
Appeal Decision

Site visit made on 19 September 2016

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th September 2016

Appeal Ref: APP/M3645/W/16/3153447

**Part Ground Floor, Woodcote House, Eastbourne Road, South Godstone
RH9 8EZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Class M of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by WR Newland & Sons Ltd against the decision of Tandridge District Council.
 - The application Ref TA/2016/905/NC, dated 18 May 2016, was refused by notice dated 21 June 2016.
 - The development proposed is described as the change of use of A1 retail to C3 dwelling house within the provisions of Class M of Schedule 2, Part 3 of the GPDO 2015 (as amended).
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Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class M (a) and (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for a change of use of a retail shop (Use Class A1) to a dwelling house (Use Class C3) and building operations reasonably necessary to convert the building at Part Ground Floor, Woodcote House, Eastbourne Road, South Godstone RH9 8EZ, in accordance with the terms of the application Ref: TA/2016/905/NC, dated 18 May 2016, subject to the relevant conditions contained in the General Permitted Development Order.

Preliminary Matters

2. The description of development within the application form does not specify whether the application for prior approval was made pursuant to Class M (a) or Class M (a) and (b) of the GPDO¹. Having considered the submissions it is clear that some internal building works are proposed, namely blocking up the store room. I have therefore considered the appeal as an application for prior approval pursuant to Class M (a) and (b). I have reflected this in my formal decision.
3. In the interests of precision I have supplemented the description of development so that it makes reference to the part ground floor of the building, as it is this part of the building that the application for prior approval relates to.

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Main Issue

4. The Council are satisfied that the proposal meets all of the criteria contained in Class M, other than that contained in Paragraphs M.1(c) and (d), which are limitations relating to floor space. The main issue is therefore whether the building benefits from permitted development rights under the provisions of Schedule 2, Part 3, Class M of the GPDO, with particular reference to the limitation set out in Paragraphs M.1(c) and (d).

Reasons

5. Woodcote House is a large detached building that fronts onto Eastbourne Road, which is the main thoroughfare through the village of South Godstone. The first floor of the building encompasses a residential flat and the ground floor a vacant retail premises. The appeal proposal is an application for prior approval to change the use of part of the ground floor shop to a dwelling house. The change of use would include the entire ground floor save for the existing shop store, which is located to the rear and accessed from an internal door from the shop floor and alternatively from an external side door.
6. Class M of the GPDO permits the change of use from a shop to a dwelling house if, amongst other criteria, the cumulative floor space of the existing building changing use under Class M does not exceed 150 square metres (sqm) and the total area of floor space within the building changing use under Part M does not exceed 150sqm. The Council are of the view that in this instance the cumulative floor space would exceed 150sqm as the existing store room must be included in the calculation of the floor space of the proposed flat. The appellant disagrees, being of the view that the store room can be discounted as it would be blocked up and accessed externally and would not therefore, constitute part of the flat.
7. The precise wording of Paragraph M.1(c) is significant in ascertaining the correct approach. Paragraph M.1(c) refers to the 'existing building changing use' and it is this part of the limitation which requires further consideration. The interpretation of the GPDO (see page 3 of the GPDO) defines a 'building' as 'any structure or erection and....includes any part of a building'. As such, Class M can be applied to a part of a building and can be applied solely to the part of the building which is subject to the intended change of use.
8. The appellant has outlined through the submitted drawings that the part of the building that the intended change of use would apply to is the ground floor shop with the exception of the store room. The lawful use of the store would remain in an A1 use class. The store would not fall within the B8 use class as this is neither the existing use nor the use proposed within the application for prior approval. As such, I share the view of the appellant that Class M can be applied to the ground floor shop area, with the exclusion of the store room, as Part M can be applied to part of a building.
9. The appellant has submitted a drawing indicating that the gross internal floor space, of the part of the building they are intending to change the use of, is approximately 146sqm. Significantly, this places the floor space below the 150sqm limitation set out in Paragraphs M.1(c) and (d). The Council has not provided substantive evidence to suggest that a measurement of gross internal floor space is an incorrect approach. Additionally, it has not provided an alternative calculation for the floor space' other than a plan showing the floor

space, including the store, as being approximately 186sqm. However, the storeroom can be discounted for the reasons I have already set out.

10. I therefore conclude that the part of the ground floor shop that is the subject of the application for prior approval, at approximately 146sqm, benefits from the provisions of Schedule 2, Part 3, Class M of the GPDO and that the change of use proposed would be permitted development.

Other Matters

11. I note the concerns of the Parish Council that the appeal scheme would result in the loss of a shop with apparently little attempt to retain the premises in such a use. Nevertheless, I have not been presented with substantive evidence to suggest the loss of the shop would have an undesirable impact on the adequate provision of services, or that the loss of the shop would undesirably impact on the sustainability of a key shopping area. Moreover, I note that the Council concluded that there would be no undesirable effects from the change of use of the shop to a dwelling. As such, my conclusion on the appeal scheme is unaltered.

Conditions and Conclusion

12. The Council have not provided any suggested conditions and I do not consider any beyond the standard conditions contained in the GPDO are necessary. I have reached this view having had regard to the advice in the National Planning Practice Guide.
13. For the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed and approval granted.
14. In granting approval, the appellant should note that the GPDO requires (at Paragraph M.2 (3)(a)) that development permitted under Class M (a) and (b) is completed within a period of 3 years starting with the prior approval date. The appellant's attention is also drawn to Paragraph M.2(3)(b), which is an occupancy condition imposed through the GPDO and Paragraph W(12), which requires the development to be carried out in accordance with the approved details².

Graham Chamberlain
INSPECTOR

² These details being the scheme as shown on drawings CV2 and CV3, which show the external elevations of the building remaining unaltered, the store room blocked up and the shop converted to a two bedroom flat.