
Appeal Decision

Site visit made on 28 January 2020

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2020

Appeal Ref: APP/L5810/W/19/3235459

193 Waldegrave Road, Teddington TW11 8LX

- 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 M of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Mr Jack Hennequin against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 19/1186/GPD13, dated 2 April 2019, was refused by notice dated 29 May 2019.
 - The development proposed is a change of use from A1/A3 retail to C3 (residential – one self-contained unit).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form did not include a description of development, so I have used the description from the Council's decision notice and the appeal form in the banner heading above.

Main Issue

3. The main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (hereafter 'the GPDO').

Reasons

4. The appeal site is a ground floor unit with flats above, located in a small shopping parade within Teddington Village.
5. Schedule 2, Part 3, Class M of the GPDO permits development consisting of a change of use of a building from a use within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaways) to a use falling within Class C3 (dwellinghouses), subject to the proposal complying with other requirements set out in the GPDO.
6. However, before the individual impacts of a proposal under Class M can be evaluated it is necessary to determine whether or not it is permitted development. Although the appeal property has previously been used for

various purposes within Use Class A1, it was most recently a coffee shop operating as a mixed A1 and A3 use on the basis of planning permission granted in 2016¹. A mixed A1/A3 use sits outside any of the classes specified in paragraph M.(a), and the unit does not therefore benefit from the permitted change of use allowed by Class M of the GPDO.

7. The Council's decision notice did not refer to the existing mixed A1/A3 use of the appeal property within the single reason for refusal. Instead, the application was refused on the basis that it would have an adverse transport or highways impact, and that it would have a detrimental effect on the sustainability of the shopping area within which the appeal site is located.
8. However, I have found that the proposal would not be permitted development because its existing use is not one for which a change of use is permitted by Schedule 2, Part 3, Class M of the GPDO. In the light of this it is not necessary for me to consider further the effects on transport and highways or on the sustainability of the shopping area in line with the requirements of Paragraph M.2.(1). This is because even if I were to find no harm in these regards it could not change my conclusion as to whether the appeal scheme constitutes permitted development.

Conclusion

9. For the reasons set out above the proposed change of use does not comply with the requirements of Class M of the GPDO, and is a development for which an application for planning permission is required.
10. The appeal is therefore dismissed.

M Cryan

Inspector

¹ LB Richmond upon Thames reference 16/3804/FUL.