
Appeal Decision

Site visit made on 4 June 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 June 2020

Appeal Ref: APP/E0345/W/20/3246349

68 St Johns Road (southern building), Caversham, Reading, Berkshire RG4 5AF

- 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 PA of the Town and Country Planning (General Permitted Development) (England) Order 2015
 - The appeal is made by Letch Properties Limited against the decision of Reading Borough Council.
 - The application Ref 191787, dated 6 November 2019, was refused by notice dated 15 January 2020.
 - The development proposed is described as "*conversion of half the building, which [sic] an internal floor area of less than 500sqm*".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. It differs from that on the appeal form and decision notice which is "*notification of prior approval for a change of use of building from Class B1(c) (Light Industrial) to C3 (Dwellinghouses) to comprise 6 x dwellings. Prior Notification under Class PA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016*". My decision is based on this description, since it more accurately describes the appeal proposal.
3. Schedule 2, Part 3, Paragraph W of The Town and Country Planning (General Permitted Development) (England) Order 2015¹ (GPDO) sets out the prior approval process. It states² that the local planning authority may refuse an application where, in its opinion, the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified as being applicable to the development in question. It was on this basis that the Council refused to grant prior approval.
4. The Council has drawn my attention to a number of previous prior approval applications for the change of use of parts of the building to Class C3

¹ SI 2015 No.596

² Paragraph W.(3)

dwellinghouses, which have been refused or withdrawn. These include a proposal to convert part of the northern end of the building, outside the appeal site, into 6 flats. This is the subject of a separate current appeal³, which falls to me to determine independently from this appeal.

Main Issues

5. The main issues are:

- Whether the proposal would comply with the express terms of permitted development set out in Schedule 2, Part 3, Class PA⁴ of the GPDO; and
- If so, whether or not prior approval would be required in accordance with the condition set out in Paragraph PA.2(1) of the GPDO.

Reasons

Whether the proposal would be permitted development

6. Schedule 2, Part 3, Class PA of the GPDO (as amended) permits development consisting of the change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.
7. Furthermore, The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018⁵ amends Article 2(1) of the GPDO so that the definition of a “building” for the purposes of Class PA excludes “any part of a building”.
8. The appeal site comprises part of a single storey, double-pitched roof warehouse building which fronts onto St Johns Road, with forecourt parking to the front.
9. The proposal is to convert part of the building at the southern end into 6 flats, comprising a mix of one and two bedroom units. The remainder of the building would remain in warehouse use. Parking for 6 cars would be provided to the front of the building.
10. The Council’s first reason for refusal is that the proposal fails to comply with Paragraph PA.1 (d) of the GPDO, which states that development is not permitted by Class PA if the gross floor space of the existing building exceeds 500 square metres.
11. There is a difference of opinion between the two main parties with respect to the floorspace that is proposed to be converted into residential. The Appellant’s view, as stated on the planning application form, is that the floor area to be converted amounts to 398 square metres. The Council, on the basis of measuring off the submitted plans electronically and by hand, consider that the figure exceeds 500 square metres.
12. Notwithstanding this difference of opinion, it is clear from the Appellant’s description of development on the planning application form, and the submitted plans of the proposed development, that the appeal proposal is to convert only

³ APP/E0345/W/19/3242285

⁴ SI 2016 No.332

⁵ SI 2018 No.343

part of the building into dwellings, with the remainder to be retained for warehouse use. It is also evident from the application drawings that the floorspace of the building as a whole is more than double that of the part which is proposed for residential use.

13. As such, since the appeal scheme relates to only a partial conversion of the building, and the building has a gross floorspace of more than 500 square metres, the development would not accord with Paragraph PA.1 (d) of the GPDO.

Prior approval

14. In respect of the Council's second refusal reason, given my conclusion that the proposal would not be development permitted under Class PA of the GPDO, there is no need for me to consider whether or not prior approval would be required, as it would not alter the outcome of the appeal.

Conclusion

15. For the reasons given, and based upon the evidence before me, I conclude that the proposal is not permitted development under Schedule 2, Part 3, Class PA of the GPDO. Consequently, it is development for which an application for planning permission would be required. This would be a matter for the local planning authority to consider in the first instance.
16. The appeal is, therefore, dismissed.

S Leonard

INSPECTOR