



Appeal Decision

Site visit made on 10 February 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2020

Appeal Ref: APP/D1590/W/19/3242018

1 Tintern Mews, Tintern Avenue, Westcliff-On-Sea, Essex SS0 9QJ

- 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 P of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Simon Rush against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/00740/PA3COU, dated 12 April 2019, was refused by notice dated 10 June 2019.
 - The development proposed is described as "Permitted Development Change of Use from Storage B8 to Residential C3".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the appellant's appeal form, albeit omitting reference to the application type. This is a more concise description than that given on the application form and I consider that it more accurately describes the appeal proposal.
3. The Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) did allow for the change of use of buildings from storage and distribution (Use Class B8) to residential (Use Class C3) for a temporary period. This was subject to a range of criteria being met and prior approval being received under Schedule 2, Part 3, Class P. However, the Order was amended in 2018 by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 which extended the temporary period only until June 2019.

Reasons

4. I must determine this appeal in accordance with the Order in force at the time of my decision, and not the date of submission or determination of the application the subject of the appeal. As the prescribed cut-off date of the 10 June 2019 has passed, the development proposed can no longer be deemed permitted development under Schedule 2, Part 3, Class P of the Order. Consequently, the appeal must be dismissed.

M Chalk

INSPECTOR