

Appeal Decision

Site Visit made on 03 August 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2021

Appeal Ref: APP/M1595/W/21/3269235

Victoria House, 21-23 Clarence Road, GRAYS, RM17 6QA

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 O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- The appeal is made by Victoria House Grays Ltd against the decision of Thurrock Borough Council.
 - The application Ref 20/01547/PAOFFR, dated 24 October 2020, was refused by notice dated 5 January 2021.
 - The development proposed is Change of use from office to 4 flats. All habitable rooms are to have natural light.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Schedule 2, Part 3, Class O of the Town and Country (General Permitted Development) (England) Order 2015 sets out that development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices), to a use falling within Class C3 (dwelling houses) is permitted subject to various limitations and conditions.
3. On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020 came into force and have made significant amendments to the previous system of use classes. Under the new system, Class B1 has been revoked and a new Class E has been created, which incorporates the previous shops (A1), financial and professional services (A2), restaurants and cafes (A3) and offices and other business uses (B1) use classes.
4. The Explanatory Memorandum to the Town and Country Planning (General Permitted Development Etc.) (England) (Amendment) Order 2021 (GPDO) to Statutory Instrument 2021 No. 428 states that under transitional arrangements provided for in the Use Classes Amendment Regulations (S.I. 2020/757), the existing rights for the change of use from offices and from retail to residential will continue to apply until 31 July 2021.

5. The GPDO states at O.2 (2)(b) that the developer must apply for a determination under sub-paragraph (1) on or before 31 July 2021. Therefore, any applications that remained for determination on or before this date could be determined under Class O. However, any applications still under consideration on or after 1 August 2021 cannot and therefore the development proposed can no longer be considered permitted development under Class O. After 1 August 2021, applications for prior approval under Class MA may be submitted.

Conclusion

6. Given my conclusion that the proposal would not be permitted under Schedule 2, Part 3, Class O of the GPDO, there is no need for me to consider the proposal against the conditions set out in Class O.2(1). For the reasons given above, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR