



Appeal Decision

Site Visit made on 8 November 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th November 2021

Appeal Ref: APP/Q5300/W/21/3274071

185 Town Road, Edmonton, N9 0HL

- 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 A Mahmood against the decision of London Borough of Enfield.
 - The application Ref 20/03711/PRJ, dated 13 November 2020, was refused by notice dated 14 January 2021.
 - The development proposed is change of use from office (Class B1(a)) to 5 self-contained residential units (Class C3).
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Decision

1. The appeal is allowed, and prior approval is deemed to be granted under the provisions of Schedule 2, Part 3, Class O of the town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use from office (Class B1(a)) to 5 self-contained residential units (Class C3) at 185 Town Road, Edmonton, N9 0HL in accordance with the terms of the application, Ref 20/03711/PRJ, dated 13 November 2020.

Preliminary Matters

2. I have taken the description of development from the decision notice as no specific description was given on the application form.
3. For the sake of clarity, appeal ref APP/Q5300/X/20/3255001 issued on the 13 January 2021 confirmed that the lawful use of the appeal premises is for B1(a) office.

Main Issues

4. The main issues are:
 - Whether planning permission is deemed to have been granted by reason of the timing of the Council's decision; and,
 - If not, whether prior approval should be granted having regard to matters of flooding risks on the site and impacts of noise from commercial premises on the intended occupiers of the development.

Reasons

Decision date

5. Applications for prior approval under Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the Order) must be accompanied by, among other documents, a floor plan indicating the

dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses.

6. The application was submitted on 13 November 2020. It was accompanied by floor plans showing the proposed development, including all openings. These satisfy the relevant requirement of the Order, so the application was valid on submission and should have been determined within 56 days, that is, by 9 January 2021. The Council's decision notice is dated 14 January 2021, and therefore the Council did not notify the appellant of its decision within 56 days as prescribed by Schedule 2, Part 3, paragraph W of the Order. Prior approval is therefore deemed to have been granted, subject to the relevant conditions set out in the Order.

Flooding risks and impacts of noise

7. Given my findings set out above, there is no need to consider whether prior approval is required regarding matters of flood risk and noise.

Conditions

8. Paragraph O.2 of the Order specifies that the development must be completed within 3 years of the prior approval date. Paragraph W.12 requires that the development be carried out in accordance with the details provided in the application.

Conclusion

9. The Council failed to provide notice to the appellant within 56 days that prior approval was required. Planning permission is therefore deemed to have been granted, and consequently, the appeal succeeds.

M Chalk

INSPECTOR