they would fairly and reasonably be related in scale and kind to the development.
12. Nevertheless, a planning obligation has not been executed. The onus was on the appellant to submit an executed version. Furthermore, the possibility existed for the submission of a unilateral undertaking, if necessary, as suggested in its own counsel opinion. I have no such signed document before me.
13. I acknowledge that had a planning obligation been executed, it would have been necessary for me to consider its detailed wording and to determine whether each obligation met the three tests. Such a planning obligation could have included a '*blue pencil*' type clause in this regard. Concerns raised about alleged failings on the part of the Council do not alter my finding that a completed planning obligation is necessary to make the proposed development acceptable in planning terms.
14. I must determine the appeal based upon the evidence and documents that are before me. I cannot direct the main parties to execute a planning obligation, nor can I allow the appeal on the presumption that, at some future date, the parties might do so. Also, the written representation appeal process does not enable me to write into a draft planning obligation my own '*blue pencil*' clause(s).
15. Therefore, I conclude that the proposal would not accord with the relevant infrastructure requirements of policies D2 and DF1 of the London Plan 2021 (LP); policy CS1 of the Harrow Core Strategy 2012; policies DM34 and DM50 of the Harrow Development Management Policies Local Plan 2013 (DMPLP) or the Framework. I do not consider that policy E10 of the LP and policy DM1 of the DMPLP are directly relevant to this main issue.

Other Matters

16. I note that the appellant considers that the LPA has not approached its decision making in a positive manner and that there is alleged conflict with the requirements of paragraph 39 of the Framework. However, there is no award of costs application before me, and I have also referred to the appellant's own counsel opinion that a unilateral undertaking could have been provided, though I acknowledge that the alleged unexpected planning refusal might explain why this was not done at the time. Nonetheless, I do not have before me the Council's version of the administrative events leading to the non-execution of the planning obligation.
17. In any event, this is not a matter which is sufficient to alter or outweigh my conclusion on the main issue.
18. In determining the appeal, I have not taken into account an alleged unauthorised development or works which may have taken place on the land.

Conclusion

19. In the absence of a completed planning obligation, the proposal would not provide the necessary infrastructure to make the proposed development acceptable in planning terms. This is a matter of overriding concern and is not outweighed by the benefits associated with the proposal, as outlined in the LPA's officer report which was considered by its Planning Committee.
20. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR