

Re: Refusal to change of use application 2018/4712/P

Dear Sirs,

I hope this statement is in the correct format, this is the first time we have used this service.

My grounds for appeal are set out below, however, I am unsure if we may alternatively qualify under the 8 week rule. The application was received on 01/10/2018 however on 30/10/2018 I got an email from the officer stating due to an apparent issue with the site and location plans not having the correct red outlines, this was resent and the application was validated from 31/10/2018 (this seems a bit long given that the site and location are available to the council and the site referred to is fairly obvious with the included photo of the corner unit the application referred to) I did pay for the documents from the planning portal recommended buyaplan site also. So the first I heard of a decision was via email from the officer Ben Farrant on 27/12/2018 but the attached notice was not attached and he sent it the following day 28/12/2018. However the notice (which has never been received in hard copy) is said to be dated 24th December (if that was a working day?) Then why was it not also emailed on the 24th?

8 weeks from application would be 26th November.

8 weeks from 31/12/2018 (validation date) would be 26th December.

As stated above the council may be within their timeframes due to the site plan error and if that is the case then I also feel that there are grounds for appeal for the following reasons:

- The Government guidelines are that a change of use from A1 to A3 for properties like ours under 150m² are now permitted developments, Subject to prior approval of course but given that we were asking for no structural changes we would have met all of the prior approval conditions and automatically qualified.
- We are primarily a juice bar and cafe we have no deep fryers or grills in place and do not have a gas supply and as such we are almost borderline A3 (accepting that some items require cooking) however our understanding was that as its a small percentage of product sold we did not consider applying under permitted change of use before opening. We have only 3 tables.

Going through the Delegated report:

- Relevant History: These applications refer to the next door or other properties not our specific retail unit.
- Land use: There is a large music venue pub opposite open late nights and a 24hour Nisa supermarket opposite so our use would not cause any additional harm / noise to the area.
- 2.5 lawful uses: Making our site (183) an A3 would make an Equal balance of 2 of each use class in the list provided.
- 2.6 There are 3 consecutive A3 units on the opposite corner (see image from google attached)
- 2.7 The number of A1 units is already below the 50% policy and therefore the councils policy has already been lawfully breached. And had the permitted change of use been taken before we opened then it would be the same (if the change is permitted then potentially every shop could change under the guidelines) So in my opinion the council policy is in contrast to the government policy which was put in place due to the declining number of viable units high streets. There is mention that the Viability of the site as an A1 was not included, well the question was not asked, had it been asked the answer would have been: The shop was trading as an electric bike shop up until the 2017 revaluations which put the shop liable to business rates this is the reason they stopped trading, as you can see from google maps the site became a bicycle repair / charity repair shop by a former employee but was still not viable, hence the transfer to us. Also the hairdressers

listed by the officer as A1 (175) has also been closed since the introduction of the revaluation (2017). There are also several empty A1 units and 2 new A1 units further down which I argue are empty because of the excessive rates imposed. If the A1 was viable then our shop which still had several years left would have remained and the hairdressers would have remained or at least not have been empty for over a year. Also our lease is for another 10 years, the frontage and character of the site is going to remain exactly the same (we have already voluntarily changed the Camden road side to a plain grey colour in order to respect the Character of the main road) so whilst I understand the A1 policy in the past, in todays climate and decline of the high street I believe that in this particular location the residents are happy to have another A3 rather than a derelict retail unit. There is already 24hour shops and late night pubs. Our store has been well received by the local community we have already sponsored local school events and we sell only fresh healthy products / vegan dishes which are unavailable in any other store nearby.

- Design: there are no proposed changes
- Residential amenity: no negatives reported

With Thanks,

Kathleen Lawson.