
Appeal Decision

Site visit made on 30 October 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 18th November 2020.

Appeal Ref: APP/C3620/W/20/3256575

Units 1 to 3, Hart Gardens, Dorking RH4 1JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Article 3(1) and Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Farrow against the decision of Mole Valley District Council.
 - The application Ref MO/2020/0742/PNLTIND, dated 28 April 2020, was refused by notice dated 22 June 2020.
 - The development proposed is described as 'Change of use under Class PA Part 3 Schedule 2 – Light industrial use to form a total of 6 dwellings'.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Farrow against Mole Valley District Council. That application is the subject of a separate Decision.

Main Issue

3. The main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to Class PA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), and is therefore permitted development.

Reasons

4. Class PA of the GPDO permits change of use of a building and any land within its curtilage from a use falling within Class B1(c) of the Use Classes Order (UCO) to a use falling within Class C3, subject to specific conditions, limitations and restrictions. Recent amendments to the UCO mean that Class B1 has been subsumed into a new Class E¹, however transitional provisions until 31 July 2021 mean that, when determining whether prior approval is required, any references to uses or use classes are to be read as if those references were to the uses or use classes which applied prior to the change to the UCO.
5. Paragraph PA.1.(c) sets out that development is not permitted by Class PA if the prior approval date falls on or after 1 October 2020. There are no transitional arrangements in the GPDO which prevent that deadline from

¹ The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (as amended)

applying to appeals in progress, and it was not changed in the recent amendments to the GPDO. Consequently, as the deadline has passed, the proposed development does not comply with the conditions, limitations or restrictions applicable to Class PA of the GPDO. It is not therefore permitted development.

6. Given that I am dismissing the appeal on this matter, it has not been necessary for me to consider the prior approval matters for Class PA, or other matters raised by the Council and interested parties.

Conclusion

7. The appeal is therefore dismissed.

L McKay

INSPECTOR