



Appeal Decision

Site visit made on 11 November 2019

by J M Tweddle BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2019

Appeal Ref: APP/G5180/W/19/3226604

Kingsley House, 5 High Street, Chislehurst BR7 5AB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr G Robinson of New Property Solutions Ltd against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/19/00333/RESPA, dated 28 January 2019, was refused by notice dated 26 March 2019.
 - The development proposed is described as a 'change of use of existing B1(a) offices to C3 (dwellinghouses) to form 2 flats'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would constitute permitted development under the provisions of Class O of the GPDO, with particular regard as to whether the appeal building can be considered to be in use as an office (B1(a)).

Reasons

3. Kingsley House is a two storey end of terrace building located at 5 High Street, Chislehurst. The surrounding area has a commercial character with banks, estate agents, restaurants, offices and retail units nearby, typical of a town centre high street.
4. The existing use of Kingsley House must be as specified in the permitted development right at the time of the application. Class O will only apply if the building in question is solely in B1(a) use and not in any mixed use and there must have been no intervening change of use by the time that the appeal is considered.
5. At the time of my visit the ground floor front room, which is accessed from the street, was providing a shared reception facility for 'New Mortgage Solutions', a mortgage advisor, and 'Hunters', an estate agent. The other interconnecting front room was occupied by Hunters. To the rear of these rooms is a central stairwell and corridor with a further room being occupied by Hunters and to the rear of this was another room that was vacant. Shared kitchen and toilet

facilities were available adjacent to the stairwell at both ground and first floor levels. The staircase leads to the first floor where two front rooms and a side room was occupied by New Mortgage Solutions, with its branding clearly visible. To the rear of the first floor is a large open plan office with some areas partitioned to provide private rooms, storage areas and a meeting space.

6. The building therefore appears to be currently occupied by three separate businesses. Given the degree of interconnectivity within the building, the shared access arrangements, communal facilities and the lack of any physical separation, I consider the building to be a single planning unit. Therefore, the building is not solely in use as an office, with a substantial part being within A2 use (Financial and Professional Services), occupied by a mortgage advisor and estate agent. It is therefore in a mixed use.
7. In their evidence the appellant claims that the mortgage advisory service (A2 Use) is contained within the front ground floor offices only. Furthermore, a previous grant of planning permission in 2004¹ authorised a change of use from B1 use to A2 use for the front ground floor office only where the mortgage advisory service is said to be operating from. However, this permission did not result in any physical separation of the planning unit and therefore it had the effect of creating a mixed use unit. In any case, this is not how the building is currently used or occupied. It is also important to note that a grant of planning permission is not, in itself, evidence of how a building is actually being used. Instead it provides the parameters in which the building can lawfully be used or occupied.
8. On the evidence available to me, it has not been demonstrated that the building is currently solely in B1(a) office use. I therefore conclude that the proposed change of use would not meet the requirements of the GPDO for it to be considered as permitted development under the provisions of Class O of Part 3, Schedule 2 of the Order. Consequently, the appeal is dismissed.

Jeff Tweddle

INSPECTOR

¹ LPA Ref. 04/00236/FULL2