



Appeal Decision

Inquiry opened on 23 March 2021

Site visit made on 31 March 2021

by Martin Whitehead LLB BSc(Hons) CEng MI CE

an Inspector appointed by the Secretary of State

Decision date: 27 April 2021

Appeal Ref: APP/M5450/W/20/3258864

Former Royal Mail Harrow Postal Delivery Office, Elmgrove Road, Harrow, HA1 2ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by R C Watson & Co against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/5049/19, dated 21 November 2019, was refused by notice dated 5 March 2020.
 - The development proposed is demolition of existing building and the erection of a building of up to 6-storeys to accommodate 880sqm of commercial floorspace and up to 60 residential units, bin stores and cycle stores; access roads, footpaths and amenity areas, and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. Although the application was submitted in outline form with all matters of detail except access reserved for subsequent consideration, the appellant has provided illustrative plans of a development on the site to provide 60 residential units and 880sqm of commercial floorspace. In the absence of any other proposals, I have based my decision on the details shown on these plans, as an indication of the **proposed development's** layout and scale. Following the application, the appellant has submitted revised plans ref ITB15156-GA-005 Rev B and ITB15156-GA-006 Rev B, which provide amended details of the proposed access. I have taken these into account in my determination of this appeal.
3. Following the refusal of planning permission, the Council has accepted that the amended details shown on the submitted plans ref ITB15156-GA-005 Rev B and ITB15156-GA-006 Rev B address its sixth reason for refusal based on the flow of traffic and highway safety in the area. I am satisfied that this matter is no longer a main issue.
4. The Inquiry opened **on 23 March as a 'virtual event'** and was held for 4 days, closing on 26 March. Prior to opening the Inquiry, I observed video footage of the appeal site and surrounding area that the appellant had provided which had

been agreed with the Council. An accompanied site visit was made on 31 March 2021.

5. Following the close of the Inquiry, a S106 Agreement, dated 1 April 2021, has been submitted based on the draft Agreement examined at the Inquiry. It would address concerns regarding: parking, by providing controls over the issue of parking permits; sustainable travel, by requiring a travel plan; the effect on the surrounding highway, by securing a highway agreement to ensure that necessary highway works would be carried out; climate change, by securing a carbon offset contribution; local employment, by securing a contribution and plan for training and employment; and affordable housing by making alternative provisions of 40% or 50% in accordance with policy requirements.
6. I have considered the information given in the Community Infrastructure Levy Regulations 2010 (CIL) compliance statement provided by the Council in support of the planning obligations. Based on this, I am satisfied that all the planning obligations in the Agreement would be necessary to mitigate the effects of the development and they meet the tests in CIL Regulation 122 and paragraph 56 of the National Planning Policy Framework (Framework). I have therefore taken them into account in my determination of this appeal. As such, **I find that the Council's second reason for refusal** regarding affordable housing has been addressed.

Main Issue(s)

7. The main issues are:
 - a) the effect of the proposal on employment space in the Borough;
 - b) its effect on the character and appearance of the surrounding area;
 - c) whether it would provide acceptable living conditions for future residents of the proposed dwellings, with particular regard to matters of sunlight and daylight;
 - d) its effect on the living conditions of the occupants of neighbouring dwellings, with particular regard to matters of daylight, sunlight, privacy and outlook; and
 - e) whether the proposal would be acceptable in terms of the overall planning balance.

Reasons

8. The appeal site lies on the southern side of Elmgrove Road, and is separated from the road by KAP House to the north, which is a part 4-storey, part 6-storey former office building that has recently been converted to 73 self-contained dwellings. Access is via a shared connection, also serving Watson House and Havilland House, from Elmgrove Road. It is adjacent to, but separate from, that serving KAP House.
9. Following the refusal of planning permission, the relevant emerging policies of the publication London Plan have been adopted and, with some minor revisions which I do not consider significantly alter them, form part of The London Plan 2021. The Secretary of State has found the Plan to be sound and it has recently been published by the Mayor of London. As such, the policies

supersede those in the London Plan, 2016 and I have given them full weight in the determination of this appeal.

