



Appeal Decision

Site visit made on 7 January 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/Z5060/W/19/3239049

36-38 Station Parade, Barking, London IG11 8DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Siraj Deane, Deane and Brothers Ltd against the decision of the Council of the London Borough of Barking and Dagenham.
 - The application Ref 19/00671/PRIRET, dated 9 April 2019, was refused by notice dated 10 June 2019.
 - The development proposed is described as 'proposed development in accordance with the Town and Country planning (General Permitted Development) (England) Order 2015 No 596, SCHEDULE 2, PART 3, Class M "retail or betting or pay day loan shop to dwellinghouses" Change of use of the existing 83sq m A1 (retail) space to C3 (residential) in the form of 4 No self-contained studio dwellings (@ NIA 37 sq m).
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Decision

1. The appeal is allowed and prior approval is granted for the notification of a proposed change of use of retail unit (Class A1) to 4 x studio flats (Class C3) at 36-38 Station Parade, Barking, London IG11 8DR, within the terms of application Ref 19/00671/PRIRET, dated 10 June 2019, subject to the following condition:
 - 1) The development permitted shall be carried out in accordance with the following approved plans: LP 01, EX-10, EX-11, EX-12, EX13, EX-14, EX-15, EX-16, P-21, P-22, P-23, P-24, P-25, P-26, P-27, P-28, P-29.

Procedural Matters

2. The Council condensed the description of the development to read: Application for prior approval: Notification of a proposed change of use of retail unit (Class A1) to 4 x studio flats (Class C3), and I concur with this shortened version.

Main Issue

3. The main issue is whether or not the use of the stock room is ancillary to the A1 use to permit its change of use to Class C3 (dwellinghouse).

Reasons

4. For development to be permitted by Part 3 Class M of the General Permitted Development(England) Order 2015 (GPDO) (as amended), it is subject to a series of criteria and if development is to be permitted by Class M it is also subject to a series of conditions requiring prior approval of the Council in

- relation to five matters including; transport and highways; contamination risks; flooding.
5. I am aware of the previous prior approval decision¹ at the site and the sole reason for refusal was due to an extension to the building as this precluded the development from being permitted by Class M.1.
 6. The only issue in contention in this case relates to the principle of the change of use at the appeal property, to which the appellant states that the ancillary stock room to the existing A1 retail unit at the front of the premises is surplus to requirements. The existing A1 unit occupies a wide ground floor unit within a modern purpose-built three storey building with the upper floors given over to residential use. The unit is located within a parade of other retail and commercial uses and the Barking Hotel occupies a large portion of the parade.
 7. The ground floor was previously used as a Post Office and now operates under multiple uses including a post centre, mobile phone accessory sales, and photographic sales, amongst other retail provisions on display. It is the widest and deepest commercial unit along the parade and the parade backs onto a service yard that serves Vicarage Fields shopping centre adjacent to the appeal site, as well as a number of other commercial businesses along Station Parade.
 8. I have been furnished with the original plans of the building. It is clear to me that the layout of the building was designed with a stock room to support the function of the A1 use within the shopping parade. The stock room is accessed for deliveries via a roller shutter door from the rear service yard offering direct access from the stock room to the retail unit that leads internally through a series of corridors and doors to the back of the retail unit.
 9. The stock room is however physically attached to the A1 use at the front. I see no reason for a stock room to be independently identified as having an association with the A1 use, or requiring a shop front for its purpose. Externally, it has the physical characteristics of a stock room.
 10. Although the stock room bears a close physical relationship to the A1 use, it has never operated as an A1 role in its own right and I accept it would not be conveniently accessed by members of the public due to the configuration of the layout of the building. However, I am firmly of the view that its purpose is ancillary to the A1 function.
 11. The shop unit is large with a limited amount of stock on display for sale and a high level of circulation space available for customers to navigate around. The limited services the unit offers leads me to the view that the stock room is arguably surplus to requirements.
 12. There is no evidence presented before me or visibly obvious from site inspection to demonstrate that the stock room functions as a separate use away from its original use, and therefore I apply limited weight to this argument.
 13. In all other regards, the proposal meets the requirements of Class M.1 of the GPDO and I have no evidence to lead me to a different conclusion. The proposal is in accordance with the tests set out in the GPDO and therefore there is not conflict with the adopted Planning for the future of Barking and

¹ Application reference 19/00242/PRIRET

Dagenham Core Strategy July 2010, or the Council's Borough Wide Development Policies Development Plan Document March 2011.

Conditions

14. With regards to the Government's Planning Practice Guidance and the National Planning Policy Framework, a condition relating to the approved plans is necessary to provide certainty and this also includes details of the proposed finished appearance of the building. The development permitted under Part 3 Change of Use Class M of the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) (as amended) is subject to a time limit condition to control when development shall begin, including securing its use as a C3 use of the Schedule and for no other purpose except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse. Therefore, it is not necessary for these conditions to be imposed.

Conclusion

15. Taking all these factors into account, I conclude that the stock room functions ancillary to the main retail use and the proposal satisfies the conditions of this prior approval under Class M of the GPDO.
16. The appeal is allowed.

Alison Scott

INSPECTOR