



Appeal Decision

Site visit made on 6 January 2025

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

Appeal Ref: APP/X5210/W/24/3348829

44-46 Caversham Road, Camden, London NW5 2DS

- 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 National Car Parks Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref is 2024/2094/P.
 - The development proposed is the change of use from B8 to sui generis to provide for public car parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The public car parking use is the subject of an enforcement notice seeking its cessation and an appeal against this notice has been made. This enforcement notice appeal will be the subject of a separate decision in due course. Consequently, the issues in respect of the notice are not a matter for this s78 appeal.
3. At my site visit, I noted that, on that day, no car parking use was taking place, the site was empty and the front gates were locked. Whether or not the public car parking use is taking place on other days or has ceased, is not an issue that requires consideration as part of the planning merits of this appeal.
4. The planning history shows the site has a lawful use for storage. In the recent past it was used by a car hire company for the storage of vehicles prior to their distribution to its branches for hire to the public. The appellant makes the case that the presently sought public car parking use is not materially different to the previous use of the site for the storage of cars. The Council disagree and set out an alternative case for its reasoning.
5. A s78 appeal is not the procedure to seek the resolution of the lawful use of land and buildings, especially when it is disputed by the main parties. To seek to resolve such a matter, it would be possible to submit a certificate of lawful use and development application or the arguments could form part of an appeal with the enforcement notice.
6. In this case, a planning application has been submitted for the change of use to a public car park and it forms the description of the development the subject of this appeal. I will proceed on the basis that a change of use has been applied for, and I will determine this planning appeal accordingly. This is

without prejudice to any other procedure whereby it may be argued that the public car parking use is not materially different to the lawful use of the site.

Main Issues

7. Based on the two reasons for refusal, the two main issues are whether or not the use of the site for a public car park would accord with the development plan approach for the promotion of sustainable modes of transport and the use of land in the Borough.

Reasons

Transport

8. Policy T2 of the Camden Local Plan 2017 (the Local Plan) provides the key criteria concerning parking and car-free development. The over-arching requirement of the policy is that the Council will limit the availability of parking and require all new development to be car-free. It is explained in the supporting text that limiting the opportunities for parking within the Borough can reduce car ownership and use, and thereby lead to reductions in air pollution and congestion, and improve the attractiveness of an area for local walking and cycling.
9. It is also explained that Camden is well connected and in most areas essential day to day services such as shops, healthcare and education facilities, and employment opportunities are no more than a short journey away by walking, cycling or public transport.
10. This approach to limit car parking is complemented by Policy T1 of the Local Plan which prioritises walking, cycling and public transport.
11. In this case, the scheme would introduce a new public car park to this part of the Borough and, therefore, would not limit the availability of parking, indeed it would lead to the opposite situation. Policy T2, in criterion b, limits on-site car parking to spaces designated for disabled people and/or essential operational or servicing needs. The public car park on the appeal site would not focus on, or be solely to meet, these exceptions.
12. I understand the case made by the appellant that some public car parking is important and helps to assist and serve local residents and businesses. However, there is not clear and convincing evidence that there is a particular highway or locational issue that is present and needs to be resolved so as to justify the provision of a public car park in this location, contrary to the general adopted policy approach.
13. Indeed, I am satisfied that the provision of the public car park would be contrary to the Local Plan approach to limit the availability of car parking so as to then lead to a reduction potentially in car ownership and use, and thereby help lead to reductions in air pollution and congestion. Furthermore, the provision of the public car park is less likely to assist potential users towards prioritising a modal shift to walking, cycling and public transport. In this way, the appeal scheme would not meet with the requirements of Policy T1 of the Local Plan.
14. Accordingly, I conclude that the proposed public car park would not accord with the approach of the development plan which seeks the promotion of

sustainable modes of transport. In particular, there would be conflict with Policies T1, T2 and A1 of the Local Plan which, notably, set the approach to considering applications for parking.