10. The development plan also includes the Harrow Local Plan, of which policies from the Harrow Core Strategy (2012) and Harrow Development Management Policies (2013) are relevant to this appeal. Whilst the Local Plan is over 5 years old and has not been reviewed, at the Inquiry the appellant accepted that it had not found any inconsistencies between the relevant policies and those in the Framework. I have therefore given these policies significant weight in my determination of this appeal. In addition, the appeal site is located within the Harrow and Wealdstone Opportunity Area, which means that the policies of the Harrow and Wealdstone Area Action Plan apply.
11. With effect from 1 September 2020, Use Class D1 has been superseded by Use Class E (Commercial, Business, Services) and F1 (Learning and non-residential institutions). However, as the application was determined prior to this date, I have determined this appeal based on these superseded use classes.

Employment Space

12. The permitted use of the existing building, which I understand has been vacant since September 2019 when it ceased being used as a postal sorting office, is sui generis. This existing use falls outside the particular classes identified by the Use Classes Order. As such, planning permission would be required for a different type of industrial use.
13. Regarding the lawful use of the site, the West London Alliance West London Employment Land Evidence 2019 (WLELE) includes postal activities within a **broad category of 'Warehousing, Logistics and Future Logistics' and separate from other warehousing. Appendix A of this document indicates that 'Postal and courier activities' fall within a 'Logistics' sector.** The appellant's witness accepted that the London Industrial Land Demand (LILD) Report 2017 identifies logistics as a form of industry. I am therefore satisfied that a postal sorting office is of an industrial nature, such that the policies which seek to protect industrial uses are all relevant.
14. Although the London Borough of Harrow Economic Development Needs Assessment Final Report 2017 (EDNA) does not include the appeal site within the assessment, the site would have been operating as a postal sorting office at the time of the assessment. Furthermore, the Report does not state that it refers to all the relevant sites.
15. The LIDL Report concludes that there is a net need for additional industrial capacity across London and identifies Harrow as having vacancy rates on industrial sites at 7.6%, which is below the average across London. It recommends that Harrow should retain its industrial land. The WLELE found that Harrow had lost 34% of its industrial floorspace since 2001. Its vacancy rate was the lowest of all the West London boroughs considered in that study and compared to other West London boroughs, and to London as a whole, it had lost a greater proportion of industrial stock, from a lower base. It concluded that between 2016 and 2041, there would be a need for an additional 18,480sqm of logistics floorspace in Harrow, which would require about an additional 2.8 hectares of land for logistics uses.

