



Appeal Decision

Site Visit made on 26 August 2021

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2021

Appeal Ref: APP/M3455/W/21/3274530

9 Station Street, Longport, Stoke-on-Trent ST6 4NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Bona Properties Ltd against the decision of Stoke-on-Trent City Council.
 - The application Ref 65775/PRA, dated 5 August 2020, was refused by notice dated 11 November 2020. The development proposed is the change of use to 2 self-contained residential units use in class C3 (prior approval).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the appellant has demonstrated that the building was used solely for a light industrial use on 19 March 2014.

Reasons

3. This appeal concerns a steel framed building at the back of 9 Station Street. It is proposed to change its use to 2 residential units under Class PA of Part 3 of Schedule 2 of *The Town and Country Planning (General Permitted Development)(England) Order 2015* (the Order).
4. Development under Class PA is not permitted if, among other things,

'the building was not used solely for a light industrial use [in Class B1(c)] on 19 March 2014 or, in the case of a building which was in use before that date but was not in use on that date, when it was last in use.' (para PA.1.(b))

Moreover, it is subject to a number of conditions, one of which (PA.2.(1)(a)) says that, before beginning the development, the developer must

'submit a statement to the local planning authority ... setting out the evidence the developer relies upon to demonstrate that the building was used solely for a light industrial use on the date referred to in paragraph PA.1(b)' (namely 19 March 2014).

5. When submitting the application, the sole evidence the developer relied upon to demonstrate the use of the building was a Business Rates Demand. This describes the building as a 'workshop' and as a 'workshop and premises'. I accept this confirms a commercial activity at the site. However, to my mind it does not demonstrate that the building was used specifically for light industrial

- purposes, as opposed to some other commercial activity that could be undertaken in a workshop, such as a general industrial or sui generis use.
6. Moreover, this Business Rates Demand is for the Financial Year 2014 and is dated 24 June 2014, with the stated charge period being 21 June 2014 to 31 March 2015. As such, it does not cover the date necessary for development under Class PA to be permitted but rather relates to a period that is after, in a different financial year.
 7. A further Business Rates Demand for the financial year of 2020 has been submitted with the appeal, but its date means it does not provide evidence concerning what was happening there on 19 March 2014, and as the building is described in the same way as previously it provides no further clarity on the nature of the use.
 8. Whilst the appellant has said that the evidence it submitted showed the current status of the building and its use when the application was made, from what is quoted above it is apparent that the requirements of the Order concern the use of the building on 19 March 2014.
 9. Consequently, I conclude that the appellant has not satisfied the relevant condition in Class PA.2.(1), as it has failed to demonstrate that the building was in Class B1(c) light industrial use on 19 March 2014.

Conclusion

10. Accordingly, I conclude the appeal should be dismissed.

JP Sargent

INSPECTOR

