



Appeal Decision

Site visit made on 1 June 2021

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2021

Appeal Ref: APP/U5930/W/21/3270489

3 Hatch Lane, Chingford E4 6LP

- 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 Kenneth Wright, on behalf of Robert A Webster, against the decision of the London Borough of Waltham Forest.
 - The application Ref 203876, dated 16 December 2020, was refused by notice dated 1 February 2021.
 - The development proposed is change of use from disused retail unit to 1 bedroom Flat. Both habitable rooms are provided with natural light through windows and glazed patio doors.
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Decision

1. The appeal is allowed, and prior approval is granted under the provisions of Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the 2015 GPDO) for the change of use from disused retail unit to 1 bedroom flat, at 3 Hatch Lane, Chingford E4 6LP, in accordance with the terms of application Ref: 203876 dated 16 December 2020. The prior approval is subject to the condition that the development must be completed within a period of three years starting with the prior approval date.

Main Issue

2. The main issue is whether the proposal represents permitted development by virtue of Part 3, Class M of the 2015 GPDO.

Reasons

3. Class M of the 2015 GPDO permits the change of use of a building from a use falling within Class A1 (shops), to a use falling within Class C3 (dwellinghouses). The permitted change can also include building operations that are reasonably necessary to convert the building.
4. Paragraph M.1 establishes a series of criteria that must be met for the proposal to be permitted development and it is common ground that the proposal would meet these requirements. In addition, Paragraph M.2 identifies a series of conditions against which proposals must be assessed. In relation to these matters, the Council has raised no concerns regarding conditions (a), (b), (c), (e), or (f), and on the basis of the evidence before me, I have no reason to disagree.

5. Condition (d) requires a determination regarding whether it is undesirable for the building to change use because of the impact of the change of use (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), or (ii) where the building is located in a key shopping area, on the sustainability of that shopping area. It is against this requirement that the Council consider the proposal would result in harm to the character function of the Neighbourhood Retail Centre. Specifically, the Council are not satisfied that compelling evidence has been provided in relation to a perceived poor trading location and that the proposed conversion would compromise activity and interest which would undermine the function and character of this retail parade.
6. Notwithstanding this concern, in my judgement, it is not the requirement of the 2015 GPDO to provide marketing evidence, or to prove whether a specific site is a desirable commercial premise. Instead, the necessary determination is the desirability of the proposed change of use, having regard to the adequacy of services, and the sustainability of the broader shopping area. In this regard, the appeal site is located within the Hatch Lane Neighbourhood Centre which consists of three separate parades of commercial units.
7. The appeal site is located within a parade of units which includes amongst other things, a post office, hairdressers, and pre-school. Beyond the parade however, the broader centre provides a number of commercial units that provide a wide variety of uses and services. Accordingly, when considered as an entire entity, it is a large and vibrant shopping area. In this context, I have no compelling evidence before me to suggest that the resultant provision of services would be inadequate, or that the sustainability of the shopping area would be compromised. Instead, the remaining centre would continue to provide a busy environment that would provide numerous goods, services, and facilities.
8. Accordingly, I conclude that the proposal would represent permitted development by virtue of Part 3, Class M of the 2015 GPDO.

Conclusion

9. For the reasons identified above, the appeal is allowed.

Martin Chandler

INSPECTOR