16. Policy E4 of the London Plan **is regarding 'Land for industry, logistics and services to support London's economic function'**. In Part A, the Policy states that a sufficient supply of land and premises should be provided and maintained to meet the current and future demands for industrial and related functions. The reason for that is set out in paragraph 6.4.1 of the explanatory text. It states that *'London depends on a wide range of industrial, logistics and related uses that are essential to the functioning of its economy and for servicing the needs of its growing population, as well as contributing towards employment opportunities for Londoners'*. Paragraph 6.4.4 identifies that between 2001 and 2015, more than 1,300 hectares of industrial land has been released to other uses in London, which it regards as being well in excess of previously established London Plan monitoring benchmarks.
17. **The definition of a 'Non-Designated Industrial Site'** is given in the footnote to **Policy E4 B of The London Plan as 'sites containing industrial and related functions that are not formally designated as Strategic Industrial Locations (SIL) or Locally Significant Industrial Sites (LSIS) in the Local Plan'**. Based on the evidence before me at the Inquiry, I am satisfied that the appeal site comes within this definition because I have found that the use of the site is a logistics use which is covered by Policy E4 and the site is not designated. Although the appellant has argued against the use of the appeal site coming **within this definition by reference to the dictionary definition of 'Industry' and the interpretation of 'industrial process' given in the Town and Country Planning (General Permitted Development) (England) Order 2015**, I consider that they are not relevant in relation to this Policy.
18. Policy E7 D of the London Plan supports mixed-use or residential development on Non-Designated Industrial Sites subject to it meeting some stated criteria. Policy CS1 O of the Local Plan seeks to ensure that an adequate stock of **business and industrial premises is retained to meet the Borough's economic needs**. Policy DM46 D of the Local Plan is regarding the conversion of employment floorspace to community and educational uses which should have regard to Policy DM31, its impact on other uses within the building and neighbouring buildings and the adequacy of parking and access arrangements.
19. Local Plan Policy DM31, which aims to retain sites in industrial and business use, and Policy E7 of the London Plan only supports mixed-use or new residential development on Non-Designated Industrial Sites where there is no reasonable prospect of the site being used for industrial or related purposes. Policy DM31 requires a suitable period of continuous, unsuccessful, marketing to justify the release of industrial land. Paragraph 6.7.5 of the explanatory text to Policy E7 requires consideration of the strategic and local assessments of demand together with evidence of vacancy and marketing including, where the premises are derelict or obsolete, the potential for redevelopment.
20. The appellant has suggested that, as the appeal site has been vacant for about 18 months, it is not an employment generating site. However, it has accepted that it has carried out no marketing of the site, either as existing or as a development opportunity. I consider that matters of cost and time required to do this are not justified reasons for a departure from policy requirements regarding marketing of the site.
21. The appellant has stated that the proposal would include Class D1 community use which would generate jobs and has referred to the response from the

Council's Economic Development Officer who has not objected to that use. The appellant's analysis shows that the proposed 880sqm of non-residential use floorspace could be expected to generate in the order of 38 to 48 full time equivalent (FTE) jobs, which could increase to 53 for a single occupier. As such, it would be capable of providing a similar, if not a greater, number of FTE jobs to those that would be generated by the existing lawful use or any other light industrial or logistics uses on the site. However, the types of jobs proposed are not the ones that are protected by the policies that I have previously mentioned, which recognise the essential function that industry plays in the success of the economy.

22. At my site visit I observed the inside of the existing building, including the single staircase to the first floor, the height of the ground floor and the access to and size of the turning area. The appellant has argued that such constraints make the site unsuitable for industrial use. However, this is not backed up by any evidence to show that it has been unsuccessfully marketed for such a use. Furthermore, Royal Mail appears to me to have operated effectively from the site for about 38 years using vehicles of up to 7.5 tonnes, and no evidence has been provided of any complaints from the surrounding residential properties.
23. Whilst the appellant has not provided any marketing evidence of the appeal site, it has indicated that a site at Brember Road, South Harrow, has been unsuccessfully marketed for a significant period. However, I consider that that site is significantly different from the appeal site in terms of its relative location and size. There is no substantive evidence provided to show that there would be no interest from logistics-type operators and the appellant has accepted that the appeal site could be made suitable for light industrial uses. Furthermore, no evidence has been provided of the viability of using the appeal site for a logistics or other industrial use, as required by Local Plan Policy DM31.
24. The appellant has argued that the current condition of the site would prohibit its continuation in its lawful use or an alternative logistics or light industrial use. In support of this it has referred to the Royal Mail relocating to modern premises at Greenford. However, only speculative evidence has been provided by the appellant as to the reasons behind this move to a larger site that I understand was already in use by the Royal Mail at the time of the relocation. There is nothing before me to show that the Royal Mail considered the appeal site to no longer be suitable for its use as a sorting office.
25. The appellant has referred to the 9 mailing/courier or distribution firms which have commenced operations since 2010 in the study area given in Table 63 of the WLELE as being significantly larger than the appeal site, but these are only given as examples. Therefore, this is not conclusive evidence regarding the desirability of the appeal site for these functions. Paragraph 8.28 of this **document indicates that** *'Harrow has a limited regional logistics function and is a predominately residential location rather than industrial'* and that the road network through the Borough does not support high volume Heavy Goods Vehicle (HGV) movement. Nevertheless, this is insufficient to justify not marketing the site to determine whether it would be required for this use.
26. The **appellant's highway consultant**, i-Transport, has provided tracking of the existing site by various delivery vehicles and has estimated the number of daily vehicle movements to the site if the existing floorspace was in different uses by