Use of land

15. Policy G1 of the Local Plan sets the strategy for the delivery and location of growth. The policy explains that the Council will deliver growth by securing high quality development and promoting the most efficient use of land and buildings in Camden. The policy criteria include supporting development that makes the best use of its site, and resisting development that makes inefficient use of Camden's limited land.
16. Policy G1 also establishes the strategic objectives for growth including 16,800 homes, 695,000sqm of office space and about 30,000sqm of retail space by 2031.
17. The housing objective is supported by the detail in Policy H1 of the Local Plan which seeks to maximise housing supply. This policy includes that, where a site is underused or vacant, expecting the maximum reasonable provision of housing that is compatible with any other uses needed on the site.
18. In this case, an alternative storage use may be able to take place on the site without the need for planning permission. I am also aware that the appeal site is not allocated in the Local Plan for housing, however, not all sites that may be the subject of a planning application will be so identified.
19. Once an application is submitted for an alternative development, the starting point is that the proposal should be assessed against the development plan. The land has a lawful storage use which has ceased and, as an alternative, a public car park use is sought. I consider that the existing site, with its ceased storage activities, is vacant to that use and that the parking of vehicles in the form of a ground level, public car park would be a reasonably inefficient use of the site in this location. By comparison, there are fairly high densities of development in the surrounding areas.
20. There appears to be no demonstrable reason why the site could not be developed for housing, as a matter of principle. This is in the context of the residential use on one side, and that with an appropriately designed scheme, the sunken railway lines and nearby commercial uses should not adversely affect the living conditions of future occupants.
21. Paragraph 3.30 of the Local Plan explains that where vacant or underused sites are suitable for housing in terms of accessibility and amenity, and free of physical and environmental constraints that would prevent residential use, the Council will expect them to be redeveloped for housing unless one of four listed exceptions are met. None of those listed exceptions would appear to apply in this case.
22. I am also conscious of the policy approach of the National Planning Policy Framework (2024) (the Framework) which requires that decisions should promote an effective use of land in meeting the need for homes and other uses. In particular, the Framework advises that applications should be refused where they fail to make efficient use of land, taking into account the policies in the Framework. The Framework seeks, amongst other things, to significantly boost the supply of homes.

23. Drawing these matters together, the Local Plan and Framework provide an emphasis on delivering housing and making the efficient use of land. Camden is a built up Borough where land is scarce and opportunities to deliver housing (and office and retail space in terms of the other strategic objectives) are limited. The proposed use of the site as a single level, open public car park is a reasonably low key and inefficient use of the land. It is a use that would not meet with the Local Plan identified priorities and which, as I have found in the first main issue, is a use that does not have policy support.
24. For these reasons, I conclude that the proposed use of the land as a public car park would be contrary to Policies G1 and H1 of the Local Plan which set the approach to the delivery and location of growth, and the maximising of housing supply.

Other Matters

25. The site falls within the Bartholomew Estate Conservation Area. The lawful storage use, such as the previous open storage use of building materials and the car storage use, would likely have some impact on the character and appearance of the Conservation Area, the heritage significance of which includes the rows of substantial residential properties.
26. The proposed ground level, public car parking use, in combination with the high walls that front Caversham Road, would at least preserve and may enhance the character and appearance of the Conservation Area, when compared with the lawful uses which could take place on the site. Consequently, I agree with the Council that the development would not harm the character and appearance, or heritage significance, of the Conservation Area.

Conclusion

27. The proposed public car park would provide economic benefits both directly from paying customers and from those who may use the car park and then use, or work at, local businesses. Some local residents may benefit who may not otherwise be able to park locally. However, there are other options for most local residents to park, such as with the residents' parking zones. The location is generally well served by public transport. There is also a good range of services and facilities within walking and cycling distance. I therefore attribute limited weight to the collective benefits arising from the public car park.
28. On the other hand, I have found that the public car park would not accord with the Local Plan approach to car parking within the Borough and the related priority to promoting sustainable modes of transport. Furthermore, the public car park use would fail the policy and Framework approach to use land efficiently and effectively, and boost housing supply. These are substantial objections to the proposal. Their fundamental nature could not be overcome by a temporary planning permission. Furthermore, conditions attached to any approval would not address this harm and policy conflict.
29. In conclusion, the benefits, which I attribute limited weight, would be outweighed by the harm and policy conflicts, which I afford substantial weight. The harm and related policy conflicts resulting from the provision of a public car park at this site would not accord with the development plan when

considered as a whole. There are no planning considerations of such weight that outweigh the conflict with the development plan. Accordingly, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR