

---

## Appeal Decision

Site visit made on 3 December 2019

**by William Cooper BA (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> February 2020**

---

**Appeal Ref: APP/T2350/W/19/3237011**

**Health Rack Ltd, Dutton Manor Mill, Clitheroe Road, Dutton, Preston  
PR3 2YT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant approval Schedule 2, Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
  - The appeal is made by Mr & Mrs Bailey against the decision of Ribble Valley Borough Council.
  - The application Ref: 3/2091/0390, dated 18/04/19, was refused by notice dated 17 June 2019.
  - The development proposed is described as 'change of use from offices to dwellings (4no. bungalows and 2no. houses)'.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal falls within the provisions for permitted development under Schedule 2, Part 3, Class O of the GPDO.

### Reasons

3. The appeal site comprises a main building, with a shop outbuilding and storage container. A carpark and loading area are to the front and side. The site is located within the countryside, in the Forest of Bowland Area of Outstanding Natural Beauty.
4. Schedule 2, Part 3, Class O of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a)(offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule. This is subject to the following, under Class O: criteria under paragraph O.1 whereby such development is not permitted; and conditions under paragraph O.2, regarding circumstances for applying to the local planning authority for determination as to whether prior approval of the authority will be required.
5. Paragraph O.1(b) confirms that development is not permitted by Class O if the building was not used for a use within Class B1(a) (offices) of the Schedule to the Use Classes Order either (i) on 29 May 2013 or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use.

6. Planning permission was granted for conversion of a storage building on the site into a shop, as ancillary use to the main Health Rack offices and warehouse building, in 1999, and for extension of office and warehouse space in 2002<sup>1</sup>. As such, it is not disputed that offices have formed part of the development for some time.
7. I note the appellants' stated intention, in a letter with the 1998 planning application, to use the majority of the building for office space. The appellant considers that office use is, and has been, 'dominant' in the building, under their operation.
8. Nevertheless, I saw during my site visit that the space used for storage and warehousing occupies between approximately a quarter and a third of the main building's floorspace. Warehousing sits noticeably within the tallest part of the building, and the closest part of the building to the main access, and leads onto the external loading area. The above factors, together, give the warehouse and storage space and function particular prominence and presence within the building and the site. By comparison, the five office rooms in the main building occupy around a fifth of the latter's footprint. The balance of the building is made up of counting and mail order rooms - which fit in with storage and distribution use - management area, boardroom, lobby, staff welfare facilities, corridor space and reception. The shop outbuilding provides additional non-office space.
9. Given the characteristics of the building and site, as described above, the property 'reads' on the ground as a business premises with distribution function and warehousing prominent within it. Whilst offices are an important element of the mix of types of room and space within the building, as part of the appellants' business headquarters, they do not appear to be dominant. Nor is there substantive evidence before me that offices were significantly more dominant on the site previously.
10. Moreover, it is not disputed that the last formal approval of change of use on the site was in 1998, through planning permission<sup>2</sup> for change of use from general industrial to wholesale/warehouse Class B8 use. There is no Lawful Development Certificate for B1(a) office use on the site before me.
11. Taking the above together, I conclude that it has not been established that the building was in use as Class B1(a) offices on 29 May 2013, nor on the day it was last in use before that date. Therefore, the proposal would not fall within the provisions for permitted development under Schedule 2, Part 3, Class O of the GPDO.
12. Given my finding above that the proposal is not permitted development, it is not necessary to consider whether prior approval should be given for the proposal.

## **Conclusion**

13. For the reasons given above, I conclude that the appeal should be dismissed.

*William Cooper* INSPECTOR

---

<sup>1</sup> Application Refs: 3/1999/0229 and 3/2002/0103.

<sup>2</sup> Application Ref: 3/1998/0635.