- referring to the TRICS database. This evidence has not been disputed by the Council. Whilst it indicates the limitations of the existing site, especially the use of the restricted shared access, it does not prove that the site would not be suitable or acceptable for a light industrial or logistics use, given that a 7.2m long vehicle has been shown to be able to access and turn in the site.
27. The appellant's reasons given in support of it not marketing the appeal site include the level of employment that could be generated by the proposed mixed use of the site. The appellant has also argued that the rigid application of planning policy, including in terms of marketing, is not needed in this case and would only delay the development of the site. In addition, it has referred to the out-dated format of the property, the residential neighbours and access limitations of the site. However, the proposal would result in the permanent loss of a site that would potentially be suitable for the type of industrial and related jobs that development plan policies seek to protect and the evidence has failed to adequately demonstrate that this type of use of the site is no longer feasible or acceptable.
28. I am satisfied that a proposed re-use of the site could not be a Class B2 use because such a use is not appropriate in a residential neighbourhood. However, a storage or distribution use under Class B8 would be a similar type of logistics use to that permitted as a postal sorting office. In this respect, I have not been provided with sufficient evidence in terms of marketing or viability to **prove the appellant's claims that** the demand for additional logistics floorspace within the Borough is limited and that the shortcomings of the appeal site do not make it the right place to meet a modest demand. At the Inquiry the appellant did not discount a light industrial use of the site and its expert witness indicated that some interest had recently been shown for sites to be used for these purposes.
29. **Whilst the appellant's transport evidence demonstrates that the current layout** of the site would make it unworkable to use any larger vehicles, the appellant has accepted that it could be reconfigured to accommodate light industrial uses and that there would be demand for such uses in the location. There is very little evidence to suggest that the Council would refuse permission for either a logistics or a light industrial use that was suitably controlled by appropriate conditions to ensure that it would be suitable for a residential area.
30. For the reasons given above, I conclude on this main issue that the proposal would have an adverse effect on employment space in the Borough and would fail to accord with policies CS1 O, DM31 and DM46 of the Local Plan and policies E4 and E7 of the London Plan.

Character and Appearance

31. At my site visit, I observed the surrounding development and the appeal site. Based on this, I consider that the character of the surrounding area is residential, consisting mainly of 3 and 4 storey buildings, with KAP House, which has a frontage on Elmgrove Road, having a 6-storey component. The appeal site is set back from Elmgrove Road behind KAP House and Havilland House. These buildings are located either side of the shared access to the site, extending to 4 storeys adjacent to the access road.
32. I have based my decision on the illustrative material that has been provided with the application and the plans submitted under Wheatcroft (50334 SK2-02

- and 50334 SK02-03). These indicate that the 6-storey section of the proposed building would mainly face the entrance to the site, which could create a 'sense of place', and would be limited in its extent. However, the building would also include substantial sections that would be 5 storeys high either side of this 6-storey section. Even though it would be set back from Elmgrove Road, it would appear dominant and overbearing in views along the access road that also serves the residential properties at Havilland House and Watson House.
33. Glenwood Close, to the east of the appeal site, is characterised by semi-detached maisonettes which extend close to the boundary of the appeal site. Although the proposed building would be stepped down to 2 storeys adjacent to the eastern boundary, I am concerned that this would be insufficient to prevent it from appearing out of scale with the relatively small blocks of maisonettes in Glenwood Close, as the 3 and 5 storey sections would be clearly visible and close enough to the end of the Close to impact on views from it. I am also concerned that the proposed building would appear bulky and intrusive from Catherine Place, to the south of the appeal site, which is characterised by lower residential development, albeit that it would be set back from this public area and behind a brick boundary wall.
34. The appellant has calculated the existing plot ratio of the appeal site as 51.2%, which it suggests is just higher than the next highest ratio in the area (the neighbouring Watson and Havilland Houses), and the proposed plot ratio as 39.5%. However, the proposed building would be significantly taller and bulkier than the existing buildings on the site. This, combined with the overall scale of the built development that would have no breaks in its frontage, would make it appear intrusive and overbearing in the surrounding area.
35. I have taken account of the green terraces that would be provided as well as the proposed ground level amenity and play space and soft landscaping around the building. The appellant has calculated that, as per the plans submitted under Wheatcroft, this would amount to a total of 1,892sqm of soft surfacing. Nevertheless, only a limited amount of this soft surfacing would be included within the public realm and much of the surrounding space would be used for access and parking.
36. I accept that the proposed building would be set further back from most of the boundaries than the existing building. It would also be stepped down to respond to the different scales of the neighbouring development, creating a transition between the tallest buildings to the north and the lower ones to the east, west and south. However, I am not satisfied that this would be sufficient to prevent it from appearing unacceptably cramped and overbearing, even though it would deliver some space to contribute to the public realm. As such, it would be unsympathetic and harmful to the character and appearance of the surrounding area.
37. I have had regard to paragraph 130 of the Framework which encourages decision-makers to refuse permission for development of poor design that fails to take the opportunities available for improving the character and quality of the area. In this respect, I find that the proposed design would fail to achieve this objective.
38. For the reasons given above, I have found on this main issue that the appellant has failed to demonstrate that the proposal would not have an adverse effect on the character and appearance of the surrounding area. As such, I conclude

that the proposal would fail to accord with policies CS1 B and DM1 of the Local Plan, policies D3 and D4 of the London Plan and policies AAP4, AAP5 and AAP6 of the Harrow and Wealdstone Area Action Plan with respect to this main issue.

Living Conditions of Future Residents

39. The London Housing Design Guide, 2010, seeks to minimise the number of new single-aspect dwellings and indicates in Standard 5.2.2 that, where they are proposed, the designer should demonstrate how good levels of ventilation, daylight and privacy will be provided in each habitable room and the kitchen. Standard 5.2.1 seeks to ensure that new development avoids single aspect dwellings that are north-facing or contain 3 or more bedrooms. In this regard the plans submitted under Wheatcroft show that 6 units would be single aspect and north facing, which would be all one bedroom, and the only 3-bedroom units that would include north-facing aspects would be dual aspect.
40. In terms of the level of daylight and sunlight received by the proposed units, the appellant has provided an assessment of the vertical plane aspect of the 45-degree **code referred to in Harrow's Residential Design Guide** Supplementary Planning Document (SPD). Paragraph 6.28 of that document explains that the code is intended to maintain a reasonable relationship between buildings, avoid overbearing visual impacts and reduce potential loss of light and overshadowing. Paragraph 6.30 indicates that there should be compliance with both the vertical and horizontal planes to satisfy the 45-degree code.
41. The appellant has accepted that the proposal would not comply with the horizontal plane aspect of the code. Therefore, I am not convinced by the evidence provided that the proposed units would receive adequate levels of sunlight and daylight, given the north facing aspect of some of them. Whilst the appellant has referred to the potential to use such measures **as 'sun-tubes' and 'lightwells' to assist with daylight and sunlight issues, the need for them** only emphasises the inadequacy of the proposed illustrative design.
42. Based on the above, I conclude on this main issue that the appellant has failed to demonstrate that the proposal would provide acceptable living conditions for future occupants of the proposed dwellings. As such, it would fail to accord with Policy DM1 of the Local Plan, Policy D6 of the London Plan, policies AAP4 and AAP13 of the Harrow and Wealdstone Area Action Plan **and the Council's Residential Design Guide SPD.**

Living Conditions of Neighbouring Residents

43. In terms of privacy, the proposed building would be at least 20m away from KAP House. However, the proposed balconies would be likely to extend closer. I understand that the studio flats in KAP House are single aspect and some face the appeal site. Whilst the windows would be orientated at an angle to the proposed building, I am not satisfied that this would be sufficient to prevent an unacceptable level of overlooking.
44. Although the proposed windows, balconies and rooftop amenity spaces would allow direct overlooking into the rear gardens of Nos 50 and 52 Glenwood Close, I observed at my site visit that the degree of overlooking would not be significantly greater than that from KAP House, due to boundary walls and separation distances. As some overlooking would be expected in such an

urban area, I consider the proposal would not result in unacceptable harm to the privacy experienced by the occupants of those properties.

45. The southern element of the appeal building would be close to the western side of Ingram House. I am concerned that the scale and relative orientation of the proposed building to Ingram House and its shared gardens would result in an unacceptable loss of privacy and sense of enclosure to the residents of that property.
46. The appellant has suggested a number of measures that could be taken to address privacy concerns, including the use of obscure glazing and/or opaque materials for balcony surrounds; the use of screens to the sides of balconies; the set back of roof terrace amenity areas and/or the use of peripheral walls; the use of high level/above head-height windows; or in the fenestration and orientation of walls. However, no details have been provided to show how these measures would be applied and what the impact would be on the overall design or living conditions. Furthermore, I am concerned that, should such measures be identified as being necessary to make the design acceptable in outline, there may not be a satisfactory solution for the detailed design.
47. With regard to matters of daylight and sunlight, the Daylight Assessment carried out on behalf of the appellant by Syntegra, dated February 2021, identifies that 4 of the units at Ingram House would experience major adverse impacts to the level of daylight reaching their living/dining rooms. I consider that this would cause unacceptable harm to the living conditions of the residents of these units.
48. The appellant has provided details of 3 recent planning permissions granted by the Council, at Northolt Road Retail Park, Safari Cinema site and Sonia Court, where a flexible approach has been taken to the implementation of the required standards regarding amenity. This accords with the recommendation given in paragraph 123 (c) of the Framework. However, I am concerned that, given the level of the loss of privacy and daylight that I have found would result to some of the neighbouring residents, the adverse impacts on their living conditions would be too severe to be acceptable, even taking a flexible approach.
49. For the reasons given above, I conclude on this main issue that the appellant has failed to demonstrate that the proposal would not result in unacceptable harm to the living conditions of the occupants of neighbouring dwellings. As such, it would fail to accord with Policy DM1 of the Local Plan, Policy D6 of the London Plan, Policy AAP4 of the Harrow and Wealdstone Area Action Plan and **the Council's Residential Design Guide**.

Overall Planning Balance

50. In assessing the overall planning balance, I have considered the following benefits that the appellant has suggested would result from the proposed development. I agree with the Council and appellant that one of these benefits is the provision of up to 60 dwellings, 50% of which would be affordable to comply with Policy H5 of the London Plan as I have found the site to be a 'Non-Designated Industrial Site'.
51. Whilst the indicative future housing need identified in relation to the new Standard Methodology for Housing Need (SM2) for the Borough is 2,538, the

London Plan figures are expected to apply for the next 5 years, and the uplift of **SM2 is only** *'applicable once the next London Plan is being developed'*.

Therefore, I have considered the Borough's housing need against the London Plan figures. In this respect, by far exceeding its 5-year housing land supply requirement in the London Plan, the Council has demonstrated its ambitious approach to delivering the homes that the Secretary of State has stated he requires in his letter regarding the adopted London Plan. Nevertheless, I have attached substantial weight to the proposed provision of market and affordable housing.

52. Another suggested benefit is that the proposal would lead to redevelopment of **a 'brownfield' site that is in a sustainable location, with Transport for London** accepting that it should be treated as being in an area with Public Transport Accessibility Level (PTAL) of 6a, which is the second most accessible score **possible. It is close to the Borough's main retail corridor of Station Road and is** located within the Harrow and Wealdstone Opportunity Area, which is an area specifically identified for residential and employment growth. I have taken this as a benefit, but this is outweighed by the proposal resulting in the loss of the potential to provide industrial type jobs on the site.
53. I have taken account of the relevant policies in the Framework as material considerations in my determination of this appeal. In this respect, paragraph 118 of the Framework supports the development of the site in that it seeks to **make better use of 'under-utilised land' and requires that 'substantial weight is given to using suitable brownfield land within settlements for homes and other identified needs'**. However, this should not be at the expense of good design, as indicated in paragraph 124 of the Framework as being fundamental to what the planning and development process should achieve. In the case of the appeal proposal, I have found that the proposal would not achieve a high-quality building.
54. Whilst paragraph 117 of the Framework establishes **the objective to make 'an effective use of land in meeting the need for homes and other uses'**, this should not be made at the expense of the environment and it should ensure **'safe and healthy living conditions'**. I have found that the appellant has failed to demonstrate that the environment would be safeguarded by the proposal and the living conditions of future residents of the proposed development and neighbouring residents would not be unacceptably compromised. Furthermore, **Policy D3 of the London Plan indicates that 'optimising site capacity' means** ensuring that development is of the most appropriate form and land use for the site and I have found that the proposal before me would not be an appropriate land use nor of an appropriate form.
55. Other benefits suggested by the appellant include the delivery of employment and community facilities, but this would be replacing a potential industrial site that would provide associated jobs, the type of which development plan policies seek to protect. The benefit of providing additional public amenity space would be limited by the relatively small area of land that would be available on the site and the quality of this public amenity space due to the scale of the proposed built development.
56. Delays to the re-use of the site, either as existing or as a redevelopment are partly due to the appellant failing to market it as required. There is nothing before me that gives adequate reasons why the appellant did not put the site

on the market after it had been vacated in September 2019, given the policy requirements. Also, the condition of the site carries limited weight towards any justification for the proposed redevelopment, given that up to September 2019 it was operating as a postal sorting office.

57. Paragraph 121 of the Framework seeks to ensure that a positive approach is taken to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. It also supports proposals to use employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres; and would be compatible with other policies in the Framework. In this respect I have found that the proposal would not be compatible with other policies in the Framework.
58. For the above reasons, I find that the benefits are insufficient to outweigh the harm that I have found that the proposal would cause to the supply of employment space in the Borough, the character and appearance of the surrounding area, the quality of living accommodation in the Borough and the living conditions of neighbouring residents.

Overall Conclusions

59. I have found that the proposal would not accord with the development plan as a whole and the other material considerations are insufficient to outweigh this conflict with development plan policy. Therefore, for the reasons given and having regard to all relevant matters raised, I conclude that the appeal should fail.

Martin Whitehead

INSPECTOR

DOCUMENTS SUBMITTED AFTER OPENING THE INQUIRY

- 1 Opening Statement on behalf of the Council, submitted by the Council on 23 March
- 2 Opening Submissions on behalf of the Appellant, submitted by the appellant on 24 March
- 3 Extract from the Town and Country Planning (General Permitted Development) (England) **Order 2015 giving interpretation of 'industrial process', submitted by the appellant on 24 March**
- 4 Community Infrastructure Levy Compliance Statement, submitted by the Council on 25 March
- 5 Unsigned copy of Section 106 Agreement, submitted by the appellant on 25 March
- 6 Updated Appendix A to the Statement of Common Ground: Schedule of Agreed Conditions, submitted by the Council on 26 March
- 7 Closing Submissions on behalf of the Council, submitted by the Council on 26 March
- 8 Closing Submissions on behalf of the appellant, submitted by the appellant on 26 March
- 9 Plan of Site Visit locations, submitted by the Council on 26 March
- 10 Email from James Iles giving clarification of the layout shown on revised plans, submitted by the appellant on 26 March
- 11 Completed Section 106 Agreement, submitted by the Council on 1 April